



Debates

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Thursday, 28 August 2008

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Thursday, 28 August 2008

MR SPEAKER (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petitions

The following petitions were lodged for presentation:

Development application 200812308

By Mr Smyth, from 214 residents:

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: **development application 200812308 is inconsistent with the spirit and the letter of the zone objectives.**

Your petitioners therefore request the Assembly to: **consider the merits of this case and intervene to represent the interests of residents and the broader Canberra community.**

Gas-fired power station

By Mr Pratt, from 439 residents:

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that ActewAGL, a Territory Owned Corporation, is proposing to develop Block 1671 of the Tuggeranong District, adjacent to the suburbs of Macarthur and Fadden, to construct a facility titled "Canberra Technology City", under the submitted Development Application No 200704152.

The facility will contain a Natural Gas Power Station, high voltage power lines, data storage space and a high pressure gas pipeline. The magnitude of the social and environmental impact on local residents remains unknown and this facility will be located as close as 600 metres from residential areas.

Your petitioners therefore request the Assembly to:

- 1) Immediately rescind any approvals or licenses granted to Actew AGL to construct this facility in Macarthur; District of Tuggeranong or close to urban areas.
- 2) Undertake to find alternative locations within the ACT that would be suitable for such a large industrial facility.

The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.

Planning and Environment—Standing Committee Report

Motion (by **Mr Gentleman**), by leave, agreed to:

That order of the day No 1, Assembly business, relating to the tabling of the report of the Standing Committee on Planning and Development concerning water use and management, be discharged from the *Notice Paper*.

Public Accounts—Standing Committee Report 16

Debate resumed from 21 August 2008, on motion by **Dr Foskey**:

That the report be noted.

MRS DUNNE (Ginninderra) (10.34): It is important that this matter is brought forward and concluded on the last day of sitting in the ACT Legislative Assembly for this year and for this electoral cycle, because it goes to the heart of much that is wrong with the administration of the Stanhope government. We have seen as a result of the Auditor-General's report a unanimous report from the public accounts committee, without dissent of any sort from any member, frankly stating that the shareholders were lackadaisical in their approach in relation to Rhodium Asset Solutions.

We have seen a long debate in relation to Rhodium, and a lot of caution—Mr Mulcahy, when he was the Treasury spokesman for the Liberal Party, spent a lot of time cautioning the government about going down the path of getting involved in businesses. It is interesting to note that the overriding message in relation to the shareholders in the case of Rhodium Asset Solutions—the Chief Minister and the Deputy Chief Minister—is that they did not meet their obligations in the way that was necessary.

The Territory-owned Corporations Act is quite specific—it sets out in quite considerable detail the rules of accountability that are necessary and the necessary actions of shareholders. Section 17 has specific roles, duties and obligations in relation to directions to the corporation and the application of government policy. It was interesting when the Deputy Chief Minister was questioned about these things the other day that she said she was aware of the policies and her obligations under the act but could not give an exposition of what they were.

The most important part in relation to the roles and obligations of shareholders is set out in section 10 of the Territory-owned Corporations Act, which states:

The obligations imposed by this Act on a company or the directors or shareholders of a company are additional to the obligations that are imposed on them by any other law or the constitution of the company.

It was very interesting to hear the Chief Minister last week saying that they did everything in accordance with the Corporations Law, but, in fact, he seems to have overlooked this important element of his own legislation—that is, the Territory-owned Corporations Act, which imposes a higher standard on him and his deputy than is imposed by commonwealth Corporations Law. What we saw last week in relation to Rhodium Asset Solutions was the Chief Minister trying to hide behind cobbled-together legal advice, which, by his own admission, was written by someone who had not actually read the report, and the *Hansard* record of question time shows that. The sole defence of the Chief Minister and the Deputy Chief Minister was “we have this advice that says that we’re right and everybody else is wrong, written by somebody who hasn’t read the report”. It would also be interesting to know what question it was that was asked that formed the centre of that advice, because the question you ask in relation to legal advice is the key to the advice that you will receive.

In Ms MacDonald’s rearguard attempt to try to cosy up to her Labor colleagues after she had signed up to the unanimous report, she tried to say that there was not “very much bad” in the report about the shareholders. In fact, if you go through the recommendations and the discussion in relation to the recommendations, you will see that there are 10 separate places where the shareholders are the subject of adverse comments. Chapter 4 says that there was uncertainty about the direction coming from the shareholders and that the board did not actually know what the shareholders wanted. After the shareholders asked for a business plan, there was failure to give any feedback on the business plan. That certainly ended up with a situation where we had an organisation which was entirely rudderless. It had no leadership from its principal shareholders, who had very strong obligations under the Territory-owned Corporations Act and also a considerable duty to look after the financial interests of the ACT.

The people of the ACT own Rhodium Asset Solutions, and through the mismanagement of that company, which was overseen by the Chief Minister and the Deputy Chief Minister as the proxy shareholders on behalf of the ACT taxpayers, we have seen the business fall away to nothing. Once upon a time it was a business that was worth in the order of \$7 million, and, in the process of trying to sell this business and the mishandling of the selling of the business, there will now be a fire sale to sell off the assets. The ACT taxpayer will be lucky to get a return of perhaps \$1 million to \$2 million. What we have seen is a falling away of the assets of the Rhodium business under the tutelage of Jon Stanhope and Katy Gallagher.

We have seen a comprehensive failure to look after the fiscal interests of the people of the ACT—the people who pay their salaries. The people who funded Rhodium Asset Solutions have been betrayed by the shareholders, and that is the single biggest message from this situation. The other message is a cautionary one: if these two shareholders have failed in a small enterprise worth less than \$10 million—that is, Rhodium Asset Solutions—what of the other enterprises of which they are shareholders? What is happening there? Have they taken their eyes off the ball there as well? We know that they are the shareholders of Actew, and we know there have been considerable difficulties in Actew’s subsidiary, ActewAGL, in relation to the

gas-fired power station. Are we seeing more evidence of the lackadaisical approach of Jon Stanhope and Katy Gallagher, the Chief Minister and Deputy Chief Minister of the ACT, in this regard as well?

Dr Foskey used roughly these terms the other day: the story of Rhodium Asset Solutions should be a cautionary tale for all of us. No-one comes out of the story of Rhodium Asset Solutions with their reputations intact. There are people across the territory who have been employees, board members and shareholders who have collectively overseen the running down of a territory-owned asset. Something that was once worth many millions of dollars may now be worth at the very best \$1 million to \$2 million. This was supervised by and overseen by a range of people. It is something that we should take to our hearts as people who aspire to manage the affairs of the ACT. We should learn the lessons of the reports of the Auditor-General and the public accounts committee and not again indulge in the rear-end-covering exercise that we saw last week with the Chief Minister flourishing around legal advice that said that the public accounts committee was wrong, wrong and wrong. Instead of learning the lessons, he is trying to hide his responsibility. It is time that we had a bit more openness. It is time people took responsibility for their failings; it is time they learnt from their mistakes and did not repeat them.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (10.44): I rise today to speak to this motion and to table some advice that the Chief Minister and I, and the government, have received in relation to the Standing Committee on Public Accounts report 16 entitled *Review of Auditor-General's report No 5 of 2006: Rhodium Asset Solutions Ltd.*

The advice from Treasury does not address questions raised in the committee's report that go to the actions of the Rhodium board. Those matters are quite rightly left for the board to respond to if it considers it appropriate. The advice concentrates instead on the role and conduct of the government, in particular the voting shareholders. The advice addresses a number of shortcomings in the committee's report and provides some context around the accountability and governance arrangements that apply to our territory-owned corporations. Indeed, the issues of accountability and governance which are dominant themes of the committee's report do not appear to be well understood by the committee, whether it be in respect of Rhodium or in respect of government TOCs more generally.

I would like to take this opportunity to provide some further context in the situation with Rhodium in particular and, in clearing up any lingering misconceptions and misunderstandings, debunk the considerable layer of mythology that has developed around governance issues associated with that company. Much has been said over the last few years about poor management practices that were the catalyst for the Auditor-General's report in 2006. I do not intend to go over those issues in any great detail today other than to say that, while the Auditor-General's report was the basis for the committee's inquiry, Rhodium has come a long way in addressing and rectifying the problems identified in that report.

First let me look at some background as to how and why Rhodium was established. On 1 January 2005, Rhodium was established as a territory-owned corporation. While

this was a new corporation, it was by no means a new line of business enterprise for the government. In fact, by May 2004 the fleet business was the only remaining business line within TotalCare Industries Ltd, which was being wound down in response to government concerns about its poor performance.

Through taking control of the governance regime applied to business operations, the government had put in place measures to rectify the many problems within TotalCare that had been allowed to persist under the watch of Mr Smyth and his fellow voting shareholders while in government. By that stage, the company had become dysfunctional under the Carnell Liberal government. In accordance with advice from the then chair of TotalCare, supported by a report from two expert consultants commissioned by an interdepartmental working group, the fleet business was carved out from TotalCare into a separate corporate entity, with a view to the government disposing of that entity in three to five years.

The committee report has assumed that the only reason for setting up Rhodium was for the government to make money. That simplistic position is indicative of the lack of understanding of governance matters displayed by the committee throughout the report. The decision to establish a TOC was driven by a multitude of considerations which might include a response to recognition of unacceptable risk or to the recognition of the value of market forces driving efficiency. There are numerous reasons why a government may choose to divest direct control of an enterprise. One such vehicle that still provides a solid governance model is that afforded by the Territory-owned Corporations Act.

In this case, it was also necessary due to the tripartite nature of Rhodium's novated leases and the need to ensure that a separate legal entity was retained. It was recognised at the time of establishing Rhodium, for instance, that the government would want to formally endorse a future business model for the new territory-owned corporation. To that end, a statement of corporate intent process would logically become the mechanism for the voting shareholders of the new entity to finetune the mandate, objectives and business model of the new board.

As is the common governance arrangement in any business, the board of the new TOC was expected to put in place a robust business plan to supplement the statement of corporate intent. This is the normal way these things are done. Somehow, though, the committee has become confused about the relationship between a corporation's board and its shareholders. In the days since the committee tabled its flawed and incorrect report, the Chief Minister has put on the record advice from the territory's senior legal adviser, the Government Solicitor, setting out why the basic premise for some of these recommendations is without any legal basis. I table that advice:

Rhodium Asset Solutions Ltd—

Responsibilities of voting shareholders of TOCs—Copy of letter to the Chief Minister from Peter Garrisson, Chief Solicitor, dated 21 August 2008.

The single greatest misconception underpinning much of the committee's report is that around the role and actions of the voting shareholders and the direction and management of Rhodium. Indeed, the report includes the following conclusion:

The shareholders, while not directly responsible for the day to day failures and questionable behaviour at Rhodium, failed to establish and communicate its expectations to the company.

It appears that the committee has come to this conclusion based on a misunderstanding of the governance framework applying to territory-owned corporations. The committee claims at paragraph 4.30 that the shareholders of Rhodium failed to give guidance to the board on what was expected of it and sent mixed messages around Rhodium's future. This is despite the fact that the voting shareholders regularly communicated with the board around the future directions of the company as evidenced by the annual statements of corporate intent that have been tabled in the Legislative Assembly and a range of other correspondence between the board and the voting shareholders, all of which information was made available to the committee.

The advice from Treasury clearly shows that the voting shareholders properly provided guidance to the directors even before the corporation was formed. Unfortunately, there was no mention of this in the committee's report. The advice clearly shows that the voting shareholders sought separate advice on the draft business plan. Indeed, the government gave careful and deliberate consideration to the business plan put forward by Rhodium but decided that, in the interests of the wider community, a different approach was required.

The government has already acknowledged that the board has had to manage in a more uncertain environment while the possible sale of Rhodium was being considered. The government has also indicated that there were delays in reaching certain decisions whilst the voting shareholders sought to obtain more information on various issues, some of which had been the subject of differing advice. However, it is evident that the voting shareholders maintained regular advice to the board about the immediate future directions for the company. I table the Treasury advice, which offers a compendium of written communication on this matter:

Rhodium Asset Solutions Ltd—

Advice on aspects of Report Number 16 of the Standing Committee on Public Accounts, prepared by ACT Treasury, dated August 2008.

The committee report includes the notion that the voting shareholders compelled the board to take on the contract for the ACT fleet management under conditions that were not commercially viable. In regard to the fuss made in the report about Rhodium taking up the ACT fleet management arrangements on a cost-recovery basis, again there appears to be some confusion in the committee's understanding of the facts.

The voting shareholders did not engage the provisions of the TOC Act that provide for a direction to be made to the board. The assertion in the concluding paragraph before that recommendation that "it appears that the shareholders have failed to comply with the *Territory-owned Corporations Act 1990*" is simply wrong. Indeed, the facts are quite to the contrary. The board instigated the new contract proposal by seeking to retain the arrangement based on the benchmark pricing in order to protect

the value of Rhodium. The board did not at any time protest to or advise the voting shareholders that cost-recovery pricing for that arrangement was against the best commercial interests of the company.

It is wrong to suggest that Rhodium should have been compensated for the loss of profit realised under the pre-existing, uneconomic pricing arrangement that had prevailed under TotalCare. That arrangement had meant that the ACT government agencies had been paying monopoly prices to Rhodium at the expense of the general taxpayer. Clearly, in this instance cost-plus pricing would have removed any incentive for Rhodium to improve efficiency and, indeed, may actually have presented a perverse outcome in rewarding inefficient activities.

The claim in the committee report that the voting shareholders failed to establish and communicate their expectations to the company is not correct. The evidence shows that the voting shareholders did indeed relay their expectations about the course that Rhodium should adopt at regular intervals. The shareholders provided guidance to the board not only before the company was formed but in responding to each draft of corporate intent that has been tabled every year in the Legislative Assembly. There is no legal basis whatsoever contained in the committee's report to support the conclusion that the voting shareholders failed in their duty. Legal advice provided by the Government Solicitor and Actew indicates that the suggestion that the voting shareholders failed in their duty is seriously flawed.

We are disappointed that during the course of the inquiry the committee did not take the opportunity to follow up on a suggestion that their report resolve quite clearly the potential confusion about the respective roles and responsibilities of voting shareholders and directors of TOCS. Perhaps if the committee had done so it would have avoided many of the shortcomings in the report.

Finally, I would like to make a brief statement about recommendation 12 of the committee report, which states:

... that the Treasurer explain to the Legislative Assembly ... why the ACT Government required Rhodium to take a contract against its best commercial interests without providing it with compensation as set out in the Territory-owned Corporations Act 1990.

The government did not require Rhodium to enter into a contract against its best commercial interests. Rhodium sought the government's agreement to directly enter into a contract based on benchmark pricing. At the time, it was Rhodium's view that this course of action was in the best interests of the company and Rhodium and the government mutually agreed on the terms of the contract. At no time did Rhodium advise the voting shareholders that the agreed contract was not in the best interests of the company. No direction was issued to the company by the voting shareholders as there was no requirement to do so under the TOC Act. Hence there was no requirement to provide Rhodium with compensation under the Territory-owned Corporations Act.

I trust this statement clarifies the government's position on this matter for the benefit of the committee. (*Time expired.*)

DR FOSKEY (Molonglo) (10.54), in reply: I really appreciate the effort that the government has gone to to find advice that maintains the perspective that we have had put to us all the way along. I am also glad that Ms Gallagher did not resort to the language that Mr Stanhope used when he stood up last time.

I still stand by this report. It was done very carefully. We heard a lot of evidence. We looked at many minutes of the board. We spoke to the Chief Minister. We did everything that we could to try and shine a light on it. Of course, we did not have access to the inside thinking; we did not know the exact communications that passed between the shareholders and the board. But there was dysfunctionality in those relationships, I believe. We had a chief executive officer who was obviously getting away with mayhem. She certainly was not being well supervised; she had a board that did not ask the appropriate questions of her. The board was appointed by the shareholders. It is as simple as that.

I believe that there have been lessons learned. Even in the advice in Ms Gallagher's speech, I think I could detect that, while it will never be admitted, there have been lessons learned. That is the point of it, isn't it? I am glad that the legal advice has been tabled. I would have asked for that had it not been.

I just reiterate that the legislation is fairly clear. The committee had access to that legislation. It is legislation which governs territory-owned corporations. Perhaps the issue is that Rhodium should never have been a territory-owned corporation in the first place, but it was. I know that there were difficulties about exactly what to do with it and what form to squeeze TotalCare into. Perhaps that was the only option at the time.

Nonetheless the report is out there now. I am sure that in the fullness of time the government will prepare a response to the report and that the lessons will be learned. And the lessons need to be learned, because the territory-owned corporations Actew and ACTTAB are also affected by the legislation. However, I do think that there are different mechanisms at work there, because Actew and ACTTAB are very different beasts from Rhodium.

I am pleased to conclude this debate. I thank all members for their contribution to it.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee Reference

Debate resumed from 6 December 2007, on motion by **Mr Smyth**:

That standing order 156 be referred to the Standing Committee on Administration and Procedure for inquiry and report, with specific reference to whether Members who receive benefits from poker machine revenue should be able to participate in debate on matters pertaining to gambling and associated subjects.

MRS DUNNE (Ginninderra) (10.58): In the one minute and 14 seconds remaining to me, I want to conclude by saying that poker machines play a very important and potent role in elections in the ACT. The issue for the people of the ACT is that elections in the ACT are substantially funded by poker machine revenues. This creates a substantial conflict of interest, which is why we should be having this referral under the standing orders.

I notice that incoming Senator Xenophon has asked the Prime Minister himself to address the issue of funding of the ALP, particularly in the ACT. It is an important issue and one that is very important to the fabric of the ACT community. The ACT Labor Party fights its elections and has come to power on the back of people who have a gambling problem. Young men, generally unskilled or lightly skilled, the people who are the frequenters of the Labor Club, are the people most likely to have a gambling problem. The people who are supposed to be looking after the workers are, in fact, coming to power on their backs. This is why this matter needs to be referred to the admin and procedure committee.

MR SMYTH (Brindabella) (11.00), in reply: This is an ongoing issue that I think has probably affected the Assembly since the Assembly started in 1989. One way to resolve the issue is simply to refer the standing order to the Standing Committee on Administration and Procedure.

It is quite clear, given the interest in the media over the last 12 months or so, particularly on the issue as it was raised by the then Leader of the Opposition, Mr Rudd, that there is enormous concern in this country about problem gambling and governments receiving revenue from it. We have all seen the explosion of poker machine expansion throughout Victoria and New South Wales, and it is interesting to go back to the comments of Mr Tim Costello, reported in the *Canberra Times*. He said that ACT Labor's dependence on poker machine revenue meant it could not make the right decisions about gaming. There is a highly respected individual who is well known for his caring and compassionate view of the world saying that you cannot have a government making reasonable decisions when it is influenced by the fact that it relies on gambling revenue.

You might recall the time, Mr Speaker, when the South Sydney Leagues Club had just got rid of their poker machines. Mr Costello went on to say that Russell Crowe and Peter Holmes a Court showed far greater moral leadership than Jon Stanhope. How can they get it and someone who is elected to government for all does not? That is at the nub of this.

The Labor Party receives donations from the Labor Club in the order of \$300,000. Clubcare's latest annual report showed that it received just \$300,000 from 20 clubs combined. There is the nub of the problem. We have clubs contributing to help with problem gambling and yet the majority of money that comes out of the Labor Club organisation goes straight to the Labor Party to run its campaigns.

I think it is very important that these issues are resolved. As I said when I introduced this motion, when Mr Osborne was a member here, because he actually received a

benefit from a club, he stood aside from these votes. He set a standard and that standard simply was that where you have an interest or where you receive moneys you should stand aside. I think it is imperative that members not have a conflict of interest when voting on bills; in particular, that they are not in a position where they can be accused of having that conflict of interest.

The Ministerial Code of Conduct—

MR SPEAKER: Order, Mr Smyth! The standing orders provide for the settlement of conflict of interest. That is a matter for the Assembly to decide. It is not to be decided by way of imputation.

MR SMYTH: But that is the whole nature of the debate, Mr Speaker, about whether or not it is being done.

MR SPEAKER: If you want to move a motion that Labor Party members have a conflict of interest, you should move the motion in accordance with the standing orders.

MR SMYTH: That is the whole point of this motion, Mr Speaker, that standing order 156 go to admin and procedure to work out exactly how conflicts of interest are resolved. I think the problem for the community is that they do not see how this place works. They probably do not know, but there is a lot of commentary and a great deal of concern about what is occurring, particularly with poker machines and the money that comes from them. It is very important that conflict of interest resolution be quite clear. If those that potentially have a conflict of interest are involved in resolving that conflict of interest, the public will not have the certainty that they want.

It is probably an issue that will be resolved by the next Assembly rather than by this one. But there is interest out there. We have seen the interest from the now Prime Minister. We know that a certain senator will be taking a big interest in this. Indeed, he declared as recently as last week that if Kevin Rudd was interested in addressing problem gambling then perhaps what he should do is start with his own backyard. That backyard is the ACT. That backyard is the money that the Labor Party receives from the Labor Clubs and from problem gamblers to run their campaigns.

Question put:

That **Mr Smyth's** motion be agreed to.

The Assembly voted—

Ayes 7

Noes 8

Mrs Burke	Mr Pratt	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Corbell	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Strategic and functional review of the ACT public sector and services Paper

Debate resumed from 7 August 2008, on motion by **Dr Foskey**:

That this Assembly calls on the Chief Minister to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly before the end of this sitting day.

MR PRATT (Brindabella) (11.09): The functional review impacted on all aspects of the territory and was espoused as having within it the evidence that supported the slash and burn budget of 2006. Where is the accountability and transparency of this government that should have allowed us as a parliament to understand the grounds for such an earth shattering change to our community?

In the four-odd minutes I have left, I want to mention a couple of examples. One of the areas really hit badly as a consequence of the mythology surrounding the functional review was the Emergency Services Authority. The ex-commissioner of the Emergency Services Authority, Mr Peter Dunn, gave evidence to the legal affairs committee inquiry into the management of ACT fire and emergency services. He was actually quite critical of the decisions taken around the removal of the ESA as an independent authority—the conversion of that entity into an agency and then the shoving of it beneath the wing of JACS.

He was super critical about that. He said it was a disastrous decision. It was a disastrous decision, Mr Speaker. It is one of the worst examples coming out of this government restructure. On 20 June this year, at the legal affairs committee inquiry, Mr Dunn said:

I wrote formally to Mr Costello—

Mr Costello, of course, was steering the review—

to advise that that report specifically excludes comparison with the Emergency Services. Were you to use that report, you would get a terribly skewed result.

In other words, Peter Dunn was saying that the functional review was a slash and burn bureaucratic exercise and that to take that template and put it on top of an emergency organisation was unfair, unprofessional and would provide a skewed result. The Emergency Services Authority, as a real-time emergency agency, should have been looked at in a far different light, rather than through the prism of the functional review. Mr Dunn was highly critical there.

The committee also heard evidence from the likes of Michael Ross, an ex-chief officer; Mr Prince, an ex-chief officer; the five captains in the captains group that came and gave evidence; Mr Val Jeffery; and a range of other very experienced people. It was their view that the functional review recommendation that caused the

Emergency Services Authority to become an Emergency Services Agency was a disastrous decision with a disastrous result. It is a decision that will hang over this minister's head and this government's head for a very long time. As a consequence of this decision, emergency services, to this day, are in a not so fantastic position.

Where is the evidence to support the destructive timetable slashing of ACTION bus services that was a result of the functional review? The 2006 network which was created as a consequence of the slash and burn functional review was a disaster. The 2006 network was a terrible outcome. My constituents in the southern Tuggeranong Valley, particularly the elderly, really were disadvantaged by the slash and burn effect on the 2006 bus timetables.

I have constituents living at the back of Banks and Conder, who, if they were lucky, were only able to catch one bus a day. That has been partly rectified by network 08, but there is still a long way to go. We have had all this unnecessary pain because of a totally incompetent functional review. We have had school closures, library closures and ACT shopfront closures. All these front-line services have been badly cut as a result of the incompetent functional review. (*Time expired.*)

Motion (by **Mrs Dunne**) proposed:

That the time allotted for Assembly business be extended by 30 minutes.

Question resolved in the negative.

MRS DUNNE (Ginninderra) (11.14): I will not take up the time of the Assembly by calling for unnecessary divisions. This refusal is, of course, another example of the Stanhope government hiding from the truth. We will not extend the time for this debate, but—

MR SPEAKER: Order, relevance! The question has been decided, Mrs Dunne.

MRS DUNNE: We will not extend the time for this debate, Mr Speaker, simply because the Stanhope government is afraid to come up with the facts about the functional review. This has been a contentious issue since before the fruits of the functional review came to light in the disastrous 2006 budget.

It is the first time that a government in the ACT has reviewed the operations of the ACT government in secret. There have been precedents, and the most obvious one is the functional review instituted by Chief Minister Trevor Kaine under the tutelage of an eminent jurist, Mr Rae Else-Mitchell. That was an open review, the results of which were published for all to see. On this occasion the Stanhope government has caused this document to be presented to cabinet and therefore has said that this is a cabinet-in-confidence document.

Dr Foskey and Mr Smyth, when we last debated this motion, outlined the lengths to which they had gone in the public accounts committee to bring this matter before the Assembly and to get a copy of the functional review report into the public domain. This is not the only occasion. There have been other motions in this place, and my government transparency bill requires the publication of the functional review.

The people of the ACT who have borne the brunt of the needless cuts deserve to see this functional review, especially before this election, so that they can make an informed judgement on the performance of the Stanhope government. They have borne the brunt of the cuts: the closures of schools; the cutting back of the bus network; the disassembling of the Emergency Services Authority; and the closure of the Griffith library. All manner of things have been brought about by the functional review and the ridiculous decisions made in the 2006-07 budget—the hard decisions we had to make!

These were not hard decisions they had to make. The government is covering its tracks by refusing to be open and by refusing to publish the functional review. This is the right use of process. I congratulate the public accounts committee on their doggedness in pursuing this. It is a great shame to the Stanhope government, the government that came in saying, “We will be more open and more accountable,” that on the last sitting day we are here confronted with their unwillingness to be open with the people of the ACT.

I can predict how this vote will go. I can predict this will be another vote for closedness and secretiveness by the Stanhope government. The people of the ACT must be reminded of just how the Stanhope government has—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the resumption of the debate be made an order of the day for the next sitting.

Health and Disability—Standing Committee Report 8

MS MacDONALD (Brindabella) (11.18): I present the following report:

Health and Disability—Standing Committee—Report 8—*The early intervention and care of vulnerable infants in the ACT*, dated 21 August 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Mr Speaker, this report on vulnerable infants is a fairly quick report that the committee decided to undertake earlier this year. The report notes that an infant becomes vulnerable when its main carer, for whatever reason, is not able to provide the adequate care required to ensure the child’s safety and wellbeing, including its physical and emotional developmental needs.

The focus of this inquiry has been on parents with complex needs and their infants that become vulnerable when their parenting capacity has broken down. The committee found that the best way to help vulnerable infants in this situation is to restore the parenting capacity of the main carer wherever this is possible. Evidence to

the committee highlighted a perceived fear by parents with complex issues—mainly mothers—of losing their children to care and protection services. Early intervention services play a vital role in reaching families where infants and children are at risk of becoming vulnerable before they are brought to the attention of care and protection services.

Aboriginal and Torres Strait Islander children are significantly over-represented amongst the number of children on care and protection orders in the ACT. In the year 2006-07 there were 113 Aboriginal and Torres Strait Islander children on care and protection orders, equating to just under 20 per cent of all children on care and protection orders in the ACT in that year.

The committee understands that transport is a key issue for Aboriginal and Torres Strait Islander people in the ACT. The report contains 18 recommendations. They include suggestions for ways of assisting with transport needs, better resourcing of early intervention services, enhancement of collaborative practices across services and sectors, a targeted antenatal education program for high-risk expectant mothers and strategies for the development of specialised services for men.

The committee heard that to best address the needs of men a combination of services was required. They included specific services for men as well as more male-inclusive practices in the family and relationship services than are currently available. Breaking the cycle of intergenerational disadvantage requires a whole-of-community response that treats parents with complex needs with respect and compassion to ensure that today's vulnerable infants do not become tomorrow's parents with complex needs.

I will add a couple of other points about this report. As I said, the report makes 18 recommendations that cut across a lot of different areas. We have focused on from pre-birth to two years of age given the short time frame that we had to work on this inquiry and to hear from people.

We had numerous submissions, including from a number of organisations. There were 14 submissions in total. I thank those organisations that took the time to put their submissions in. They include the Women's Centre for Health Matters, SIDS and Kids ACT, Companion House, Marymead Child and Family Centre, Canberra Mothercraft Society Inc, which includes the Queen Elizabeth II Family Centre, Carers ACT, Families ACT, Canberra Men's Centre, ADFACT Child and Family Program, ACT government, Domestic Violence Crisis Service, Public Advocate of the ACT, Families and Friends for Drug Law Reform, and WIREDD and Lesley's Place.

I would like to thank them for putting in their submissions. I also thank those other people who appeared before the committee at public hearings. I would particularly like to thank Ms Helen Pappas and Mr Frank Duggan for taking the committee on a visit to the child and family centre in Tuggeranong.

As members will be aware, we have the child and family centres in Tuggeranong and Gungahlin. These are a reasonably new incarnation within the ACT, having only been built in the last four years. I do commend the government for having built these centres. They provide one place for people to come for a variety of reasons for

support. All of us know that there are a number of people in the ACT who do not necessarily have extended family here in the ACT. They often struggle for that little bit of extra assistance in order to look after their vulnerable infants. The child and family centres are one way to do that through the numerous programs that they provide.

That is not to say that the committee did not think there could be a few extra areas that could be provided by those centres. We talk a bit about that in the report, especially in terms of making the services available beyond normal office hours for people who are working and who have trouble getting to the centres.

I know that the centres have actually tried to provide some things and have not necessarily been successful. I think that they trialled a weekend service, but we think that it is worth continuing to do that in order to reach those people that may be struggling and not getting access to the service because it is not necessarily available at the right time. However, as I said, they do provide excellent service.

As the minister said when she appeared before the hearing, infants, especially those up to two years of age, are probably the most vulnerable people by their very nature. They do not have the capacity to say what is wrong if they are not being looked after. That is why the committee thought that it was important to conduct this inquiry. I commend the report to the Assembly.

MS PORTER (Ginninderra) (11.23): I hope my voice does not give out. I would like to make some comments about this inquiry. It was a very interesting inquiry. It made me reflect about the time when I was a young mother. My first experience of that was as the wife of a dairy farmer in an isolated place in Queensland. I think that irrespective of where you are when you discover that you are about to have your first child or when you have your first child it can be quite an isolating experience.

I also reflected about my time in the Northern Territory. I was living in a place where there was no transport by road. The only transport was by light plane. There were no doctors. Of course, the medical service that was provided at the place was provided by me and one other nursing sister. These experiences, of course, brought home to me the importance of support for mothers and young babies, the importance of providing antenatal support for women before they have their children, and the importance of how we reach these people and the appropriate way to work with these people.

Sometimes it can be presumed that because you present as a fairly capable and together kind of person you actually do not need any help and you know it all. Particularly as a nursing sister who had done her midwifery, it was presumed that I knew everything about having a baby which, of course, was quite incorrect. You know how to give birth, because you have watched other people give birth and you are a certain—

MR DEPUTY SPEAKER: Did you need more practice, Ms Porter?

MS PORTER: I beg your pardon?

MR DEPUTY SPEAKER: Did you need more practice or something?

MS PORTER: I am not used to this. I am not used to the Deputy Speaker engaging me in conversation. Certainly I found that whole experience of having my first child quite a daunting one. I reflected on that when we were doing this report. I also experienced with my first child postnatal depression and then later on in my life domestic violence; so I would point people to recommendations 2, 3, 4 and 5 which deal very much with that area of support for women who are experiencing domestic violence. I would also point to recommendation 10 with regard to postnatal depression.

We must not forget that fathers are also extremely important. Both parents are important in the support of vulnerable infants. I also point members to recommendations 14, 15 and 16 with regard to the support for fathers, particularly young fathers. I would also point members to recommendation 12 and say that we need to reach women and men wherever they are at the particular time. This is because we need to be empathetic and responsive. I think we have said here many times that one size does not fit all for any service. It is particularly true of this one when we are working with our mothers and fathers and their children. Certainly in this case one size does not fit all. We need to be flexible, supportive and empathetic when we are working in this area.

I congratulate Ms MacDonald on bringing this report forward for us. I thank Ms MacDonald and Mrs Burke for the work that they did also on this inquiry, together with our committee secretary and all the staff that support us.

MR DEPUTY SPEAKER: Thank you, Ms Porter, and forgive my cheeky intervention.

MRS BURKE (Molonglo) (11.30): The chair, Ms MacDonald, and the deputy chair, Ms Porter, covered a range of areas. I will add some comments about the report. It was a particularly interesting inquiry. I was pleased to be a part of it. I thank all those people involved. I echo those comments of the chair and deputy chair.

Obviously, the focus of the report was around vulnerable infants. As we said in the report, the first two years of life are increasingly being recognised as crucial in determining how successfully our children grow up and function as adults. As Dr Sue Packer said in her report, parental substance abuse, parenting capacity and child protection are always a three-way tug of war.

As our report says, there are a range of factors that influence a child's development. As noted in the ACT government's submission, these include, but are not limited to, the following: birth and pre-birth experiences of the child; health of the child and the mother; disability status of the child; the child's physical, social and emotional environment; and the skills and wellbeing of the child's parents.

Our terms of reference covered:

children of drug affected parents;

antenatal and postnatal care and support services available for vulnerable parents and their children;

early identification of a child at risk;
specific issues related to indigenous parents and children; and
any other relevant matter.

It is interesting to note that there was unanimous agreement in relation to the committee's finding as set out in paragraph 2.3 of our report, which deals with vulnerable infants. The report states:

The health and wellbeing of a child begins at conception. Adequate nutrition before birth (for the pregnant woman) and after birth (for both the mother and baby) are fundamental to the healthy development of the child. The ingestion of substances such as licit and illicit drugs, prescription drugs, alcohol and tobacco can also have detrimental effects on the pregnant woman and the developing foetus.

As I said, it is interesting to note that there was unanimous agreement that the health and wellbeing of the child begins at conception. I turn to some of the other recommendations. Recommendation 3 on page 21 of our report dealt with families that need support. We were looking at risk assessment tools that may be developed into the future. I think that is a critical thing. As is stated in section 11 of the ACT Human Rights Act:

The family is a natural and basic group unit of society and is entitled to be protected by society.

Obviously, there is a fundamental need here that I think Ms Porter touched on. We have recommended as a committee that:

... ACT Health develop a risk assessment tool, with guidelines and training, to screen for domestic violence for pregnant women who access antenatal services through ACT government institutions.

We know that, sadly, there continues to be an inherent fear on the part of women to speak. There is a fear on the part of women about their future, and they seem to continue to go back to where the problem is. The more that we can have that fact in front of us for debate, the better.

Recommendation 4 talks again about domestic violence. The committee recommends:

... that the ACT government work with the Domestic Violence Crisis Service and women's refuges in the ACT, to develop mechanisms that would enable women and children to continue to be supported once they leave the care of the refuge and go back in to the community.

That is a critical thing. We often have access points but then the egress becomes difficult when people leave and move on. Once they leave that safety or refuge—that succour and comfort—what happens after that? I think there are many issues, particularly from where I stand as shadow minister for housing. There are issues as to where we place women. Often we place them back into very vulnerable situations

which we really need to be cognisant of as we move through this report. Hopefully, the next government will pick up on all the reports that these committees have worked very hard on in this Assembly. That is no more the case than with this one.

As the chair has pointed out, there are 18 recommendations. Turning to recommendation 12, we often know that people do not know how to get the services. The services may be there, but there are often barriers to accessing those services. Recommendation 12 states:

The committee recommends that the ACT government conduct an evaluation of its early intervention services to ensure that these services are adequately and appropriately meeting the needs of parents of vulnerable infants, and potentially vulnerable infants.

I think that that is a really critical point. It is necessary to be able to intervene at an early stage, gather around that woman and make sure that she has those support services that are available.

Recommendation 13 deals with another problem. There can be a lack of collaboration between agencies where one agency does not talk to another. We may have things like memorandums of understanding, but often it is a case of how efficient and effective those memorandums can be. As members will see from page 48 of our report, we talk about that whole issue there in terms of integrating the work of different agencies. We state:

The Integrated Multi-agencies for Parents And Children Together Program (IMPACT) is an example of a multi-agency program that began in February 2008. This program caters for families expecting a baby or who have a child under two years of age.

Obviously, the eligibility for that program is that the client must be a client of Mental Health ACT and/or be receiving opioid replacement therapy. I think it is about making sure that people are talking to one another across agencies.

Finally, I would like to draw members' attention to fathers. Let us not forget them; they are a very critical part in all this. Recommendations 14, 15 and 16 talk about consulting with men's support organisations and regional community services to develop early intervention programs for fathers with complex needs.

At recommendation 15 we talk about considering the principles of a father-inclusive practice framework and future service planning. In recommendation 16, the committee recommends that:

... the ACT government investigate the level of unmet need of support services for young fathers post the age of 26.

There seems to be a fair bit of help and assistance, but the committee heard that post the age of 26 there does seem to be a gap in service delivery there.

We do have a busy day ahead of us. I will not take up members' time further. I just thank the chair for bringing this report forward. I also thank the deputy chair, Ms

Porter. All in all, we have been a fairly good committee that has worked together in a cohesive way. I think we have come up with some good things during the life of this Assembly. I commend this report to the Assembly.

MS MacDONALD (Brindabella) (11.38), in reply: I thank my colleagues on the committee for their contributions this morning and also for their assistance in getting this report together. I failed when I presented the report to thank Lydia Chung and Demelza-Rose Gale—Demelza-Rose for research and Lydia for administrative support. Of course, I also thank Grace Concannon, the committee secretary, for having got this report together in what was actually a reasonably short time frame. We only resolved to have this inquiry in February. With everything else that goes on, we really had less than six months to get the report together.

As this is the last report that I am presenting to the Assembly as chair of this committee and as a member of this place, I would also like to place on the record my thanks to Mrs Burke and Ms Porter for their assistance. I think Mrs Burke is quite correct. The committee has worked fairly well together. I think that the work that gets done by committees is one of the things that is overlooked outside this place.

Generally this is done in a fairly cooperative spirit in spite of the fact that we all come to the committees with differing views on many different issues. We usually work fairly well together. That is important work that often gets overlooked. I know that government departments look at the committee reports when they come out and that they do make a difference. I think that is important. I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 18

DR FOSKEY (Molonglo) (11.41): I present the following report:

Public Accounts—Standing Committee—Report 18—*Review of Auditor-General's Report No 4 of 2007: Regulation of ACT Liquor Licences*, dated 27 August 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the last of the work that has occurred in the public accounts committee. The committee has been very busy. I note that it is report 18. That means that we have produced more than four reports each year. Some of them have been quite substantive. I definitely put the Rhodium report in that category. I put the courts admin report in that category.

This particular inquiry into the regulation of ACT liquor licences was done in quite a short time. It is one the few reports that we managed to complete with the one

secretary. I thank Hamish Finlay for the work that he did, often in a bit of a hurry. That is the way these things go. I also want to thank Demelza-Rose Gale, who did a lot of research and provided the Australia-wide approach that we were able to put into this topic.

As you know, liquor licences have been quite an issue. The Auditor-General did produce a report. Her report plus other general news-making items have led the government to look into this to some extent. I think we are still waiting for that report by the government.

We make some pretty interesting recommendations here. It is very useful to look at other states and see what they are doing. That is, I think, where this report has a benefit and I do commend it to the minister, to members and to perhaps the regulatory bodies that control liquor licences.

Some of the recommendations that we make include that it might be time for us to start thinking about alcohol in a similar way to the way we look at cigarette advertising and sale. And that is because, again, we are talking about the vulnerability of young people here in particular. Our recommendation 8 suggests that the ACT government consider applying the same approach to addressing underage alcohol purchases as it does to underage cigarette purchases.

Some of the other interesting recommendations we make include perhaps a greater role for the police. The police appeared before our inquiry and indicated that, because they are doing so much work in this area anyway, especially late at night, they would be prepared to do quite a bit more. So we have suggested that all liquor licence applications be referred to ACT Policing for them to offer advice to the Office of Regulatory Services.

Another area that we looked into was the development of accords. These are in existence in many parts of Australia, including Queanbeyan, and are agreements that develop between community, the industry, police and pretty much whoever wants to be involved. Let me read you something rather than make it up:

Liquor Licensing Accords provide a discussion forum drawing on the experiences, expertise, knowledge and ideas of a variety of individuals and professionals, including those from the liquor industry. The Committee believes that liquor accords could benefit the Canberra liquor industry. Accords would give the public the opportunity to contribute to the improvement of services that the industry supplies by providing a forum for conversations between consumers, other community members, licensees and the ORS. These conversations can contribute to improving monitoring and regulation of the industry.

There is community concern about issues related to alcohol consumption. We are very much aware that we cannot lay the blame at the feet of the licensees. It is important they run their establishments well but, in the end, it is consumer responsibility that is required. Though we could not really go into that in that report, it is certainly noted. I will leave it there. Hopefully, other members will wish to speak.

MS MacDONALD (Brindabella) (11.46): I, too, would like to commend this report. As Dr Foskey has said, this was a report which was done fairly quickly. While it is not a long report, there are quite a large number of recommendations. In fact, there are 16 recommendations in what is a 35-page report, which would seem rather a lot. Certainly when we were going through it, I thought that appeared to be rather a lot of recommendations for such a short report. As we know, liquor licensing is a very heavily regulated area; so it does, in fact, make sense to have that many recommendations included.

The committee has noted at 1.4 that in March of this year the Attorney-General released a discussion paper on a review of the Liquor Act 1975. We have stated that we hope that the recommendations in this report will be considered as part of the government's consideration of that review. I think there are a number of recommendations in here and a number of comments in here that are worthy of consideration as part of that review.

Certainly it is an area which will continue to need heavy regulation and scrutiny, and it is always good to look at what the states and the Northern Territory are doing with regard to this area as well. As well as having looked at what goes on here in the ACT and what players such as the Australian Hotels Association would like to see being done, we have also talked about things that are going on within other areas.

I would draw members' attention to the issue of liquor accords which go on in other states and which are reputed to be reasonably successful in some of the areas in which they operate. So it is an area in which the community can be involved with the regulation of liquor licensing if it is having an impact on their area and certainly is something that bears due consideration for the future. I might leave it at that and just commend the report.

Question resolved in the affirmative.

Public Accounts—Standing Committee Statement by chair

DR FOSKEY (Molonglo): This is the last statement that I will make as chair of the public accounts committee. Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to Auditor-General's reports not inquired into. I have just tabled the last report of the public accounts committee of this Assembly. While the committee has tabled 18 reports totalling 829 pages and containing 173 recommendations, there are inevitably matters that the committee is unable to inquire into.

The committee has considered all Auditor-General's reports up to and including report No 6 of 2007. The committee has not been able to formally consider the last two reports issued by the Auditor-General last year, nor any of this year's reports. We have, however, received briefings from the Auditor-General on her reports into the aged care assessment program and the home and community care program, the Chris21 project and management of Calvary hospital arrangements. It will be up to

the members of the public accounts committee of the Seventh Assembly to determine which reports it may wish to inquire into but this committee suggests that the Auditor-General's report on Chris21, as a further example of the difficulties IT projects present, could benefit from further inquiry.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.52): I move:

That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting extending beyond the 30 minute time limit.

This being the last sitting day of this Assembly, it is traditional to provide an extended period of time for members to make comments at the end of their term. This will provide that opportunity.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Day and hour of next meeting

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

That the Assembly, at its rising, adjourn until a day and hour to be fixed by the Speaker either:

- (1) at the request of the Chief Minister; or
- (2) on receipt of a request in writing from an absolute majority of Members,

and that the date and time of meeting shall be notified by the Speaker to each Member in writing.

Leave of absence

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

That leave of absence from 29 August to 17 October 2008 inclusive be given to all Members.

Work Safety Bill 2008

Debate resumed from 19 August 2008, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

DR FOSKEY (Molonglo) (11.53): In the absence of Mr Seselja and given my own state of ill health, I would appreciate going first because I might have to run away quite quickly. This bill is a product of an extensive process that has arrived too late in

this Assembly. It arises from the 2005 review of the existing OH&S act by the Occupational Health and Safety Council. That review recommended the development of new legislation. Since that review there has been a lot of work going on at a national level with an aim to harmonise OH&S in all states and territories. I appreciate these divergent goals—a national approach which may take some time—and the need to update the ACT's existing scheme.

I appreciate that the ACT government put out an exposure draft of this bill in June and that most of the parties to the development of this bill are keen to see it proceed. And that includes the chamber of commerce and the business council in addition to UnionsACT and the CFMEU, among others. I am aware that the MBA would rather see this bill delayed until the national harmonisation project had caught up. I am happy to accept some guidance from the vast majority of the stakeholders represented in the Occupational Health and Safety Council. I recognise there is urgency in this project.

As an MLA, however, I cannot support the passage of legislation when the Assembly has not had sufficient time to scrutinise it. I do recognise that the government released an exposure draft and responded to some of the subsequent stakeholder and community concerns. I note also that the exposure draft itself, while obviously available on the legislation register, was not circulated to members as a courtesy.

I think that what we see here is a government that is committed to working with its partners on the OH&S council and more widely through the community on this issue but which does not believe the Assembly has anything concrete or important to add. This is disappointing. In my mind, the Greens in this place have always contributed positively and thoughtfully on workplace legislation, be it OH&S, dangerous substances or workers compensation, and it seems that the project has been running for long enough that it ought to have been possible to get the time frame better organised.

Even introducing this legislation in the first sitting week in August would have made a difference to us and presumably to others in this place. I have no doubt that were this not a majority government it would have ensured that the bill was available to us sooner. I am not suggesting there is anything particularly malicious going on here; I am just pointing out the consequence of priorities and circumstances.

My staff advised me that we have not had time in this instance to give the bill as close a look as we would like. A briefing on Monday in a busy sitting week for debate on Thursday just has not given us that scope. Whatever the position of the most obvious stakeholders, I have to put on the record that I cannot confirm my support for the bill in detail. So I think I need to limit my comments to some general points.

I am pleased this legislation so widely expands the safety duties and thus the protection of workers, contractors, designers and business people. I would especially like to affirm the Greens' support for the principle articulated in this bill that safety duties apply to everyone where they have control over risk, inasmuch as they have control.

This bill also includes timely modernisation about understanding of employment, moving the whole framework out of the mid-20th century approach of a structured workplace consisting simply of employer organisations and their employees. Furthermore, the well-articulated requirements for consultation with workplaces either through the establishment of relevant groups or more generally with small employers are a really important provision. This has been a concern for employers for some time, particularly given the inflexibility of the previous scheme, and the very good trade-off here that with that flexibility comes a requirement to consult with all workplaces.

I also note that health and safety representatives of unions and, indeed, employer groups still have a right of entry into workplaces and I am aware there is some disquiet amongst some employers. All the evidence I am aware of to date is that these provisions are not creating intimidation or difficulties in the workplace. They are, rather, having a limited positive effect in raising the standards of health and safety in the workplace. I appreciate that some employer groups would rather there were no rights of entry to workplaces on OH&S issues but that their fallback position of a matching right of access to union and employee group health and safety reps has resulted, I believe, in a balanced approach that allows for all stakeholders to exercise their interests in maintaining health and safety in the workplace.

I note also that the bill introduced a right of private prosecution to these bodies and I have some concerns with that approach in principle. I am somewhat reassured that the DPP will retain some overarching responsibility in such cases, with the capacity to take up the prosecution or to terminate it as the DPP considers appropriate. I understand also that the cost burden of any private prosecution will be carried by that prosecutor, be it union or employer.

It is also worth noting the advice we received in a briefing that the number of private prosecutions pursued by the union movement in New South Wales in the many years that power has been available to it has been minimal. And the power really has not been used irresponsibly. Of course the threat to prosecute was not raised in that context and I am aware of some concerns regarding that. So I would like to flag that we need to keep an eye on how these provisions come out in the wash.

On the issue of authorised health and safety inspectors, I would like to finally add that I am pleased to see the lift in training requirement. I would also like to commend the various groups and bodies who worked collaboratively over time on this legislation. I regret that I am unable to support it but flag the Greens will maintain our interests in the area and look forward to seeing how it evolves and how this new ACT scheme contributes to the national harmonisation project over the next few years.

MR STEFANIAK (Ginninderra) (12.00): For Dr Foskey's edification, I point out that Mr Seselja is part of a pairing arrangement until noon. At any rate, I have carriage of the bill.

The opposition feels that debate on this bill should be adjourned and brought back to the Assembly in February or March next year. It is an important piece of legislation. Over the last two or three weeks, we have had a number of pieces of important

legislation introduced into the Assembly, virtually at the death knell of this Assembly. Various stakeholders have had significant concerns in relation to parts of the legislation; yet the government seems absolutely adamant in terms of ramming through legislation which has some significant issues—I will come to some of those shortly—against the wishes of some very relevant stakeholders.

There are some good things in this bill which we would see come back. We have no problem in going to the in-principle stage or probably even supporting the bill in principle. But I will flag now that if you do not adjourn it there is no way that the opposition will be supporting this legislation today when you come to the end of it. Get it right; do it properly. I know that there has been an exposure draft, but people have had very little time to digest the full bill.

Again we see concerns in that no-one has seen the regulations. I know that it is not intended to commence until 1 July next year. If that is the case, there is even less reason for you not to go in and listen to the concerns. You might not agree with them all, but at least listen to them, address them and then come back. You can be damn certain that if you do that and you bring this back in February or March, there will be a number of changes that you will make to the bill as a result of those concerns.

I want to read from an interesting article from the *Financial Review* in relation to safety reform in the workplace. No-one is going to quibble with safety reform in the workplace; there is still much that needs to be done and it is still unacceptable. It is always unacceptable that a worker can go to work and perhaps face critical safety issues and not necessarily know if he or she is going to go home in one piece. We want to do all we can to ensure that there is safety in the workplace. But you have to take people with you, you have to do it right, and you have to give proper time for reasoned discussion by various groups to come up with legislation. In an article on 22 August, the *Financial Review* said:

The federal government's planned national workplace safety reforms have hit a new hurdle, after the expert panel responsible for drawing up the laws asked for a delay in making its first report on key findings until next year.

The potential delay will be discussed at a meeting of Australia's workplace relations ministers today, along with calls from states to retain control over key elements of their IR systems.

In another vote of no confidence for the federal government's occupational health and safety (OH&S) harmonisation plans, ACT Industrial Relations Minister Andrew Barr warned that the national reform timeline was "very optimistic" and could be delayed beyond federal Labor's 2011 deadline.

The chair of the expert panel on national OH&S reform, Robin Stewart-Crompton, has lobbied states and territories to delay its first report on the laws from October 31 to January 30 next year.

Some of the submissions received from industry groups have been premised on the basis that they want this legislation amended because the report on the law was not due until 31 October. Now we are told that is going to be delayed further, until 30 January.

Mr Barr: No; it did not happen, Bill.

MR STEFANIAK: Even if it did not happen, even if it is 31 October, you still have groups who ask, “Why don’t we at least wait till that?” The article said:

The setback suggests the panel is finding it difficult to reach agreement on key issues including the duty of care and offences.

There are some areas there. It said:

Meanwhile the ACT government this week—

that is, last week—

introduced a new workplace safety bill that is significantly different from every other jurisdiction in the country.

That is a point of concern in its own right. It said:

The ACT bill creates the right for employees to refuse to work if they think there is a risk to their health; forces employers to consult with workers on safety matters; and extends employers’ duties to care for contractors, volunteers and visitors. It also allows unions to prosecute safety offences, and OH&S inspectors to share information with other government agencies.

... Deacons partner Michael Tooma said the ACT bill was “a significant regression from the harmonisation agenda”. “Every wave of legislative reform drives the jurisdictions further and further apart.”

Clearly there are some issues there. Maybe that is not to say that, if our legislation is really marvellous, other states should be following us, but I strongly urge caution there.

Let me go through the various groups who have made submissions and who have concerns in relation to this bill and summarise those. The MBA has strongly requested delaying the implementation of the bill until after the release of the first report by the COAG expert national panel on workplace safety reform. It feels there is a risk that the ACT legislation would be inconsistent with a national harmonised approach. It says that there are many changes from the existing legislation, that there is a significant impact on businesses and that changes made since the exposure draft need further examination and discussion. It says that private prosecutions create adversarial confrontation and the DPP should retain the role.

The issue of control is going to create all sorts of problems. This is particularly so in terms of upstream responsibility—where that responsibility starts and ends—and the extraordinary costs associated with some recent rulings that could give rise to principals, head contractors et cetera engaging streams of experts to oversee the experts.

The Safety Institute of Australia point out some flawed areas. They say that privately initiated prosecutions promote confrontation rather than cooperation and put us out of step with most of the rest of Australia, particularly in relation to the provision allowing prosecution by employer representative groups. They mention lack of consideration of federal harmonisation inputs, with expert groups scheduled to report in the next six months. They also say that, while the ACT is long overdue to review its OH&S legislation, the current process has been in operation since 2005, including a period of more than 12 months when the government did not progress a response to the OH&S Council's review, and waiting another six months will not adversely detract from reaching an ultimately superior position.

The HIA, the Housing Industry Association, is concerned about the definition of a worker. It says that employer duties should be owed to all persons at a workplace, but without deeming a subcontractor, labour hire worker or franchisor to be an employee for the purpose of safety laws. It says that to do so is contrary to the control base liability principle and unravels the earlier proposal to not assign responsibility to anyone in a way that is disproportionate with their actual level of control. It supports the worker consultation unit in principle, but says that the bill should recognise that the built process for residential construction is vastly different from the built process for commercial constructions: a residential site may have only two workers on site at any one time but a commercial project may have hundreds. We see that all the time in Canberra.

It is concerned about the union right to prosecute, just as the other group were concerned about the employee right to prosecute. It is a fair comment from both. It feels that that should remain with the DPP. It says that prosecution action should be transparent and impartial. It says that the common law right to prosecute should remain with the DPP. And might I say this: yes, there are states with a common law right to prosecute, but in the ACT, if you want to take a private information for assault against someone, you cannot do it now. If you do that, the DPP will either take it over or discontinue it. There is still confusion as to exactly what this means.

There are some real dangers here. You need an independent arbitrary body which everyone accepts is arbitrary and a professional body like the DPP to do your prosecutions—not employers or unions who might have unreasonable grudges against each other or whatever. There are problems there. By all means, you need legislation to ensure that workplace breaches are prosecuted, but they have to be prosecuted by a third party; even the common law right is problematic.

Let me go to the ACT and Region Chamber of Commerce and Industry. They say that private prosecution provisions are a compromise from the first draft. They say they feel they can live with that, but they are greatly concerned by the inclusion of volunteers in the definition of worker. The ACT is the only jurisdiction in the country to attempt to do this. It will be a major concern for many organisations that rely heavily on volunteers, particularly in the community and care sectors. They would like very flexible consultative arrangements modelled on those of New South Wales.

For UnionsACT, the consensus by stakeholders is that this new bill enables all employers to be OH&S compliant using a number of methods. They feel that it brings

us into line with other states and the proposed new national harmonisation process. Of course, they support the ability for union prosecutions and they feel that the new bill will be essential for enabling elected OH&S elected representatives to carry out the role which they train them to perform.

Finally, Communities@Work feel that the definition of worker is too broad to include volunteers and visitors. They say that there could be grey areas when staff or volunteers undertake work at a client's home. They say that there is uncertainty about linkages or the absence of linkages to complementary legislation such as workers comp. They have concern about private prosecutions; they feel they should remain with the DPP.

These are the basic concerns about industry groups. They are concerns about volunteers and what constitutes a worker—subbies and so on. That has been a concern for many years in the ACT. It is always a vexed issue, but it is something you need to take into account. There have been suggestions made in the letters to you, minister, as to how you do that—and not only overcome it but take these groups along. There are ways of doing it other than through this bill.

We get back to the fundamental principle. I said it last night in relation to a bill. Legislation that still has significant concerns in it appears to have been rushed. I know that these draft ideas go back many years in many instances. But what you do when you end up with legislation is expose your draft, make some amendments, plonk down pretty well what you hope is your final copy and then go through that with people. If you do that properly, you are not going to go too far wrong.

All of these groups feel that you have done that in a rushed way. They have not had much time. The bill was put down on 19 August; it is now the 28th. That is not a very lengthy period of time to ensure that you get it right. This is too important an area to not get right. It is a big bill; it is an important bill.

Most people would have no problems with most of it. I think that most people in this Assembly would accept it in principle. But for goodness sake, adjourn it. Bring it back when you have fixed it up. I think you will be able to effectively get most of these groups on side in many areas. You are not going to get all of them on side, but in many areas you will.

It is unfair and unreasonable to dump legislation like this on the table late in the process without giving people the opportunity to have their real concerns addressed. There are real concerns here. I get concerned when I see things such as that report in the *Financial Review*; concerns by groups like Deacons; and letters of concern from groups like the MBA and the HIA. They say—it is just one thing I highlighted—that, whilst the bill does not provide the union with an exclusive right to prosecute, as was originally proposed, the reference to a general common law right to prosecute potentially reinstates this statutory right. They say that this change has done little to address the concerns they have privately raised.

The groups go on. There is another group. John Miller, in the MBA, says:

Whilst the exposure draft was available for comment for a period, a document of 160 pages plus unseen regulations might be OK for governments to work within a week from introducing the legislation to debating and passing, it hardly provides businesses and others a lot of time to analyse and comment on.

That is true. And at the end of the day, what would be wrong with bringing this back and passing it in March with whatever amendments you need? You are not going to commence it until 1 July. Even on that, you might rush it through.

You will do what you like; you have got the numbers. That is the problem with a majority government. You will bring it through. But what happens if a new government comes in and recognises that there are problems here and it is a crock of the proverbial? It is going to have to be read; it is going to have to come back. It is going to have to be fixed up before 1 July anyway.

You have the opportunity now to take it away, take on board what these people have said, talk to them, make any necessary adjustments and bring it back. It is not going to harm you; you do not intend starting it until 1 July. One wonders why it is so important then. It is not as though this is something we have to have now because there is some urgent real need for it. You yourselves say that it is not going to start till 1 July.

It could be out there in terms of an exposure draft. It could be out there in these terms: "This is what we are intending to do. We are putting the finishing touches to it. We are constantly consulting. This will be up and running on 1 July. There is a bit more work to do, but we are fair dinkum about proper consultation; we are fair dinkum about sitting down with these groups and going through them these concerns. We put this bill as a final bill on the table on 19 August and we will be bringing this back in six months time." That is a reasonable position for you as the current government and should you be returned as the future government or for the next government if it is not you. This is not going to start until 1 July, so why is there a rush? Are you just trying to pander to one particular section of the industrial relations community? Is there some policy veneer?

At the end of the day, that is not very sensible. You owe it to the community to get this as right as you possibly can. Clearly there are still big problems. Clearly at the end of the day it is going to be no skin off your nose if you take it away and come back in February or March, because you do not intend starting it before 1 July next year. I encourage you to do so.

MR MULCAHY (Molonglo) (12.15): Thanks, Mr Speaker, and, before I start, I draw your attention to the state of the house.

A quorum not being present and the bells being rung—

Mr Barr: He just breached standing orders. You're not allowed to leave the chamber during a quorum call. Is it correct, Mr Speaker, that members are not allowed to leave the chamber during a quorum call?

MR SPEAKER: Members should not leave the chamber, although you may recall that yesterday somebody who was on a pair felt trapped.

MR MULCAHY: Well, this is the reverse scenario.

MR SPEAKER: I might have a different view.

MR MULCAHY: You will have to admonish the member.

Mr Barr: Mr Speaker, what is the standing order on members leaving the chamber to do television interviews?

MR SPEAKER: There is a quorum present.

(Quorum formed.)

MR MULCAHY: Notwithstanding a member of 19 years experience leaving the chamber to do a TV interview in the middle of a quorum call, I will resume—

MR SPEAKER: I will rouse on him when he gets back.

MR MULCAHY: Good on you. In relation to what Mr Stefaniak said before he bolted, I do share his view that this bill is being rushed with haste. By way of interjection, when Mr Stefaniak suggested the debate be adjourned, the minister said, “It ain’t gonna happen.” So, I think we have to accept the reality that the government will, once again, use its numbers to force through this legislation.

This bill is a testament to the Labor Party’s hostility to business in this town and their approach that business must look after every aspect of their workers’ lives, caring for all of them as if they were infants incapable of independent responsibility. It grants extremely strong powers to unions, and it imposes duties on employers that are onerous to the point of absolute absurdity. It does all this, it imposes these onerous duties, at a time when the Australian government is already looking at a national scheme for workplace safety. If this bill passes, employers will need to adjust their business practices to a scheme which will operate for around a year or two—probably not even that given the planned commencement date—before being modified again under the national scheme.

Mr Barr: The national scheme could be ours, Richard.

MR MULCAHY: It could be yours, Mr Barr, but you do not seem very confident of that fact given that you are rushing this through at this stage. Mr Stefaniak seems to have completely lost when he said, “Well, I don’t understand why they do not hold this over until next year seeing there’s a commencement date of next year.” It is pretty obvious to me why Mr Barr does not want to do that. He obviously has the same lack of confidence Mr Stefaniak expressed on radio yesterday when he said his party would not win a majority to govern. Mr Barr has reached the same view that he is also going to be challenged with the fact that, after 18 October, he will not have a majority

either and will have to rely on crossbench members for determining what legislation goes through. And, of course, while the radical perspective of the Greens might be appealing to some, the fact of the matter is that there are others, such as myself, who believe that legislation of this nature is undesirable and would not be supporting it. For that reason, I will be opposing this particular legislation.

If this bill passes, employers will need to adjust their business practices to a scheme, which, as I said, will operate for around a year or two before being modified again under the national scheme. I will be very surprised if the federal government rubber stamp what Mr Barr has put forward today, and there are good reasons why they will not do that. Of course, we have not seen a regulatory impact statement for these proposed changes. I do not think we will see one, since it is likely that it would be very unflattering to the proposed bill. Especially given that the national scheme has already been discussed, a regulatory impact statement would likely highlight the extreme waste of time and resources that this bill will impose on employers and others. It seems that the language of workplace safety laws is becoming more and more onerous, in this case to the point of absolute absurdity. Definitions are expanding and duties are enlarging to the point where an employer is no longer just an employer but a guidance counsellor, a therapist and a protector of their helpless workers.

We can see this when we look at section 21 of this bill, which imposes a duty on any person conducting a business or undertaking to ensure work safety by managing risk. This sounds reasonable on the surface, but when you look at this further, you see that “work safety” is defined in section 7 to include not only actual health and safety, with which I have no issue, but also the wellbeing of a person. “Wellbeing” is left undefined in the bill, meaning, I presume—I am happy to be contradicted by the minister—that it is to take its ordinary meaning. According to the explanatory statement—and I quote:

... it includes the physical and psychological wellbeing of workers. This allows for the bill to provide coverage for new and emerging risks, such as occupational violence and bullying, stress and fatigue.

When we put them together, the literal meaning of these sections is that any person conducting an undertaking must ensure the wellbeing of those they work with, ensuring they are not stressed or fatigued. Employers are not merely required to provide a safe working environment, which is a reasonable and favourable expectation; they will be required to actually guarantee the wellbeing of their workers. If I am at work and I feel that my wellbeing is not adequate, if I am stressed or fatigued, then, according to this bill, my employer must have broken their legal duty to me because they have a legal duty to ensure it. So, every time we sit here until 11 or 12 o'clock at night, as we have this week—well, some of us do and some take an early mark—we are putting people under stress or fatigue, and the law will have been broken. These are the sorts of silly interpretations that cannot be avoided when you look at this legislation that has been hastily cobbled together and rushed through.

I accept there was a long period of consultation, but the emails have been going flat out from people in Canberra who are disturbed by this. Mr Stefaniak has spoken of his friends who have written to him, and I have had others who have also expressed

concern. So, if I am at work and I am feeling that my wellbeing is not adequate, then, according to the bill, my employer has broken their legal duty, because, under this legislation, they have a legal duty to ensure it. Forget my wife and children, my doctors, my friends—it is now my employer's duty to ensure my wellbeing. It is a legal duty imposed by the bill we are debating.

Aside from imposing very wide duties, this bill imposes these duties on a wide class of people, and this really concerns me. Mr Stefaniak said, "This is an old argument." There have been High Court cases extending back to the sixties on what constitutes the master-servant relationship, and I know that term will upset Mr Gentleman. It is actually a term that has been examined by the High Court and has formed part of tax rulings, and it is a complex area of law. We have just jumped the divide here with this bill in imposing all new sorts of duties on a wide class of people. "Workers" are defined to include independent contractors. It also appears that "work" includes work done from home. When you have a situation like the one here where you have contractors coming in here to fix the light bulbs, suddenly you are responsible for their fatigue, for their wellbeing, for their stress. This is an absurdity. This is not the classic master-servant relationship in a workplace; this is not an arrangement where, as an employer, you would have a reasonable expectation for the safety issues involving that person. This is extending the net far more widely. The bill will therefore affect a large number of people in all kinds of work. Mr Gentleman makes light of this, and I know he has never been in business; he has always been on someone else's payroll.

Mr Gentleman: I have.

MR MULCAHY: Well, I am interested to hear that, and I will be enlightened to hear what the experience is. In fact, if he has been in business, he would understand these provisions raise complex issues for employers engaging contractors, not just in construction areas but across the spectrum. Aside from the onerous obligations, this bill also has several other problems.

Section 218 allows for private prosecutions to be conducted by unions for offences under division 3.2 of the bill or other offences which are prescribed by the yet-to-be-seen regulations. Dr Foskey appeared to express some reservations on that. I was not entirely clear of her position, but it seems to be one of concern. Mr Stefaniak certainly flagged concerns on this. This is a departure from the standard situation for criminal prosecutions, which are generally conducted by the Director of Public Prosecutions on behalf of the government. I am open to general arguments about the merits of private prosecutions, but I think that, where an exception clause is drafted allowing unions to conduct private prosecutions completely in isolation from any broader government policy on the issue, we are making a special exception that is without merit.

It is a testimony to the power of the trade unions in this country and, in particular, their power over the Labor Party that they are able to extract special privileges of this kind from the ACT government. Small businesses in the ACT are going to be seriously affected by this legislation. I said to my staff earlier that a lot of people in small business—

Mr Barr: Your senior and junior legal advisers? All of them?

MR MULCAHY: All of them, yes, the three of them. I said to my staff earlier today that a lot of people in small business would not even understand this is going through today. Certainly the peak bodies and the bigger businesses in the town are aware of it, but a lot of small business people are just busy trying to keep their heads above water, trying to find staff and keep their businesses afloat. They are suddenly going to be saddled with a whole new regime of legislation. If I could not pick somebody breaching these arrangements, I would give the game away, because there is enormous scope for vexatious and troublesome actions to be brought against people.

I am sorry; I do not accept that the union movement conducts itself with great honour and regard. Look at the carry-on over the Building Commission they want to get rid of. That has unearthed far too many concerns for the union movement. Members should consider the sort of thuggery that we have seen around Australia; the sort of thuggery targeted against employers who dare question the power of closed shops and those sorts of arrangements. We should not give them another weapon in the armoury. I have seen extraordinary abuse in the area of superannuation. I noticed the other day that they are starting to have a look into some of those activities, and I am pleased. It was a regret that the Howard government never got off its backside to look at what's going on in superannuation. It is one of the most appalling areas of regulatory oversight in Australia.

Mr Barr: Let it all out, Richard!

MR MULCAHY: Well, it is a very serious issue. The use of people's retirement funds and the way in which unions have been given power—

MR SPEAKER: Relevance, Mr Mulcahy—

MR MULCAHY: Yes, I am talking about the power of unions and the way in which unions are given power—

MR SPEAKER: This bill has nothing to do with superannuation.

MR MULCAHY: But it is related to the issue of giving unions power, and I use superannuation as an illustration of what will happen if you give unions unfettered power to pursue private prosecutions, as is contemplated under this legislation. I do not believe they will be conducted necessarily in the public interest, and I do not believe they will necessarily be pursued in the interests of working families—to use the classic term—working Canberrans, everyday Canberrans. I do not believe their interests are going to be well protected. We have the lowest ratio of union membership in Australia; it is down to about 18 or 17 per cent. People have voted with their feet in this town in terms of what they think about giving more power to unions.

I hold very strongly the view that it is reasonable to be concerned with providing a safe work environment to ensure that employees are not injured, but it is completely

unreasonable to ask employers to prevent fatigue and stress, which are often a natural part of working. If the government believes they can legislate away workplace fatigue and stress, they are fooling themselves. Although I am sure that this is the self-congratulatory position they will take, the reality is that this will simply penalise business with unreasonable obligations, particularly smaller enterprises, which are the ones that worry me. This is bad for business and bad for workers.

I share Mr Stefaniak's concern about the pace with which this has been pushed through. It is the old story—put everything in at the last minute, particularly contentious stuff like this. It was the contentious OH&S stuff before the 2004 election that attracted some of the largest gatherings of people when we met at the convention centre. I remember many people were angry about those measures, and I think the government have learnt from that lesson. They have decided to leave it to the last minute and try and push it through the Assembly. (*Time expired.*)

MR SPEAKER: Members, Mr Mulcahy drew attention to the lack of a quorum as he began his speech. I think he wanted more members to listen to the important things he was going to say. I have agreed to scold you, Mr Stefaniak, for leaving the chamber when a quorum was called, so consider yourself scolded.

Mr Stefaniak: I apologise to you, Mr Speaker, and to my colleague Mr Mulcahy.

MR SPEAKER: I do not think there is any need for that.

Mr Stefaniak: Unfortunately, I had to do a very quick interview and I had limited time. I extend my apologies to you and to Mr Mulcahy. I missed hearing the first part of his speech, which is what I would have loved to have heard. I will read that in *Hansard*.

MR SPEAKER: We do not feel terribly scarred, Mr Stefaniak, but it does offend the chair.

Sitting suspended from 12.32 to 2.30 pm.

Questions without notice

Gas-fired power station

MR SESELJA: My question is to the Chief Minister. Chief Minister, yesterday you said, "I do not recall," in response to my question about whether ActewAGL had approached the government in February seeking to take the power station out of their proposal. I refer you to a February briefing note from your department, signed by you:

... Actew are now suggesting that they do not wish to provide any excess power over that needed by the data centre.

Does this assist your memory? What other information have you looked at in the last 24 hours to refresh your memory and what is your recollection of this issue today?

MR STANHOPE: I thank the Leader of the Opposition for the question. It is quite interesting the extent to which, of course, a desperate Leader of the Opposition—and

he has had a very desperate week, has he not—will spin and concoct to distract attention from his leadership issues and aspirations and the turmoil that his party has fallen into.

Mr Pratt: Just answer the question.

MR STANHOPE: We will go to the question. I now have seen the brief of 7 February, just today. A bit of the paragraph that is quoted with approval by Mr Seselja reads:

However, Actew are now suggesting that they do not wish to provide any excess power over that needed by the data centre.

The next sentence is:

You—

this is to me—

will be informed when ActewAGL resolve this issue with their partners and provide a response to Government.

The brief then goes on to conclude:

Recommendation

That you note the information provided in this brief and that you will be informed of any development of these or other issues.

Yes, I did receive a brief on 7 February and, yes, the brief did contain a statement to the extent quoted. And it is the only statement quoted by the Leader of the Opposition in his press release today and in his meeting today because the rest of the document does not support his case one iota. The part of the paragraph that provides this whole new conspiracy theory is:

However, Actew are now suggesting that they do not wish to provide any excess power ...

The very next sentence is:

You will be informed when ActewAGL resolve this issue with their partners and provide a response to Government.

It goes on: “Note this issue, Chief Minister” and “You will be kept informed of developments”.

I am appreciative of the fact that the Leader of the Opposition released his statement today, at midday, just so that I could check with the partners in this particular matter, the proponents. Let me read a very brief statement provided to me today by the chief executive officer of ActewAGL in relation to Mr Seselja’s outrageous claims. Mr Costello says today, in relation to this matter:

Opposition members interjecting—

MR SPEAKER: Members of the opposition, come to order!

MR STANHOPE: The Leader of the Opposition does not want to listen to this little bit. He does not want to listen to the response from the chief executive officer of ActewAGL. It starts—and we have had to start a number of responses to the Liberal Party in this way over the last couple of weeks:

It is incorrect that the ACT Government forced ActewAGL to include a peaking power station on the Tuggeranong site as a condition of the agreement to sell the land. It is also incorrect that the Government foisted the peaking power plant onto the development application.

ActewAGL has been pursuing the possibility of a peaking power plant in the ACT since the formation of the joint venture. It has investigated various options over the years, but had not been able to find a way to make it economically feasible.

That is why it is not correct that ActewAGL asked the government to wriggle out of the requirement to have a peaking power station at the site. The reverse is in fact the case. In considering how to make a peaking power plant economically feasible, ActewAGL concluded that the addition of a Data Centre with an accompanying dedicated gas power plant might make the economic numbers stack up, because some of the infrastructure could be shared.

That is very sensible and reasonable. Mr Costello continued:

As I announced at a press conference on 27 May, we decided not to proceed with the peaking power plant on the Tuggeranong site because we finally concluded that it was too small to be economically desirable. In the modern economic environment, a much larger peaking plant of some 500 megawatts was necessary if it was to make good economic sense. As I said on 27 May, a much larger peaking plant would exceed emission and noise limits for the Tuggeranong site. We therefore decided not to go ahead.

As we have stated several times over the last months, ActewAGL remains, as it has been since 2000, fully committed to trying to locate a peaking power plant in the ACT. We are continuing active studies to that end and remain very hopeful of an economically feasible outcome.

The fact of the matter is that, yes, there were discussions on a deed of option for the direct sale of land to ActewAGL and the proponents for a gas-fired data centre—quite reasonably so. In the context of those discussions, Actew, on behalf of the proponents, came to the table in negotiations with the LDA and said, “We want, in relation to the peaking power plant and the gas-fired aspect of this proposal, the capacity and discretion, if this site proves not suitable, not to lose the opportunity or the possibility of proceeding with a peaking power station on another site.” And that is precisely what is happening. (*Time expired.*)

MR SPEAKER: Is there a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, how did you forget something as significant as requiring a utility provider to build a major power station, with 18 smokestacks, right next to residential areas?

MR STANHOPE: I have just explained that in fact the reverse is the case—that the deed of option as finally presented actually removed as a requirement that there be a peaking power station. It required the possibility of a discretion to proceed elsewhere, and that is actually what has happened. What is happening is that the proponents, the company, decided, as we all know, not to proceed on that site but they are proceeding on another site. So with respect to the entire design of the negotiations that are at the heart of the question, the allegations and assertions—the false assertions that are being made by the Leader of the Opposition today—

Mr Smyth: You've been caught again.

MR SPEAKER: Order, Mr Smyth!

MR STANHOPE: it is actually a complete reverse and a mirror image of the situation as it prevails today. In relation to that, I refer to a statement received at lunch-time today—and this is an aspect of this continuing attack by the Liberal Party, and most particularly by the Leader of the Opposition, on the veracity and truthfulness of very senior people. We are repeating today a position which Michael Costello has today gone on the record to say is the position that he has maintained consistently over recent months, and he has repeated it today. And still the Leader of the Opposition suggests—hints—that Michael Costello is not telling the truth. He does the same in relation to John Mackay. John Mackay will stand up today, as the Chief Executive Officer of AGL at the time, and say: “That is not the case; those are not the facts. It is simply incorrect to assert that ActewAGL did any of these things.” Mr Seselja is wrong.

Mr Smyth: So why were you going to—

MR SPEAKER: Mr Smyth, you ignore me at your peril. I warn you.

MR STANHOPE: Mr Costello, Mr Mackay and Mr Andrew Cappie-Wood have asserted continually that these claims and aspersions are not correct. The fact that they are repeated, and repeated here again today, essentially challenges the truthfulness of Michael Costello, John Mackay and Andrew Cappie-Wood. I have just referred to a statement from Michael Costello in relation to the Leader of the Opposition's allegations today, in which he uses the word “incorrect” three times—repeatedly. “This claim by Zed Seselja is incorrect,” “This claim by Zed Seselja is incorrect,” “This claim by Zed Seselja is incorrect.”

In the court of public opinion and impression in relation to these things, who would you believe? Would you believe a desperate, out-of-his-depth leader of an opposition who is in serious strife or would you believe the chief executive officer of the single largest company in the ACT? Who would you believe? Would you believe Michael Costello or would you believe Zed Seselja, the struggling, frantic, frazzled,

browbeaten, out-of-his-depth, not-to-be-trusted Leader of the Opposition? Who would you believe? Would you believe Michael Costello or Zed Seselja? Would you believe John Mackay or Zed Seselja? Would you believe Andrew Cappie-Wood or Zed Seselja?

Mr Seselja: Are all the documents wrong again, Jon?

MR SPEAKER: Mr Seselja, no more interjecting.

MR STANHOPE: Who would you believe? I have a statement today as well from Andrew Cappie-Wood, the head of the Chief Minister's Department, who repeats the extent to which Mr Seselja is simply not truthful, not telling the truth or is incorrect in his assertions in relation to things, as he has done repeatedly through the processes of this place. At the end of the day, in the context of trust—and we go to trust in relation to this—don't believe me, if you choose not to. You have a choice here. You can believe a desperate, thrashing leader of the opposition or you can believe Michael Costello, John Mackay—the Canberra Citizen of the Year—or Andrew Cappie-Wood, the head of the Chief Minister's Department. They are three of the most senior, most significant and respected citizens of this city and this community: the Chief Executive Officer of ActewAGL, the largest company and most significant corporate citizen; John Mackay, the Chairman of Actew and Canberra Citizen of the Year; and Andrew Cappie-Wood, the Chief Executive of the Chief Minister's Department, a career public servant. Who do you believe—they or Zed Seselja?

It is a lay-down misere. It is an absolute indictment of the Liberal Party regarding the extent to which they can be trusted or that they tell the truth that, in a one-page statement, the Chief Executive Officer of ActewAGL uses the word "incorrect" three times in successive paragraphs in relation to claims and statements made by Mr Seselja today. It is an absolute indictment of his truthfulness and the extent to which he can be trusted. The fact is that, having spent four years doing nothing but fighting each other, they now will do and say anything to gain any credibility. *(Time expired.)*

Mrs Dunne: Mr Speaker, in accordance with standing order 213, could the Chief Minister table the documents that he read from during the answers to the question and the supplementary question?

MR SPEAKER: Which documents?

Mrs Dunne: He claims to have been reading from a document from Mr Costello and also—

MR SPEAKER: There is a long custom of not calling on ministers to table documents in this place.

Mrs Dunne: The standing orders allow for the ordering of the tabling of documents.

MR SPEAKER: Just move a motion, Mrs Dunne.

Mrs DUNNE: I move:

That the document quoted from by Mr Stanhope be presented to the Assembly.

MR STANHOPE: I have one copy of the document, which has been provided to me today for the purpose of question time. I am more than happy to table the document at the conclusion of question time.

MR SPEAKER: Do you want to continue with the motion, Mrs Dunne.

MRS DUNNE: On this occasion, I am prepared to trust the Chief Minister's word. However, if he does not table it—

MR SPEAKER: Just seek to withdraw it, if you wish.

MRS DUNNE: No, I call the vote.

MR SPEAKER: The question is that the motion be agreed to.

Mr Stanhope: No.

Mrs Burke: You're not going to do it now?

Mr Stanhope: Was the motion amended?

MR SPEAKER: The motion is to table the document now.

Mr Stanhope: No, I will not do it now. I will do it at the conclusion of question time. I have only one copy. I will do it at the conclusion of question time. So, no, I will not table it now.

Question resolved in the negative.

Aged care accommodation

MR MULCAHY: My question is to the Chief Minister, as the minister with responsibility for ageing. You are well aware of the difficulties people face seeking to enter aged accommodation. Last year the Auditor-General found that:

The ACT is slow in converting the allocation of residential places by the Commonwealth to beds for clients.

Chief Minister, what has the government done since that report to ensure that aged care places allocated by the federal government to the ACT are not delayed by unwieldy planning process?

MR STANHOPE: I thank Mr Mulcahy for the question. The ACT government is enormously proud of the advances that have been made in relation to the provision of

appropriate accommodation for older Canberrans over the last three years. We have made significant advances in relation to the provision of aged care accommodation. Over the space of four years, we will have either delivered, made provision for, have in the pipeline or currently have under construction somewhere in the order of 900 aged care beds.

Over these last three years we have made enormous advances in the strategic way in which we plan and now deliver land and facilities for beds—in other words, supported accommodation as well as independent living units. We have a land bank. I think there are somewhere in the order of three sites which are capable of developments in excess of 100 beds as well as independent living units. It has been done through a very strategic approach, working in collaboration with the aged care sector and providers.

We have streamlined the planning processes. We have provided, as I said, a ready response capacity that allows us to anticipate and deliver aged care into the future. Just by way of example, Mr Mulcahy, projects that have been completed over the last year or so are: Southern Cross Care at Garran, 70 beds and 40 independent living units; Centacare, Aranda, 15 supported houses; Goodwin, Farrer, 19 assisted living units; the Tamil Senior Citizens, Isaacs, four supported housing; Ridgecrest, Page, 24 independent living units; Calvary, 100 beds and 78 living units; and Goodwin, Ainslie, 103 beds and 22 living units. They have been completed in the last year or so.

Currently under construction across Canberra are: Southern Cross Care, Campbell, 40 beds; Illawarra Retirement Trust, Lake Ginninderra, 100 beds and 150 independent living units; St Andrews, Hughes, 74 beds; Mirrinjani, Weston, 64 beds; Goodwin, Ainslie, 45 independent living units; and Goodwin, Monash, 110 beds and 150 independent living units. The Salvation Army at Narrabundah has a development application in for 29 independent living units. In the design phase there is: Uniting Care, Gordon, 100 beds and 86 independent living interests; Baptist Community Service, 160 beds; Baptist Community Service; Red Hill, 100 supported housing units; Mandir Ashram, Farrar, 60 beds and 80 independent living units; Morshead, Kaleen, 50 independent living units; Empowered Living, Charnwood, 50 beds.

As I said before, when beds are allocated, we can release additional land at sites across the ACT. We continue to seek to identify other areas where aged care or independent living units are available.

It is always relevant to go back to the context in which we came to government and the circumstance that we inherited. We have delivered, are in the process of delivering or have in the planning phase 900 aged care beds. We came to government in 2001, and for six years prior to that there was a Liberal government. During that six years, 14 beds—that is right, members did not mishear—were delivered by the Liberal government—that is, two and a bit beds a year. Two and a bit beds a year were delivered by the Liberal Party in six years of government. There were some teething problems; there was some delay. It is difficult inheriting the basket case that we inherited in relation to aged care and to have to jump straight into the provision of beds. There were, over that period, issues that we needed to deal with, and we dealt with them. We have delivered and will continue to deliver 900 beds in the future.

MR MULCAHY: Thank you, Chief Minister, for that answer. In the context of the allocation you have mentioned, can you advise the Assembly whether you have commenced looking for suitable accommodation for your own retirement and whether you believe you will be requiring that any time soon?

MR STANHOPE: I welcome the question, Mr Mulcahy. I am ageing nicely in place at the moment, pre retirement. I am 57 but it is an important question. Fifty-seven years old: it is an important question. I have always anticipated or imagined that I would remain in the community that I have lived in for almost 40 years now—Belconnen, the heart of Canberra and the soul of Canberra.

I have not yet provided for my retirement. I do not intend to retire formally for some little time yet. What I have provided for, though, is—I have purchased a burial plot. Whilst I am not anticipating either retirement or death, I have not yet imagined where it is that I might retire to, though I do quite like the look of the Illawarra retirement village on the shores of Lake Ginninderra.

But I certainly have already purchased something I hope I will not need to access for some decades yet. I do have a burial plot bought and paid for, Mr Mulcahy, but don't read anything into that.

Gas-fired power station

MR SMYTH: My question is to the Chief Minister. This year you told the estimates committee:

It would be a risky business indeed for the government, all of sudden, to get into the game of advising major multinational specialist corporations about their commercial requirements.

How does this reconcile with the decisions by your government to force ActewAGL to include a peaking power station as part of their development application as a condition for the agreement for sale of the block of land?

MR STANHOPE: Thank you, Mr Speaker. I am intrigued. I will bet that some time over the next seven weeks the Liberal Party will stand up and say that they are the party of business, the party determined to broaden the economic base and the party that you can trust to drive the growth of the ACT economy. They have spent, what, the last four months now talking down the town, talking down Canberra as a place in which to invest and talking down the concept or the notion that Canberra is open for business.

I think we saw perhaps the most reasonable and balanced piece of journalism we have seen on this subject in last Sunday's *Canberra Times* by Emily Sherlock. I acknowledge the balance in the sense: is Canberra open for business? Yes, it is under a Labor government; no, it is not under a Liberal government.

To go again to this falsehood, this spin that is being desperately sought to be driven here today at the end of a very bad week for the Liberal Party, let us create some little diversion. Let us get off Bill Stefaniak and the division within the party and get on—

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

MR STANHOPE: I am sorry, Mr Speaker. Let us get off the division and the distraction. Let us try and get back on course. Let us get off the bubbling little leadership dissention—

MR SPEAKER: Yes, let us get on to the subject matter of the question.

MR STANHOPE: that is building there within the party and get to something that will distract and spin. On the notion that the ACT government forced Actew to actually include a peaking power station, the proposal for a peaking power station on this site or, indeed, anywhere within the ACT in relation to the context of this debate came from ActewAGL. It is not the government's proposal. If there was a suggestion anywhere in the documents that the contrary was the case, I challenge the Leader of the Opposition to provide a single piece of evidence that suggests that the notion or the idea of a peaking power plant came from the government.

Mr Pratt: You're misleading.

MR STANHOPE: It actually was part of the initial—

Mr Pratt: You're misleading, Jon.

Mr Hargreaves: I raise a point of order, Mr Speaker. Stop the clock. I ask you to ask Mr Pratt either to withdraw the accusation that the Chief Minister is misleading or come forward with a substantive motion.

Mr Pratt: I withdraw, Mr Speaker.

MR STANHOPE: To settle the matter and put it into some perspective, at no stage was it the ACT government that proposed the peaking power plant as a part of this particular project. I go back and stand by all of my earlier assertions. It is not the business of government to dictate to commercial entities how and what their development applications look like. We did not in relation to this proposal.

In relation to this particular issue these proponents came to the government with a proposal and, in the context of that proposal, precisely identified that they might apply for that for the purpose of the project. They incorporated that certain of their thinking in relation to how this particular proposal would be powered. An option deed in the context of the application by the proponents was then developed.

I have a statement from Mr Andrew Cappie-Wood in relation to this false assertion, this false claim. Mr Andrew Cappie-Wood, as head of the Chief Minister's Department, said today that he is not aware of any demand at any time from the government that there would be a peaking power station incorporated in the development application for the data centre.

Mr Gentleman: It is fairly straightforward.

MR STANHOPE: It is fairly straightforward. It is totally unambiguous. He is not aware of any requirement or demand at any time by the government. This is an outrageous attempt to actually rewrite the facts and to broadcast what is a falsehood. It is a falsehood. It is not true. It was the proponents' project. It was the proponents' application. They were the proponents' requirements in relation to how the project might work.

At every stage, of course, the government has insisted and continues to assert that the project will not proceed unless it clears all statutory requirements and hurdles. That was always the case and remains the case. This is not a government proposal. These are not our requirements or our suggestions. We simply ask that they be subjected fairly and openly to the statutory planning process.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker, for my last supplementary with you as the Speaker. Minister, how can you contend that your government did not interfere in the affairs of a corporation and did not interfere in the planning process when your government lawyers included specific requirements in legal documents that compelled ActewAGL to make a development application that included power station plans to provide for a surplus 90 megawatts of power at all times above and beyond the needs of the data centre?

MR STANHOPE: We did not. I can only say so many times that those claims are false, that they are not true. We get to the point where we need to simply stop using such polite language—that the claim or the statement is untrue—and use perhaps slightly blunter and more direct language in relation to what it is that the Liberal Party is putting about today. But let me repeat, respecting the norms of the place, that the claim is without substance.

Mrs Dunne: Mr Speaker, in accordance with standing order 213, I move:

That the document quoted from by Mr Stanhope (Chief Minister) be presented to the Assembly.

Question put:

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

The Assembly voted—

Ayes 7

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

Noes 10

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

Question so resolved in the negative.

Public housing—eviction policy

DR FOSKEY: My question is to the Minister for Children and Young People. The minister would be aware that some months ago I raised concerns with her office regarding the conflict of interest created by the territory parent also having responsibility for housing. In one fairly recent situation, a woman was evicted from her government home due to ongoing behaviour of the visiting father of her children. The Residential Tenancies Tribunal heard from case workers that an eviction would almost certainly result in those children being removed from the mother, and that if Housing could offer another home instead, the mother and children's services staff were prepared to work on a different visiting regime in the hope of preventing the situation recurring. Housing ACT, however, did not offer the mother another house but proceeded with eviction. That woman died soon after the decision was made. I am not aware of the fate of the children.

Minister, why aren't their processes in place that ensure that Housing ACT works with children's services staff to ensure that the best interests of children are made the priority when decisions on tenancy matters are made?

MS GALLAGHER: I thank Dr Foskey for the question. I can certainly answer from the Office for Children, Youth and Family Support side of matters. In fact, I have found that since the department of housing, the Office for Children, Youth and Family Support and Disability ACT were put together, the process of working across government and ensuring good outcomes for families has been greatly improved. We have a chief executive who has a whole range of responsibilities, but I can absolutely assure you that that chief executive puts the interests of children in the care of the territory, whether that be in permanent arrangements or in particular types of orders, as being paramount in all decision making.

I am aware of many cases involving the 500 children that are in the care of the territory at this point—perhaps it is a bit higher than that; 510—and the thousands of children that we are working with across the territory, and their interests are right at the forefront of all decision making. If it involves a housing matter, there are separate processes leading to the eviction of families through the Residential Tenancies Tribunal. It is often a way that we can offer increased support to families if their tenancy is placed under pressure or if, ultimately, they are evicted.

I am happy to provide Dr Foskey with all the protocols that are in place. They are extensive. We have been doing an enormous amount of work on this. In fact, the department has almost finalised a piece of work for me particularly around this subject. We have gone back and looked at all the tenancies which have children who we have had contact with in the Office for Children, Youth and Family Support. We have looked at the support that we are providing to them. We have looked at whether it needs to increase. We have done home visits and reassessments. It is all about making sure that the rights, interests and wellbeing of the children are number one. I cannot speak in this place on that case in particular, but I have had probably hundreds of cases cross my desk where the interagency work that is done to sustain these families is extremely impressive.

MR SPEAKER: Is there a supplementary question?

DR FOSKEY: Given that in this case it patently did not work, does the ACT government have any plans in place to ensure that the commissioner for housing actively considers the ACT Human Rights Act and the relevant United Nations covenants and declarations in carrying out his or her duties, most particularly the UN Declaration on the Rights of the Child?

MS GALLAGHER: Again, speaking from the point of view of the Office for Children, Youth and Family Support, which is where the responsibility for children in the care of the territory sits, I can say that all of that legislation and the conventions direct and support decision making. I do not accept that the eviction of a family necessarily was the cause of the ultimate tragedy in that family's circumstances. As Dr Foskey would know, many of the families for which there are joint responsibilities through Housing or Children, Youth and Family Support are in extremely complex situations and there are a whole range of reasons why those families are in need.

As a government, we can only do so much. I have never sat here and said that the government can provide all the answers and all the support to these very complex families, but we do our best. We rely on the community to support us. In the years during which I have been proud to be the minister with responsibility for the Department of Disability and Community Services and, within that, the Office for Children, Youth and Family Support, their commitment to children and upholding the rights, interests and wellbeing of children has been paramount.

Gas-fired power station

MR PRATT: My question is to the Chief Minister. Chief Minister, on 4 August, in answer to a question taken on notice concerning the agreement with ActewAGL for the sale of land in Tuggeranong, you said:

There is no specific condition that the gas generators have the capacity to provide a back-up power generation source for the ACT.

Chief Minister, how is this consistent with the lease clauses attached to successive versions of the deed of option which state, at clause 3 (e) (ii), that the premises are to include a surplus supply of electricity at all times? I say again "at all times" and "surplus".

MR STANHOPE: I do not have the lease agreement with me. I will take the question on notice.

MR SPEAKER: A supplementary question, Mr Pratt.

MR PRATT: Chief Minister, while you are following up on the question—perhaps you could answer this question now; otherwise, you might want to take this as a supplementary too—was lease clause 3 (e) for Tuggeranong block 167.1 varied to remove the requirement, and will you table documents, before this Assembly rises, to prove that point?

MR STANHOPE: I have to say—and I do regret this and I apologise most sincerely—I just cannot quite recall what lease clause 3 (e) says. I do apologise.

Schools—closures

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. Chief Minister, before the last election, you told the people of the ACT that you had no plans to close schools. After the election, your government closed 23 schools, gutting the heart out of many communities, especially in my electorate of Ginninderra. Will you make the same promise today, that it is not your intention to close more schools?

MR STANHOPE: Thank you, Mr Speaker. I have no recollection of having said at any stage that we would not be closing schools. I will be more than happy to take the question on notice. If Mrs Dunne will actually table the claim and the evidence that suggests I did say that, then, of course, I would be better placed to answer.

I am more than happy to take the question on notice. I am sure that the claim that Mrs Dunne makes is completely false. But if it is not false, if it is not a complete confection, I have no doubt that she can table the documentary evidence that proves the claim. If you can table it now, Mrs Dunne, then perhaps I can respond before the close of question time today. I move:

That the document quoted from by Mrs Dunne be presented to the Assembly.

If she then tables it, I will be happy to respond before the close of the Assembly today. Mrs Dunne, please table the documentary evidence that substantiates the claim you just made. I will take the question on notice and respond after you do.

Question resolved in the affirmative.

Education—arts curriculum

MS PORTER: My question is to the Minister for Education and Training. Minister, could you advise the Assembly about the Stanhope government's commitment to arts as part of the ACT curriculum?

MR BARR: I thank Ms Porter for her question and her ongoing and longstanding interest in education matters. Ms Porter has asked more questions on education in this place in this term of government than the entire Liberal opposition combined. Ms Porter has shown more interest in education than the entire Liberal opposition combined.

The government is committed to arts as part of a well-rounded school curriculum. The results of our focus on arts in education as well as the talents of our students and the dedication of our teachers was on show last night at the Canberra Theatre, as part of the *Step into the Limelight* performing arts and visual arts spectacular. I am very pleased to advise the Assembly that the event was an outstanding success, with up to 1,000 students from across the territory performing to a sell-out crowd at the Canberra

Theatre. In just its second year, *Step into the Limelight* has already become a major fixture in the calendars of aspiring artists in our schools.

The people of Canberra have very enthusiastically supported this event. The show saw students from primary schools, high schools and colleges putting on an array of acts, including the performing visual and dramatic arts, and they also created artwork for the event and played a key role in staging the event. Last night's event was a tremendous success due, in no small part, to the hard work and very dedicated team within the Department of Education and Training and our schools.

What was disappointing about last night, though, was the refusal of the Liberal opposition to grant me a pair to attend the event. Fortunately, I had leave from the government whip to be able to attend the event, so it is very disappointing that the Leader of the Opposition decided to put out what can only be described as the most petty media release we have seen in this term of government, accusing me of being out to dinner when, in fact, I was out supporting the hard work of thousands of students in our public education system for their showcase performing arts event of the year. That is an event that I host as Minister for Education and Training.

For the Leader of the Opposition—the laziest and most conservative politician in this chamber—to accuse me of being out to dinner is a very poor reflection on where the Leader of the Opposition is at. It comes as no surprise, though, that the Leader of the Opposition has resorted to these sorts of tactics. One only has to read today's *Crikey*, which indicates from an insider in the Liberal Party that the former Liberal Chief Minister, Kate Carnell, has put her hand up to run for Bill Stefaniak's just-vacated seat of Ginninderra, but the catch is that she will only do it if she is made leader. So, Mr Seselja, who is already reeling over Mr Stefaniak's departure, has been blindsided by this particular move.

Who would have thought yesterday that, when I observed that Zed Seselja was no Kate Carnell, because he was the most conservative Liberal leader in the country, the most conservative person ever to sit in that chair, that the Liberals were looking to bring back Kate Carnell. Hey presto—the next day we hear she is running for Ginninderra, but only if she can be leader.

Mr Smyth: On a point of order, Mr Speaker: I thought the question was about education. I did not realise it was—

Members interjecting—

MR SPEAKER: Order, members! It is hard to make out what anybody is saying with all of the yelling across the chamber. Now, back to the question, Mr Barr, please.

MR BARR: In terms of performing arts, it is important to note that performing arts are occurring over on the Liberal side of this chamber. The leadership of the Liberal Party is now back in the picture with Kate Carnell, backed by Jim Murphy, throwing her hat back into the ring, but only if she can be leader. It would seem that this is all about resolving—

MR SPEAKER: Order, Mr Barr. Come back to the subject matter of the question.

Mr Stefaniak: What did you have for lunch? I know you can still buy them at newsagents and places like that—

MR SPEAKER: Order, Mr Stefaniak! It is important that you are here for the valedictories.

Mr Stefaniak: It probably is, Mr Speaker.

MR SPEAKER: Yes. History requires it.

MR BARR: It seems to be all about resolving a bit of a factional dispute that is emerging between Smyth and Seselja over whose candidate will replace Bill.

Members interjecting—

MR SPEAKER: Order! Question time does not provide for long statements about partisan policy. Come back to the question, Mr Barr.

MR BARR: Thank you, Mr Speaker. I will now table the Crikey excerpt that fully outlines everything that is going on in the Liberal Party at the moment. I table the following document:

Mr Stefaniak—Resignation—Copy of article from Crikey.

In closing, I put again on record my appreciation for all of the hard work and the dedication of the students and teachers who were involved in Step into the Limelight. It is a great pity that the Leader of the Opposition has chosen to politicise and dismiss the great work that was occurring over there and everything positive in public education by putting out a petty, childish, immature media release having a go at me for being out there supporting our public schools, supporting the arts in our public schools and supporting the hard work of thousands of students and schools across the territory. Again, it shows that this man is unfit to be Chief Minister of this territory.

Gungahlin Drive extension

MRS BURKE: Mr Speaker, my question, through you, is to the Chief Minister. Chief Minister, when you announced the GDE construction, you told the people of the ACT that you would build the GDE on time and on budget. In fact, it was built two years late, over double the original budget, and with only one lane each way. Clearly, your government has failed on all these counts. Chief Minister, how can the people of the ACT trust you to build the duplication on time and on budget when you failed so spectacularly to deliver in your last term?

MR STANHOPE: I thank Mrs Burke for the question. One interesting aspect of it, which has not been dwelt on quite enough, is that this over time and over budget notion, and the over budget notion most particularly, is a reference to the last budget of the last Liberal government. I must say I do wish that our media had concentrated on this issue a little more. The thing that is thrown around and bandied about the cost

of the GDE is a Liberal Party costing. And it is a Liberal Party costing from that infamous budget, the last Liberal budget, that was concocted and constructed to contrive a surplus—the last Humphries-Smyth budget.

We know that most particularly in relation, of course, to the funding that was provided in the outyears in that last Liberal budget for public service EBAs or pay rises. We know that, most notoriously, in the lead-up to that last Liberal Party budget before the election, they had negotiated or were in the process of trying to negotiate a pay outcome for nurses. They were at the point where they had offered, over three years, in excess of 14 per cent. This is what they were negotiating. They were negotiating with the nurses. They had offered, I think, 14.4 per cent. They could not reach agreement before the election. It was left to me and my government to resolve that particular dispute about pay.

As we negotiated, we thought, “The Liberal Party had negotiated up to 14.4 per cent.” As we looked at our capacity and the capacity of the budget to fund this—

Mr Pratt: On a point of order: relevance, please, Mr Speaker. This is about the GDE, not about public servants’ pay packets.

MR SPEAKER: Mrs Burke asked a question about matters being on time and on budget and I think the Chief Minister is now explaining the budget.

MR STANHOPE: It is the stark example within that budget. But there are two examples. The starkest was the nurses pay claim negotiations. I forget the exact number but I know it was over 14 per cent over three years.

We then came to government, in the context of those negotiations not completed, and recognised that it would be a first-order issue for a new government to deal with and resolve. So we went to Treasury and said, “We want to settle this pay dispute. The government offered 14.4 per cent, which has not been accepted. What is the budget capacity?” They said, with some blushing and hesitation, “You need to understand that this was not a funded position. This position was not funded.” We said, “What do you mean it was not funded?” They said, “There was some funding. Mr Humphries, Mr Smyth and Mr Stefaniak had provided one per cent a year in the outyears.”

Mr Gentleman: For the nurses?

MR STANHOPE: No, for the whole public service, for the whole of the ACT public sector. We inherited, on coming to government last time, a forward budget year allocation of one per cent a year for pay. It is just disgraceful. They had to do it because, if they had not done that, they would have fallen straight into deficit. And they did not want to go to an election with a deficit budget. They were negotiating with the nurses, offering five per cent a year or thereabouts, in the knowledge that it was a pay claim they would not ever have to meet or pay for, because I think they knew or saw the writing on the wall and left it to us.

One then has to go back to some of the other allocations or provisions that were made by the Liberal Party in that particular budget. Just take that as your prime example.

They were out there negotiating five per cent a year for an entire workforce, funded to the tune of one per cent a year. We are talking here of tens of millions of dollars of unfunded salary, which we were left to find.

Before you start throwing around, again, this misconception, this misinformation, about the nature or the status of funding for the GDE, go back and just recall those initial estimates are Liberal Party estimates. At the time, I think Mr Smyth was the relevant minister. Go back to that budget and have a look at the Liberal Party's allocation for the GDE and, every time you raise this issue of funding for the GDE, just remember that the numbers we are talking about were provided by Brendan Smyth. They are Brendan Smyth's dodgy numbers—and they were incredibly dodgy—without foundation, and they were included in the budget just so they would have a surplus in their final budget before an election. (*Time expired.*)

MR SPEAKER: Supplementary question, Mrs Burke?

MRS BURKE: Thank you, Chief Minister, for what that was worth. Will you now tell the people of Canberra when they can expect the GDE to be completed and what the final cost will be?

MR STANHOPE: We have made a position in relation to that. We have committed to the duplication of the GDE within the next Assembly if we are elected. It is a promise which we have made: we will duplicate the GDE. We can make that promise, and we can make that promise to an extent and a level which no other government has ever been able to do, because of the strength of our economy.

We do not have to put in dodgy numbers. We do not have to go out and just provide one per cent a year for foreshadowed EBAs in order to balance our budgets. We do not have to actually underfund or put completely dodgy numbers in a budget for major capital works such as the GDE because we know that, if we did not do it, we could not get our budget to balance.

The last Liberal Party budget before they lost government was a simple shonk. A simple shonk—that is what it was. The two stark examples of that are the one per cent allocation for pay rises and a completely dodgy assessment by Brendan Smyth of what it would cost to construct the GDE.

Economy

MS MacDONALD: Mr Speaker, this is my last question time. My question is to the Chief Minister. Chief Minister, how has the government's fiscal discipline supported the ACT economy, including the ongoing strong performance of the ACT labour market?

MR STANHOPE: I thank Ms MacDonald for her question. As we all know, the ACT is experiencing a period of sustained economic growth and prosperity. The last few years have seen renewed economic activity providing a foundation for increased confidence in the ACT. The most important facet of supporting a strong economy is to maintain fiscal discipline—something that this government can proudly boast. Not

only have we maintained a level of fiscal discipline unmatched by any previous government, but we have achieved this even after inheriting years of operating deficits—a legacy of the last Liberal government. I think we all know by now that the legacy of the last period of Liberal government was accumulated deficits of \$800 million. It is no wonder that Canberrans distrust the opposition and the outlandish and reckless promises they are making in an effort to get elected.

One of the biggest initiatives that this government has taken is the structural reforms of the 2006-07 budget. In the absence of these reforms, the budget would today be in deficit by \$150 million per annum or thereabouts over the next four years, instead of being in surplus. By taking the approach we have, we are building a much better city and a much stronger community.

The reforms were necessary not because there was an immediate crisis but because there would have been one in the coming decades had the government not taken the action that it did. I am proud of the steps which the government took in introducing those reforms and in delivering a balance sheet now which is the envy of governments around Australia. We have amongst the strongest balance sheets of all Australian governments. It is testimony to the tough decisions that we have taken and the fiscal discipline that we have shown. It is one of the great strengths of this team in government.

It is important to recognise that the government's structural reforms were largely focused on efficiency gains and that they were not entirely reliant on revenue measures. It is because of those reforms that we have been able to invest to the extent that we have. It is why we have made a record investment in health and have provided, for instance, an extra 147 beds, fully staffed and equipped. We are renewing our schools and building new schools in areas of demand. We are investing in quality education. We have made our community safer, with more police on the beat, and we are making our neighbourhoods better, with massive investment in community infrastructure. We are releasing land at record levels. We have actually funded a \$1 billion infrastructure investment—a \$1 billion infrastructure fund over and above our rolling capital works program, and an infrastructure fund that is supported by accumulated cash surpluses. We are doing all of that while continuing to deliver budget surpluses into the future.

In the context of fiscal discipline and the reason for its importance, the great risk, of course, to that can be seen in the history of the opposition in government—their record \$800 million of accumulated deficits over the term of their last period in government. We see again that the Liberal Party, in the context of this campaign, has begun to engage in exactly the same sort of behaviour that led to that deficit of \$800 million. Already, in the context of this term and this election, the opposition have made spending promises amounting to half a billion dollars between now and 2011-12, along with promises to cut revenue by around \$300 million, which would result in a hit straight to the bottom line of the budget and, over the term of the cycle, would deliver a cost to government of around \$800 million. That is in the context of budget surpluses of \$200 million.

You need to look at and understand these sums. The opposition have, on the record, promises, statements and claims in relation to revenue cuts and expenditure that total

\$800 million over the cycle—and that is only today; there are still seven weeks to go. I can provide documentary evidence to support every one of these promises, claims or commitments that the Liberal Party have made over the last four years, in this term, in the context of this election. That is headed up, of course, by Mr Smyth's commitment to an additional 100 acute care beds immediately on coming to government. That would come at a cost of \$63 million. You can start any assessment of the seriousness of any promise which the Liberal Party make in that campaign by referring straight back to that promise by the Deputy Leader of the Opposition to provide 100 acute care beds immediately on coming to government.

MR SPEAKER: A supplementary question from Ms MacDonald.

MS MacDONALD: Thank you, Mr Speaker. My supplementary question is: Chief Minister, are you aware of any potential risks that would undo this government's hard work in terms of fiscal discipline?

MR STANHOPE: Thank you, Mr Speaker, and I thank Ms MacDonald. I am aware of \$800 million worth of potential risk to the bottom line, to the budget, to the balance sheet. The first and, I think, most significant of those is the promise, on the record, by the Deputy Leader of the Opposition to provide an additional 100 acute care beds, costed by Treasury at \$63 million. There is a further promise by the Deputy Leader of the Opposition to increase mental health funding to 11 per cent of the health budget. That comes in at \$35 million.

These are promises made by the Deputy Leader of the Opposition when he was shadow Minister for Health: 100 acute care beds at a cost of \$63 million and mental health funding taking up 11 per cent of the health budget at a cost of \$35 million.

Then there are promises to: reduce hospital waiting lists at a cost of \$5 million; restore the ESA to full independence—a promise of Mr Pratt's—at \$3 million; restore funding to Business ACT at \$5 million; develop new business initiatives at \$185,000; reopen the Civic Shopfront at half a million dollars; reinstate the tourism budget at \$4 million and increase maintenance costs for water at \$10 million. These are all Treasury costs.

Then there are the promises to reverse school closures at \$3 million; implement smaller class sizes at \$10 million, rising to \$16 million; provide professional support for teachers at \$660,000; appoint an infrastructure commissioner for Canberra, because they do not have the competence or the confidence to do the work themselves, at \$1.5 million and set up bulk-billing GP clinics that do not bulk-bill—unique and world leading bulk-billing clinics that do not bulk-bill!—at \$8.9 million.

Those are some of the expenditure announcements that have been made. Over four years they add up to, what, \$500 million. In the last year they come to \$167 million a year.

Then we move to other risks that the balance sheet faces in relation to revenue cuts that the Liberal Party have promised during this last term. They would abolish the utilities networks facility tax at \$17 million; abolish the levy on health funds at

\$4 million; abolish the water abstraction charge at \$22 million; abolish development application fees at \$1.3 million; abolish land tax or change the land tax rates at \$2.2million; provide free essential staff parking at a cost of \$2.5 million; reduce parking fees at \$1.6 million; abolish the city centre marketing levy at \$1.5 million and reduce stamp duty—un-means tested and designed to actually put up the price of houses—at \$33 million a year.

The revenue cuts that the Liberal Party have promised are real promises on the record. They are there for everybody to see. The Liberal Party have promised to reduce revenue by \$90 million a year. These are promises that they have made which they have not resiled from, which they have not walked away from, of revenue cuts of \$90 million a year.

Which of these promises do they intend not to keep—the \$150 million worth of policy announcements they have made over the last three years or the \$90 million in revenue reductions that they have promised? The total recurrent impact of promises and revenue cuts that the Liberal Party has promised, over the term, starting this financial year are: \$97 million growing to \$218 million to \$244 million to \$259 million.

It does not seem credible, does it, that the Liberal Party have already, seven weeks out from an election, promised to reduce revenue by \$35 million, followed by \$86 million, \$89 million and \$92 million over the cycle, with a total recurrent impact of spending commitment and revenue cuts of \$97 million, \$280 million, \$244 million and \$259 million. These figures are verifiable, documented and costed by Treasury.

Over and above that, of course, they have made capital promises which they have not resiled from, led, of course, by the \$250 million Tennent Dam. They have promised to devote the entire capital budget for the next year or so to construct the Tennent Dam—a promise they have not walked away from.

There you have it. There you have the risks for the budget and for the territory. I think that, come election day, the people of Canberra will not risk it. The Liberal Party is a party that is prepared to say and do anything, to make promises that they know they cannot keep for the sake of appearing credible. That is what they are doing. They have spent four years fighting each other and now they are making promises that they know cannot be kept. (*Time expired.*)

Parking regulations

MR STEFANIAK: I will close my career as I started in 1989, when my first question was a constituent one. For this one, the lucky minister is the Minister for Territory and Municipal Services. Mr Hargreaves, I have written to you about this matter and some other aspects of it. A constituent of mine who you will recall, Mr Colin Mitchell, who lives in Macgregor, like many other truck owners, parks his prime mover vehicle at home. As you are aware, Mr Mitchell had a falling out some years ago with an old friend who has taken to doing anything he can, it seems, to make his life difficult. That includes complaining about the truck.

I understand that there are regulations that relate to parking large vehicles on or near residential land in the territory. However, in relation to Mr Mitchell's case, there has

been no objection raised by neighbours. In fact, I have supplied you with a petition by 24 neighbours indicating that 23 of them had absolutely no problem with Mr Mitchell's practice. One just had a suggestion in relation to how he could improve it. However, it seems that parking operations have singled out Mr Mitchell, no doubt initially from him being dobbed in by this person. He has now received at least four parking tickets since late July this year. They are all from the same inspector.

Mr Hargreaves, how many other truck owners have received this many parking tickets since late July 2008 in the west Belconnen area?

MR HARGREAVES: I thank Mr Stefaniak for the question, the longest question in question time thus far. As he said, he opened his parliamentary career in 1989 with a constituent question. He has repeated it. He asked the wrong minister again. The short answer is that I am not responsible for parking enforcement, so I do not know.

Mr Stefaniak: Perhaps, Mr Corbell, you being now the minister who regulates, you could answer that question and take it on notice.

Mr Seselja: Mr Corbell will answer it, won't he?

MR SPEAKER: Order! Mr Stefaniak, supplementary question.

MR STEFANIAK: I would press Mr Hargreaves, who is well aware of this issue, to at least take it on notice and get back to me even if he is no longer technically the last minister. My question then, supplementary, and this will be to you, Mr Corbell, is this.

Mr Corbell: This had better be to the right one.

MR STEFANIAK: I hope you are the right one on this one. If you are, please find out. Could you tell me whether it is usual for the same inspector to be assigned to the same areas on a regular basis and for the one inspector to issue all the parking infringement notices in that area.

MR CORBELL: I have been the responsible minister since the middle of 2006, but I must admit that parking operations is not one of those areas which are particularly high profile or positive in the community. I don't know why. I am not familiar with the level of inspections that take place in this particular part of Belconnen, but I am very happy to take the question on notice and provide an answer to Mr Stefaniak.

In relation to whether parking inspectors are consistently monitoring a particular area, we have approximately 25 to 30 parking inspectors across the territory. They are allocated on a case-by-case basis to particular areas. It may be the case that there is a particular parking inspector tasked with patrolling and managing any complaints in this area. Again, I will take the question on notice and provide an answer to Mr Stefaniak before he finishes in this place on this last sitting day.

Policing

MR GENTLEMAN: My question is to the Minister for Police and Emergency Services. Minister, can you please inform the Assembly of the latest ACT government directives and purchase agreement with ACT Policing?

MR CORBELL: I thank Mr Gentleman for his question. I was very pleased to join with the Chief Police Officer, Mr Phelan, and the Commissioner of the Australian Federal Police, Mr Keelty, today to sign our latest purchase agreement for the provision of policing services to the ACT community. I was particularly pleased because it is an opportunity to again highlight the very significant impact that the provision of an additional 122 police funded by this government is having on the delivery of policing services to the community.

The new agreement that I signed with both Commissioner Keelty and Mr Phelan provides for 34 specific performance measures which measure ACT Policing's service to the Canberra community, including managing levels of crime, response times, perceptions of public confidence and safety and, indeed, road safety in our community.

As part of the agreement, I issued new directions to the Chief Police Officer on those areas that the government considers to be priorities in particular for the next 12 months. These include continuing to focus on improved police response times, and we have seen a fantastic increase in police responsiveness over the last six to eight months as over 100 additional police have come onto the beat. Another focus and direction is further cooperation with other parts of the criminal justice system to provide better support to victims of crime. Another very important measure is further improvement in perceptions of public safety. I have directed the Chief Police Officer to focus on perceptions of public safety and, in particular, the development of an online reporting and information presence where Canberra citizens can get the most up-to-date information on police presence and activities in their local neighbourhood.

The year ahead will prove to be a very exciting year for ACT Policing. We will, of course, see the opening of the Gungahlin police station on a 24 hours a day, seven days a week basis, from January next year. We will continue to see the extra 122 police patrolling our territory and we look forward to seeing the maintenance of the very high levels of response ability that are now in place because of this government's commitment in funding ACT Policing with the capacity for an additional 122 police.

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

Statement by Mr Michael Costello.

Papers

MR STANHOPE: As I have undertaken, I table a statement by Mr Michael Costello. I present the following paper:

Proposed gas fired power station and data centre—Copy of statement by Michael Costello, Chief Executive Officer, ActewAGL, dated 28 August 2008.

MR SPEAKER: Mrs Dunne, you were ordered to produce a document pursuant to standing order 213.

MRS DUNNE: The document I was reading from was, in fact, the question without notice.

MR SPEAKER: That is all you can be ordered to produce, pursuant to 213.

MRS DUNNE: I am quite happy to table that. I went off to provide other things. I present the following paper:

Education—School closures—Copy of question without notice, dated 28 August 2008.

MR SPEAKER: Thank you.

MRS DUNNE: In relation to standing order 213, the motion we moved earlier was for the Chief Minister to table the briefing that he read from as well as the briefing from Mr Costello. He seems to have only tabled one of those things.

MR SPEAKER: I would have to review the tape to know exactly what was moved but—

MRS DUNNE: I was very specific. I have a very clear recollection. I asked for the briefing that he read from in answer to the substantive question and the note from Mr Costello that he read from in answer to the supplementary question.

MR SPEAKER: My problem is I have been verballled before. I make no accusations, Mrs Dunne, but I would prefer—

MRS DUNNE: I am glad you do not, Mr Speaker.

MR SPEAKER: I would prefer to review the tape.

Mr Hargreaves: On a point of order, Mr Speaker: just as a refresher, I do recall very vividly, because I have the same level of memory as Mrs Dunne, that both of those motions were put and both of them were lost.

MR SPEAKER: As I say, Mr Hargreaves, I have been verballled before. I will have a look at the tape, but I do not think it is going to do anybody much good if I do.

Papers

Mr Speaker presented the following papers:

Study trip—Report by Mr Gentleman MLA—2008 Banksia Awards presentation—Melbourne, 18 July 2008.

Study trip—Report by Dr Foskey MLA—Brazil, 16 April to 4 May 2008.

Estimates 2008-2009—Select Committee—Answers to questions on notice.

Committee reports—Schedule of Government responses as at August 2008.

Parliament of Kiribati and ACT Legislative Assembly—CPA Branches—Report on twinning arrangements and visit by the Speaker, Deputy Speaker and Clerk.

Public Accounts—Standing Committee—Report 14—*Report on Annual and Financial Reports 2006-2007*—Speaker's response to Recommendation No 2, dated 28 August 2008.

Mr Stanhope presented the following paper:

Intergovernmental Agreements—Ministerial level negotiations—Schedule as at August 2008.

Auditor-General's report No 3 of 2007—government response Paper and statement by minister

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

Auditor-General Act—Auditor-General's Report No 3/2007—Collection of fees and fines—Government response.

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

Leave granted.

MR STANHOPE: I present to the Assembly the government response to the Auditor-General's report No 3 of 2007—collection of fees and fines. The report was referred to the public accounts committee in August 2007. Subsequently the public accounts committee informed the Assembly that it resolved not to inquire further into this report by the Auditor-General. While the government would normally respond to the public accounts committee report, in this case the attached response directly addresses the Auditor-General's recommendations. Members should note that the government's response was provided to the public accounts committee prior to its decision not to inquire further into the report.

The Auditor-General's findings indicate that the overall system is robust. Where concerns have been identified by the Auditor-General, they generally relate to the margin of activities. I also note that some of the concerns raised by the Auditor-General are issues of work in progress or being undertaken by agencies prior to audit. I commend the government's response to the Assembly.

Financial Management Act—instrument Paper and statement by minister

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

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Department of Disability, Housing and Community Services to Housing ACT, including a statement of reasons.

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

Leave granted.

MR STANHOPE: As required by the Financial Management Act, I table instruments issued under section 14 of the act. The direction and a statement of reasons for the instruments must be tabled in the Assembly within three sitting days after it is given. Section 14 of the act, transfer of funds between appropriations, allows for the transfer of funds between appropriations as endorsed by me and another minister. This instrument transfers \$450,000 from the Department of Disability, Housing and Community Services to Housing ACT for the procurement of additional accommodation under the commonwealth/state territory disability agreement. I commend the instrument to the Assembly.

Papers

Mr Stanhope presented the following papers:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Education and training to the Canberra Institute of Technology, including a statement of reasons.

Territory-owned Corporations Act, pursuant to subsection 19 (3)—Statements of Corporate Intent—

ACTEW Corporation Ltd—2008-09 to 2011-12.

ACTTAB Limited—1 July 2008 to 30 June 2009.

Rhodium Asset Solutions—2007-2008 Revised, dated August 2008.

Financial Management Act—instrument Paper and statement by minister

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

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to Department of Education and Training, including a statement of reasons, dated 25 August 2008.

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

Leave granted.

MR STANHOPE: As required by the Financial Management Act 1996, I table a copy of the authorisation in relation to the Treasurer's advance to the Department of Education and Training. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after the date of the authorisation the Treasurer present to the Assembly a copy of the authorisation and the statement of reasons and a summary of the total expenditure authorised under section 18 for the financial year. This instrument provides for the Department of Education and Training \$107,000 to allow for on-passing of additional commonwealth grant funding received late in 2007-08 for the government schools-joint schools grant. I commend the paper to the Assembly.

Health and Disability—Standing Committee Report 6—government response

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

Health and Disability—Standing Committee—Report 6—*The use of crystal methamphetamine 'ice' in the ACT*—Government response.

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

Leave granted.

MS GALLAGHER: It gives me great pleasure today to table the government's response to the standing committee's report into the use of crystal methamphetamine in the ACT. I would like to commend the standing committee for its consideration of this issue and acknowledge the stakeholders who provided input into the inquiry process and recognise their commitment to preventing and reducing the harm caused by the use of crystal methamphetamine in the ACT.

The ACT government welcomes the committee's report, which seeks to highlight the extent of current problems faced by the community in relation to the use of crystal methamphetamine and opportunities to strengthen efforts to prevent and reduce the harm caused to individuals and the wider community.

According to the most recent data available from the 2007 national drug strategy household survey, between 2004 and 2007 there was a significant fall in illicit drug use, including the use of methamphetamines. It is interesting to note, however, during the same period that the number of Australians aged 14 years or older who associated amphetamines, including methamphetamines, as a "problem" drug trebled.

According to the findings of the illicit drug reporting system national drug trends for 2007, recent use of crystal methamphetamine declined amongst injecting drug users both locally and nationally from 2006 to 2007. However, recent use remained highest in the ACT, at 80 per cent.

The government agrees to five of the standing committee's recommendations. Seven of the recommendations are agreed to in principle and 11 have been noted. The government is committed to improving access to family-inclusive services for children, young people and grandparents who are experiencing difficulties as a result of parental substance abuse. Strengthening targeted community education initiatives and continuing to develop resilience-building education programs to upper primary and early high school children remains a priority within the context of the government's new curriculum framework for ACT schools.

Workforce development initiatives that enable the sector to recruit and retain knowledgeable, skilled workers in the alcohol and other drug sector is recognised as being fundamental to the provision of quality services. Working effectively with people with a dual diagnosis is recognised as the core business of both specialist mental health and alcohol and other drug services, and responsibility for mainstreaming dual diagnosis within each sector sits with each individual service.

The key elements to success in this area are partnership, consultation and supervision, reciprocal rotations and placements, workforce development and strong leadership. At the same time there needs to be some service reform in terms of where and how services will be provided. I noted the progress made already by staff from Mental Health ACT undertaking specialised training in core units from the certificate IV in alcohol and other drug work and undertaking two-week supernumerary placements in the alcohol and drug program's detoxification unit, opioid treatment service and consultation nurse and counselling team.

I am advised that in 2008 both Centacare and the Ted Noffs Foundation received commonwealth funding for the next three years under the improved services for people with drug and alcohol problems and mental health initiative. The aim of this initiative is to build the capacity of non-government alcohol and other drug treatment services to better identify and respond to people with alcohol and other drug problems and mental illness. The Youth Coalition of the ACT has also recently been funded by the commonwealth under the same initiative to assist and support non-government ACT alcohol and other drug services to undertake service improvement initiatives to better identify and manage clients who are experiencing co-morbid alcohol and other drug and mental health issues.

The ACT government's response to the report's recommendations is consistent with the strategic directions of the national drug strategy, Australia's integrated framework 2004 to 2009 and the ACT alcohol, tobacco and other drug strategy. The ACT government has significantly increased funding in this area over the past four years. In December 2007, the government committed \$10.8 million to the establishment of an Aboriginal and Torres Strait Islander residential alcohol and other drug rehabilitation facility, which will provide a culturally appropriate service for the Indigenous community to participate in the rehabilitation and recovery process. In 2006-07, the ACT government committed \$50,000 recurrently to enable Directions ACT to offer a dedicated detox program for women and women with children on dedicated weeks throughout the year.

Other new government funding announced over the past four years includes: \$60,000 for establishing a trial of vending machines for dispensing needles and syringes to give the community 24-hour access to sterile injecting equipment; \$100,000 to create 100 additional subsidised places in the methadone program for heroin-dependent people; \$150,000 for a peer education program for school-age children and young people; \$75,000 for expanding support for peer-based models of service delivery, support and advocacy, and community development; \$15,000 for monitoring and evaluating the alcohol, tobacco and other drugs strategy; and \$140,000 and \$170,000 to employ co-morbidity and detoxification support workers at Gugan Gulwan and Winnunga Nimmityjah Aboriginal Health Service.

In 2007, an AOD workers group was established to assist in building the capacity and identity of the ACT alcohol and other drug sector, foster intra and cross-sectoral relationships and improve outcomes while maintaining respect for the diversity of services and for people who are affected by alcohol and other drugs.

ACT Health utilises funding from the Australian government's Department of Health and Ageing to contract the Youth Coalition to provide secretariat and project management support to the AOD workers group. The group has made progress in a number of areas, including establishing an AOD sector e-bulletin, establishing an ACT AOD sector website and AOD services directory; convening monthly forums for workers with guest speakers; and planning and delivery of an AOD conference during Drug Action Week. A total of \$400,000 has been secured from the Australian government's Department of Health and Ageing to allow ACT alcohol and other drug workers to undertake assessment and training in certificate IV in alcohol and other drug work and first aid from 2007 to 2009.

Given that the ACT alcohol, tobacco and other drug strategy ends this year, work has already commenced on the development of the next strategy in consultation with both the community sector and government agencies. The new strategy provides an opportunity for a renewed focus on priority areas for investment in the future. I thank the committee for the contribution that the findings from this review have made to informing both the current effort and the development of the new strategy, as we continue to strengthen efforts to prevent and reduce the harm caused to individuals and the wider community by alcohol and other drugs.

Commonwealth-State Housing Agreement Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs): For the information of members, I present the following paper:

Housing Assistance Act, pursuant to section 31—Housing Assistance (Commonwealth State Housing Agreement) Variation 2008 (No 1)—Notifiable Instrument NI2008-343, dated 14 August 2008, including a Deed of Variation of the 2003 Commonwealth State Housing Agreement.

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

Leave granted.

MR HARGREAVES: This variation extends the agreement by six months. Section 31 of the Housing Assistance Act 2007 provides that, where the territory enters into or amends a commonwealth-territory funding agreement, the agreement or amendment is a notifiable instrument. The variation has been notified on the legislation register in accordance with the Legislation Act.

The 2003 Commonwealth-State Housing Agreement between the commonwealth, the states and territories commenced on 1 July 2003 for a period of five years ending on 30 June 2008. This period has now been extended until 31 December 2008 with the agreement of all jurisdictions, including the ACT.

Additional commonwealth funding of \$9.616 million for the period 1 July 2008 to 31 December 2008 will be made available to the ACT. For its part, the ACT has agreed to provide \$4.27 million by way of “territory contribution” for this period. This contribution has been notified to the commonwealth in accordance with clause 4 (32) of the revised agreement.

The extended agreement has been signed by the commonwealth government and all state and territory governments and has been tabled in the Australian parliament. The terms and conditions of the agreement will be maintained during the period of the extension, pending the development of a new national affordable housing agreement. The Australian government has committed to work cooperatively with state and territory governments and the Australian Local Government Association to negotiate a national affordable housing agreement to replace the current Commonwealth-State Housing Agreement.

It is intended that this new agreement will address the serious and entrenched problems of housing affordability throughout our nation. Amongst other things, it is expected to help secure the viability of the social housing sector, increase housing affordability for private renters and homeowners, and improve housing opportunities for Indigenous people.

I have tabled a copy of the deed encompassing the “variation of the 2003 Commonwealth-State Housing Agreement”, and I commend the revised agreement to the Assembly.

Indigenous education performance report Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): For the information of members, pursuant to the resolution of the Assembly of 24 May 2000, as amended on 16 February 2006, I present the following paper:

Performance in Indigenous Education—Interim report—January to June 2008.

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

Leave granted.

MR BARR: I am very pleased to present to the Assembly the interim report on performance in Indigenous education for 2008. As members will recall, a brief half-year report covering the period January through June is submitted annually at around this time. A more comprehensive full-year report is submitted in the first quarter of the following year.

The report is presented against the strategic areas for action in the key indicators report on overcoming Indigenous disadvantage. The report that I present today covers the period from January through June 2008. Mr Speaker, 2008 saw the continued implementation of a number of ACT government budget initiatives. These include the Koori preschool program operating on five sites across Canberra and targeted support to year 4 Indigenous students who are in the lowest 20 per cent in the year 3 ACTAP results, which has now been extended to include kindergarten to year 4 students.

During this reporting period, the number of Indigenous students enrolled in preschool education increased by 22 per cent from 93, as reported in the February preschool census, to 113 at the end of May 2008. A new model basing Indigenous education officers in a high school and supporting all schools in one or more clusters was introduced in 2007 and is continuing.

Schools provided opportunities to engage families of Indigenous students by conducting activities to view and discuss the national apology to the stolen generations. In addition to the progress described above, the government allocated funds under the 2007 second appropriation bill to develop and implement a principal leadership program on Indigenous education for all public school principals and school leaders. This initiative is progressing well, with all school principals engaged in discussions to identify areas of need and ongoing activities that will support the learning of Indigenous students. Two very successful leadership conferences have now been held. Principal attendance was strong, as was participation from all school deputy principals. In addition to the principal leadership program, further funds from the second appropriation bill were allocated to devise the Indigenous student aspirations initiative to create opportunities for Indigenous students to identify their career aspirations.

The Department of Education and Training continues to explore ways in which to progress recommendations contained in national reports that are systemic, and it seeks to accelerate the pace of change by engaging Indigenous students and young people in their learning. As the report I have presented today shows, the Koori preschool program has provided greater opportunities for Indigenous children to participate in early childhood education.

The work of teachers and support staff at the Koori preschool has resulted in the establishment of partnerships with other agencies to assess and identify potential difficulties that might impact on student learning achievements. The work of the teachers and the Indigenous home school liaison officers in the Koori preschool program has contributed to the increase in the number of children attending preschool.

In the 2007 report on Indigenous education, I reported that the department was continuing to explore different ways to deliver support to Indigenous students in year 4 as well as to their teachers to build on those improvements already experienced. The government has made a significant commitment to improving the outcomes for Indigenous students, and it is important to note that, in comparison with other states and territories, the ACT is the clear leader. We are very hopeful that the strong focus we have made on supporting literacy and numeracy development in the early years of schooling will pay dividends. We also need to ensure that our Indigenous students attend regularly, are engaged with their schooling and make a successful transition to further study or work.

Indigenous education officers have played a very important role in advancing this approach; however, it is not their role alone. The department has commenced work with small clusters of schools to engage parents and caregivers of Indigenous students in developing priorities for Indigenous education at the local level. Initiatives such as the dare to leap program, where schools make a commitment to improving outcomes for Indigenous students, are included in this process.

The government will continue to work towards the goal of Indigenous students achieving the outcomes that are equitable with non-Indigenous students, and initiatives funded under the second appropriation bill in 2007 will support the delivery of existing or new programs for Indigenous students. A program of professional learning activities for school principals will be delivered each year commencing in 2008, and Indigenous students will be supported through high school and college under the Indigenous student aspirations program, which aims to articulate and facilitate education and career pathways for Indigenous students attending high school and college.

Indigenous education has been further supported in 2008 by the inclusion of a goal in the appraisal documents of every principal that is specific to improving learning outcomes for Indigenous students. Finally, we will continue to work in partnership with the Indigenous community to establish a reformed Indigenous education consultative body. I commend the 2008 interim report on performance in Indigenous education to the Assembly.

Retirement villages—review Paper and statement by member

MS PORTER (Ginninderra): I seek leave to present a discussion paper relating to a review of retirement villages in the ACT, together with the accompanying relevant legislation and regulations.

Leave granted.

MS PORTER: I present the following paper:

Retirement villages in the ACT—Review—Discussion paper.

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

Leave granted.

MS PORTER: As we all know, the ACT has a rapidly ageing population, ageing faster than in other jurisdictions. The challenges posed by an ageing population are increasingly becoming the focus of economic and social policy not only for the ACT government but for governments at every level. That is why I am pleased today to be able to formally table this discussion paper on retirement villages in the ACT. This paper is the result of extensive research into and consultation on the retirement village industry in the ACT and other jurisdictions across Australia.

As I said, we are facing a very real challenge in relation to the ageing of our population, which is the result of a decline in fertility rates, an increase in life expectancy and the ageing of our baby boomer generation. The 2006 census indicates there are almost 66,000 people aged 55 years and over living in the ACT. It is expected by 2047 that the proportion of people living in the ACT aged 65 years and over will represent 21.5 per cent of the total population. This is double the current elderly portion of our population.

As the population ages, people are expected to live longer, continue to be actively participating in the paid or voluntary workforce and maintain a high level of general health and wellbeing. It is also expected that many people will seek to downsize their current living arrangements. Those elderly people in our community remaining in the family home large enough to raise a family and set on a reasonable sized block may be presented with challenges that, if not solved, may have a detrimental effect on their wellbeing. It was found during the consultation process that people contemplating a move to a retirement village may not do so until their 80th year and beyond. This phenomenon poses additional challenges for those managing retirement village living. Because of this, it is important that individuals are able to make informed choices that continue to maximise their living arrangements and their independence as they grow older.

The ACT government continues to support positive ageing through a number of strategies. The Stanhope government has a range of initiatives to make downsizing more affordable for older Canberrans and to help people adapt to their housing and to age in place. In relation to aged care and independent living property development, the government is committed to working with the building industry and aged-care providers to reduce the time in delivering high-quality aged-care accommodation. The whole-of-government case management approach that the Chief Minister has talked about before has assisted proponents of virtually all projects. The Chief Minister outlined this in detail in answer to a question during question time earlier today.

I have taken a personal interest in the welfare of people who have chosen to live in a retirement village environment, as a number of matters in relation to their living arrangements have been raised with me. I believed it was important for me to explore this issue further and give people a voice. The people to whom I needed to give a voice were those most affected by government policy in this area. In order to explore the experience and concerns of stakeholders, such as retirement village operators and managers, residents and peak senior organisations, I consulted widely through a

number of forums across Canberra. As a result of these discussions, a considerable number of written and verbal submissions were received from the ACT community, and I was very pleased to receive such positive feedback and valuable insight into this important area of concern.

You will note that the discussion paper explores legislation in other jurisdictions which governs retirement village living, and, in particular, identifies the following areas: information disclosure; financial management; and dispute resolution. They are areas that require some review in light of the current arrangements in the ACT, and I have been looking at how other jurisdictions deal with these particular matters.

Many issues were raised by those who were engaged in this consultation process, which largely surrounded matters that fall within various legislative approaches taken in other jurisdictions. It was evident from these consultations that individuals who have chosen to live in retirement villages have varied expectations, some of which may not have been met. Through my forum discussions, there were also matters raised that are either not issues that can be addressed through ACT legislation—that is, matters of federal government concern—or concerns that need to be addressed perhaps through amendments to other ACT legislation. This could be, for instance, in the area of planning. It will be necessary to pursue these matters; however, we need to consult more widely as we go forward on these and other matters.

The ministerial meeting on ageing that I attended earlier this year may be a forum for discussions regarding some of these more complex matters. For instance, it is a widely held belief that, by entering into a contract for an independent living unit within a facility that also offers a hostel and nursing home, you are guaranteed a seamless transition of progressive living where it is necessary. In fact, this is not the case. As members would be aware, nursing home and hostel care is funded and administered through commonwealth legislation. Other matters raised were concerns around communication, and it became evident that the quality of communication between management and residents, for instance, varied quite considerably from one facility to another. However, one cannot legislate for good communication.

The discussion paper outlines 31 recommendations in relation to possible legislation in the ACT, and I would like to acknowledge all those in the community that contributed to the discussions so far. It was with great pleasure that I met with so many people who contributed to this process and who, I believe, will benefit from the eventual outcome. This included residents, prospective residents, managers and owners and the ACT Council on Ageing, and I thank them, in particular, for their input so far.

Of course, a consultation process such as this also involves many people behind the scenes, and I thank those who provided venues, facilitated small group discussions and helped prepare this discussion paper. I would also especially like to mention my staff, Annika Hutchins and Emma Smith, for their months of very hard work on and commitment to this task. This, indeed, has been a team effort, and these two staff members should be recognised today for the important part they have played in this process. Thanks, too, to my senior staff member who kept the day-to-day work on track and on time all the while.

As I said, I would encourage the wider community to make submissions on the proposals which I have put forward in this paper, and I commend the paper and its recommendations to members for their consideration and to interested stakeholders for their response.

Delivery of government services in the community

Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): Mr Speaker has received letters from Mrs Burke, Mrs Dunne, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak 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 Mrs Dunne be submitted to the Assembly, namely:

Delivery of ACT government services in the community.

MRS DUNNE (Ginninderra) (4.13): The delivery of government services is vitally important to all areas of the community in the ACT. Delivering government services is the bread and butter of good government. Whether it is building a bridge, issuing an emergency warning, providing care to a child in hospital or elsewhere, addressing isolation among the elderly, running a vehicle leasing company or undertaking a review of the budget, we are talking about delivery of government services.

The people doing this important work are spending taxpayers' funds. The people who oversee it and set the priorities are making decisions about how taxpayers' money should be spent. Taxpayers deserve a good return on their investment and in this case they deserve good government services.

But the Stanhope government has betrayed the trust of the people time and again in the way we have seen the systematic breakdown in the delivery of services across almost every aspect of ACT life: the building of the Tharwa bridge—or the failure to do so—the failure to issue emergency warnings on 18 January 2003, and the many failures in care and protection.

Whether it is the number of children who are missing out on care and protection—who are not getting appropriate treatment at hospitals and elsewhere—the elderly people who are living in isolation despite large amounts of money being spent, or the failures of Rhodium Asset Solutions, the people have been losing out. I think it is ironic that today the Chief Minister tabled yet another statement of corporate intent in relation to Rhodium Asset Solutions. Of course, we also have the failure of transparency in the review of the budget of 2006, which resulted in draconian decisions to cut without any reasons for doing so. Whether it is higher level policy or basic bread and butter policy, the people of the ACT have been losing out under the Stanhope government.

I am going to spend some time dwelling on some of the multitude of issues that have come across my desk in the last little while that illustrate the failures. I will start with one of the very important areas which seems to be always under the hammer. What I

am saying here today, Mr Assistant Speaker, is not a criticism of the staff but for the most part a criticism of the government for failing to set the priorities correctly and give people the flexibility they need to provide services.

I was recently approached by a constituent who has a child with Asperger's syndrome. She was looking for some respite assistance because she has taken leave to study. She was actually looking for some out-of-home respite care for her child so that she could devote herself to complete her studies and increase her employability. What she actually asked for was some assistance to send her son to after-school care some afternoons a week. The answer came back: "Absolutely and definitively no. We will have someone come into your house and look after your child." That was a much more expensive process but they would not actually assist the family with covering the costs of after-school care, which would have been at his own school where he knew people and things like that, because that was not within the guidelines.

What we see in this instance, and we see it often, is a lack of flexibility, a lack of capacity to think outside the square. We do not have direction from the top that will provide people with the flexibility to provide a service that actually addresses the needs of the people on the ground. We have a tick-box approach which says, "Well, if it is respite it has to come in this form irrespective of the needs and the actual request of the family." Despite representations, the family has not been able to change the arrangements in any way and they are effectively without respite.

In the last couple of months I have had brought to my attention two very serious cases in relation to emergency surgery at the Canberra Hospital for people who have had broken bones. In one case, a quite young boy in his early teens broke his arm in a sporting accident on a Thursday afternoon. I was rung by a constituent on my mobile phone on Saturday afternoon. The constituent was in complete despair because for the third day in a row her grandson had been sent home from the hospital still with a broken arm, still unset.

He had been forced to fast on and off for most of that time. He was in considerable pain and his family was in considerable distress. That boy eventually had his arm set on the Monday afternoon. This is an extraordinarily distressing situation and it is bad health management. Everyone will say that a broken arm is not life threatening but it was something that required surgery to have the arm set. This boy was fasted and medicated from Thursday afternoon till Monday afternoon before he had his arm set.

At about the same time, another constituent of mine contacted me and contacted other members here in complete desperation over the plight of his mother-in-law who had broken her shoulder. The same thing happened, Mr Assistant Speaker. Here was an elderly lady who was medicated and fasted for 4½ days in hospital. She was fasted on a regular basis. She was told, "You are going to go into surgery today; therefore, you are on nil by mouth for an extended period of time." Then she was told: "We are very sorry. You are not going to surgery today; you are going tomorrow morning." So she would have a meal and then she would be fasted again for an extended period of time.

This went on for 4½ days before a constituent decided that he had enough of it. He approached the minister's office, he approached my office and I know that he

approached other members' offices. Members of the public should not be forced into a situation where the only way they get satisfaction is having to make a noise in ministers' offices. This is not the way you run a health system. This is a failure of delivery of everyday services for people in the ACT.

We have seen in the last little while a discussion of the unit title system. We have the evidence of people who have been waiting years for a functioning unit title system. But what we have seen in the last year or so are people who engaged in consultation in good faith. However, the legislation that they thought they would see has not emerged. We saw forced through this week legislation which will make the situation of unit titles just as unworkable but in different ways.

What more basic service could we have than the provision of affordable housing in the ACT? But the ACT government has a monopoly control over land release. Labor policies have restricted competition and deliberately limited land supply to well below demand for many years. This has been at the root of the ACT's housing affordability crisis. It is a mismanagement of land supply. It is a mismanagement that was initially overseen by Mr Corbell as Minister for Planning and it is now being overseen by the Chief Minister as the minister responsible for land allocation. Labor has escalated the cost of land in this town to a point where many young Canberrans cannot afford to buy a home in the town that they grew up in.

On top of this, we see the compounding of the better, faster, cheaper new planning system which has resulted in planning delays and a backlog of planning approvals, again something which is driving up the cost of housing for everyday Canberrans. In addition to driving up the cost of housing, we have monumental failures like the Gungahlin Drive extension, which is almost iconic, I suppose. One of my colleagues referred to it recently as the Gungahlin Drive exhaustion or the Gungahlin Drive exasperation because of the emotions that people experience when they sit in traffic of a morning. They see the money that has been spent by the Stanhope government—\$120 million—on a road that provides one lane in each direction. It is a road which they knew in 2004 would be a great road for 22 hours a day. During the two hours a day when people are really needing to use it, it is in gridlock; it is at a standstill.

It is made worse at the moment, Mr Assistant Speaker. It was interesting that Mr Hargreaves said earlier this week that we really did not expect so many people would use it. I think they were trying to hide the fact that the Gungahlin Drive extension was there. But people did use it and, lo and behold, the government has now been forced much quicker than it expected—not much quicker than anybody else expected—to do road works to alleviate some of the more ridiculous choke points along the way. In the process, they are creating more choke points than there were before.

In addition, I would like to turn just briefly to my own electorate of Ginninderra. The delivery of education services in Ginninderra has been substantially disrupted over the last few years by the Stanhope government. I refer in particular to the closure of the west Belconnen school. The school board and the P&C went to the government and said: "We are concerned that this is a high school with low enrolments. Can we have a conversation about what we might do?" They were told: "Don't worry about it. It is

not a problem.” But within four months the government had announced that it would close the school.

Instead of dealing with the community, having a discussion with the community and taking the community with them, the government announced a decision. They said, “We will have a consultation on it.” I think this was one of the memorable quotes from the minister for education. He said: “You cannot actually have a consultation until you have made a decision to consult on. We will make up our mind and then we will consult with you about how we might best implement that decision.”

That, of course, was the beginning of the end of the love affair with the Stanhope government. It was really brought home the next year under the Towards 2020 proposal, which saw schools like Giralang, Hall, Flynn, Mount Rogers and Cook, and the Melba schools of Melba high and Copland college, all under threat of closure or amalgamation.

Some of those schools received a reprieve. Schools like Giralang were lucky, but the treatment of the people of Giralang in other areas has been fairly appalling as well. The people of Giralang have been crying out to ensure that appropriate planning decisions are made to maintain shops in their area. The treatment of the people of Giralang by successive ministers for planning has been a disgrace, and there is still no resolution to that. In the meantime the people of Giralang have the eyesore of dilapidated and gutted shops in the middle of their suburb.

The people of Belconnen really tend to be the poor cousins in many ways of other people in the ACT. It is interesting considering that the Chief Minister hails from Ginninderra, but when the Tuggeranong community gets an arts centre, people in Ginninderra get half an arts centre without an auditorium.

Mr Seselja: It goes with the half road.

MRS DUNNE: It goes with the half road, yes. If the Chief Minister had sat on the seats in the small auditorium at the Belconnen community theatre lately he would know how inappropriate and how worn out that seating is.

The people of west Belconnen have amongst the worst GP-to-patient rates in the country, and the lowest bulk-billing rate in the country. But there is no solution from the Stanhope government to deliver them better primary healthcare services because we have a health minister who says that there is really nothing that she can do in the face of corporatised medicine moving all the doctors into centralised places. This is a minister who is not prepared to fund innovative solutions brought about by the community.

We have a range of services that have not been delivered to the people of Ginninderra. We have schools that are closed in Flynn. There is a shadow over why there was such enthusiasm to close Flynn, and why the Chief Minister played favourites with Flynn school over Mount Rogers school. Why would a man who represented both groups of people want to play favourites? But there is a clear path of evidence that there was a conflict of interest in his office and that he was prepared to play favourites and chose

to close one school over another. This is yet another failure to deliver services properly for the people of Ginninderra.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.28): It gives me great pleasure to speak to this MPI today as the ACT Labor government has a proud record of delivering ACT government services to the community. It is a record that I and my Labor colleagues are very happy to discuss.

The government places a high priority on service delivery, aiming to ensure all members of the Canberra community are able to access consistently high quality services. It is an important component of government business and the beneficiaries of this service delivery focus are members of the Canberra community.

The government, through the release of our second Canberra plan—*Towards our second century*—clearly states an objective. I would like to quote from that document:

... to ensure that services are consistently of high quality, timely, effective and cost efficient and meet the needs of the community; that the city is well maintained and its assets protected; and that members of the community are able to participate in the making of decisions that will affect them.

Mr Assistant Speaker, these are not just words. This objective is a concrete policy commitment of this Labor government that builds on eight years of quality service delivery and significant investments in these areas. As a city state, the Labor government delivers a variety of services. They range from traditional state functions to local government services.

State-type services include health care, education, planning, emergency and police services, child protection, disability care, public housing, events management, infrastructure and justice. The municipal services include urban maintenance, public transport and waste disposal.

In addition to the provision of state and municipal services, the Labor government plays an important role in regulating service delivery and safety standards in areas such as childcare, liquor licensing and workplace safety. The success of the Labor government service delivery is reflected in a multitude of achievements which have been documented in the Canberra plan, and I commend this document to all members of the Assembly. I would choose today to highlight some of the key achievements.

The first is a strong and dynamic economy. The state of our economy reflects the sound decisions made by this government to provide for such an economy. It is a strong economy which allows for the government to fund important services for the community, whether they are education, health services, community services, business services or municipal.

In the past term, household income in the ACT has risen by one-third, workforce participation rates are at record highs and unemployment is the lowest in the country. We have supported the internationalisation of our business community through trade missions to India and China and introduced a \$4 million business advice and

mentoring service, Canberra BusinessPoint. The Live in Canberra campaign and the skilled and business migration program have proved to be very successful in meeting some of the skills shortages here in the ACT. These are important commitments delivered by the ACT Labor government.

Of course, most vital to our community is the issue of quality health care. Since coming to government we have doubled funding in public health to \$889 million in this year's budget and funded an additional 172 hospital beds. Consequently, we are achieving record levels of elective surgery. Our record in mental health shows that we have boosted funding by 143 per cent and introduced Australia's first step-up, step-down facility for young people.

ACT Labor will continue to invest in health with a \$90 million investment for a women and children's hospital and more than \$37 million for a suite of new mental health facilities. Residents of Gungahlin will be able to enjoy an \$18 million health centre as a result of this ACT Labor government's commitment. This is building on earlier health investments for a third linear accelerator at the Canberra Hospital to treat cancer patients, a new subacute care facility, a new paediatric waiting area, the allied health building at the University of Canberra and major investments in the establishment of the ANU Medical School to train our own doctors for our own community. We have opened a \$9.75 million specialised unit for elderly patients at the Calvary Public Hospital and we have extended our services for older people through an increase in the capacity of the aged-care and rehabilitation services.

Finally, Mr Assistant Speaker, we have focused on healthy living. We have introduced the "Go for 2&5" fruit and vegetable campaign and the "Find thirty. It's not a big exercise" campaign to encourage physical activity. These are all proud achievements of an ACT Labor government.

I would like to turn now to the issue of excellent education, quality teaching and skills development. An educated community, as far as Labor is concerned, is an empowered community. The ACT community enjoys these benefits that have been supported by our policies and investments. The number of Canberrans with post-school qualifications is up by almost 5.5 per cent.

We have undertaken a major renewal of our public school system by reducing class sizes in the early years of a child's education. We have opened four new autism units and the government has undertaken significant investment in Indigenous education to the point that there is now little distinction at all between Indigenous and non-Indigenous literacy and numeracy in the early years of schooling. We are proud of these achievements in tackling disadvantage, but there is still more work to be done.

We are undertaking \$90 million worth of refurbishments to every public school across the ACT. This is translating into new gyms, new performing arts centres, science laboratories and playground upgrades. The reforms we have undertaken have resulted in dedicated early childhood schools, a first in the nation. We have built new schools where the demographics have shown them to be needed, including Harrison primary school. The west Belconnen preschool to year 10 school will open next year, Gungahlin secondary college in 2010 and Tuggeranong preschool to year 10 school

will be opened in 2011. They are all funded and the work is underway for these very important projects.

We are not just investing in the physical bricks and mortar. We are also investing in the important provision of information and communication technology facilities that will provide each and every one of our school students with access to that very important realm of the internet and of electronic information.

We have established and implemented a \$20 million rollout of fibre optic to every public primary school, making the ACT's public schools the most connected in the country. We have implemented a new curriculum framework "Every chance to learn", along with a dedicated pastoral care coordinator in every high school. We have partnered with the Australian National University to open the ANU secondary college, which enables academically gifted students to study courses that will go towards their future university qualifications. These are all important achievements in service delivery.

We have increased the total student numbers in vocational education and training by 17 per cent since 2002 and we have achieved a 51 per cent increase in the number of apprentices and trainees over the same period. In 2007 we launched the Canberra Institute of Technology vocational college, offering 3,000 Canberrans every year essential skills and job training. We are supporting women who want to return to work after full-time parenting through our return-to-work grants. These are all key achievements in service delivery, benefiting the Canberra community and they are being delivered by the ACT Labor government.

I would now like to turn to the issue of a fair and safe community. Canberrans now are enjoying one of the lowest levels of burglary in the past decade. The government has put 122 more police officers on the job and an additional 16 patrol cars. Funding for emergency services has almost doubled since we first assumed government, to a level of more than \$60 million per annum. The government is proud to invest in new facilities such as our first prison, the Alexander Maconochie Centre. Not only will this building mean that the ACT takes responsibility for housing and rehabilitating our own prisoners for the first time; it is also the first prison in Australia which will be designed and run applying human rights principles.

The government's achievements have also been significant in areas such as law reform, including reforms in areas of tort law, eliminating discrimination against gay and lesbian people, codifying the Criminal Code and overhauling the Bail Act. We have passed Australia's first bill of rights and we have decriminalised abortion—the first jurisdiction in the country to do so.

We have provided free services and programs for refugees and temporary visa holders, including childcare for parents attending English language classes at the Canberra Institute of Technology. Again, Mr Speaker, this is a clear and strong program of improving service delivery for all Canberrans.

Other notable statistics that are worth highlighting show that we have increased community services and engagement by 56 per cent, funding for therapy services has

increased by 106 per cent, social housing by 74 per cent and disability funding by almost 70 per cent. More services are being delivered on the ground to meet the demands that the Canberra community puts on them. These are significant investments and they highlight the government's preparedness to support those who are less fortunate.

Finally, in the time I have available I must turn to the issue of a vibrant city and building great neighbourhoods. The government has overseen the transformation of Civic over the past few years into a modern and vibrant hub. We have commenced the Planning and Development Act, the new territory plan and associated regulations to improve development assessment procedures and reduce costs. We have funded a \$26.4 million refurbishment of the National Convention Centre, allowing it to re-emerge as a leading and high-quality conference and event facility.

We have upgraded more than 100 local playgrounds for young families and we are changing the Belconnen Lake foreshore, transforming it with extensive promenades and a new arts centre. Shopping centres at Hawker, Griffith, Higgins, Holt, Jamison, Mawson and Kambah have all been renewed thanks to the government's program of local centre renewal. The government has introduced the popular 'round town program of suburban events to foster community engagement and neighbourhood identity. We have proudly initiated a percent for arts scheme to fund public art in our community.

We have built a new Griffin Centre and Theo Notaris Multicultural Centre. We have opened the new Civic library and the new Kippax library and refurbished the Belconnen library. We have done things that have been leading edge. We have initiated the Childers Street project, which represents a major public sector investment in the implementation of the City West master plan, which has helped transform that part of the city centre. This \$6 million project features infrastructure and street furniture to make the Childers Street precinct a vibrant gateway. It is an investment which will be seen in years to come as essential to creating a new and different city centre which leads the country.

A major investment by this government is the construction of the \$11.5 million Canberra Glassworks, a landmark cultural attraction and glass art facility located in the historic Kingston powerhouse. This government has focused also on building a sense of identity for Canberrans by fostering and sponsoring major community celebrations—things such as our public programs to celebrate Christmas, New Year, Australia Day and Canberra Day.

Mr Speaker, this is a comprehensive list of achievements by the government but it is by no means exhaustive and it does not mean that there is still not more to be done. But any commentary in this debate about service delivery, if it fails to ignore the significant delivery of a range of services, investment and improvement, is shallow commentary. That is what we have come to expect from those opposite, but I am proud to have placed on the record this government's achievements of service delivery and our renewed focus on continuing to improve that program of service for the Canberra community.

MR SMYTH (Brindabella) (4.43): Mr Corbell raised many of the issues that I would like to speak about. Towards the end of his speech he mentioned the glassworks, which I think opened last year. Unfortunately, it was only five years late and probably cost 40 per cent more than it should have cost. That is the standard story of the delivery of infrastructure in the ACT under the Stanhope Labor government. You cannot trust them to deliver infrastructure.

The Chief Minister loves to jump up in question time and regale the Assembly with his spending and the previous government's spending, but you only have to look at budgets to see that in most years the government fails to deliver these services to the people of Canberra. In the 2002-03 budget the underspend was 37 per cent. In 2003-04 it was 36 per cent. In 2004-05 it was 48 per cent. In 2005-06 it was 48 per cent. In 2006-07, it was 38 per cent. It is a very succinct summary of the failure of Jon Stanhope and his government to deliver for the people of Canberra. And the projects go on. One could run case studies in mismanagement. I am sure the Australian Institute of Management will use them as case studies.

First and foremost is Gungahlin Drive. Have no doubt, Mr Speaker, that it is because of the failings of the former planning minister and his two bob each way promises to some people here and some people there about which route would be built. Gungahlin Drive started as a \$53 million project with four lanes, two north and two south, and it was due to open in 2005. Early this year we got half a road at a cost of \$120 million—double the price—with half the kilometreage of road that was promised. And we are now going to spend something like \$90 million and at least four years duplicating the Gungahlin Drive duplication.

It is insane that in this day and age an infrastructure project of this size can be managed so ineptly. Yesterday we heard from Mr Hargreaves. He said, "And when we get elected we'll keep delivering projects in the same way." Everything will be late; everything will be over the cost. That is unacceptable.

Mr Corbell mentioned a step-down facility. The geriatric step-down facility that was promised by Michael Moore in March 2001 and funded in May 2001 in our budget was opened more than five years later. That is another failure. Then there is the project to link libraries, which was started by the former government and which took way too many years and way too many million dollars to deliver.

In 2005 Mr Corbell promised a mental health facility, to open in 2008. It was going to have 65 beds and include a youth facility. It is 2008 and the plans are yet to be put on public display so that the community can see what will be opened. It certainly will not be opening in 2008. More than likely there will not be a sod turned in 2008. This is another planning failure—another failure by the former health minister, another failure by the Stanhope Labor government to deliver critical services for the people of the ACT.

Then there is the new dam. The Chief Minister said, "No, we don't need a new dam. The Liberals are wrong. We won't need one for 20 years. We may never need one." That was the rhetoric from the Chief Minister in 2004. He was caught out, caught

short, caught napping. He said, “No, the Liberals are wrong. We just don’t need a new dam.” And what are we building?

Mrs Dunne: A new dam.

MR SMYTH: A new dam. We welcome the new dam. We know that this dam is required. We had a preference for Mount Tennent. We think that building a dam with a bigger capacity on a different catchment is far more sensible. But we are getting a new dam despite the contradictions and the backflips of the Chief Minister, who said that we did not need it.

The delivery of capital works is dependent on a firm economy. You only have to look at the press release on Sensis this morning to understand what is happening to the ACT economy—this economic miracle that Jon Stanhope apparently has created all on his own. It commences:

ACT businesses are shedding staff and slashing business costs to cope with weak consumer demand, according to the August Sensis® *Business Index* released today.

...

“Weak demand in the ACT is impacting on business confidence ...

Earlier the release states:

... six in 10 ACT small businesses had been affected by the current economic environment.

At the height of an economic boom and with \$1.6 billion in extra revenue, Jon Stanhope has now created a situation where six in 10 ACT small businesses have been affected by the current ACT economic environment. That is appalling. I am reminded of the fabulous words of Darryl Kerrigan, played by Michael Caton in the wonderful Australian film *The Castle*. Darryl’s abiding claim to fame and his response to almost anything was, “You’re dreaming.” You are dreaming, Chief Minister, and it is time that you woke up from your make-believe world.

The Chief Minister talked again today about deficits that were supposedly recorded under the former Liberal government. He suggested that these deficits total something like \$800 million. He contrasts those with his supposed budget surpluses. He attributes his surpluses to his efforts; everything else is somebody else’s fault. I think he is deluded.

The Chief Minister admitted that when the Liberals came to power in 1995, they inherited a Labor government-generated \$344 million black hole to fill in the ACT budget—a legacy of the financial incompetence of the Labor Chief Minister and her colleagues in the early 1990s. What he failed to say was that while Liberal governments had budgeted for an aggregate deficit of \$636 million for the period of five years, the outcome is actually only an aggregate deficit of \$341 million. As we strove to make savings and build up the economy, we reduced our deficits by almost 50 per cent. We were responsible.

We all remember the time of the Howard government cuts. The Carnell government stood up to Howard, unlike Jon Stanhope and Andrew Barr, who have refused to stand up to Kevin Rudd on anything. We saw the disgraceful backflip over the gay and lesbian legislation. Yes, they were willing to stick it to a Howard Liberal government, but they faltered, they fell over, they collapsed and they retreated to cowards castle when the Rudd government said no. It is a shame and it shows the true depth of their commitment to so many things. They will attack a Liberal government, but they will not stand up for the ACT if it means attacking federal Labor. I think it is to their shame and I think it is known throughout the community.

Any correct reading of the financial performance of the former Liberal government shows that, in fact, we left the ACT in a sound financial position. That firm financial position is the reason why services are allowed to be delivered in the ACT. Compare that with the financial record of the Stanhope government over the last seven years. It is one of many questionable decisions, including many additional tax imposts that have either been tried and failed or put in place and forgotten because they simply did not work.

The sad feature of the attempts by the Chief Minister to take credit for the position in which the ACT now finds itself is that he has no capacity to give credit where credit is due. He has no capacity to acknowledge the good work of others. His hypocrisy and his arrogance know no bounds as he attempts to rewrite history. The Chief Minister attempts to deride the quantum of capital works under the former Liberal government without at any stage acknowledging the budgetary context in which the capital works budgets were put together in the late 1990s or, indeed, the size of the budget.

Our last budget was \$2 billion. The budget this year is almost \$3.4 billion. Of course the capital works spend is going to be bigger. I am sure the Chief Minister would not want to recognise this, but there has been a dramatic increase in the overall cost of capital works over the last couple of years of the order of 50 per cent. That is right. The cost of construction has risen by about 50 per cent over the last seven years. Nobody is fooled by the rantings and ravings of the Chief Minister and his myopic view of his role in the performance of the ACT economy in recent years.

Moreover, the Chief Minister continues to misrepresent the performance of the ACT budget. The Chief Minister said recently, for example, when releasing the latest quarterly financial report that the surplus of \$289 million represented an improvement of \$97 million on the estimated outcome for 2007-08. That, of course, is not correct, and the Treasurer should know that. When the Treasurer brought down the 2007-08 budget he forecast a surplus of \$103 million. There it is, in black and white, on page 3, on page 9 and page 15 of budget paper No 3. The change in the outcome for 2007-08 therefore is the difference between \$289 million and \$103 million, and that is \$186 million. Perhaps there could be a little more honesty in the representation of these figures. To say that it was an improvement of \$97 million is absolutely incorrect. The Chief Minister should correct that number.

Increased services can only be delivered through good economic management. The ACT is getting neither from the current Labor government. (*Time expired.*)

MR GENTLEMAN (Brindabella) (4.53): I would like to thank Mrs Dunne for raising the matter of public importance on the delivery of ACT government services in the community. Before I go to some of the important services that I would like to talk about, I do want to come back to one of Mrs Dunne's comments about the Belconnen theatre. I have been reminded by Ms Porter—and I have been there recently as well—that she talked about the comfort of the seats. I should remind members those seats have only just been replaced 12 months ago. I am not sure when Mrs Dunne was last there, but when I performed there last the seats were very comfortable. So it is clear she does not attend the Belconnen Arts Centre very much.

Mr Smyth: Do you know where it is?

MR GENTLEMAN: Mr Smyth asks whether I know where it is. I do know where it is, Mr Smyth. I performed there for the Mental Health Foundation on several nights. We were almost sold out every night.

This MPI does give me an opportunity to inform members of many of the services that government has delivered and will continue to deliver. Yesterday I had the opportunity to advise members of several of the ACT sustainability initiatives and today, with this matter of public importance, I have the chance to speak about some more.

Ensuring our sustainable future now is imperative for future Canberrans. This government has been responding to the changes in our climate through a number of policy and investment initiatives. Our decisions to protect our long-term water security have been guided through think water, act water, the ACT's water management strategy. We have announced a series of water security measures, including enlarging the Cotter Dam from four to 78 gigalitres and increasing the volume of water transferred from the Murrumbidgee River to the Googong Dam.

Last year we launched Weathering the Change, the ACT government's climate change strategy and action plan, which details 43 actions to reduce greenhouse gas emissions in the first of three plans. I cannot resist the opportunity to again inform Mrs Dunne and the rest of the Assembly how well the ACT government has proceeded on these actions.

Action 3: we have established an energy efficiency fund for ACT government agencies.

Mrs Dunne: It is only \$1 million!

MR GENTLEMAN: I know Mrs Dunne is not very interested in this but there are people in the gallery that are very interested in how we are addressing climate change. The fund commenced in November 2007. The first round of applications closed mid-February 2008, and successful applicants were the CIT and the Canberra Stadium.

Action 5: legislation was passed to vary the Utilities Act. The green power opt-out scheme will commence on 1 January next year. Action 8 of the plan commenced audits of Housing ACT properties, and work will begin later this year on retrofitting.

Action 9: the solar hot water rebate was provided through the Actew energy wise scheme. Action 10: the ACT government is working, as a member of COAG, with other governments on national emissions trading schemes. Action 11: schools are being assisted to become energy neutral, and 52 schools have already had energy audits and have environmental management plans in place. Action 12: ACTION bus fleets are being replaced with low-emission CNG, or compressed natural gas, buses.

Action 13: 1,713 energy-efficient streetlights have already been installed, with a further 5,600 to be installed in 2008-09. Action 14 has been completed. Bike riders can now ride on ACTION buses for free, and bike racks have been installed on buses on key routes. Action 18: my favourite, the feed-in tariff legislation has been agreed to. Action 21: integrated transit networks have been planned for the future development areas of Molonglo and East Lake.

Action 23: the new-home owners entitlement to trees and shrubs has been doubled. Action 25: the urban forest replacement program has been initiated. Action 27: a community groups grants program has been developed and will commence this financial year. Action 31: the ACT government has supported the COAG framework on national adaptation. Action 36: the million trees program has commenced. Action 37: a community education program has started and includes promoting sustainable water, energy and waste practices.

Action 38: the best practice guide for sustainability in schools was launched in November 2007. I was there with Mr Barr as part of the sustainable schools toolkit. Action 39: the ACT government has implemented renewable energy showcase projects, including new car park lights at Macarthur House, a combination of LED and solar. Action 40: the first meeting of the business and academia climate change roundtable was held on 24 June this year. Action 41: the ACT government has established a bursary at the Fenner school at the ANU to promote solar energy research. Action 42: legislation was passed in mid-2007 regarding fuel sale data for emissions monitoring.

Twenty-two out of the 43 actions have already begun, and we still have another three years to go to begin the others. Well done on addressing climate change.

The ACT government has also opened Stromlo Forest Park, constructed the \$8.3 million Nature Discovery Centre at Tidbinbilla sanctuary and commenced development of the Canberra International Arboretum and Gardens. It certainly is an exciting time for the arboretum, particularly with the recent planting of the Japanese cherry tree a couple of weeks ago. And look out for the special event there next week. Other initiatives include protecting our native grasslands and yellow box and red gum areas by committing more land to the network of Canberra nature reserves, resulting in 54 per cent of the ACT being now protected bushland.

The ACT government recognises the leadership and success of the NOWaste strategy and the community's achievement of a 74 per cent resource recovery rate. This continues to lead the nation. However, the government has also accepted that implementing a NOWaste by 2010 policy cannot be achieved within the current

budget allocation. While there are still opportunities to pursue waste minimisation, moving towards NOWaste is getting tougher. The government is working with its jurisdictional colleagues to address a number of specific waste issues that warrant development and implementation of national solutions.

Three initiatives are being taken that stand out in addressing longstanding issues: plastic bags, the development of a co-regulatory scheme with the tyre recycling industry and the reduction of packaging waste. The ACT is working with jurisdictions to develop a national co-regulatory scheme with the tyre recycling industry. The tyre recycling industry has proposed a national industry scheme that would involve a levy on each tyre sold of approximately \$1 per passenger tyre that would fund the recovery and recycling of used tyres.

We are also working with our jurisdictional colleagues to restrict the growth and then reverse the amount of packaging waste being generated. The ACT government is a signatory to the national packaging covenant, an agreement between the packaging industry and governments across Australia to work together to ensure that packaging waste is being reduced and recycled to the greatest extent possible. The current covenant has another three years to go and will be subjected to a mid-term review in the near future to ensure that it is on track to meet the national target of recycling 65 per cent of all packaging by 2010.

I mentioned yesterday that this government has a longstanding commitment to review the Nature Conservation Act 1980. As I said previously, the review of the Nature Conservation Act 1980 is underway.

Mrs Dunne: Yes, such a long-term commitment. It is years overdue.

MR GENTLEMAN: I know Mrs Dunne does not like listening to this but it is very important. There are people in the gallery that are very interested in our environment work.

MR SPEAKER: She should cease interjecting.

MR GENTLEMAN: The Nature Conservation Act review is underway and will strengthen the role of the Conservator of Flora and Fauna. There is a revised statutory advisory committee and a revised ACT nature conservation strategy.

The ACT government will continue input into the Australian government's national biodiversity strategy which will provide a national framework for biodiversity conservation. The strategy is expected to be finalised in 2008-09, following its circulation to Australian jurisdictions, stakeholders and the general public.

Another very important part is that we live in a city that meshes our urban and natural environments. In recognition of this, there was a major review of the Domestic Animals Act 2000 to bring the domestic animal legislation up to date with other Australian jurisdictions in order for there to be sustainable domestic animal management. That amended act commenced in May this year. The new legislation encourages responsible dog and cat ownership and minimises the negative environmental, social and economic impacts in the ACT. (*Time expired.*)

MRS BURKE (Molonglo) (5.03): The Stanhope government is the equal highest taxing government in Australia. So I am very pleased that Mrs Dunne did put this matter of public importance on the paper today because it is very timely that we now hear some of the failures of the Stanhope government, considering that we are, as I have said, the equal highest taxing government in Australia.

While the government has had its hands constantly in the pockets of the people of Canberra, people are concerned there is little to show for it, apart from a number of pieces of statuary, of course, including the now infamous statute of Al Grassby. Wherever you look in Canberra, you see the dead hand of Labor. It is there in the tired streets, the poor maintenance, the inability of people to water their gardens and the deterioration in every service you can think of right across the board.

One of the greatest disservices to the people of Canberra has been in education, of course. The Stanhope government's proposed closure of 39 schools, which ended up being 23 schools, was based on nothing other than the need to find revenue due to its financial mismanagement across all of government over several years. And this was revealed by the fact that the government has never been able, even to this day, to provide school communities with any rationale for its selection of schools to be closed. Indeed, what data it has provided has been found to be either inaccurate or deceptive.

The consultation meetings, if you could call them that, which were carried out were a travesty, merely a rubber-stamping of the process of closure rather than a genuine attempt by government to discuss the future of schools in an open-minded way. They had already made up their minds when they arrived at these meetings. That was very clear. I went to one or two of the public meetings and it was really clear that the fall guy sitting in the chamber today, the now minister for education, was given this poisoned chalice. It must have been some sort of proving exercise. But what it did, it proved to the community that they cannot deliver on services. The delivery of school services, if we can call it that, was going to be not touched, according to the former education minister. There was no mention of closing schools.

Many families in the ACT have been left out in the cold by this hopeless Stanhope government's neglect of a very major area in disability services, and that is autism. Therapy ACT is hopelessly underresourced. I heard Mrs Dunne talking about some aspects of this, and I thank her for that because she knows that, for seven or eight years, this has been a passion of mine within the ACT. I have watched frustratingly the services diminish; yet the need escalates to a level that none of us in this place fully understands. Therapy ACT is hopelessly underresourced and the people there try to do their best. But the Chief Minister transferred half of the \$1 million allocated by former health minister Michael Moore for therapy services into education. Autism Asperger ACT Inc has tried repeatedly to find any evidence that one dollar of the \$1 million has been spent on autism services and has come up with nothing.

I have asked—and the minister and other people will know if they look at the notice paper—dozens of questions on notice to try to get the bottom of what is being spent. It is like a quagmire; it is a mishmash of part answers, a bit of funding here, not sure about the answer there. I have asked repeated questions of the health minister,

Ms Gallagher, as to what is being done about autism services. The short answer is: in real terms, nothing.

The first Australian report on the prevalence of autism spectrum disorders was released in March 2007. The core finding of the report is that there is one child with an autism spectrum disorder in every 160 children in the six to 12-year-old age group. As such, autism spectrum disorders are now more prevalent than cerebral palsy, diabetes, deafness, blindness and leukaemia combined. When the minister was asked on notice by the opposition about the progress of the government in implementing the recommendations from the autism national best practice guidelines formulated by the commonwealth Department of Health and Ageing she replied:

Current practice of Therapy ACT is aligned with the key elements of these guidelines.

What a fob off! One of the key elements of the commonwealth's guidelines which inform the federal government's \$190 million autism initiative is that autistic children need 20 hours of intensive intervention a week. It is clear that the current practice of Therapy ACT is severely misaligned with this statement of best practice. There is no match at all. So badly off are autistic children in this jurisdiction that they get even less than average children get in preschool hours.

This government's autism intervention unit gives two four-hour group sessions per week, involving no clinicians. For the rest, an autistic child gets, at best, six sessions in total. Each one is delivered at six-week intervals. That is hardly anything like best practice, minister. You have to call it worst practice as it is so close to nothing.

Indeed, Therapy ACT seem to be operating on the now outdated assumption that there is nothing much you can do about autism and families should have to cope as best they can on their own. We know where they get that catchcry from because we hear the Minister for Health all the time throw her hands up in the air, saying, "There is nothing we can do. It is not my fault. It is the commonwealth's problem." The lack of autism services really is a disgrace. This jurisdiction is the only one, apart from Tasmania, not to even fund the autism association. This is the capital city of Australia. I have just given members the statistics on how bad the prevalence of autism is and how bad Asperger's syndrome disorder is.

We move on to another area where there is a major failing by this government. Despite the rhetoric, what is happening here in the ACT does not match the delivery of GP services. The Stanhope government has failed the people of the ACT when it comes to GPs. We have the greatest shortage of GPs in the country, around 60, but this government chooses to sit on its hands and say—guess what—"We cannot do anything."

They sat by and watched the general practice in Wanniasa transfer to Phillip, upsetting up to 60,000 patients. That particularly impeded people who were elderly and people with a disability. I have people still ringing my office, telling me how traumatic it now is and their already heightened health problem is now at peak level. So we have exacerbated people's health conditions by just sitting back and allowing the corporatisation of medical services here in the ACT.

It is a travesty when we see the most elderly also suffer because this government allows only a very basic public transport system to operate as a sop to social welfare rather than anything approximating an efficient, accessible frequent public transport service. I have said before—and I have just been reminded again this week—somebody rang me and said, “I can only get a bus once every hour.” It is ridiculous to move the practice 4.8 kilometres and have one bus an hour. What a service that is!

Again and again in health, wherever anything goes wrong this minister whines, “We cannot do anything,” or, “It is not my fault,” or she says she will appeal to the federal health minister. We saw what result that had, did not we? She wrote a letter and tried to say we are a place of need and the federal health minister, Nicola Roxon, said, “No, you are not.”

It is pleasing to note, on that point, that the Liberals have released a sound policy, a real policy, to deliver real solutions to a real problem on which this government has failed, failed, failed. We have now the support of the federal government. They must know that there will be a change of government. From the federal health perspective, they are saying, “Of course we will work with the ACT in this regard,” on hearing about our policy. So they know a change is in the wind.

The commonwealth has helped to bail out this government as a result of its woeful record on elective surgery. But nothing can change the fact that, despite all the health minister’s posturing and attempts to denigrate me, the ACT under her watch is performing last or second last after the Northern Territory on every major performance indicator.

Time will not permit me to refer to the whole list. The list is so big, as I think Mr Barr said the other day. We have got big lists, too, Mr Barr. Public housing is another example. I could go on and on. The disability services side of things is another. I thank Mrs Dunne for bringing this on. (*Time expired.*)

MR SPEAKER: The time for this discussion has expired.

Work Safety Bill 2008

Debate resumed.

MR SMYTH (Brindabella) (5.14): Extensive comments have been made on this bill by my colleague Mr Stefaniak. I think there are some proposals in the bill that are likely to have a significant impact on business in the ACT. There is one proposal in particular that places the ACT completely out of step with the rest of Australia. You have to remember, Mr Speaker, that this is at a time when COAG is currently working towards model and uniform OH&S laws. Perhaps the ACT should wait until the national approach has been agreed upon—but no, not this government.

Of course, it is not unusual for the Stanhope government to have regulatory regimes that are out of step with other jurisdictions. This seems to be the standard operating procedure for this government. Unfortunately, not only is this very disappointing for

local business, but it imposes additional unnecessary costs on those businesses, as well as reducing their capacity to compete with businesses from other jurisdictions.

What makes this strategy of the Stanhope government even more disturbing is that the ACT is so small that every time we become out of step with other jurisdictions, particularly New South Wales, we simply penalise those businesses, organisations and people who have to work across the boundaries.

The Stanhope government, and the Chief Minister in particular, would not appear to have any idea about the differential adverse impact of this proposal on ACT businesses. I wonder whether there was any attempt to prepare a business impact assessment of the proposals in this bill. If there was no such assessment then that is a tragedy for local business. And if there was an assessment, what were the outcomes of that assessment? Perhaps the minister could table the business impact statement before he concludes his speech in reply.

The reality of the Stanhope government's approach to the ACT business sector continues to be most disappointing. The proposal in this bill that is of most concern to business is clause 218, which provides for employee organisations and employer organisations to have the capacity to initiate prosecutions. It is absolutely fascinating to observe the internal inconsistencies and hypocrisy that the Stanhope government has built in to this bill. On the one hand, the bill sets out, as one of a number of objectives for the new legislative regime, the following in clause 6 (1) (e):

foster cooperation and consultation between employers and workers, and organisations representing employers and workers;

That is an admirable objective. But on the other hand, admitting failure and that they have no intention of making that happen, the provisions in clause 218 provide for private prosecutions. This is the provision under which unions and employers can initiate a prosecution for an offence that is alleged to have taken place. If there is one environment in which there is generally anything but cooperation and consultation, it is in the adversarial environment of the court system. More importantly, this provision enables people who do not necessarily have the expertise to actually initiate prosecutions. The realm of initiating a prosecution should remain the responsibility of people who have the appropriate training in legal matters.

Consultation that we have undertaken reveals an expected dichotomy of views. The representative business organisations expressed general concern about this provision, while UnionsACT supported this provision. While there is much merit in updating the existing OH&S regime, the extension of that regime into a new area, as with the provision for private prosecutions, is not a reasonable proposal.

This government has no idea about the reality of how to make the ACT a business-friendly location, as evidenced by this proposal. We would suggest that the Stanhope government withdraw this bill and rework it to make it more appropriate to contemporary business conditions rather than tabling it last week and ramming it through this week, in the very last week of the government's life. Until that is done, we will oppose the legislation.

I know Mr Stefaniak read some of this article from the *Financial Review* from last Friday, but it is important to remind people, as we close the debate, of the view of the ACT from around the country. The article is by Steven Scott and is headed “Safety reform agenda hits roadbump”. Halfway through the article, it states:

Meanwhile, the ACT government this week introduced a new workplace safety bill that is significantly different from every other jurisdiction in the country.

So much for harmonisation. So much for meeting one of the fundamental requests from business groups everywhere that they operate in an environment that is consistent across the country. The article finishes with the following quote from Mr Barr:

Mr Barr said the bill reflected current work on OH&S harmonisation and should become “a legislative model all jurisdictions can work towards”.

Well, COAG is working towards harmonisation and COAG does have a working group, but the working group is not promising what Mr Barr is promising. The article then refers to what a lawyer from Deacons has said. It reads:

But Deacons partner Michael Tooma said the ACT bill was “a significant regression from the harmonisation agenda”.

I will repeat that: “a significant regression from the harmonisation agenda”. Mr Tooma continues:

Every wave of legislative reform drives the jurisdictions further and further apart.

So this is the model of the Stanhope government: divisions yet again, moving out of the harmonisation model, working towards making the ACT an island that is out of touch with the rest of the country. That is why we ask the government to withdraw this bill. Until that is done, I say again that we will oppose this legislation.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (5.20), in reply: I thank members for their comments during the debate. I will address several of the issues that have been raised with the government during the extensive briefings that were offered on this legislation and during this debate today.

It is worth reiterating that, over the three years that the government has been developing the Work Safety Bill, this process has been lengthy and thorough. We have sought to engage with a range of stakeholders. It has been one of the most extensive consultation processes, with the extensive involvement of the Occupational Health and Safety Council. It is worth noting that, with respect to the members of the Occupational Health and Safety Council, who represent business groups and workers, all council members—with the exception of the MBA, who have indicated that they would prefer the government to wait for the completion of national harmonisation work—support the passage of this bill today. That includes the chamber of commerce, as well as a number of other business organisations.

During the exposure draft consultation, there were a variety of fora at which the community could seek information and have their say about the legislation. The views received have informed the final bill and have confirmed that, on the whole, this bill sits very well with the community. The bill balances the interests of workers and business.

This bill has been a long time coming. The government picked up the process in 2005, with the Occupational Health and Safety Council's "scope and structure" report. There was a full exposure draft period for members to participate. Given that the bill did not depart greatly from the exposure draft, and the OH&S Council's support, the government is seeking to pass the bill.

The existing Occupational Health and Safety Act 1989 is nearly 20 years old. It is time for it to be replaced. This Assembly has the power to overhaul and modernise this legislation right now. I do not believe it is prudent to wait for the national agenda when there is an urgent need to replace the ACT's safety legislation to address contemporary changes in work and employment arrangements and to address emerging risks such as occupational violence, bullying, stress and fatigue.

This government is fully committed to the national harmonisation of occupational health and safety laws and to updating the ACT safety laws. These two commitments are not mutually exclusive; rather, they are complementary. The Work Safety Bill 2008 incorporates much of the harmonisation work to date and brings the ACT into step with other jurisdictions. I urge members to support the modernisation of this legislation with a view to future harmonisation.

It is my understanding that there is general agreement that volunteers who work in employment-like settings should be afforded work safety. However, some members are concerned that the legislation will inadvertently cast a wider net than is intended. Careful consideration has been given to the definition of "worker" to avoid this situation, but we will continue to monitor the situation and further refinement can be made if necessary.

The final issue I would like to address is the express right of private prosecutions for registered unions and employer organisations along the lines of the common law position. This will enable a prosecution to be commenced by a registered employee or employer organisation. However, the right of the Director of Public Prosecution is reserved to intervene and take over, or discontinue, a private prosecution at any time.

Organisations undertaking prosecutions will not financially benefit from the proceedings and I do not expect that the courts will be inundated with vexatious proceedings. This has certainly not been the experience of New South Wales, where similar provisions have been in place for many years and only a handful of private prosecutions have commenced.

It was interesting that Mr Smyth talked about us being out of step with New South Wales. He appears quite happy for us to be out of step with New South Wales on this issue because it does not suit his ideological agenda. But the point is that these

provisions have been in place in New South Wales for many years and there have only been a handful of private prosecutions. And it is worth noting that any penalties imposed by the court will be paid to the territory and will be dedicated to the promotion of work safety. These funds will be devoted to the promotion of better occupational health and safety practices through the Office of the ACT Occupational Health and Safety Commissioner.

In closing, this bill is about protecting what matters most to our territory—our people. It is about ensuring that workers return home to their families at the end of the day unharmed. It is about providing a modern regime that keeps pace with changing employment arrangements. It is about the management of risk and the provision of an environment for workers that is safe and healthy and protects them from injury and illness.

It is about providing choice and flexibility and balancing the need to do business efficiently with the interests of workers. It is about fostering cooperation and consultation between workers, employers and supporting organisations. It is about encouraging continuous improvement and progressively higher standards of work safety and it is about embracing the future and putting the ACT at the forefront of work safety in this nation. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

Motion (by **Mr Stefaniak**) proposed:

That debate be adjourned.

Question put.

The Assembly voted—

Ayes 8

Noes 9

Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

Question so resolved in the negative.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (5.30 pm): I move amendment No 1 circulated in my name [*see schedule 1 at page 4003*].

This amendment is in response to the scrutiny of bills comments on division 6.2 of the bill. This division enables the chief executive to require a person to answer questions or produce documents. The provisions are designed to apply in circumstances where the protection of a worker or public safety is so paramount that people can be compelled to answer questions or produce documents even if doing so incriminates that person for a criminal offence or exposes them to civil liability.

To compensate for the removal of the common law privilege against self-incrimination, a derivative use immunity has been included in the provisions. This means that where a person is compelled to incriminate themselves any information derived directly or indirectly from the questioning cannot be used against them in a proceeding. However, the immunity is stated as not to extend to proceedings for an offence against part 6 of the bill or part 3.4 of the Criminal Code.

The scrutiny of bills committee correctly pointed out that there were a number of offences in part 6 that do not relate to any falsity in statement made by a person under compulsory examination. This amendment replaces the reference to part 6 of the bill with a reference to the offences in sections 121 and 122, so that only those relevant offences are excluded from the immunity. I thank the committee for raising this error.

Amendment agreed to.

Question put:

That the bill, as a whole, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Valedictory

MR STEFANIAK (Ginninderra): I seek leave to make a valedictory speech, Mr Speaker.

Leave granted.

MR STEFANIAK: Mr Speaker, you and I are the only members from the First Assembly. When we first came to the Assembly, it was a novel experiment.

Self-government, in the views of most Canberrans, had been foisted on the people of the ACT. There had been a referendum—only one, not two—where a large majority voted against it. In 1986, the federal government—then the Hawke government—started cutting finances and turning the taps off, which effectively made self-government inevitable. Most of the population did not want self-government, but over the years I feel that it has worked quite well—indeed, far better than if we continued to be ruled by a public service federal bureaucracy that was not responsible to the people of Canberra.

When we first started, in May 1989, we were stuck in a very poky little area in the Nara building, with little three-quarter partitions. Of course, the First Assembly sat in the Nara building. If those of you who were not there then think that this chamber is intimate, that was very intimate: you could virtually touch people across the table.

Despite being called the Italian parliament—because the First Assembly had five political groupings with 17 members, which soon became six different groupings after Michael Moore left the Residents Rally—it fundamentally worked well. Many good decisions were made there that helped steer the ACT in the right direction as we embarked upon the path of self-government.

I pay tribute to founding members like Rosemary Follett and the late Trevor Kaine. Trevor in particular—helped by the first Auditor-General, Jim O'Neill—played a big role in setting the financial parameters and getting us on the right footing in setting up those processes.

There were some wonderful characters in the First Assembly who I miss greatly. There was Craig Duby. Craig certainly was a bit of an opportunist, and he was seen as such, but he was a particularly good minister. He was very decisive, and he was a great bloke to have a beer with. Craig stood in the second election as the Hare-Clarke Party, because we were having a referendum on Hare-Clarke. I fondly recall him saying to me one day: “I’ve got a great team, mate, a great team. I’ve got myself, I’ve got a Buddhist monk, and I’ve got Fiona Patten from the Eros industry: drunks, monks, and spunks.” I said: “Craig, that’s great. Do you mind if I tell the media that? That’s a good line.” He said, “Go ahead, mate.” In those days we had a column 8 type thing on page 3 of the *Canberra Times* written by, I think, Marion Frith. She gleefully wrote that down and Craig was absolutely delighted. I still keep in contact with Craig.

We had Dennis Stevenson. Who remembers Dennis? Dennis was an interesting character. I would not say he was colourful, but he was certainly very interesting. He lived in the Assembly at one stage. He served in the Second Assembly and then bade his farewell, not being re-elected for the Third Assembly.

It was an interesting experiment being in the Alliance government, but, as I said earlier, we achieved quite a bit. Another colourful character who contributed a lot was Bernard Collaery. Bernie was a guy who could be absolutely frustrating at times but who it was impossible to actually dislike. He was very intelligent and passionate about what he believed. I had the pleasure and the excitement of working with him not only as his executive deputy but also, later, in private practice in the law.

During the First Assembly, I got a reputation—I do not know if it was really well deserved—for being a bit of a law-and-order merchant. Mr Speaker, I think you nicknamed me “Hang Them High Bill And Take Away Their Skateboards”. That probably had something to do with me introducing the very sensible move-on powers. I remember Paul Whalan, when he was in here, saying: “You watch, mate. If you get these through, I reckon one of my sons is going to be the first one moved on.” Sure enough; that happened. Paul said, “I told you so.” One of the other things was dry areas and stopping people drinking inappropriately in certain places. I am pleased to see that continue—as do the move-on areas. In fact that has been refined by Mr Corbell quite recently, which is good to see. Good legislation stands the test of time.

I had responsibilities in government for police, justice, sport, recreation and racing. I got to know the local sporting community really well. I was delighted to have a few little ticks in the box there, in particular being instrumental, with Jim Roberts and Harry Marr, in setting up ACTSport, the peak lobby group of sport. I am pleased to see that that continues to this day.

Following the Second Assembly, some of the colourful characters departed. We got more into stable government. There were not changes of government every six months or so. The place became much more predictable, possibly more boring. It certainly changed a bit.

It was quite exciting when there was a change of government for the Third Assembly and Fourth Assembly, with my colleague Kate Carnell becoming Chief Minister. I had the honour, the privilege and the pleasure to be a minister in her government. That was a great experience. I had not had a huge amount of experience in some of the areas before. Education—yes, I had gone to school; that helped. It was an interesting experience being the education minister. In being housing minister, I found having done a fair bit of legal aid work as a solicitor handy. There were also children and family services and sport and recreation in that third government.

I pay tribute to some great people in there, like Cheryl Vardon, who was the chief executive of education when I started, who was replaced by Fran Hinton, who I had a very long and pleasurable professional relationship with when she was CEO. While Cheryl was still the CEO and Fran the 2IC, I recall another initiative that I have been very proud of; that was physical education in our schools from kindergarten to year 10. There were 33 people on my committee, including Roberta McRae from the Labor Party and Kerrie Tucker from the Greens, so it had everyone. It was a bit big, but we got almost a consensus in the end.

The department did not like it. I can remember Fran, as 2IC, trying to talk me out of it and Cheryl tugging her saying: “Fran. No, no. Fran, look, the minister really wants this.” So Fran went, “Fair enough,” and off we went. It was great working with them and with the late Norm Fisher from the CIT. We got literacy and numeracy testing in for years 3 and 5 and then that was extended. We got compulsory IT and certificates for the year 10 students. There were some new schools. We closed very few schools, unlike some people I know, but there you go. So education was a great experience. I had the great privilege to be the minister and look after that for many years.

And housing. I was not quite sure how to handle that, but I soon absolutely thoroughly loved that. I was pleased to institute things like the tenant of the month. That was after a situation with a dreadful place in Macgregor where it was wall-to-wall crap. It was just dreadful. There was a horrible photo in the *Canberra Times*. I thought: "This is dreadful, but most of our tenants are excellent. Let's reward good tenants." So tenant of the month started, and I am very pleased to see that that is a program that continues regardless of who is the government. It was a pleasure, too, doing things like getting the housing debt down and some very good renewal programs, starting with a big slab of complex renewals and things like that.

Of course, sport and recreation and racing are a great passion of mine. I am very pleased to see continuing expenditure there—getting extra facilities, seeing the first of our ACT sports athletes do so well in the 1996 Atlanta games. That is a tradition that has continued—the Canberra athletes excelling themselves. I am very pleased at just doing things and delighting in seeing how many people enjoy their sport here and how many people participate. It is crucially important that areas like this are adequately funded and people encouraged, because it is so important for social fabric.

I was pleased to get a couple of Rugby tests for the Bruce Stadium, as it then was. There was Australia versus Tonga and Australia versus Argentina. I recommend that whoever is minister for sport should just go down and see these people—be they the National Rugby League or the Australian Rugby Union—and push the case for Canberra. We can even get better things here. During my time as sports minister, sometimes against a bit of opposition from my own party, I was pleased to see the old Belconnen pool, CISAC. That is a great institution. I am pleased to see that people are going to continue that idea. It is a great way of doing something reasonably cheaply, for government, in terms of the new Gungahlin pool.

I turn to more recent assemblies. In the Fourth Assembly, I had a few additional responsibilities. I was Attorney-General. That was a lot of fun—tightening up the criminal law and making it much easier for police to arrest villains by changing the provisions in relation to arrest—reasonable suspicion instead of reasonable belief. There was the tightening up of the Bail Act, which, I am pleased to see, the current government has not watered down. That has helped considerably in terms of such recidivist offences as burglary and break and enter—often committed by a small group of people who do multiple offences—being reduced significantly. That has been acknowledged by the police. I am pleased to see that legislation there. Also, I think we did some fairly significant tenancy legislation.

It is often hard in opposition. The last two assemblies have been hard. But I am still pleased to see some degree of cooperation and to see some bills actually get through despite the fact that, in this instance, we even have majority government. I was particularly pleased to see a gaming bill get up in 2004 and I worked with Ted Quinlan in relation to that.

Looking back on just what happened in the Assembly, I look back on a number of things I am personally very happy with and a number of areas where we have cooperated pretty well. It is always good to see, especially with legislation. If it stays

there and other governments accept it, if it stands the test of time, that means it must be good legislation.

In more recent times, I have been pleased to see some of the things that I have been bashing my head against a brick wall about, in terms of the criminal law especially, even starting to be realised by the current government. That includes improvements in sexual assault matters, making it easier for victims. It is good to see the government finally coming on board in areas like that, although I think they still need to be a little bit more serious in terms of fixing up the law in such things as sentencing, which has been a passion of mine for the last five or six years.

I look back on some great colleagues to work with. I pay tribute to colleagues in the Carnell ministry. Kate herself was an interesting person to work with—vivacious, very active. She was someone you could have an argument with, but if you had a good argument she would often accept your point of view. I found that she was excellent to work with and an outstanding Chief Minister. There is Gary Humphries, Senator Humphries now, who I have worked with for many years.

There is old Dipper De Dominico, Tony De Dominico. Incidentally, it was me in the big bin and the little dipper pushing the big bin rather than vice versa when we introduced wheelie bins. That was just to show you how very easy it was for anyone—even someone as small as Tony—to push a big lump like me in a wheelie bin. I want to correct that, because everyone thought it was the other way round. He was a good minister to work with.

In the Fourth Assembly, my colleague Brendan Smyth came in and later there was Michael Moore. Michael was an interesting character. He was colourful. He split from the Residents Rally, but in a very difficult situation he got himself elected at four different times. He came into our government with 39 points of difference, like the 39 steps. He exercised only three. I appreciated his support on things like the Belconnen pool—and even some of the tougher criminal law matters I had, which amazed me because I always thought he was a bit of a bleeding leftie. But there you go.

Kerrie Tucker I could pay tribute to. Kerrie was a good committee chair. She worried me immensely. She worried me immensely when I would go down there as the minister. She was always probing. She always had all sorts of points of view on issues. It was very different when we became the opposition and I worked as chair of the legal affairs committee with Kerrie and also with John Hargreaves. We all got on like a house on fire—to the extent that, when Kerrie was leaving the Assembly and had bought a block of land up at Numeralla, I was saying “Look, I’ll teach you how to shoot.” She said, “Right; I’ll come to the range with you.” Fortunately, we both got busy and we never got around to it. Kerrie Tucker wanted me to have a shoot, so that was good.

Since then, I have had the pleasure of working on that committee with Deb Foskey and Karin MacDonald. The committee structure in the Assembly is something that we should be especially proud of. We should not compromise it. The party politics come in—they come in sometimes far too much—but it is always good to see people from the government party go against what their government probably wants of the

committee. That is the strength of the system. That has always actually been the case with our committee system, and long may it be so. That way, you end up with good decisions which will stand the test of time.

Ms MacDonald: But you did not enjoy it when you were a minister.

MR STEFANIAK: No; I have already said that, Karin, in relation to Kerrie Tucker, who was absolutely forensic on the committee. I appreciated all the committee work there and that is one of the things I will miss.

I have had some very good colleagues to work with over the years. It was always great to go out and have a beer with the likes of Harold Hird, Robyn Nolan, the late Trevor Kaine, Greg Cornwell, John Hargreaves, Craig DUBY and a few others, and that is across the political spectrum. We were at each other's throats, but we are all here ultimately for the same purpose, even though we might come at it from different political angles, and that is trying our best to help the people of Canberra.

It has been an honour to represent the electorate of Ginninderra. As I said several days ago, my greatest regret is not being able to represent the fantastic people of Belconnen and Nicholls, who I have had the honour and privilege of representing for many years. I am delighted to have been instrumental in delivering things like the Belconnen pool, the William Hovell Drive extension and the Belconnen Community Centre theatre, which hopefully will be replaced by a nice big theatre down by the lake in the not-too-distant future. I am pleased to have paved the streets of Hall and fixed up their showground and oval and to have renovated the tennis court at the school, which unfortunately is now closed.

It has been great to share the role with my Liberal parliamentary colleagues, Harold Hird and, in the last two assemblies, Vicki Dunne. Harold was a great worker in his constituency, a bloke who brought a lot of experience and who exuded bonhomie. Vicki is excellent with her constituents. She comes up with some fantastic ideas—great policy. I found that both of my colleagues in Ginninderra had a different but great sense of humour. I have been happy to share a laugh over a number of things with Vicki and Harold over the years I have had the privilege of working with them. Vicki, I think you will make a very able minister in a Liberal government, which hopefully will be elected later this year, and I acknowledge your passion for education and environmental issues especially.

To my current colleagues, I wish you all the very best of luck, especially my Liberal colleagues. I have been particularly impressed with the way the team has worked together over the last year or so. I have been particularly impressed with the drive, the leadership and the ideas shown by Zed Seselja. Zed, all the best of luck to you in the election; it has been a pleasure working with you over the four years in this Assembly. To you, Brendan, and to Jacqui and Steve: it has been a great pleasure. I look forward to seeing the election. I also thank the Liberal Party organisational side, the people who have helped me in the past. I acknowledge Brian Anderson here in the Assembly as well. There is a great team. Some of the best organisation that I have seen in recent months has come from some people on the organisational side, which will augur well and hold you in good stead in the months to come.

Fantastic Assembly staff—excellent, always brilliant. I would not have a clue how any of them vote, which is what you want. I have become personal friends with many. For example, the former Clerk has become a personal family friend—Mark McRae. And Dick Stalker—whilst I will be out of the Assembly, mate, I will still catch up with you at the Kippax tavern for a beer or two on occasions.

I compliment all of my staff. They have all helped in various ways on my journey. I compliment particularly my current staff. Clinton White, my senior adviser, is standing as a candidate. Good luck, mate. If you do not get it, I hope that another Liberal member will pick you up. I have yet to find anyone—of anyone I have ever employed—who can forensically go through bills so quickly and come up with salient arguments no matter what the topic is. Clinton has some great skills indeed—as has Haidee Cornish. She is a bit of a fount of knowledge in the Liberal Party and a guru in terms of constituent work, which she did incredibly ably in Margaret Reid's office for many years and which she has done for me for many years as well. I commend Haidee to whoever might want to pick her up. You will probably be busting your gut to fight over her—in a nice way: she is very happily married. I mean that professionally. Part-time worker Robyn Nolan has been doing a bit for me. It is great to see her. She was a member and a great colleague in the First Assembly.

My family have put up with a hell of a lot. I am not going to go into that too much; I did that on Tuesday. The primary reason for me leaving is to devote the necessary time to my family and not be out on so many nights. I personally enjoy it, but my family certainly does not. I acknowledge my family particularly tonight. I acknowledge my wife Shirley, my stepson John and my daughter-in-law Jodie, who are in the gallery.

I look forward to my new job. One of the judges wrote a letter today which I am grateful for. I will be very fair and impartial and apply the law. I have learnt a hell of a lot in this job which will help in that one; it will help me immensely. It has been a long journey—at times very difficult, at times funny: mainly enjoyable, but always interesting. I will miss my constituents; that is what we are all here for.

I thank the party and its members for their help over the years, for the privilege of representing them in the Assembly. As I am now a quasi-judicial officer—or I will be from November 2008—I understand that I will probably need to resign prior to commencing my role in November. I will see out my term and leave on 18 October and go off into another life. I leave with a lot of fond memories, confident in the knowledge that, for all its faults, this Legislative Assembly has served the people of the ACT well on the whole. I hope that I have made a positive contribution to that. Thank you for the experience.

DR FOSKEY (Molonglo): I seek leave to make a valedictory speech, Mr Deputy Speaker.

Leave granted.

DR FOSKEY: It is a great honour to follow one of the longest-serving MLAs in this place, and I note that the other longest-serving MLA is going to speak last. Here I am,

one of the shortest-serving MLAs, and I very much appreciate this opportunity. It has been a great privilege and honour to represent the Greens in this Assembly for the last four years. These four years have been a learning journey for me. As Mr Stanhope is only too glad to remind me, I am not a QC or even a lawyer. I have been lucky, though, to have had a lawyer on my staff for most of my term, and, let me assure you, it helps.

I have been blessed with my staff, and I want to pay tribute to them. An MLA is not just one person; an MLA is the product and the public face of the work that is done by, in my case, a lot of fantastic people. I want to name them all here. I will start with Roland Manderson, who everybody here knows and, I think, enjoys and appreciates. I bet you are glad that I pay his wages so that you can enjoy the sound of his voice on the stairs, his humour, and his intelligence. I also enjoyed his corporate history. He worked in this place for a couple of terms before I became a member, and I found that to be of immense benefit when I first arrived.

Amongst my current staff, there is Indra Esguerra, who has been my environment adviser. Indra and Andrew Collins have both contributed to the humanising of my office, because, at times when they really had nothing else that they could do with their children, their children brightened up my office with colours and chocolate. There is Fiona Walls, who has been with me for over a year now. I think it has been a year—time flies in this place. Unfortunately, Fiona is ill, and that is why she is not here. That is a pity, and it is also a real pity that she gave me her illness, too. Everybody would remember Kate; I was very sorry to lose Kate Taylor. She was a very warm element in my office and someone who I watched grow from the time she arrived as a young woman. Indeed, she left as a young woman as well, but it is fantastic to mentor someone and watch them grow into who they really are. That is what happened with Kate, who is now working on Indigenous issues with the commonwealth government.

There is Sam Page, and I do not think Mr Hargreaves appreciated Sam's work very much. Sam was totally incisive on housing, and she gave me the words that made me, I believe, pretty much impossible to argue with. That is not to say that Mr Hargreaves did not argue with me, but Sam's analysis was incisive. Clare Henderson was here in my first year. Clare helped me at a very difficult time, and I will go into that a little bit later. Regan Field was here when I arrived and has now left. A lot of people will remember Regan; she is now very happily enjoying being a mother. Andrea Simmons was here for a while, too, and she now heads up ADACAS. Maiy Azize worked for me for a while, and she now works at the Youth Coalition. Tom Warne-Smith replaced Roland when he went off and worked on Kerrie Tucker's Senate campaign, and Tom was great as well.

Then there were the volunteers: Emily Kerr, Huw Slater and Peter Jones. I have to also remember Jenni Butterfield, who worked for me for a week and then handed me a letter of resignation saying she had a job with Gary Humphries. So she went off and worked for Gary during the Senate campaign while Roland worked for Kerrie. It is very hard to imagine that someone who would apply for a job with me would also apply for a job with Gary, but I guess some people just have to put it out there and go with whatever comes up.

A lone crossbencher really needs her team. Obviously there was a salary allocation for me to have a team, but, as I said, I have been absolutely blessed. But we also need our constituents, and I have made some very close relationships with constituents, too.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

DR FOSKEY: We all share some of the same constituents—people who ring us up—and I think the Greens are very good at being rung up, because we are important to a lot of people out there, and that is an important role of an MLA. It is often said by some here in criticism of the Greens that, any time we do anything or achieve anything, all we are doing is seeking relevance, but try this: what if we call it trying to make a difference? Just last week Mr Stanhope tried to downgrade something I had done—I cannot even remember what it was—by saying that I was just seeking relevance. When there is only one of you, you make a difference however you can. When I look at what my team and I have achieved, often with the help of constituents out there or people who have needed a voice inside the Assembly, it is encouraging to find that you can actually make a difference with a majority government even when there is only one of you. Yesterday was the crowning glory of that, because it was a specific thing. The legislation to protect public participation is a real plus; it is landmark legislation, and I am very proud that we got it through this Assembly. It was a long job, and it involved our fabulous committee system and it involved talking with people and working with the government and reaching that outcome.

I would also like to point to the long-stay caravan park, because I really think that if the Greens had not raised a voice in this place, we would not have had the outcome that we did have. The government came on board quite quickly, and I know the negotiations were very difficult for the government. I take my hat off to Mr Stanhope, because he stuck with it, and he realised how important it was that those people had security of tenure to stop their evictions. It has been an expensive exercise, but it has been thoroughly justified in terms of goodwill.

I have been badgering about climate change; I see it as the biggest issue that we face. There are, of course, other issues that are also important, but it seems to me that the solutions to climate change would actually solve a lot of those other problems as well. This is, of course, an area that I want to keep working in. If we want to have resilient communities, communities that can adapt to and mitigate climate change, we will have communities that are good to live in as well. I can see that when I go to the sea change group at Jamison or speak with the people down at Farrer and all the other groups of people who are really trying to make a difference on the ground.

I also have to mention in appreciation all the local residents groups: the Gungahlin Community Council, the Woden Valley Community Council and the Weston Creek Community Council. Those people slave away and keep those community organisations going. They get no financial reward; there is a little bit of money from the government for the huge role that they have to do, but they do it. Without exception, they are doing it for their community. They are not people who are doing it

for their own gain; some of them are burning out; some of them are getting very tired; some of them are wondering if there is anyone to come along and replace them. I take my hat off to the small groups, such as the Old Narrabundah Community Council, and to the peak town councils.

I was accused of lecturing last week—or was it this week—and I have to say that I do find myself with a lecturing tone at times. I cannot say I like it, and sometimes I think my lecturing verges on nagging. No-one likes those tones in their own voices, and at times, of course, I have been castigated for having a highly moral tone. That is supposedly what the Greens have. But I hope that people here remember me as a human being; as a person and not just a politician. Indeed, I have to ask myself whether I am a politician and whether I want to be. On reflection, I think that I do not want to be.

While I think that everything is political, I am not sure that I want to be a politician. I came here as an activist, as someone who had been studying extensively while I brought up my daughter single-handedly, because studying was a good way to have something to do at night and come out with a qualification. However, all of that I did because I wanted to make a difference. When I was a forest activist, I got so sick of people saying, “You’re just talking out of emotion.” It is not okay to fight for forests just because you love them. That put me on my journey of knowledge, because I wanted people to realise you could actually care about something and know about it as well. That is my journey.

To make a difference in Canberra, it does make sense to be in the Assembly. People will remember that I went through trial by media in my first year here. My situation of living in a government house gave political ammunition to those who wanted to change ACT public housing policy from a cross-subsidised social mix to what is going to end up as welfare housing. I have fought for viable government housing as an integral part of our social and affordable housing policy. Indeed, if I had not had public housing, I would not have been able to stay in Canberra, my daughter certainly would not have had security and stability of schooling and she would not have been able to maintain a friendship group. In the private market, you are lucky to stay in a house for a year or two, but I was lucky to have that house. I moved on to college when she finished high school, and all that is very public. I can tell you, Mr Deputy Speaker, it is not very nice to have all that private stuff out there in the public eye so that people feel they have the right to judge and comment upon you when you are not doing anything wrong at all.

I do believe that these experiences have given me a unique insight, which has enabled me to speak for people at the lower end of the economic spectrum. They helped me identify with the residents of the long-stay caravan park, with people in the mental health community and so on. I believe we need MLAs like this. I hope that my experiences do not deter other public housing tenants from trying to make a difference. It will be a very sad thing if you could only enter this place because you own a house.

I have learned something from everyone here. I am not going to tell you what it is, because it has not always been good. I do feel as though I have become part of this Assembly community, and that became very real today. I arrived here so sick today

that I have spent most of the day lying around on cushions. People have been coming up to me and saying, "Have this, have that." Katie sent out a staff member to buy me some electrolytes and Anna offered me honey and Panadol. This is the test of a caring community, and I have to say that I love you for that.

What now? I leave the job knowing that passionate, intelligent and well-informed Greens candidates are ready to take over. Hopefully with minority government there will be less nagging and lecturing by Greens and more wielding of power. I am excited about my next 10 years. I am fortunate in that I have a range of things I could do. I certainly have a range of things I am interested in and passionate about. I do not know what it is yet that I will be doing, and I have got to tell you that that is a bit scary. However, I do actually feel confident that there is something fantastic out there for me and that I will still be making a difference and hopefully having a good life. That is what I want. I want to thank everyone here for their contribution to the growing that I have done over the last four years.

MR DEPUTY SPEAKER: Order! Before I call Ms MacDonald, I acknowledge the presence in the gallery of a former member, Ms Helen Cross. On behalf of all members, I welcome Ms Cross.

MS MacDONALD (Brindabella): I seek leave to make a valedictory speech.

Leave granted.

MS MacDONALD: It is not good to start by crying, I suppose. Thank you, members, for the leave. Time in this place, for members of the Sixth Assembly, draws to a close. Mr Berry, Mr Stefaniak, Dr Foskey and I will not be returning to grace the benches of the Seventh Assembly.

I am aware that my announcement in January not to recontest the next election was a surprise to many. Some people ask me why would I not run again, having only served two terms and being relatively young. I have to confess that the joys of this place hold less sway on me now than they once did. In fact, I do have to confess I have probably been planning this speech now for 12 months or so, which makes it even more ironic that I only took it off the printer less than an hour ago.

Being given the privilege and opportunity to represent the people of Brindabella in the Assembly is something that I will always treasure and cherish but the time has come for me to do something else. In a few years time I hope to have my time taken up with the crying of a young child rather than the cries of the opposition. As you are all aware, Brendan and I have applied to adopt a child. The decision to adopt has been a long road for us and often a difficult one. My being unable to have children is something that has caused both of us a lot of heartache but I look forward to being able to provide a child with a stable and loving home. And please do not worry; I know how to lobby and if I find that the experience is less than satisfactory I will be over to see whoever the future minister is.

I wish each and every member of this place the best for the future, but not necessarily for the election. I believe that the people of the ACT get great value for money from

their Assembly and their members. I remember having getting-to-know-you drinks with the judiciary in my first term and Terry Connolly saying at that time that a lot of the work in the Assembly, especially by the committees, went unnoticed.

I understand that discord gets headlines but the reality of this place is that there is a lot of work done here that is done collaboratively. Of course we all bring our own personal viewpoints to committee meetings and debates in the Assembly but we have the ability in this place to make real and immediate change for the betterment of people's lives. And we do.

I also believe that members of the Assembly have a very important role to play as community leaders. It does not just mean representing your constituency and getting along to community events and fundraisers. The way we deport ourselves and the example that we set to others with our behaviour both in the Assembly and outside the building have the potential to impact on the rest of the community's behaviour. I have talked about this in other speeches in this place. In fact, in my inaugural speech I talked about Australian society having become insular and less caring about fellow citizens. I said:

For all the denials of the practitioners of wedge politics, the parallels with what has been taking place in this country and Nazi Germany are there to be seen by those who will look. They are subtle, but becoming less so. People in this country have been put under so much pressure by the erosion of core services and values that consequently they have sought to scapegoat those who are different. In 1933, the German people allowed Hitler to become their dictator. They gave up democracy and believed that the reason for their troubles was the Jews, the unionists, the intellectually disabled, and the Slavs. In other words, those who were different.

I like to think that the election of the Rudd Labor government last November will assist in changing that. But eternal vigilance is necessary to ensure that we never give up those democratic freedoms that have been hard fought for.

I cherish that we have parliamentary democracy in this country and in the ACT. And this has only increased with my involvement with the Commonwealth Parliamentary Association. I spoke last night in the adjournment debate about the Commonwealth Parliamentary Association but I did not get time to finish my final thoughts on that issue. As I said then, the CPA is a wonderful organisation that is all about promoting and encouraging parliamentary democracy. I do fear for the future of the CPA by those who would treat it as merely a club for their own personal enjoyment, to the exclusion of others. But that will be a problem for members of the Seventh Assembly and others in other parliaments.

I would say that the best thing about being a member of this place has been all the wonderful and amazing people that I have had the opportunity to meet and the organisations that I have come into contact with both here in the ACT and outside Canberra through my work with the CPA. I have made friendships through being a member of the Assembly, friendships that I will value to the end of my life.

I have enjoyed working in the Assembly. I have learned a lot, not the least of which is the importance of standing order 39 during question time. When I look back to 2001,

when I first came into this place, I think how naive I was. Some of you may say that I still am and I would agree with that upon occasion, especially with some of the events that occurred last week.

I am pleased to have been able to contribute to the work of the Assembly through the committee system, although, given the report workload in the last few weeks, if I had the choice over again, I may not choose to go on four committees. It almost killed me in the last few days. In fact, Brendan can attest to that, too.

I would urge all members of the Seventh Assembly to give real attention to increasing the numbers in this place. I know self-government was considered to be an odious thing—and Mr Stefaniak has referred to that in his speech—when it was introduced. But after 20 years of existence it is time to get real about the need for a larger Assembly.

I pay tribute to all members of this place, both past and present, and to my colleagues for the hard work and dedication that they put in. Of course, I do believe that some of us work a bit harder than others.

I particularly want to acknowledge Dr Foskey, Mr Stefaniak and Mr Berry. I have worked with both Dr Foskey and Mr Stefaniak through the committee system. We have had hearings together, travelled together, shared meals together and deliberated on reports together and I think that we have been able to work well together. I thank both Mr Stefaniak and Dr Foskey for that. I was particularly sad for Dr Foskey that she felt so unwell today. I think she has done amazingly well, given how unwell she does feel.

Mr Berry, you have been an excellent Speaker. I believe that history will be kind to you in reflecting your fairness in this place. Of course, when you are not in the Speaker's chair, in that other chair up there you are a real stirrer.

I would like to place on the record, one last time, my thanks to all the people in the Legislative Assembly that make this place tick along—the people who work in Hansard and Communications, Chamber Support, the Committee Office, Corporate Services, the library and many other areas which do not necessarily have a heading. You all do a great job.

I have been blessed to have a number of wonderful people work with me over the years. All members here know that you cannot do this job without a good team. And I have a great team. Lisa Brill, Ruth Stanfield and Marietta Le Grand who work for me now are all loyal, hardworking, protective and dedicated women and I consider them to be my friends and not just the people who work in my office. I thank you for your work.

This evening in the gallery I have been honoured to have many friends come to watch my final speech—too many to name them all. These people have supported me in my time in this place and I am very grateful to them. I look forward to having more time to spend with you after I finish my term. There are also a number of friends who could not make it this evening and I also thank them for their support over the years. To all of my friends I would give you this quote:

Friendship is a thing most necessary to life, since without friends no one would choose to live, though possessed of all other advantages.

In working out what I would say, I looked back over my inaugural speech and I realised that I had left someone out, someone who was very important. For most of my life, Beth Hughes was there for me in both good times and in the many difficult times I experienced with my own mother. She often acted as a de facto mother and was always there to be a friendly ear and a friend. Beth was never one who set the world on fire with speeches or major discoveries but you always knew where you stood with Beth. She was a straightshooter. I think this characteristic of hers has rubbed off on me. I do not like to play games and you always know where you stand with me. I regret that I never put my love and gratitude to Beth on the record while she was still alive. She died last September and I am afraid it is still incomprehensible to me. But without her, and some other close friends, I would have ended up in a very deep hole a long time ago.

Finally, I have to thank my husband, Brendan Scott. You have supported me for longer than the last seven years. You have been my rock, the reason I carry on. I love you and I have no regrets about letting the focus be on you. As I have said to you before, I am just a politician and, while my work is not without value, I cannot compare to the important work that you do, even if so far it has been unpaid. I am very proud of you and the research work you are doing. As I keep saying to you, you are contributing to the overall understanding of how to save lives from malaria, which is the biggest killer over time, as you like to remind me. I would just say to you, rededicate this to you, I am my beloved's and my beloved is mine.

It has been a great honour to serve as a Labor member of the Legislative Assembly. I thank the people of Brindabella for the trust that they have placed in me and I trust that I have served them well.

MR BERRY (Ginninderra): I seek leave to make a statement. I must say I have warned my parliamentary colleagues about giving people leave to say something when they do not know what they are going to say.

Leave granted.

MR BERRY: And now that I have got leave, off we go. Can I say that the speeches of others members who are not going to seek election this time around filled in the gaps about this place. I will add some more to it. And this is a kaleidoscope of politics, colour and movement which serves the people that we were elected to serve.

One thing I want to tell you, Bill, about "them bloody move-on powers" is that they are still no good. I want to also tell you that not only was Whalan's son picked up, my bloke was too. And both of them got off. One good thing will come out of it, though: I reckon they will never vote Liberal, either of them. So much for your move-on powers, mate. I would also like to say there are a few things that happened. Whalan and I went to the same school for a short time together. So I do not know whether we can blame the school for what happened to our sons or whether we just blame your laws. I think your laws will do.

Firstly, I would like to thank my family. Karin, you have not helped me. Rhonda, the bride of 45 years—42, sorry. I am okay here; I am protected. Protect me, Deputy Speaker. My children, their partners and my grandchildren: all too often the impact of political life on the families of politicians is not recognised. However, I trust that, in my case at least, their proximity to this ride that has been my union and political career and life has stimulated an interest and insight that is worth remembering. And I hope you are not too scarred by it either.

I would like to acknowledge and thank my parents for providing me with the basic politics and enough determination in my genes to persist on the path of unionism and political life. In short, there was something natural there, I think, which inclined me to that value of collective action.

Early in my working life, I started a boy's own adventure in the fire service in Sydney and moved to Canberra for a career that was certainly fulfilling but, more importantly, put me in contact with wise and intelligent union activists and connected me with a climate of political activism in the movement of unionised workers. I will give you a little snapshot of a firey's life. As a professional firey, a firefighter, life for me was long periods of training, preparation and anticipation and then periods of action, ranging from the routine and satisfying to physically and emotionally totally exhausting, from keeping people safe to the worst possible outcome, from a good save to a total loss, from extinguishing a fire in a garbage bin to confronting and chasing a scrub fire, from a fire in a car to an industrial or residential fire or, in earlier days, a terrifying job in the bowels of a ship; at the same time becoming involved in a unionised collective and watching out for wages and working conditions.

Then I came here to light a few fires, which has been pretty interesting too, and to keep a few fires burning. The more time I spent with people like this, the more the things that my parents had said to me in dribs and drabs consolidated into a defined set of values and a capability to develop strategies and achieve some results.

It is also true that the professional firefighter's best skill is the ability to calculate and safely blend a mixture of safety, fear, passion, excitement and some collectivism of compassion and service. In many ways, that all sounds familiar to the skills you have got to have in this place.

The most lasting words that have stuck with me were the words of a firefighter union mate, something along the lines of: "We are only caretakers of the wages and working conditions we have inherited and our job is to secure them and make them better for the next generation." Thank you, Matt; they were wise words.

Organised labour, by and large—and you would expect me to say this—is responsible for all the gains we have seen in social conditions, in many ways all achieved in spite of the wishes of the ruling class. Great struggles have occurred on these issues. It has been a natural extension of my union activities to become active in the ACT branch of the Australian Labor Party. This widened my political interests and honed my debating and campaigning skills. I was used to working in an environment where

everybody was behind you. Party politics are a little bit different from that. Nevertheless, it is a steeling experience.

As a Labor sympathiser, I joined the Labor Party when Australia decided to break out of the political doldrums in the 1970s and it seemed to me a time when the tool of working people was primed to make a difference. Canberra was the place to be as the political process devoured Fraser. Hawke came along and the debate about self-government proceeded.

As the First Assembly election loomed, I was approached by a group of left union colleagues who said to me that they wanted me to stand for the election, which came as a bit of a surprise. I wondered why they did not want to stand themselves. They said, with great speeches that would almost bring you to tears, that this was to bring to the Assembly a focus on ordinary working Canberrans and to campaign for the things that mattered to them. I was sort of convinced by that. And I was not sure whether it was a vote of confidence in my political skills or whether it was really the fact that none of them wanted to do it because they did not quite know what was in store for them. And neither did I. They know who they are and I hope that they are content with the outcome.

Tonight is a night for boasts. They are self-satisfying and I am just not going to miss the chance tonight. You do not get a chance to boast about everything very often. There are many things to talk about and there is far too little time to do it. But I will have a bit of a boast. I trust that these things have improved life for a lot of people.

I start from the beginning: the establishment of a health promotion fund from tobacco taxes and the funding for the first Aboriginal health service in the ACT. I have to say that a lot of these things have not stayed the same; they have been improved; and they will be changed. They were just my go at them, which I enjoyed and was very excited about.

There was the first smoke-free areas legislation. I remember tangling with Richard over here over tobacco issues when he was working for the Hotels Association, I think. Richard would have noticed then that I was pretty passionate about this and I have stayed that way ever since.

There was a sports advisory panel and a Tuggeranong pool, Bill. We were in the same business, this pool building. I do remember the struggles in cabinet to get the money for it because in those days we did not have much and Rosemary Follett rightly wanted to spend the money somewhere else more wisely, she thought. I thought differently but eventually the money was found and the pool was built and it was ready to be opened. I had gone through all of the stuff you go through in building these things and Rosemary wanted to open it. I got the picture, but I had to take my clothes off to do it.

There was the Mental Health Advisory Council. Ros Kelly had a shot at me. She said, "You would do anything to get your picture in the paper." That coming from Ros!

Our first hospice, that was an interesting time. We struggled against all sorts of adversity there but it happened. I notice the Woden Valley hospital has been recently

accredited again. The first one happened when I was around. I handed out some chocolates on the day to all the staff. I went over to do the thing that politicians and ministers do; you just wander around and thank everybody. The bloody chocolates were made somewhere else; they were not made in Australia. Gary Humphries, I think it was, picked me up on that. I thought: "You're mean. I cannot get anything right."

Abortion law reform has been talked about in the last couple of days. The establishment of a clinic in the ACT was a struggle and it was well received by women in the ACT. It was a pretty rough time for women who wanted a pregnancy termination before all this stuff was set up; 1,200 to 1,500 of them every year being forced to go interstate. We fixed that, between me and my colleagues. I want to acknowledge Helen Cross tonight because without Helen's vote we would not have been able to decriminalise abortion. And Helen paid a price for that.

There was increased long service leave for building workers. I think they have the longest long service leave in Australia or thereabouts, building workers. Union Picnic Day has been further protected and I am sure it will be set in concrete one way or another.

The occupational health and safety laws are another advance that was made all of the time with this, and Labor has been on the job with occupational health and safety laws ever since we came here. I think it was the first piece of legislation that came into this place. The construction industry training levy was not as popular but it is paying dividends now because we are having skill shortages. Of course there was the portable long service leave for the cleaning industry.

A few other issues I had a bit of a go at include the containment of poker machines. I got into a bit of trouble with caucus over that but it is an important campaign, poker machines. I saw Michael Moore, who can be a bit of a nong when he sets his mind to it, had a bit of go in the *City News* about the ALP and poker machines and it is probably because of the Labor Party. Brendan Smyth had a bit of a go tonight, too. I think we have got such a tough regime here in the ACT probably because the ALP has clubs and is sensitive about the issue. We have got a very tough regime about poker machines in the ACT. There are no poker machines in the casino, and for good reason. None of us wanted to see it spread out of the not-for-profit area.

Look at what has happened in New South Wales and Victoria. I hear Tim Costello on the radio about it. I respect what Tim Costello does, but when he gets things sorted out in some of those other states he can come and whinge to us about what happens here. I think it is a bit over the top for him to complain about the ACT when other things go on that are much worse in other places.

Other matters include the TotalCare workers, the forestry workers and the Williamsdale Quarry mess, the public sector job cuts under Chief Minister Carnell and John Howard, the public ownership of Actew, the follow-up to the hospital implosion, with improved OH&S and dangerous goods legislation, education, aid for East Timor, better reporting on the progress of Indigenous students. There was a report today as a result of something that was started when I think I introduced a motion when Bill was the education minister.

Mr Stefaniak: That is right. I supported you, too.

MR BERRY: You could not do anything else, Bill. There was the better reporting on the progress of Indigenous students in their schools of course and the “feel the power” campaign. Remember that jet plane that was painted with “feel the power” on the side?

Mr Smyth: I have got a badge for you.

MR BERRY: Have you? There were the numberplates; you do not seem them around that much these days. I have often wondered how you would see the “feel the power” sign with the aeroplane doing about 600 kilometres an hour. There were the Floriade fees and cuts to the Institute of Arts, the \$27 million free school bus scheme. I formed the view and the Labor Party formed the view that that would wreck our public system and do great damage and we were right, I think. It was an election issue, a big election issue.

There are some things going on for portable long service leave. That is to be continued. I know my colleagues will be on the job on those things. Unionists put me here to do these things and, as one of them, with the constant support of the electorate every election, I have tried to maintain that faith that has been put in me.

Since my election as Speaker in 2001, I have focused on the operation of the Assembly, on reaching out to the community and seeking to involve them in their Assembly. In my efforts, I have been enthusiastically supported by the Clerk and his team. We have had open days which were actively supported by members and all staff who work here. Sometimes we seemed to outnumber the community response but I am sure it will get better. But I do commend the practice to my successor because I think it is important to do so.

Daniel Bravo is here tonight. He used to work for me. While he was working for me, we did the citizenship ceremonies and Daniel said, “Why don’t we do something about this?” He said, “When I came here and got my citizenship, I didn’t know what this place was here for.” He was not used to living in a democracy. He said, “Why don’t you invite all of those people that come here, all those refugees and other immigrants, and let them have a look about the place?” We have done that and it was a terrific success. So that is another effort to raise the standing of the Assembly in the eyes of those that we represent. We did have a little bit of lost ground to make up because of the concern that people had when self-government came here, which Bill talked about. So I have been happy to be involved in that.

For 14 years I have been playing around with a code of conduct for members and there has been a bit of legislation recently to fix that. Over the last 19½ years—it is a long time, is it not?—along with my Labor caucus colleagues, we have supported and implemented our party platform and the progressive policies enshrined in it. These are the wishes of those who are the genesis of the Labor Party—workers and the unionists in our community.

I want to acknowledge all of the Labor members that I have served with over my time in this Assembly: Rosemary Follett, Paul Whalan, Ellnor Grassby, Bill Wood, the late Terry Connolly, Roberta McRae, Annette Ellis, David Lamont, Andrew Whitecross, Marion Riley, Simon Corbell, John Hargreaves, Jon Stanhope, Ted Quinlan, Karin MacDonald, Katy Gallagher, Mick Gentleman, Mary Porter and Andrew Barr. I also acknowledge all of those people that have served in this Assembly, across the chamber, because they have added to the depth of decision making in this place.

To all those Labor members that have served with me since 1989, thanks for your passion, your ideas, your commitment and of course sometimes your challenges and sometimes my challenges. Your intellect and dedication have been inspiring. We have had a huge array of talent, starting with the first woman to head a government in this country, Rosemary Follett, recognised by all as the most capable member of this Assembly. She held together a government of five members, not for long enough, but she held it together for those crucial early months and in a place which, as Bill will recall, was explosive. You did not know what was going to happen every day. You guys come down here; it is a pretty cushy number now. You really did not know what was going to happen.

We have gone from that first government of five in 1989 to the current Assembly where Labor has the first majority government in the life of the Assembly and we are coming to that stage in the cycle where that will be tested. I think the Stanhope government should pass the test. I think it will. I think it deserves to. This has been the most powered-up government, with a strong commitment to progressive social values, that we have been able to have because of majority government—the best yet.

Jon Stanhope and his team have earned the credit for this. There is no long-term administration, though, without its critics but it is the complete package that electors have to look at. And that is what has to be measured. I know that this government has had the good fortune and commitment to deliver more than any other.

I want to put to bed this question of arrogance. I sit up there and, every time it is mentioned, I crunch my teeth and I think to myself: “Get real. Go to some other parliaments around the world, if you want to talk about arrogance.” I have visited many, and I have observed their processes and work. Our Assembly has a range of practices not seen in other parliaments where there is a majority government. Our statutory appointments are referred to relevant committees. That is extremely unusual and rare; that never happens; and that guards the ethics in this place.

Another example not seen in other jurisdictions is the role of the Deputy Speaker going to the official opposition. The chair of the powerful public accounts committee goes usually to the Liberal Party—in this case, it is in the hands of a non-government member—and of course the scrutiny of bills committee. These are great examples. The problem with adversarial government and opposition, though, is that a government loses interest in providing these things if they are not honoured. They have to be honoured because they are an important part of the scrutiny process and they have to be honoured by everybody, not just the government. They have to be honoured by the opposition and crossbenchers. I trust that that position is honoured in this place.

I want to thank all the workers in this place who have helped me over many years, all of those who have made my term both productive and enjoyable. I benefit greatly from the advice from the three wise men, the Clerks—Don Piper, Mark McRae and Tom Duncan—all of whom are a credit to their profession, and they have supported me with a wide range of friendly and helpful professional advice. I hope I have made your life a little bit more exciting. The Clerks at the table are a close-knit bunch and their advice is always welcome.

I know that I have helped Speakers out by making their life a bit more exciting in the past. I think I still hold the record for being turfed out of this place. It is not one to boast about but it taught me a few things, taught me a few tricks.

The Chamber Support Office, including the Sergeant at Arms and our building manager, all are important in making this place tick over. I have always been impressed with the work of the Committee Office, weaving together those disparate views in the very hot political environment to make coherent and illuminating reports. I am especially thankful for the work of Robina Jaffray and her staff. I think they do a great job.

To Ian Duckworth and his corporate service staff, thanks for dealing with the minutiae of our staffing issues and a big thanks to the Hansard and IT staff who toil away trying to make sense out of what we say in here and weave their IT magic over it. Over the last few years, of course, the Education and Parliamentary Strategy Office have enhanced our programs and initiated extra ones which are going like a house on fire. Our Assembly library also deserves a vote of thanks and I know that it will go from strength to strength. Another group of unsung heroes are John Clifford and his parliamentary counsel staff; they are the people who make our promises and dreams turn into law.

I would also like to give a special thanks to the many people who have worked on my personal staff. It is getting a bit long, this, is it not, but this is my chance. This is what I am moved about. Maryann, Anna who is here today, Paul, Robin, Michele, Greg, Brendan, Rachel, Ben, Daniel, Julian, Reece, John, Robyne, Daniel, Libby, Jason, Claire, Noel, Rebecca, Renaldo and Sue, it sounds like I am a pretty crook boss, does it not? But some of them came back to work for me again.

That list might seem a little long but I have had many different roles in the place and you would expect a lot of people to be employed. I trust that they have enjoyed their passage through this place. I know that they have helped me immeasurably to do this job. You cannot do it by yourself. It is just impossible.

My service to the community through the ACT Legislative Assembly would have been of far lesser value without the skill and dedication of a fellow left traveller, Sue Robinson. Sue has occupied my office, not to put too fine a point on it, since the beginning in May 1981 and almost nothing has found its way through my hands without her scrutiny and input. Her political, strategic and intellectual contribution to service I have fronted for for the community has been extraordinary. Her fearsome commitment to the work I have been elected to do has been invaluable. Her

sometimes blunt assessment of my greatest ideas has left me a little crestfallen, to say the least, and I now admit that some of them found their way into the bin.

Sue is a seasoned player in Labor Party politics, participating at the highest organisational levels through her work there and has delivered more to the community than most would have to do outside of being an elected member. Although I know that Sue does not expect accolades, I know she deserves some. Sue and her partner are also about to retire. I have worn her out, I think. It has been too long. And they are going to enjoy a bit of skiing and travelling and some wine and fine food. Best wishes, Sue, and thanks on behalf of all of us whom you have helped. Thanks.

Finally, I would like to thank all of my political and industrial opponents for steeling my determination to carry on. You have got to have a hunger to do things and my opponents have given it to me. And in many ways, if it were not for you, I would not have done as much or tried as hard. You will have seen some passion in some of your experiences with me but my passion comes from a sense of injustice and it fuels my determination. I thank all members, past and present, and I wish you well, those of us who are here tonight, for the future and I will see you around. Thanks.

Adjournment Valedictory

Motion (by **Mr Corbell**) proposed:

That the Assembly do now adjourn.

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) (6:52): Mr Deputy Speaker, I would like to take the opportunity now and firstly to acknowledge the enormous contribution of the four members of this Assembly who are retiring and from whom we have just heard.

I would acknowledge most particularly Mr Berry's contribution to the Assembly. He is the father of the house, the only remaining full-time original that has served through all Assemblies. Mr Berry has made an enormous contribution to the political life and governance of the Australian Capital Territory and the community and he will be sorely missed.

I similarly acknowledge the enormous contributions of Karin MacDonald, of Bill Stefaniak and of Deb Foskey. I have enjoyed the contributions of each of those members. I congratulate them on their records of achievement as members of this place. I thank them for their contributions to the Assembly, to the government of the territory and, indeed, to the Canberra community. I wish all four all the best for the future.

I would also like in the short time available on this last day of sitting of this term of the Assembly to take the opportunity to thank, firstly, and most particularly, my ministerial colleagues and the members of my cabinet: Katy Gallagher, Simon Corbell,

John Hargreaves and Andrew Barr. I acknowledge and thank each of them for their unremitting hard work, diligence and devotion to their portfolios and to the people of Canberra. I thank them for their resilience and their strength and, indeed, for their support of and loyalty to me.

I also thank the other members of the government, most particularly you, Mr Speaker, and Karin MacDonald, Mick Gentleman and Mary Porter for your enormous contributions to the Assembly and to the community and for your participation in government and, indeed, your support for the ALP.

I similarly thank and acknowledge on this last sitting day before the next election all other members of the Assembly and, as Mr Berry has done, acknowledge the important role that every member in this place plays in the government of the territory.

I thank the personal staff, my personal staff and, indeed, all other staff of the Assembly who have made a contribution to the government. I also thank, of course, the community and members of community organisations that work with the government on behalf of the community in the interests of us all.

I will say just briefly on this occasion that I am enormously proud of our record of achievement in government and the economic stability that we have brought. The strength of the balance sheet enables us to imagine and to implement our vision to create a real future and a stronger community.

Government is not easy. We have always sought—I can say this honestly and I say it genuinely—to put the interests of the Canberra community first. In every decision I and my colleagues within the cabinet—the decision makers, the executive—have always sought to do that. We have made some tough and some unpopular decisions. We have made some decisions that have hurt some Canberrans. We have made some of those decisions knowing that they would hurt some Canberrans, and we regret that. But every decision that we have made as a government, as an executive, as a cabinet, has been genuinely made with the interests of Canberra and the Canberra community uppermost in our minds. To the extent that we have made tough decisions, decisions that even in their making we knew would be hurtful we have always sought to put Canberra and Canberrans first.

I acknowledge that, on reflection, we made some decisions that were perhaps better not made. We have made mistakes. We are human and fallible. I believe that we have learnt from our mistakes and that knowledge is added to the well of experience which we have now as a government and as individual ministers. But even as we acknowledge that there are things we may have done better, we have always sought to do our best and always sought to put the people of Canberra first.

I look forward to the coming election and to the campaign. I wish all four of my colleagues within the government all the best within the campaign and for the future. Similarly, I wish all best to the Leader of the Opposition and his team, to Mr Mulcahy and all other candidates in the coming election. I look forward very much to that campaign.

MR SESELJA (Molonglo—Leader of the Opposition) (6:56): Thank you, Mr Speaker, for the opportunity to speak this evening. Firstly, I would like to pay tribute to the outgoing members. I will start with the non-Liberal members.

Deb Foskey and I clashed quite a bit when we first came into this place, but I have to say that having seen her close up through the committee process and over a period of time I have grown to respect her. I respect Deb for her tenacity and determination and for the hard work that she puts in every day. I am sure that being a crossbench member is a challenge. I respect the way that she has gone about her business and I wish her well for the future.

We respect Karin MacDonald's reasons for making the decision to move on. To make that decision to adopt, to pursue a family in that way I think is fantastic. I wish you all the best in that, Karin. I wish you and Brendan all happiness for the future.

Mr Speaker, you are the longest serving member of this place and we honour your service. You have handled yourself well in your time as Speaker. Even though we often do not agree with your rulings, generally they are made in a fairly balanced way. I respect that, and I respect the way that you have gone about your business as Speaker. I wish you all the best in your retirement. I hope it is a very enjoyable time and that you have a chance to put your feet up and to go for a few jogs—maybe a few more than you have had the chance to do in the last few years. I wish you all the best.

Bill, you have been a loyal servant of this place, the people of Ginninderra and the people of the ACT and a loyal servant of the Liberal Party. You have held numerous portfolios, both in government and in opposition, and I think you brought a real passion to the way you do things. You are passionate about your values.

You talked about law and order in your speech, but there have been so many other ways in which you have contributed to this place and to the people of the ACT. You have fought for your constituents. You have always put them first. I think your final question today was a nice touch. You remembered why you are here. It is to serve your constituents.

Whether they agree with you or not, whether they are the really important people in our community or those who are seen by some as not as important, it is our job to represent them all and, Bill, I think you have always brought that to the job. I do wish you all the best in your new role. I hope you will have the opportunity to spend more time with your family, but I am sure you will do a fantastic job in your new role. I really do wish you all the best, Bill. I think you have done a great job. Congratulations.

To my Liberal Party colleagues, thank you for all the work that you have put in. I know that you really do work very, very hard. I know that all members in this place work hard, but I have seen close up that my colleagues Brendan, Jacqui, Pratty and Vicki have all done a fantastic job.

Mr Hargreaves: Good on you, Pratty.

Mr Barr: Good on you, Pratty. You don't get a first name.

MR SESELJA: Pratty is just Pratty. I think that is the way to refer to him. I thank my colleagues for all of their hard work. I look forward to the coming weeks of the election campaign. We are very excited about it. I thank my staff in particular for the amazing work that they do. Some of my staff put in ridiculous hours—absolutely ridiculous hours—to get the job done. That does not go unappreciated by me or by my colleagues. I will not name them because I know that they hate being named, but they all know who they are. Well done.

To my constituents, the people of Molonglo who elected me, it has been a real honour to serve you over the last for years. I look forward to hopefully continuing to serve you and looking to work always for the betterment of the people of Molonglo, but also all the people of Canberra. That is why we come into this place—to make a difference.

We look forward hopefully to forming government after 18 October. It will be a challenge. It will be a tough election. We do not underestimate it, but we look forward to the challenge. I wish everyone well for the future. We look forward to the shape of the new Assembly after 18 October.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (7:01): I rise to express my appreciation to a number of people who have been part of my life here in the Assembly for the past 10½ years.

I have spent a quarter of my working life in this place, but I have never forgotten the immensity of the honour and the weight of responsibility given to me by the people of Brindabella. In my time here I have been a backbencher in opposition, a shadow minister, a committee chair, a government whip and a minister. I am acutely aware of and humbled by the opportunities which have come my way and am grateful beyond words.

I thank all the Assembly staff. I will not single out anyone, but thanks to you all. You are all fantastic. I lied. I want to single out Ray Blundell. You might all remember the time when the Gungahlin Drive extension was the subject of protests by those people from O'Connor. They came in the doors here. The attendants leapt to the defence of the members and carted the protesters off into the mulga. I was up in that black box, watching down, quivering and shaking in my boots. Then they yelled out, "Save the ridge! Save the ridge!" The attendants grabbed them and threw them out. I looked at Ray. He looked at me and he said, "What is this save the fridge business?" I have to tell you, colleagues, that the fridge is safe and it is still there under his guardianship.

I will single out the attendants. I will not talk about St Kilda supporters, because you do not. In polite company you do not. Collingwood people do not talk about 1966 in public any more. But I think I do need to say a big thank you to the attendants. Sometimes they are the difference between depression and sanity in this place, and only we know which of the two applies.

A member tries to deliver a service to the electorate and to Canberra generally to the best of his or her ability. I know that I could not have done anything without my staff.

I have been blessed with very professional staff that have had a terrible time putting up with me. Bad luck! I pay their salary. But I have also been blessed with an office that, as many of you will know, rings with laughter, an office that is a welcoming one, an office that puts everything into what we do.

I need to name the people who have worked in my office in the Assembly, and with your indulgence, Mr Assistant Speaker, I will do so. Mr Smyth is the only one on the other side who will know this, but those who have been blessed with ministerial opportunity know the value of the departmental liaison officers, the DLOs. I have been really blessed with my DLOs. They are: Ashley King, David Jones, Paul Udovici, Geoff Virtue, Rachel Lee, Maria Mangeruca and Lee-Anne Wahren from the Department of Territory and Municipal Services. They are absolutely magical people.

Mathew Clissold was the DLO from disability services. Mathew was an environmental thug. Dr Foskey would have loved him. In the dead of night he liberated a whole stack of chooks from Parkwood. Most people would have gone home and boasted about it. Not Mathew. Mathew took the chooks home. Then he brought the eggs into the Assembly and boasted about it. What a wonderful guy this guy is.

Dr Foskey: Battery eggs.

MR HARGREAVES: Not battery eggs. They are in the back of Matthew's backyard.

My Housing DLOs have been terrific, and I know that Mr Smyth has probably come across a couple of them in his time. They are: Pat Madigan, Kathy Smith—you might recall she was Kathy Hoekzma—Jancye Winter, Emma Taber, Tim Arkley-Smith and Keith Ward, who is with me at the moment. They are all magical people with wicked senses of humour, which is a mandatory criterion in my office. I have been blessed with cabinet liaison officers Tracy Chester, Helen Willson, Phil Tardiff and Yersheena Nicholls.

But all of our offices would not be the same without our political staff, and I need to tell them publicly that I would be nothing without them. I have had two chiefs of staff, Geoff Gosling, who is with me now, and this other fellow, Andrew Barr, who deserted me. It is typical. Your enemies are not in front of you; your enemies are behind you. He thought he went on to bigger and better things. He was wrong.

I have had media advisers. Liz Lopa is the only woman I have ever known to stand up to me and frighten the hell out of me. Mr Assistant Speaker, I seek your indulgence for a little bit of extra time because I do need to name these people. Mr Smyth, I ask your indulgence. (*Extension of time granted.*) My media advisers were Liz Lopa, Caitlin Bessell, Kim Fischer, Maria Vincent, Ian McNeill, Jim Mallett, Stacey Pegg, Andrea Walker—she is with me now—Jennie Mardel, Nicole Green and Marco Spaccavento.

I want to say a little bit of something about the departing members. With your indulgence, I will say just one or two small words.

To Karin MacDonald, I want to thank you for your company. Thanks for the calming influence you have tried to exert over a long period of time and thanks for sharing Brindabella with Mick and me.

To Deb, being a Green in this place is a tough gig. You have been constructive, annoying, irritating, deaf, and sometimes a wise contributor, but always a bit colourful in a Greenie sort of way.

To Bill, I have enjoyed working with you. I do not recall a word exchanged in anger. I worked for Bill as an officer in the department of education. I enjoyed his company and I enjoy his company now. We will miss you. You are a great bloke. Congratulations to you.

Where has the Speaker gone? He has buggered off! When you talk about Wayne Berry what can you say? Words fail me—almost. I find it hard to believe that the old leftie warrior is hanging up his helmet and armour, unsaddling his horse and hopping into the rocking chair. We can all picture that. It is a dream all right-wingers and Liberals have wished for.

Mrs Burke: Is it really?

MR HARGREAVES: Yes. You have not been to an ALP conference with Wayne Berry, have you? Let me tell you, you have not grown up until you have been to an ALP conference with Wayne Berry. It is a dream.

Members, in all seriousness, the Speaker has been an icon in this place. He has brought colour, conviction and sometimes collision to this house. He has performed the duties of Speaker with aplomb. He would be at home, I believe, in the House of Lords. I do wish him well in the next bit of his life.

How do I feel? I want to leave you with one small message. Regrets? No, I have not had any. I live my life according to Omar Khayyam. I leave this with you:

The moving finger writes
and, having writ,
moves on.
Nor all thy piety nor wit
shall lure it back to cancel half a line
nor all thy tears wash out a word of it.

We should all look back only momentarily and ask ourselves: did we do our best with honesty and integrity? If the answer be yes, then we can sleep. I sleep well. I wish you all the very best in the election and I hope to see you back here next semester.

MR SMYTH (Brindabella) (7:10): Mr Assistant Speaker, I will simply say goodbye to Deb, to Karin, to Wayne and to Bill. Thank you for all you have done for your communities. I do not think many people, except for those who have done it or supported those who have done it, actually understand what it is to put your hand up

to go forward. I thank you for your years of service. I hope that you are all very proud of what you have done. I do not always agree with it, but you are entitled to feel satisfied with what you have done.

To Tom and all his staff, thank you for the last four years. It has been tremendous. The level of professionalism has been high and I trust it will remain high in the next Assembly.

To my colleagues, thank you for all that you have put in over the last four years. It has been an interesting ride. Congratulations to Zed on taking leadership in December, and congratulations for what you have done since that time. You are an asset to Canberra. I look forward to seeing you all on the other side after 18 October.

As this is the end of the term, I thank the people of Brindabella for the honour that they bestow on me. It is amazingly gratifying and certainly very humbling on election night to think that there are enough people out there who think you are worthy of this job, and I thank you for it.

To my staff, particularly Amy, Tim, and Ian, thanks for all you do for us. To anybody who thinks that MLAs do it is fooling themselves. There is no way that you could do it without the officers that you have.

I thank my family, my wife Robyn and my daughters Amy and Lorena and my son David. When I get home at 6 o'clock David now says, "Go back to work, Daddy." That is kind of sad, really. Perhaps we will have to fix that. But we have made up for that by having lots of Thomas the Tank Engine games at 5.30 in the morning and Wiggles at six. If you are up at 6 o'clock on most mornings, come around to my house. The videos are on with Dave.

To all of you, I wish you well. I am sure the next seven weeks will be exciting. To those of us who get back, congratulations. To those of us who move on, may you find something as satisfying and as fulfilling as this job is.

MR MULCAHY (Molonglo) (7:12): In the vein of Mr Hargreaves's remarks, I think it is most appropriate on this last sitting day of the Sixth Legislative Assembly, when we are looking for words of guidance, to look to the words St Thomas More, the patron saint of politicians, for some relevant observations and guidance. He is also the patron saint of statesmen, but I think we are pretty safe on that issue. Whilst a number of members may not share adherence to the Christian faith, many in this place do. In *Utopia*, on public service, St Thomas More wrote:

You must not abandon the ship in a storm because you cannot control the winds
... what you cannot turn to good you must at least make as little bad as you can.

The past four years have been, to put it mildly, an enlightening experience. I came into this place to do certain things and I have remained determined to do those things despite the number of obstacles that have been placed in my path. Most members have acknowledged, sometimes reluctantly, my keen interest in the management of the economy of this territory and the importance of prudent and conservative economic policies in order to best protect the long-term interests of residents and businesses in our community.

I could dwell on the many sagas that I have witnessed since my election or have been part of since that time, but it would serve little purpose in this place. Throughout my career, and this period has been no exception, I have maintained a high standard of ethical behaviour and I sleep easy at night because of that. I have not been reluctant to express my views, my beliefs and my philosophy when it comes to the style of administration or legislation we should have in this territory. There will be no ducking and weaving on my part. If that sometimes makes me unpopular, then so be it.

I had some feedback from some prominent Liberals before the last election who said I would never be elected because I was too conservative. Well, I topped the poll for the Liberals against all predictions by from the so-called experts and became the 50th member elected to this place since self-government was granted. I think a large number of electors knew that I did bring a set of skills to this place and had firm beliefs on a range of matters.

With around 40 years involvement in politics I have developed a firm view that adhering to your beliefs, even when they are not always popular, will earn respect, even from your opponents. As I said last night to the Chief Minister, an abiding feature of my dealings with John Howard when he was Prime Minister was that you knew where he stood on issues, and that is something you must respect even when you hold a different view on a particular issue.

In the time remaining, I want to place on record my appreciation to staff and officials in the Legislative Assembly. I thank the Clerk in particular for his professional and impartial advice on many issues. I thank Mr Duckworth, who endures much grief from members and staff, but diligently undertakes the task of protecting taxpayers' dollars, which is something I must support and always encourage. I tried to make part of his task easier with a submission to the remuneration tribunal but have not succeeded to date on that issue.

I particularly want to single out the attendants, who not only have repeated daily and helpful dealings with each of us and our staff, but add a little levity to an environment that often seems more grim than cheerful. I thank them for that.

I also want to thank my staff; those who have worked with me since my election in 2004, especially Ian Wearing, Felicity Williams and Damian Hickey, and my current team, headed up by Robert Ayling, who is an incredibly dedicated and able political strategist for one so young. I think Mr Seselja talked about the hours his staff worked. Someone in the government said last night that there were two people they see constantly here at bizarre hours, and one of them is Rob Ayling. He does an extraordinary job on my behalf and on behalf of the people who elected me.

He is ably supported by Ben O'Neill, who is a father of two but is also a candidate for the current elections. He is without doubt one of the most brilliant people who has ever worked in my office, here or in any other organisation. Hopefully, as an elected representative, he will become a great asset to the people of Canberra.

I also want to thank the remaining staff: Sascha Bryl, Tim Moss and Mishu Rahman, all of whom work feverishly on my behalf. And I want to thank the media for their ongoing interest in my perspective.

Of course, much of my work and my ability to continue in this place have only been possible thanks to the wonderful support I receive from my wife Rose and my four children—James, Luke, Amy and Laura. They have endured much over the last four years as a consequence of my election to this place and, frankly, the treachery of some others before I was ultimately vindicated.

I have enjoyed being able to assist my constituents on numerous matters and I have enjoyed being able to focus on critical areas of this territory's administration.

I thank the Chief Minister for his good grace in extending good wishes in the campaign. Although we will be all fighting from different perspectives, I wish everybody well. The key thing to remember is that we have democracy in this country, and it is something we ought to be proud of.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (7.17): Firstly, I would like to acknowledge my colleagues on the Labor side with whom I have had the privilege to work now for seven years. Within the privacy of the caucus room you actually get to know people pretty well. You get an appreciation of their talents and their passion, and there is no doubt that the people that sit around that Labor table are passionate people that turn up every day to work to do the best job that they can do. It has been a privilege to work with them.

I have worked closely with our Chief Minister, Jon Stanhope, more closely in the past couple of years than in my early years. He is the best boss that I have had to work for. He has been supportive of my development, but also in supporting the precarious work-family collision that I juggle every single day.

I would also like to acknowledge the staff here in the building. I sometimes shake my head and wonder why staff separation rates are so low. The continuity of employment here is the sign of a happy workplace to me. I do not know how you do it and what your secret is because I imagine that this workplace, with the dynamic and various personalities that you all serve, is probably one of the most difficult workplaces to work in. I appreciate everything that you do, from the Clerk to Ray—he is sitting there watching us right now, probably smiling at us, laughing and telling a joke—to the attendants who are always looking out for us. I thank the staff of Hansard, the Committee Office and the admin staff, who are always there to help when you need it.

I would also like to acknowledge the ACT public servants that I have had the privilege to work with in education, in health and in disability and community services. I refer particularly to Michelle Bruniges; Craig Curry, who I understand is retiring; Mark Cormack, the chief executive of health and Sandra Lambert, the chief executive of disability, housing and community services.

We are truly lucky in the ACT to have such talented ACT public servants. They really make a difference to the lives of people in the ACT. I work with them very closely, and they are amazing people, often doing very difficult jobs. I would like to record my appreciation for the support and advice that they have provided me. We have all had to juggle the challenges. You learn when you are a minister that things are not always black and white.

The staff in my office have been there for me. Many of them have been there since the beginning, and I acknowledge them. They turn up to work every day. I think we have got a pretty happy office. I acknowledge all the work they have done for me and the support they have provided me.

Politics is certainly a rollercoaster kind of job. On the days that it is good, it is bloody brilliant and you will not get a better job; on the days that it is bad, you often want to run away and hide. It is a very difficult job to manage, but it is a privilege to represent my community. It is the community that I was born into in 1970 and have now had the privilege to serve at the level that I have.

It has been a rollercoaster ride for me privately since 2004. I lost my mum, but I have also had two wonderful children that I did not have. I did think my election campaign slogan could be “two a term”, but I did not want to continue that into the next term. I have decided that three is enough. To David, who sustains me, and to Abby, Charlie and Evie, you make life perfect.

MRS DUNNE (Ginninderra) (7.21): As we come to the end of the Sixth Assembly, 2004 to 2008 have been very eventful for us here and for the people of the ACT. There have been lowlights, which I will not dwell on tonight, and spectacular highlights.

For those of us who have been elected and for those of us who have had the honour of being re-elected, the knowledge that there are enough people out there, as Mr Smyth said, who think that you are doing a good job and who reaffirm you is empowering and humbling at the same time.

For the most part, highlights are the constituents and the community groups that you have the privilege to work for and who never cease to inspire you. As Ms Gallagher said, this is the best job. Sometimes people say to you, “I do not know how politicians do the job.” But for the people for whom it is the right job, it is, without a doubt, the best job that you could have. It is an unalloyed privilege to serve the people of Belconnen, Hall and Nicholls, as I do, and, through them, the wider community.

I want to pay tribute to the staff of the Assembly, from the Clerk’s office to the Committee Office to the people in Hansard and the library to the attendants, who keep the chocolates going on late sitting nights and give advice on footy tipping—some of it is not very good; not much better than my footy tipping. I know that it is always done with good spirit. The number of times that I have been advised to back Carlton around here is a bit pathetic, really.

I wish to pay tribute to my staff, the people who have served with me through the last four years. To Sean; to Kate, who had been there for a very long time and who still takes a great interest in what happens, although she now works in Conservative Party headquarter in London; to Mark; to Johnno the Scouse git; to Fernando; to Traps, otherwise known as Jeremy; and to Tio, whose indefatigable enthusiasm and good humour keep not only my office going but most of the offices on our floor going.

I want to thank my family. Without them this would not be possible. To Lyle, who is the constant adviser; to Olivia who keeps an interest in what is going on here even though she is in Sapporo; to Tom and Julia, who are just constant; and Isabella and Conor, who make life an unalloyed joy, thank you.

I pay tribute to those who are going. I think that from time to time Dr Foskey, Deb, is something between shocked, surprised and pleased to think that there are members of the Liberal Party who agree with her on a great range of things. I hope that it has messed with her mind a bit and that it has managed to do something about the stereotype divide between the Greens and the Liberals.

To Karin and her husband Brendan, I wish you luck. I hope that family life is rewarding.

The day before yesterday, when I was in the chair, the Clerk gave me a list of people who had been ejected from the chamber and the reasons why. It is true that Wayne Berry has the record and it will be very hard for any of us to emulate that record. Not even Mr Pratt comes close. It is interesting to note that the first vote in this place was, in fact, a vote of no confidence in Mr Berry over the VITAB affair. Less hardy people probably would have thought, "Blow this for a game of soldiers," and given up. But we have now seen many more years of service to people of the ACT. There are very few things that Wayne and I agree on, but there is always a grudging admiration for his tenacity, if nothing else.

To Bill Stefaniak—what can you say about Bill? First of all, we will not be subjected to those dreadful Rugby ties anymore, and the sartorial standards of the members of Ginninderra will be instantly improved because no-one else will have the audacity to go around in public in trackie daks with holes in them. From time to time you would have to take him aside and say, "Bill, don't come out here dressed like that." I know that whoever replaces him as a member for Ginninderra will know how to dress better than that.

We expect Bill to be one of the blokes. The challenge was put to me last night that I had to make it my personal task to Hoover up all the Rugby votes that were now looking for a place to go. Once upon a time Mr Stefaniak complimented what he called my Maori sidestep. I confess that I did not know a great deal about Rugby at the time and I had to take him aside and ask what that was.

Mr Barr: You will be in the rucks and mauls, Vicki, I am sure.

MRS DUNNE: I thought it was a reasonable testament to the tenacity that we all have in this place.

Mr Barr: That is extraordinary!

MRS DUNNE: Look, I am a girl. I do not know that much about Rugby, but my challenge is to Hoover up the sports vote. Bill has always been a great patron of the sports and I am looking out for a sporting organisation that wants a patron. After the

Olympics, I am waiting for the ACT international handball group to open up. I think that is the most fantastic sport. If there is a group and they are looking for your patron, I am your girl.

Before I conclude, I want to pay tribute to my colleagues. To Pratty, who really is pratty—what else could you call him but Pratty?—and to Jacqui and Brendan, thank you for your support over the last four years. It has been interesting and different from time to time, but it has been a real pleasure to work with you.

To Zed, I think it was a pretty good move to help you in your campaign during the last election and to see you come in here and make such a difference and such an impact. The Canberra Liberals are on the verge of making a real difference in the election campaign that we have ahead of us. The election campaign will be challenging. I wish my colleagues luck. I hope that others will be satisfied with the outcome. But can I say, fellas, keep it clean.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (7.29): As I moved the motion, I seek leave, if I may, to speak at this point in the adjournment debate.

Leave granted.

MR CORBELL: I thank members. Mr Speaker, may I begin by placing on the record that in the last few years, as manager of government business, I have begun to think that some people feel I am Dr No in this place or the person that the Liberal Party love to hate. In response, I simply want to say that, as manager of government business, it has been my job to do some of the dirty work in this place. But I would like to remind members that I was only doing my job.

I would like also to extend my thanks and congratulations to outgoing members for the contributions they have made. They have all made outstanding speeches this evening, and I wish them all the best.

I particularly want to place on the record my thanks to you, Mr Speaker. You have been an outstanding contributor to the Labor cause in this place. It would be remiss of me not to relate at least one Wayne Berry story before the closure of this Assembly. For me the pre-eminent Wayne Berry moment was during the famous “painting the grass green affair” at Bruce Stadium. Wayne, in his usual inimitable style, decided that there was a much better way to outline to Kate Carnell just how stupid an idea it was to try and grow grass from Queensland in Canberra in winter.

I remember Wayne coming down to the chamber with a plastic bag. It had a plant in it, and the plant was dead. It was one of those wonderful indoor tropical plants. Someone—I think a friend of a Wayne’s—had left it outside on a night. It had been raining. Then I think the frost had come and the plant died. Wayne, in his normal style of course, during question time, in an attempt to make a point at the appropriate, perfectly timed moment, lifted the pot plant above his desk, waved it at the Chief Minister and said, “Chief Minister, this is what happens when you bring tropical plants to the Canberra winter.”

MR SPEAKER: I have still got it. It survived. I call it Katy.

MR CORBELL: Tremendous! I knew there would be a comeback. Mr Speaker, it was, perhaps, a minor issue, but one that for me displays all the style and panache that you have brought to this place. Your contribution, of course, is far more worthy and weighty than that. I congratulate you on your time in this place and wish you all the very best for the future.

Can I finish by commending and thanking all my Labor colleagues. This has been an historic Labor caucus, with nine Labor members in the Assembly. It has been a time that I think all of us have savoured. It has been difficult at times for us. Being a majority government has been challenging as much as it has been exciting. Whilst we have seen the flag fray at the edges occasionally in battle and otherwise, the flag still flies high for Labor.

That is no doubt, in no small part, due to the incredible leadership of our Chief Minister, Jon Stanhope. He has been a solid continuum in our caucus for such a considerable period of time now, and I know that I join with my colleagues in thanking him for his leadership. I thank my colleagues for their contributions. We look forward with renewed energy to the next term of a Labor administration.

MRS BURKE (Molonglo) (7.33): I will do the right thing and start by thanking my husband. He is the most long-suffering person I know and I could not do this job without him. The last four years have been a very interesting journey—in fact, my political career up till now has. Mr Corbell, I think I probably pip you by one, having got back into this Assembly twice on the countbacks, but the last time getting elected in my own right. I was once described as the comeback kid. I think that with my tenacity and my penchant for not giving up, I will be back.

I want to thank the staff of the Assembly. I thank Tom and his team, Andrew and the attendants, Chiew Yee and Siew Chin and the library staff, and Neal and the education unit. I am very passionate about the education unit. I think they do a marvellous job. People need to know about what we do and the machinations of this place that we live and work in. I say “live” because most of us tend to live a lot of our lives here. I thank Ian Duckworth and Corporate Services, the Committee Office, the people in Hansard, Ray, and the building manager. The list goes on. There are too many to mention.

Personally it has been a very difficult four years for me. I have had health issues. People loved it that I was a politician without a voice. But I have to tell you, joking apart, that it was probably one of the scariest things in my life. To be struck down literally overnight was not fun. To have to learn to breathe again and talk again was a very difficult experience. But having got through that, I think I can get through most things. An election—what is that?—nothing, no problem.

I want to thank my staff because for them it was a very difficult time too. To Helen and Sandy and Dean and others that have been in and out of my office, as they do in political offices—there does tend to be a turnover—it has been a busy four years but, I think, a very positive one.

I absolutely adore the job I do. I love what I do. Often I do not like the politics of politics. I think most of us in this place would agree that we tend to say things that we feel later we should not have said, but they cannot be taken back because they are down in perpetuity. They are there in black and white. To anybody that I may have offended verbally in this place, please accept my apology.

At times things get heated, but I think we all know that we are all under the same pressure. People outside of this place do not fully understand that, and we cannot try and justify that. To those on the opposite side of the house, I respect what you do.

I thank all my colleagues, too, for their support. I really look forward to being a part of a Zed-led government. I have to have a belief in that, as you guys opposite do. I truly believe that we can do this. There are ebbs and flows in politics. It is like the seasons. I think this is our season, our time.

I would like to thank Mrs Dunne, Mr Smyth and Mr Pratt. Thank you to the two boys for giving me your cold, I so appreciate that. It was like a pincer attack.

Mr Pratt: We share and scare.

MRS BURKE: We do. It has been an honour to serve my community. Somebody called me Mrs Community once, like Ms Porter. I do not mind that; that is okay. As Dr Foskey said, there have to be people that work at that community level. I am happy to wear that label. That is fine; I love it.

I love what I do and I am honoured to serve people. If they think I have done a good enough job, come 18 October I will be back here. I am positive that I will be, but that will be up to the electorate. None of us can take anything for granted. I look forward to serving Canberra in the Seventh Assembly with the same passion, compassion, energy and enthusiasm that I believe I have shown. As I said, I look forward to being part of a Zed-led Liberal government.

Finally, last but not least, to those people that will be moving on to some new climes, it is good to see that this place does turn over and churn. We need fresh blood. We need new injections of people from time to time.

To Ms MacDonald, I so look forward to your coming back in here with your hubby with that baby in arms. I know that you are going to make a great mum. You really will. Thank you for the work that you have done on the committees.

I thank Ms Porter too. We have had some interesting times, but we have got through a lot of stuff this last term. That has been good.

To Dr Foskey, I know that you, too, have had your own challenges. I admire you greatly. I admire your commitment to what you do and the way you have gone about it and your dedication to the job in this term.

To Mr Berry—what can I say? I think Mr Seselja put it very, very succinctly. We honour your service. We honour what you have done, sir. We honour the fact that you

keep this place in the order that you do. We know that you are ably supported by those three good people in front of you at the moment—Tom, Max and Janice.

Last but not least, what can we say about Bill Stefaniak—boofy Bill? Bill and I, as you know, had a very interesting time together as leader and deputy. I was honoured to do that; at the time it was right for us to do that. I look back on that time with pride. I was honoured to be able to step in and do that at that time, but I am equally honoured to do anything I am called to do. I am happy. As people will know, I have had cleaning jobs. I have run my own business. I have done a wide range of things. I am happy to serve. I just enjoy serving people.

I wish the four of you all the very, very best. We have gone from babies to perhaps studying, more studying, maybe some gardening and maybe a lot more running. Mr Stefaniak will be doing his job out in the community. You could see the way Bill was heading. People do not know, but the sacrifices that family make are enormous. Well done to Shirley Stefaniak and the family. It was no easy thing to do, but sometimes you have to call it. Farewell, Bill, from this place. You know what I mean.

I will leave it there. Thank you very much to all of you. Let us look forward to a good clean campaign.

MS PORTER (Ginninderra) (7.41): In recognition of the last day of sittings of this Assembly I will briefly reflect on my experience as a member. Members may recall that when I first arrived in this place I said I believed that I could stand for election because I could stand alongside a man I believed in, a man of vision and integrity—Jon Stanhope. I have not been disappointed. Over the past three years and a few months I have appreciated just how much vision and just how much commitment Jon Stanhope has. I also appreciate the commitment of the Labor government, which works hard to make this a better city and a stronger community.

When I first arrived here I also made myself a promise—a promise that if my integrity were ever threatened by anything I was required to do or not do, I would consider not standing again. I am happy to say that I have not had that experience; in fact, the reverse. I believe I have acted with integrity and also with commitment. I have worked hard and people can judge me on that.

It is in my genes. After he was demobbed after World War II my father found on his papers the words: this man has PDI. He was a bit concerned. He thought maybe he had some form of disease, so he went to inquire as to what those initials meant. It meant: push, drive and initiative. The push, drive and initiative have been passed on to his daughter.

I have really enjoyed being here. It is an honour to have been elected by my peers and to serve them. I thank the people of Ginninderra for that privilege and I thank all the people that helped me get elected in the first instance. I have a strong ethic of service and mostly I have enjoyed being out there and assisting the people with a myriad of different issues.

I have also enjoyed the committee work that lots of us have talked about this evening. I thank those people with whom I have served on committees. We have done some

really important work. I thank the committee staff, especially Robina Jaffray, and the secretaries and committee office for their support and commitment.

I would like to thank the attendants and staff of the Assembly. Everyone has been thanking them this evening. They help to make life less complicated than it could be. Their smiling and cheerful demeanour when we are feeling tired certainly does help us all.

I especially thank the Clerk for his wise counsel. I thank you, too, Mr Speaker for your help and guidance.

I would like to thank my Labor colleagues for all the work they have done to help me. I would like to thank the crossbench and the opposition. I know that we do not always agree. We have our differences of opinion, but we are all here for the same reason—to make this place a better place for all Canberrans.

I wish Ms MacDonald, Dr Foskey and Mr Stefaniak and Mr Berry well in their future endeavours. Ms MacDonald, in her role as a government whip, has always been there to offer guidance, as have all my colleagues.

Mr Hargreaves rates a special mention. He has eventually realised there is a real difference between instant coffee and real coffee. He tells me he has invested in coffee beans and all the equipment necessary for a good cuppa, and I look forward to sharing the new improved version with him in the coming years.

There have been some challenges during the term. As a backbencher I have not suffered the slings and arrows that others have withstood, particularly the Chief Minister and the ministers. However, of late I have had my share, which I guess is like some kind of coming of age in this place. I thank those who steered me through the rough and tumble of those less tranquil waters over the last few weeks. I feel the stronger for it.

On that note, I would like to thank my staff, past and present. Alice Graham was my first staff member. For the first few months after I arrived it was just Alice and me. I thank Ryan Hamilton and Jamila Rizvi. Those three people have gone on to work as political staffers for ministers at head office and the house on the hill. I thank my current staff, Annika Hutchins and Emma Smith and, of course, Ian De Landelles, my senior staff member, whose expertise and political knowhow has been invaluable. I wish him well in his future career. I know he will do well because of his many fine qualities. I would also like to thank my family, in particular, my husband for his forbearance. It is difficult when you have a political wife.

There have been sad events while we have been here, and I refer to the deaths of Justice Terry Connolly and, of course, Audrey Fagan, the Chief Police Officer of the ACT, which affected us all.

There was also the sudden death that has affected the whole arts community and many others, including those in the South Pacific community. I speak of Jan Warwrynczak, a young man in his early fifties who died after a motorcycle accident. I would like to

pay tribute to Jan, who made an enormous difference to our community in so many ways. They are too many to mention here in the short amount of time I have available.

He was a man of vision, passion and drive, whose life touched our lives. I got to know Jan and his wife, Anne, and his stepson, Carl, through his work at the Belconnen Community Service as arts officer. As a result of his drive and commitment, the Belconnen Arts Centre was established. The centre will be large and well resourced and will have all the facilities he envisaged.

I know that many would like to see Jan's commitment to us all recognised in the centre in some tangible way as an ongoing legacy. I value very much his friendship and the friendship of Anne and Carl. Once more, I extend my condolences to you, Anne and Carl, and to the rest of your family and your close friends. I know that Anne and Carl will continue to be fully involved and influential members in this community, and I thank them.

I wish everyone well as we go forward from this place. I am sure that I will be seeing lots more of you again, whether it is here or in other places. I am looking forward to the seventh term of this Assembly.

MR PRATT (Brindabella) (7.48): I will start by thanking my constituency, the Brindabella community: in particular, the Tharwa community, which has suffered so much, the Lanyon Valley community, the Macarthur and northern Tuggeranong communities, which I have had a great deal to do with, and I wish them all the best.

I also take this opportunity to thank the retiring MLAs. I give Dr Foskey my warmest regards. She is a gentle, thinking woman. I just hope that she serves the national interest in environmental matters. I reckon she would serve us wonderfully in that capacity. But that is not for me to say. That decision is up to her, of course.

Wayne Berry, I wish you all the best. I will not forget, on our return trip from Kiribati, Tom and me watching you jogging down the hill like a praying mantis. I do not know how you do it but you go on forever. All the best, Wayne.

I say to Karin MacDonald and her husband, Brendan, that I wish you all the best.

Bill Stefaniak, unfortunately, has gone, because I really wanted to say this to his face. Bill is a larger than life character. I can remember being cleaned up by him once in a parliamentary Rugby game ruck. It was like being hit by a white pointer shark. The trouble is, of course, that he was on my side.

With respect to my Liberal colleagues, I share a range of sick jokes and a dry sense of humour with Vicki, but I admire her for her procedural tenacity in this place. I admire Jacqui for her compassion, Brendan Smyth for his wonderful backing up of Zed—what a team these two guys have become—and, of course, Zed, for steering the Liberal ship of state. I see good things coming; well done.

I would like to thank my family. My wife, Samira, had a birthday two days ago, and she received her roses when I woke her up at midnight. I was so proud of my little

daughter, Yasi, when I was told that, upon climbing into her mum's car with her eight-year-old friend last Saturday morning at Mawson, she said to her friend, "Don't bring that Labor Party balloon into this car." My son, Hayden, is cruising around Europe somewhere.

I would like to thank my staff. Kate keeps me on the straight and narrow. I am a hell of a challenge for her but she does a bloody good job. I thank Brett, and Sarah, who I have just burnt out; she has gone. Before them, of course, there were Joanna Woodbury and Alan Eggins, who is in there with me now, and who knows where all the bodies are buried.

I thank the Assembly staff—Tom, Janice, Max and Sandra particularly, but all of the downstairs staff, some of whom picked up on my Beach Boys music, much to the chagrin of everybody else. Tom, I thank everybody on the staff.

I would like to thank all members on the other side. Individually, I wish you all the best in terms of what might happen this year, including the crossbenchers. This is going to be a very hard election, but I am champing at the bit to get to it, as we all are over here. I might finish off where I started: this campaign will be won from the grassroots upwards. I thank my constituency and admire them. It is our job to serve them; that is why we are all here. This campaign will go right down to the wire, but it will be a good campaign. It will be a hard one. We will, I am sure, in our own individual ways, enjoy ourselves.

It has been a wonderful four years. I have thoroughly enjoyed it. I am looking forward to coming back. Thank you.

MR GENTLEMAN (Brindabella) (7.53): I want to take a short time to thank all those who have helped me here over the last four years. I want to begin by thanking you, Mr Speaker, and acknowledging your outstanding career in this Assembly. More importantly, you have been a fantastic advocate all your life in standing up for people who are less able to stand up for themselves. I feel humble to have known you as a friend and colleague and will always remember your wise words as I approached my campaign in 2004, when you said something along the lines of, "I pinch myself every morning. I can't believe they give me a salary and a car to come in here." I remember those wise words.

I would also like to thank all of my colleagues on this side of the chamber. I would like to thank them and their staff for their assistance in my first four years in this place. I know that without the guidance of some of the more experienced members my time here would have been made much more difficult. I do feel incredibly honoured each time we sit in caucus together and nut out some of those important decisions.

I would also like to acknowledge the other retiring members of the Assembly—Dr Foskey, Ms MacDonald and Mr Stefaniak. It has been fantastic to work with you all. Dr Foskey has helped me in some of my environmental efforts and I do thank her very much for that.

I would like to thank some of the people who first helped me get here—Matthew Cossey and all my friends from the ALP, Tony Sheldon of the Transport

Workers Union, along with Andrew Wale, Klaus Pinkas, Allan McLean and Scott Connolly, and all the members of the Transport Workers Union. I thank them for their support.

I thank some of the original campaign team—Trevor Santi, John Tuckey, Jenny Appleby, Jean McIntyre, Rohan Goyne, Gina Pinkas, Mark Hogan, Kave Ringi, Kerry and Zac. I thank my children, also, for their continuing support through my time in this place. It has been up and down as they have moved in and out of the house and gone their different ways.

I would like to thank the staff of the Assembly, who ensure the smooth running of this place. Tom Duncan, thank you for your wisdom, and I apologise if Luke in my office harasses you too much. I thank all the staff in the Clerk's office, of course. I would like to thank Ian and Corporate Services for their efforts over the last four years. I would like to pass on my best wishes to Judy Munday, who is still recovering from an accident.

It is important to acknowledge all the attendants—Andrew, Lainie, Dick, Rod Campbell, Paul, the new ones, Karen, Peter Litchfield, Peter Edwards, Peter Barry, Bob Hill, Denis Axelby, Ken, and Reg Walters, of course, who has retired. Another group are the cleaners that we never see, as they come along during the night and clean up our place.

I feel very humble to have had the support of my constituents in Brindabella in 2004, and I really look forward to receiving that support again this year. I thank the environmental lobby for helping me to come through with the feed-in law. They assisted me during those forums. I am very happy to have had that support.

I would like to thank someone who one of my staff members refers to as the brains of the outfit—that is, the staff in the Committee Office. I would particularly like to mention Hanna Jaireth, Sandra Lilburn, Grace Concannon and Nicola Derigo for their efforts on my committees, and Robina Jaffray, of course, for keeping it all together.

I would like to thank the staff in the education office—David, Neal and Laura; I look forward to working with you all again in October—and the former staff members of my office, Corrie McKenzie, Rebecca Cody, Lauren Hutchins, James McDonald, Christine Tutty, Michael Smith, Evan Hynd and Anameka Jongsma.

Finally, I would like to thank the current staff members of my office. I thank David Carroll for his enthusiasm and dedication. Once he gets up that head of steam, there is no stopping him—David is a member of the historical railway society. I thank Luke Austin, who has written a note for me to give to the Assembly tonight. He says, “Luke Austin, who joined me in early 2007, has provided me with intelligent, sound advice on a range of issues, most notably the feed-in law.” Luke, you have continued to do a fantastic job. Your enthusiasm and wit really drive the office. May your hockey team, Mel and Doug, help you to continue on to one win after another.

I say to all my Assembly colleagues that I look forward to seeing many of you again after 18 October, from this side of the chamber.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (7.58): I think I take the role of being the last but not least in the debate. Having served in this place for the shortest time of all of you, can I say that it has been a great pleasure to have had the honour of representing the electorate of Molonglo and to be part of a Labor government. I cannot think of any higher honour than being an education minister in a Labor government. I would like particularly to thank my colleagues for the trust they put in me in elevating me directly to the ministry from day one. That was quite a leap of faith that they took but I thank them very much for the vote of confidence at that time.

I would like particularly to acknowledge those members who are leaving us this term and to thank them for their contribution. To you, Mr Speaker, to Ms MacDonald, to Mr Stefaniak and to Dr Foskey, I say thank you very much for your contribution. It has been great fun working with all of you. From my very first question time as a very nervous minister, through my first estimates and all of those processes, you have been tough but fair, it would be fair to say, and I thank you for that.

Many have commented on the importance of staff and I cannot help agreeing. I think I have been blessed by having one of the best offices in the Assembly. A number of them are sitting here, and it has been a great pleasure to work with them all. I thank my current staff—Liz, Paul, Ryan, Pierre, Luke, Tracey, Chris and Anya, and DLOs Marianne, Clinton and Geoff. To the staff who have worked with me over the time I have been here—Dave, Matt, Nicky, Cathy, Aleera and John—I thank them very much.

I thank all the Assembly staff for their contribution and for making our jobs just that little bit easier. Let me say that it does not go unnoticed. It has also been a great pleasure to work with the many departmental staff that I have had in my time as a minister for many different portfolios. I have met some fantastic people who are truly dedicated to achieving a much better outcome for the people of Canberra.

I would also like to thank my partner, Anthony. He has not seen that much of me in the last 2½ years, it would be fair to say. I am going to embarrass him a little because he may be at home streaming this on the internet at the moment. That is one of the ways that he follows what I am up to. I will come home sometimes after midnight and find that he has been streaming this place and listening, and I think, “Oh, dear me; I am leaving you home alone and this is not fair.” He does, from time to time, put up with arriving at functions and being seated in Mrs Barr’s seat. I know that initially that took a little bit of getting used to but he handles it with very good grace and I thank him very much for his support. I could not do the job I do without his support and it is just terrific. Whilst I probably will not see that much of him for the next 60 days, we are certainly planning, regardless of what happens in October, to get some time together, and I very much look forward to that.

I just have one final wish: regardless of what happens in the election, if I do have the great pleasure of coming back to this place in November, I hope to come back having seen a Hawthorn premiership. I have to admit that I am going to take a day off during

the campaign. I have already booked my flights and accommodation in anticipation of being there on Grand Final Day. I hope that will be the case. I do not know what I am going to do if they do not make it. But it would be remiss of me as sports minister if I did not indicate that that is a real highlight that I am looking forward to over the next several weeks.

As the hour is late, I thank you all again for the great pleasure of working with you. It has been an interesting 2½ years. I feel as if I have packed four years into my 2½. I do have lots of things that I want to keep doing, and I hope the people of Molonglo will give me that opportunity. Thank you all very much for the great pleasure of being able to work with you in this Assembly.

Question resolved in the affirmative.

Assembly adjourned at 8.03 pm until a date and time to be fixed.

Schedule of amendments

Schedule 1

Work Safety Bill 2008

Amendment moved by the Minister for Industrial Relations

1

Clause 123 (4)

Page 83, line 5—

omit clause 123 (4), substitute

- (4) However, any information, document or thing obtained, directly or indirectly, because of the giving of the answer or the production of the document is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence against—
- (a) section 121; or
 - (b) section 122; or
 - (c) the Criminal Code, part 3.4 (False or misleading statements, information and documents).
-

Answers to questions

Gungahlin Drive extension (Question No 2141)

Mr Mulcahy asked the Treasurer, upon notice, on 5 August 2008:

- (1) How will the Government fund the proposed upgrade of the Gungahlin Drive Expressway;
- (2) Will additional money be appropriated for this upgrade.

Mr Stanhope: The answer to the member's question is as follows:

- (1) Immediate works totalling \$7.5 million are being funded through the appropriation underspend from Stage 1. Approximately \$4.4 million is being allocated towards additional Stage 1 improvements at the southern end of the GDE, with the remainder allocated towards detailed design works and tender documents for Stage 2.

The Government will fund the remaining works for the GDE through the 2009-10 Budget Capital Works Program.

- (2) The completion of detailed design works and tender documents will inform any requirement for additional funding over and above provisions made in the 2008-09 Budget. Any such need for additional funding will be appropriated as necessary through future Budgets.

ACT Pathology—recruitment (Question No 2142)

Mr Mulcahy asked the Minister for Health, upon notice, on 5 August 2008:

Has ACT Pathology recruited any scientists or medical practitioners in the past six months; if so, for each recruitment was (a) the employment position advertised publicly before an offer of employment was made; if so, how was the position publicly advertised and for how long before an offer of employment was made, (b) the recruiting process done in accordance with all applicable public service laws, rules, procedures and policies; if not, what are the details of any deviation and (c) any offer made for the recruit to take a higher position than would normally be commensurate with the recruit's experience and training; if so, why was such an offer made.

Ms Gallagher: The answer to the member's question is as follows:

During the period in question February to August 2008 ACT Pathology has recruited 10 health professionals (scientists) to permanent positions and no specialist medical practitioners.

- a) Prior to an offer of employment being made all positions for permanent vacancy were advertised publicly in the ACTPS Gazette, Staff Bulletin and ACT Health website. The ACT jobs website also provides a link to the ACT Health website. Positions advertised in the Gazette have one week until closure, however all positions 'go live' on the ACT

Health website seven days before they are advertised in the Gazette – therefore available for a two week period.

- b) All recruitment was done in accordance with all applicable public service laws, rules, procedures and policies.
 - c) All scientific positions recruited to were at Health Professional Grade 2 (base grade scientist). The increment at which the officer commenced varied based on their relevant experience and training. There were no offers made to new recruits to take a higher position than would normally be commensurate with the recruit's experience and training.
-

Public service—privacy (Question No 2143)

Dr Foskey asked the Chief Minister, upon notice, on 5 August 2008:

- (1) Given that I have now received advice that the legal proceedings mentioned in the answer to question on notice No 2031 have been finalised, can the Minister advise if the ACT Government permits officers, who are subject to a grievance, being able to terminate the employment of an officer who lodged the grievance;
- (2) Does the ACT Government permit managers in non-personnel related areas to investigate the work history and background of their superiors.

Mr Stanhope: The answer to the member's question is as follows:

- (1) Employees of the ACT Government hold a range of delegations that enable them to act on behalf of their Chief Executive. The exercise of those delegations must be in accordance with general obligations of public employees and any specific requirements of the delegation. Whether the existence of a grievance limits the proper exercise of an officer's employment delegation regarding the person who has made the grievance will depend on each case's individual circumstances.
 - (2) The ACT Government applies the relevant laws and standards to the access of information in its possession. Any person, including ACT Government employees, may seek information about any other person from available public sources.
-

Gas-fired power station (Question No 2144)

Dr Foskey asked the Treasurer, upon notice, on 5 August 2008:

- (1) What benefit or profit will Actew obtain from the gas-fired power plant project once it is complete;
- (2) Will the Treasurer table the business case which indicates that renewable technologies have been explored, and why they were rejected;
- (3) What happens in the event of a gas shortage and will the data storage plant have priority.

Mr Stanhope: The answer to the member's question is as follows:

- (1) ACTEW advises that commercial terms with regards to the project are yet to be finalised. ACTEW, however, would receive half of any ActewAGL profits—as a 50 per cent owner of the ActewAGL Joint Venture.
 - (2) I have not been provided with a business case regarding the use of renewable technologies at the gas-fired power plant.
 - (3) I am advised that the proposed development would not have priority in the event of a gas shortage.
-

Education—enrolments (Question No 2146)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 5 August 2008:

In relation to the answer to question on notice No 2114, how many first round offer of enrolments have been sent out after the closure of the first round of enrolments on 20 June 2008 for each (a) pre and (b) primary school.

Mr Barr: The answer to the member's question is as follows:

- (a) 2842
 - (b) Currently there are 316 kindergarten enrolments entered on the Department's database. As most primary schools do not enter enrolment data in to the database until the start of the school year, accurate figures cannot be provided until that time.
-

Civic—car parking (Question No 2147)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 6 August 2008:

- (1) Can the Minister detail the status of all car parks to the west of Marcus Clarke Street Civic, including (a) who owns these car parks, (b) are these car parks usually available to the public or reserved for private use, for example, ANU staff and students and (c) outlining what future plans are for these car parks;
- (2) Can the Minister detail the status of the car park at section 63, off London Circuit Civic, adjacent to the Civic Police Station;
- (3) Can the Minister outline when the public car park located at section 63 will stop operating as a car park, or if it has ceased to be a car park, when it ceased operating;
- (4) Has the ACT Government collected revenue from parking ticketing machines installed on section 63 after it became private property; if so, how much;

- (5) Did ACT Government parking officers inspect the car park located at section 63 for vehicles in breach of parking codes and issue infringement notices for such vehicles after the land became private property; if so, how (a) many such infringement notices were issued and (b) much was raised through this exercise.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) (a) There are a number of car parking areas west of Marcus Clarke Street which are available to the general public for the payment of a parking fee. Some of these belong to the ACT Government and some to the Australian National University and other organisations.

(b) The following five sites are public parking areas:

- Block 2 Section 21 City (bounded by Marcus Clarke Street, Gordon Street, McCoy Crescent and Ellery Crescent);
- Block 5 Section 30 (Childers Street opposite Allsop Street);
- Block 5 Section 21 (Northern end of Childers Street);
- Block 1 Section 68, privately owned by Citywest Car Park Management (bounded by Marcus Clarke Street, Childers Street and Allsop Street).

The following two blocks are restricted for ANU parking only:

- Block 13 & 16 of Section 28 (bounded by Marcus Clarke Street, Ellery Crescent and University Avenue.)

(c) The ACT Government is in the process of finalising a Parking Strategy that includes a plan for the City. Concurrently, ANU also has developed a parking strategy to manage the parking implications of ANU exchange development.

- (2) Blocks 17 and 18 Section 63 City were sold at auction to developers in December 2007. The lease was formally transferred in March 2008. The site is continuing to be operated as a car park by Mirvac Parking, as representative of the lessee, until such time as development of the site commences.
- (3) The site (now consolidated as Block 19 Section 63 City) is presently operated as a "private for public" car park, together with a licensed area (part Block 20 Section 63 City) which, taken together, incorporate the whole of the former ACT Government surface carpark. The developer is required to maintain at least two hundred publicly available parking spaces on the site during construction.
- (4) No.
- (5) Yes. Parking enforcement patrols of Section 63 commenced on 16 June 2008 at the request of the property owner. As parking infringement reports are generated by suburb no information is available as to how many infringements have been issued, or the value of the infringements, for this particular car park.

Public housing—Theodore (Question No 2148)

Mr Pratt asked the Minister for Housing, upon notice, on 6 August 2008:

- (1) In relation to the many reports over 12 months by public housing tenants and private home dwellers in Ampt Place and Freda Gibson Circuit, Theodore, concerning other public housing tenants at 2 and 4 Ampt Place and 54 Freda Gibson Circuit, Theodore, involving allegations of prostitution in Ampt Place, burglaries, vandalism and intimidation of neighbours, what administrative action has ACT Housing undertaken against the subject tenants;
- (2) How many times in relation to these and related allegations have the subject tenants been warned for expulsion from their properties and on what days were these warnings issued;
- (3) If no warnings have been issued as outlined in part (2), why not;
- (4) On how many occasions did ACT Housing receive letters and phone calls from affected residents about the matters outlined in part (1) and can the Minister list these by date;
- (5) On how many occasions did ACT Housing receive reports about the matters outlined in part (1) from ACT Policing, and on which dates;
- (6) If ACT Housing did not receive reports from ACT Policing about the incidence of activities outlined above, why not
- (7) On how many occasions did the Minister's office receive such reports, either through his department or directly from residents.

Mr Hargreaves: The answer to the member's question is as follows:

As Mr Pratt should be aware, under the provisions of the Privacy Act 1988, I am unable to answer these questions. Respect for client privacy is central to the department's credibility. At all times, the Department of Disability, Housing and Community Services complies with the legislation governing disclosure of information and treats the privacy of clients as a high priority.

Transport—national plan (Question No 2151)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 6 August 2008:

- (1) In relation to the joint communiqué on the development of a National Transport Plan and Policy Framework, what will the ACT Government be doing to integrate and meet the objectives of the Plan, particularly given there is currently no transport plan for the ACT;
- (2) Did the ACT Government have responsibility for developing the social inclusion aspect of the Plan; if so, what existing social inclusion policies from other jurisdictions and countries did the ACT Government research as part of this work and did the ACT Government consider fuel shortages and increased prices in investigating this section;
- (3) Does the ACT Government plan to introduce dedicated bus lanes on existing major roads in the ACT, including the Gungahlin Drive Expressway and the Tuggeranong Parkway, in order to meet its obligations under the Plan.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) The premise of the questions is incorrect. ACT Labor introduced the Sustainable Transport Plan in 2004 and released the Integrated Transport Framework in August 2006. These two plans should be compared to the Transport Plan of the Greens which amounts to 8 beliefs and 7 wants outlined in a single page without any detail or explanation of how these were determined. Or ACT Labor's plans could be compared to the Liberal Party Transport Policy which has not been made public if it exists at all.

Further, there have been two joint communiqués issued on the National Transport Plan and Policy Framework and it is unclear as to which Dr Foskey has referred to. I require clarification on the question before I can provide a meaningful response.

- (2) The ACT Government did not hold the responsibility for developing policy around social inclusion for transport as part of the proposed National Transport Policy Framework. This task was referred to the Deputy Prime Minister and Minister for Social Inclusion, the Hon Julia Gillard MP for her consideration.
- (3) Yes. However, again the premise of the question is wrong because Gungahlin Drive and Tuggeranong Parkway are peripheral freeways and assist the traffic be distributed away from Canberra central areas and therefore do not possess the characteristics of effective public transport corridors. Introduction of bus lanes are best provided along the established public transport corridors in the Plan.

Transport—public infrastructure (Question No 2153)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 6 August 2008:

- (1) Can the Minister provide the annual figures of ACT public transport use from 1996 to 2008 compared to Australia's other capital cities;
- (2) Can the Minister provide the details of the annual expenditure on infrastructure to support bus travel from 2004-05 to 2008-09 including (a) expenditure on public transport infrastructure including bus shelters and bus interchanges, (b) bike and car park and ride facilities and (c) patrons' services such as SMS and telephone answering services;
- (3) Can the Minister provide the details of annual on road engineering improvements from 2004-05 to 2008-09, including the (a) number and length of priority bus lanes added to the road system and (b) number and location of bus priority intersections and traffic signals added to the road system.

Mr Hargreaves: The answer to the member's question is as follows:

1. The comparison of ACT public transport use with other Australian capital cities is done based on the ABS census data. Therefore, the comparison can be done on the census years of 1996, 2001 and 2006 and for work related travel.

The table below compares public transport use (%) for different cities:

Cities	1996	2001	2006
Darwin	5.6	4.3	4.8
Hobart	7.5	6.5	6.7
Canberra	8.3	6.7	7.9
Perth	9.3	9.4	10.4
Adelaide	9.3	9.2	10.2
Brisbane	13.0	13.2	14.2
Melbourne	12.5	13.4	14.2
Sydney	22.1	22.8	21.7

Source: Australian Bureau of Statistics Census Data

- 2 (a) Annual expenditure on public transport infrastructure including bus shelters and bus interchanges;

Financial Year	Annual Expend
2004-05	\$321,000
2005-06	\$607,000
2006-07	\$1,016,000
2007-08*	\$939 113.50

*Note: \$124,113.50 in 2007 – 08 was expended on Bus Interchange Improvements

- 2 (b) The 2008-09 budget allocated \$530,000 to build a bike and car park and ride facility.

- 2 (c) Annual expenditure on patrons' services such as SMS and telephone Answering services;

Financial Year	Item	Annual Expend
2007-08	SMS	\$3,500
2004-05	Call Centre Services	\$452,548.08
2005-06	Call Centre Services	\$508,654.40
2006-07	Call Centre Services	\$249,840.00
2007-08	Call Centre Services	\$300,000.00

- 3 (a) Number and length of priority bus lanes added to the road system from 2004-05 to 2008-09

Financial Year	Location	Length (m)
2004-05	Nil	
2005-06	Flemington Road	1330
2006-07	Nil	
2007-08	Belconnen Way	130

- 3 (b) Number and location of priority bus lanes and traffic signals added to the road system from 2004-05 to 2008-09

Financial Year	Location
2004-05	No installations
2005-06	No installations
2006-07	No installations
2007-08	Belconnen Way – Intersection priority at Caswell Drive intersection east bound (GDE)

**Land—ballot
(Question No 2154)**

Dr Foskey asked the Chief Minister, upon notice, on 7 August 2008:

- (1) Why are (a) existing home owners and (b) non-ACT residents allowed to participate in the Moderate Income Land Ballot;
- (2) Why are bidders not required to be present at the ballot;
- (4) What checks are made to ensure low income eligibility;
- (5) Are investment earnings, for example monies from rental properties, taken into account along with salary earnings;
- (6) Will checks be made that once the home is completed on land acquired in a ballot, the property will not be rented out for, say a certain length of time;
- (7) How many homes have been built and are still occupied by the successful participants in the land ballot since its inception.

Mr Stanhope: The answer to the member's question is as follows:

- (1) Existing home owners were not eligible to participate in the Moderate Income Land Ballot. Non-ACT residents who met the income and other eligibility criteria were allowed to participate in recognition of the ACT's role in the broader region and economic development activities to encourage people to relocate to the ACT.
- (2) As a courtesy to eligible persons and in recognition of the fact that the individual employment conditions of moderate and low income earners may not allow the individuals time off to attend the actual ballot, a form of authority was available that allowed registrants to send a representative on their behalf if they were unable to attend the ballot in person.
- (4) Checks were undertaken by the ACT Revenue office to ensure the eligibility of purchasers.
- (5) Persons with rental properties were not eligible to participate in Moderate Income Land Ballots.
- (6) This was not a feature of the MILB scheme.
- (7) The ACT Government does not hold this information. Construction is still underway on some blocks which were purchased as part of the last Moderate Income Land Ballot.

**Environment—prosecutions
(Question No 2156)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

- (1) Has the Environment Protection Authority (EPA) ever taken prosecution action

against any company which has infringed any environment protection laws; if so, what are the details and results of those cases undertaken;

(2) In relation to part (1) what cases were not proceeded with and why;

(3) How many staff are currently in the EPA.

Mr Stanhope: The answer to the member's question is as follows:

1.

Company:	Section:	Act:	Offence	Results:
Integrated Forests Pty Ltd	s138(2)	Environment Protection Act 1997	Negligently polluting the environment causing environmental harm	On 2 August 2002 were convicted and fined \$300 with Court costs \$51 and criminal comp levy \$50
Sayers Australian Pty Ltd	s137(1)	Environment Protection Act 1997	Recklessly pollute the environment causing environmental harm	On 12 April 2007 when the matter came before the Magistrates Court the ACT DPP offered no evidence on the matter based on their negotiated agreement with the Defendant company.
BP Australia Pty Ltd	s137(1)	Environment Protection Act 1997	Recklessly pollute the environment causing environmental harm	2007 - Did not proceed On 17 Sep 2007 there was no evidence to offer and the Magistrate formerly dismissed the matter. Out of court settlement \$150,000 contribution to the ACT Environment Grants Program and \$50,000 for solar energy initiative at the Governments choosing.
BP Australia Pty Ltd	s137(3)	Environment Protection Act 1997	Polluted environment causing serious environmental harm	2007 - Did not proceed On 17 Sep 2007 there was no evidence to offer and the Magistrate formerly dismissed the matter. Out of court settlement \$150,000 contribution to the ACT Environment Grants Program and \$50,000 for solar energy initiative at the Governments choosing
Transgrid	s137(1)	Environment Protection Act 1997	Knowingly or recklessly pollute the environment causing environmental harm	March 2001 EPA notified of incident. April 2002 out of court settlement \$350,000 and Environment Protection Act amended to remove immunity from a government entity.

2. See column 5 'Results' in above table

3. The Environment Protection Authority (EPA) is a statutory position under the Environment Protection Act 1997 (the Act) held by the Director of Environment Protection and Heritage. The EPA has 19 staff who administer the provisions of the Act.

**Environment—fuel leaks
(Question No 2157)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

- (1) Who notified the Environment Protection Authority of the BP petrol leak in Tuggeranong;
- (2) What were the changes made to the Environment Protection Act as a result of the fuel leak in January 2007, referred to by the Minister for the Environment, Water and Climate Change in his media release.

Mr Stanhope: The answer to the member's question is as follows:

- (1) A member of the public made the report to Canberra Connect who in turn notified the Environment Protection Authority.
- (2) Item 32 of Schedule 1, activities requiring environmental authorisation, of the Environment Protection Act 1997 was varied. Item 32 was varied from 'the operation of a facility designed to store more than 500m³ (500,000L) of petroleum products', to 'the operation of a facility designed to store more than 50m³ (50,000L) of petroleum products'.

**Environment—fuel leaks
(Question No 2159)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

- (1) What breaches, under the Environment Protection Act, were identified for the leak at the BP Station in Tuggeranong;
- (2) What is the maximum penalty for breaches of this nature;
- (3) What are the usual penalties for breaches of this nature;
- (4) What are the numbers of people or organisations prosecuted for environmental offences under the Environment Protection Act compared to other States.

Mr Stanhope: The answer to the member's question is as follows:

1. Section 137(2): A person must not negligently pollute the environment causing serious environmental harm, and, 137(3): A person must not pollute the environment causing serious environmental harm.
2. Section 137(2): 1 500 penalty units (\$750,000), imprisonment for 3 years or both Section 137(3): 1 000 penalty units (\$500,000).
3. No two breaches are the same and the penalties applied by the court would depend on the outcome of the investigation and actions by the polluter.

The penalties imposed by the court sometimes reflect the conduct of the person and in the case of BP Australia, where over \$5 million has been spent on the clean-up and remediation, the penalty imposed may have resulted in a figure less than BP Australia's contribution to the ACT community through the ACT Environmental grants and solar initiative.

4. In relation to the number of prosecutions under the ACT Environmental Protection Act, see the answer to Question on Notice 2156. In relation to the comparability of prosecutions in other States, I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Environment—climate change (Question No 2161)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

What are the specific programs and measures that the ACT Government has in place to ensure that the impacts of climate change do not fall disproportionately on low income households.

Mr Stanhope: The answer to the member's question is as follows:

The ACT Government has a number of current programs to assist householders including the ACT EnergyWise and HEAT programs which offer home energy audits, advice and associated ACT Government rebates.

The ACT Government has also committed \$20 million to retrofit public housing with water and energy-saving technologies and increased rebates on water bills for concession card holders.

The Government has also recently committed to develop a household vulnerability risk assessment tool and best practice hardship policy.

The ACT Government is also monitoring the Australia Government's commitment to the following measures that will assist low income households address expected rising costs:

- Increase pensions and benefits to meet increased cost of living
- Provide taxation relief and payments assistance for low income households
- Assist middle income earners to meet anticipated increased cost of living
- Measures to increase energy efficiency improvements to help households take practical action to reduce energy use and reduce bills.

Environment—solar hot water systems (Question No 2162)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

- (1) How many houses in the ACT have solar hot water systems;

- (2) What is the number, as a percentage, of overall ACT households;
- (3) How does this compare to other States and Territories.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The ACT Government does not collect information on the number of domestic solar hot water systems installed in the ACT. As far as I am aware figures are not available from industry. It is not possible to calculate the number of solar hot water systems that have been installed on Canberra roofs in the past.
 - (2) It is therefore not possible to state what percentage of ACT households have domestic solar hot water systems installed.
 - (3) It is also not possible to compare the ACT with other States and Territories.
-

**Government—environmental efficiency programs
(Question No 2163)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What water efficiency measures and energy efficiency programs does the ACT Government run in the buildings it uses to house its agencies;
- (2) Can the Minister provide annual expenditure figures for these programs from 2004-2005 to 2008-2009;
- (3) How much money has been saved through these measures and programs for each of the years outlined in part (2);
- (4) How much money has been spent on energy and water for each building for each of the years from 2004-2005 to 2008-2009;
- (5) What energy savings have been made by agencies in each year from 2004-2005 to 2008-2009;
- (6) How much energy has been used in each building in each year since 2004-2005;
- (7) What water savings have been made by agencies in each year since 2004-2005;
- (8) How much water has been used in each building in each year since 2004-2005;
- (9) What energy and water efficiency measures and programs in Commonwealth Government buildings is the ACT Government aware of;
- (10) What is their effectiveness compared to the programs and measures implemented in the ACT agency buildings;
- (11) Is the Government aware of energy and water efficiency measures and programs in place in commercially leased or owned buildings in the ACT; if so, what is their

effectiveness compared to the programs and measures implemented in the ACT agency buildings.

Mr Hargreaves: The answer to the member's question is as follows:

1. The ACT Government utilises a mixture of owned and leased buildings to house its agencies. Water and energy efficiency programs can only be implemented and measured in owned buildings, but the ACT Government continually encourages landlords of buildings with ACT Government subleases to implement water efficiency measures and energy efficiency programs. The water efficiency measures and energy efficiency programs installed in owned buildings since 2004/05 have been as follows:
 - Macarthur House, Lyneham – Installation of flow restrictors into all taps in the building, installation of solar lighting in the car park (07/08), solar hot water (04/05), air conditioning works (04/05). Energy audit in 2005.
 - Dame Pattie Menzies House, Dickson – upgraded lighting controls (07/08),
 - Health Building, Civic – Chiller upgrade (04/05)
 - Callam Offices, Philip – energy audit 2005
 - Dickson Motor Vehicle Registry, Dickson – upgraded air conditioning units (05/06)
 - Magistrates Court, Civic – Window tinting to improve HVAC efficiency (06/07), lighting control upgrades (05/06)

The ACT Government has also run awareness campaigns in its buildings over this period, along with general community awareness programs, that may have influenced individual behaviours in the workplace.

In addition the Department of Territory and Municipal Services has been installing water tanks into all depots used by Parks, Conservation and Lands for its land management and horticultural services. Capital Linen has also replaced washing and drying equipment with more efficient machines which has resulted in significant water savings at its Mitchell site.

2. No, these works were not the result of individual programs, but rather were undertaken as part of larger works programs.
- 3-8.
See Attachment A. Annual usage can be affected by a number of factors such as the vacancy rate in the building and installation of high energy items such as servers.
- 9-10.
As each Commonwealth Department makes its own building arrangements, the ACT Government does not have this information.
11. The ACT Government does not have this information.

(A copy of the attachment is available at the Chamber Support Office).

**ActewAGL—GreenPower
(Question No 2164)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008:

- (1) In regard to electricity supplied in the ACT over the past three years, and projected over the next three years, what is the amount of the ACT's total electricity demand supplied by GreenPower, including the (a) number and proportion of households using GreenPower, (b) proportion of total household electricity consumption supplied as GreenPower, (c) number and proportion of businesses using GreenPower, (d) proportion of total business electricity consumption supplied as GreenPower, (e) number and proportion of ACT government agencies using GreenPower, (f) proportion of ACT government electricity consumption supplied as GreenPower, (g) number and proportion of Commonwealth government agencies located in the ACT using GreenPower, (h) proportion of Commonwealth government electricity consumption in the ACT supplied as GreenPower, (i) proportion of GreenPower customers, by category provided above, who purchase 100% or more of their power from GreenPower;
- (2) What information and analysis does ActewAGL have on the reasons for the increase of GreenPower users over time, including the impact of (a) price, (b) general public awareness and (c) specific advertising;
- (3) What is the proportion of GreenPower use in (a) other Australian States, (b) the United Kingdom and (c) the United States;
- (4) What is the extra quantity of electricity that must be switched to GreenPower to stabilise ACT emissions at 1990 levels;
- (5) What are the capacity constraints in the supply of GreenPower to ActewAGL;
- (6) What is the source of GreenPower supplied by ActewAGL in terms of (a) technological source, for example wind power, solar, etc and (b) the geographic location;
- (7) What and where are, the GreenPower generation facilities ActewAGL owns;
- (8) What are ActewAGL's planned GreenPower investments and what is the timeframe for those investments.

Mr Stanhope: The answer to the member's question is as follows:

The ACT Government is committed to addressing climate change and the use of GreenPower is one of many effective methods. GreenPower is renewable energy sourced from the sun, wind, water and waste that is purchased by energy companies on the customer's behalf. Only a small amount (about eight per cent) of electricity in the national grid currently comes from renewable sources.

Action 5 of the ACT Government's Climate Change Strategy – *Weathering the Change*, flagged the Government's intention to require GreenPower to be the first product offered to all new and re-connecting customers. This reverses the usual market approach of customers having to actively seek out and request the product.

1. Based on the latest quarterly report from the National GreenPower Accreditation Steering Group, as of 31 March 2008 the following information can be identified for GreenPower in the ACT;
 - a. There are a total of 10,203 customers in the ACT. Based on the 2006 Australian Bureau of Statistics census, which states the ACT had 131,000

- households, the proportion of ACT households taking part in GreenPower is 7.8%.
- b. The proportion of total electricity that GreenPower contributes to household consumption in the ACT is unavailable to the ACT Government.
 - c. There are a total of 167 commercial customers using GreenPower in the ACT.
 - d. The proportion of total electricity that GreenPower contributes to ACT business consumption is unavailable to the ACT Government.
 - e/f. The ACT Government currently purchases 23% of its electricity from accredited GreenPower. In 2005/06 this was a lower proportion of 19.2%, it was increased to 23% on 1 July 2006.
 - g. Based on the GreenPower website (www.greenpower.gov.au) the following Commonwealth agencies purchase GreenPower in the ACT; CSIRO – Commonwealth Scientific & Industrial Research Organisation and the National Museum Australia.
 - h. The proportion of total Commonwealth agency electricity supplied by GreenPower in the ACT is unavailable to the ACT Government.
 - i. The proportion of total customers who purchase 100% GreenPower in the ACT is unavailable to the ACT Government.
2. The Greenchoice program that ActewAGL delivers is independently assessed by the National Green Power Accreditation Program to guarantee that the green energy sourced comes from government-approved renewable energy sources. The ACT Government is a foundation member of the National GreenPower Accreditation Steering Group.
 3. We are not able to calculate the proportion of GreenPower used in other Australian States.

GreenPower data for the United Kingdom and the United States was unable to be sourced and is not kept by the National GreenPower Accreditation Steering Group.
 4. The ACT target set out in the ACT Climate Change Strategy – *Weathering the Change* is to reduce greenhouse gas emissions by 60% of 2000 levels by 2050. With a milestone to measure our progress of limiting 2025 emissions to 2000 levels.
 5. As a foundation member of the National GreenPower Accreditation Steering Group, the ACT has participated in collaborative action to encourage the Australian community to take up GreenPower. GreenPower is a market driven scheme and relies on the market increasing the amount of electricity from renewable sources to increase as the demand from consumers increases.
 6. In 2007, ActewAGL sourced GreenPower from the following accredited generators:

Type	Location
Wind	SA
Biomass	VIC
Biomass	SA

7. ActewAGL does not own any GreenPower accredited generation facilities but sources GreenPower through its partner AGL.
8. ActewAGL are investigating a number of GreenPower investments.

Solar

ActewAGL is currently working with the ACT Government assessing the feasibility of a large solar power station for Canberra. The preliminary feasibility report is complete. Assessment outcomes and recommendations arising from this report will be used by relevant stakeholders to guide investment decisions relating to a project of this nature.

Wind

(i) ActewAGL has an interest in the proposed wind farm for Woodlawn. A development application (DA) for this project has been lodged. Within the next twelve months (before the DA expires), interested parties will decide whether to proceed with this project.

(ii) ActewAGL has an interest in the proposed wind farm for Collector. This project is in the pre-feasibility stage. A development application (DA) is yet to be lodged.

Environment—solar power (Question No 2165)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 August 2008 (*redirected to the Chief Minister*):

Did the Chief Minister in April announce the appointment of Parsons Brinckerhoff as the consulting firm that would undertake a feasibility study into an ACT solar power facility and did he say that a final report would be presented to the ACT Government and ActewAGL by 1 July 2008; if so, (a) why has the study not yet been presented to ActewAGL and the ACT Government, (b) what are the revised timelines and (c) what role does the solar power facility play in the ACT's Energy Strategy.

Mr Stanhope: The answer to the member's question is as follows:

On 23 April 2008 I announced the appointment of Parsons Brinckerhoff as the consulting firm that will undertake a preliminary feasibility study into an ACT solar power facility and that a final report will be presented to the ACT Government and ActewAGL by 1 July 2008. This followed on from an announcement on 18 March 2008 by then ActewAGL Chief Executive Officer, Mr John Mackay, and I that a preliminary feasibility study was to be undertaken into a large scale solar power plant for the ACT.

- (a) The study has been presented to ActewAGL and the ACT Government. I announced this on 3 September 2008. The Parsons Brinckerhoff report has been made publicly available from the Chief Minister's Department website at <http://www.cmd.act.gov.au/>
- (b) Not applicable see answer (a) above.

- (c) A solar power station may prove to be a breakthrough investment that is worth pursuing. A business case and a process to test the market are needed to confirm the merits of adopting such technology in the ACT.
-

**Giralang preschool site—proposed use
(Question No 2166)**

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 7 August 2008:

Will the former Giralang Preschool building be made available for a community based childcare centre; if not, what is the intended use of the building.

Ms Gallagher: The answer to the member's question is as follows:

The site and building will be sold for uses consistent with the site's existing Community Facility Land Use Policy.

**Women—executive positions
(Question No 2167)**

Dr Foskey asked the Minister for Women, upon notice, on 7 August 2008 (*redirected to the Minister for Disability and Community Services*):

- (1) Is there a target percentage for women to be employed in executive positions in the ACT Public Service; if so, is the ACT meeting this target; if not, are there plans to introduce one;
- (2) Is there a target for women to be appointed to boards in the ACT; if so, is the ACT meeting this target; if not, are there plans to introduce one;
- (3) What measures are being taken to reach targets or to otherwise increase the number of women in executive positions and on ACT boards.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There is not a target percentage for women to be employed in executive positions in the ACT Public Service and at this stage there are no plans to introduce one.

As at 30 June 2008, the level of representation of women employed in executive positions in the ACT Public Service was 39 percent.

- (2) The ACT Government has a commitment to 50 percent representation of women on its Boards and Committees.

The level of representation of women on ACT Government Boards and Committees has increased from 46 percent to 48 percent in 2008, a difference of 2.2 percent.

- (3) The ACT Government is taking the following measures to reach targets or to otherwise increase the number of women in executive positions and on ACT Boards:

- The ACT Office for Women (OfW) maintains the ACT Women’s Register and provides information from women who have indicated an interest in nominating for appointment to ACT Government and non-Government Boards and Committees.
- The ACT Government requires all proposed appointments to its Board and Committees to be referred to the OfW prior to submission to Government. The OfW advises on strategies for increasing women’s representation on Boards and Committees for each proposed appointment.
- The ACT Government 2008-09 Budget Initiatives: *Build and Maintain the ACTPS Capacity* supports the development of a diverse and productive leadership group, with targeted training programs to support the promotion of more women into senior positions.
- The *Equity and Diversity Framework* ensures programs consider the *Employment Framework for People with a Disability*, the ACT Woman’s Plan, the *Multicultural Framework* and the *Caring for Carers Policy*.

ACTION bus service—off-peak timetables (Question No 2168)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 August 2008:

What is the timetable for increasing the frequency of off-peak and weekend bus services.

Mr Hargreaves: The answer to the member’s question is as follows:

Phase two of Network 08 will see the full introduction of Network 08 - providing the same bus routes 7 days a week. This phase will commence once enough bus drivers have been employed.

ACTION is continuing its recruitment campaign for permanent part time and weekend casual bus drivers in Canberra, regional New South Wales and Sydney to meet this demand.

ACTION bus service—patronage (Question No 2169)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 August 2008:

What are the average monthly ACTION bus patronage figures since October 2001.

Mr Hargreaves: The answer to the member’s question is as follows:

ACTION Monthly Patronage Figures:

	Adult	Concession	School	Free	Total
Jul-08	596,966	544,292	299,596	34,060	1,474,914
Jun-08	536,827	465,864	500,140	11,233	1,514,064
May-08	570,545	519,848	587,469	11,888	1,689,750

	Adult	Concession	School	Free	Total
Apr-08	532,918	532,048	309,655	11,052	1,385,673
Mar-08	476,754	492,874	481,847	10,123	1,461,598
Feb-08	539,192	512,037	494,375	9,971	1,555,575
Jan-08	472,230	509,481	20	5,436	987,167
Dec-07	409,525	421,290	218,369	9,279	1,058,463
Nov-07	509,226	472,545	485,410	6,598	1,473,779
Oct-07	526,030	537,307	331,590	6,815	1,401,742
Sep-07	489,421	448,096	506,522	6,498	1,450,537
Aug-07	544,799	477,364	606,014	7,022	1,635,199
Jul-07	522,088	509,309	270,415	6,530	1,308,342
Jun-07	495,693	421,492	489,440	5,482	1,412,107
May-07	565,918	492,056	607,848	6,665	1,672,487
Apr-07	451,748	472,616	230,325	5,221	1,159,910
Mar-07	531,267	472,326	586,724	5,878	1,596,195
Feb-07	502,189	476,275	460,439	5,749	1,444,652
Jan-07	453,602	483,755	7	5,839	943,203
Dec-06	413,498	416,445	234,062	5,435	1,069,440
Nov-06	533,115	488,937	534,927	6,682	1,563,661
Oct-06	509,822	546,228	324,013	6,524	1,386,587
Sep-06	502,782	464,543	537,591	6,653	1,511,569
Aug-06	567,216	490,222	635,327	7,727	1,700,492
Jul-06	520,128	515,023	261,715	6,626	1,303,492
Jun-06	528,497	457,485	528,883	7,729	1,522,594
May-06	577,966	516,962	634,509	8,822	1,738,259
Apr-06	438,017	456,084	256,986	6,039	1,157,126
Mar-06	547,657	518,744	641,208	7,638	1,715,247
Feb-06	491,815	501,181	454,797	6,915	1,454,708
Jan-06	431,638	489,010	204	6,405	927,257
Dec-05	424,074	475,182	179,283	6,366	1,084,905
Nov-05	508,176	478,180	530,415	7,759	1,524,530
Oct-05	473,340	506,233	421,107	7,572	1,408,252
Sep-05	491,332	494,410	457,085	8,108	1,450,935
Aug-05	495,535	467,344	617,785	8,210	1,588,874
Jul-05	457,885	509,155	280,834	7,209	1,255,083
Jun-05	460,217	437,269	513,032	8,729	1,419,247
May-05	486,551	478,629	616,451	8,877	1,590,508
Apr-05	448,335	515,414	265,341	7,795	1,236,885
Mar-05	443,006	483,330	576,298	8,175	1,510,809
Feb-05	437,044	457,446	533,201	7,766	1,435,457
Jan-05	376,471	474,730	4,877	6,711	862,789
Dec-04	387,688	460,843	192,598	6,710	1,047,839
Nov-04	448,048	470,321	523,511	7,757	1,449,637
Oct-04	416,430	501,730	396,789	7,194	1,322,143
Sep-04	439,090	485,387	480,935	8,013	1,413,425
Aug-04	441,614	465,557	612,041	7,643	1,526,855
Jul-04	435,831	526,102	305,884	6,388	1,274,205
Jun-04	430,890	452,502	556,771	6,345	1,446,508
May-04	443,024	490,624	618,503	6,558	1,558,709
Apr-04	393,889	509,791	277,621	5,977	1,187,278
Mar-04	459,911	507,539	647,457	6,876	1,621,783
Feb-04	416,385	487,246	519,561	6,523	1,429,715
Jan-04	369,809	500,974	189	5,727	876,699
Dec-03	373,373	476,552	230,788	6,567	1,087,280
Nov-03	405,197	468,734	507,659	6,618	1,388,208
Oct-03	432,791	541,217	415,263	7,147	1,396,418
Sep-03	429,727	486,756	571,161	7,331	1,494,975

	Adult	Concession	School	Free	Total
Aug-03	416,785	469,268	589,817	7,032	1,482,902
Jul-03	446,959	549,344	331,091	7,624	1,335,018
Jun-03	404,478	436,767	540,606	7,126	1,388,977
May-03	454,193	508,869	650,169	8,443	1,621,674
Apr-03	392,185	500,781	362,547	6,627	1,262,140
Mar-03	434,498	512,020	613,715	7,539	1,567,772
Feb-03	416,126	479,754	516,414	8,339	1,420,633
Jan-03	368,059	497,685	3	7,071	872,818
Dec-02	360,310	466,602	243,307	6,821	1,077,040
Nov-02	416,721	483,941	552,236	7,612	1,460,510
Oct-02	422,784	542,214	403,649	7,619	1,376,266
Sep-02	403,906	460,083	569,968	7,241	1,441,198
Aug-02	426,602	485,090	651,799	7,920	1,571,411
Jul-02	424,032	524,352	327,031	8,052	1,283,467
Jun-02	359,745	413,825	532,461	6,755	1,312,786
May-02	422,784	490,117	694,218	7,865	1,614,984
Apr-02	370,499	501,441	350,853	7,228	1,230,021
Mar-02	365,674	471,831	585,661	6,648	1,429,814
Feb-02	370,189	488,306	493,596	7,358	1,359,449
Jan-02	337,416	506,080	3	8,016	851,515
Dec-01	307,620	426,451	265,306	7,886	1,007,263
Nov-01	386,034	464,105	616,539	9,372	1,476,050
Oct-01	389,320	520,956	394,146	9,733	1,314,155

Land—surveys (Question No 2170)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 August 2008:

Have any ACT government agencies undertaken surveying of land along the eastern side of Antill Street between the Federal Highway and the houses at the northern end of Hackett in the last 12 months; if so, what is the purpose of these surveys.

Mr Hargreaves: The answer to the member's question is as follows:

I am unaware of any surveying work undertaken on this land over the past 12 months.

Planning—heritage sites (Question No 2171)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 August 2008 (*redirected to the Minister for the Environment, Water and Climate Change*):

Given that the National Trust has identified a number of Heritage nominated sites which it believes are at risk from development and/or neglect, can the Minister advise on the status of (a) Dickson Lyneham Flats, (b) Redwood Forest, (c) Pialligo, (d) Yarralumla Brickworks, (e) St John's Schoolhouse and (f) Old Canberra House, Australian National University.

Mr Stanhope: The answer to the member's question is as follows:

A) Dickson/Lyneham Flats

- The Dickson/Lyneham Flats are nominated to the ACT Heritage Register.
- The Department of Disability, Housing and Community Services (DHCS) submitted a Conservation Management Plan (CMP) to the ACT Heritage Council for endorsement in September 2007.
- Representatives from DHCS provided a short presentation on the CMP and the preferred development options to the Council at their meeting on 25 October 2007.
- The ACT Heritage Council expressed some concern regarding the content and structure of the CMP and has requested that additional information and issues are addressed in the document prior to resubmission for endorsement.
- DHCS recently submitted some additional information to the Heritage Council. The Heritage Unit will continue to work with DHCS to assist in advancing the CMP to an acceptable level for endorsement by Council.

B) Redwood Forest

- Redwood Grove is nominated to the ACT Heritage Register.
- Redwood Grove is registered on the Register of the National Estate. The National Capital Authority (NCA) maintains this register. While the registration currently affords it protection, the forest will be jeopardised when the Register of the National Estate is abolished in approximately 4 years time. This is an issue that will need to be progressed with the Commonwealth in the context of the proposed changes for the NCA.
- The Heritage Register Taskforce has recommended that Redwood Grove, along with 47 other nominated places, be removed from the ACT Heritage Register and placed on a 'Places of Interest to Canberra's Story List' as they are under the protection and control of the Commonwealth agencies.
- The National Trust contacted the Heritage Unit on 19 March 2008 noting their concern about the management of the Redwood Grove and seeking contact details of the responsible authority.
- The Heritage Unit responded on 1 April 2008 that while Redwood Grove is nominated to the ACT Heritage Register, it is on Designated Land and therefore not within the ACT's jurisdiction or control. The Unit suggested they contact the Department of Defence as the body responsible for maintaining the park.
- The National Trust wrote to the Chief Minister on 7 April 2008 noting their concern about the management of the forest and to redress any poor performance evident in the management of the Park.
- On 1 May 2008 the Chief Minister responded advising the National Trust that the park is situated on land administered by the Department of Defence and that the Commonwealth Government is responsible for maintaining the park environs. The National Trust was provided with contact details of an officer at the Department of Defence.

C) Pialligo

- A number of indigenous, natural and built heritage sites in Pialligo have been nominated or are registered on the ACT Heritage Register.
- Archaeological assessments/investigations indicate extensive Aboriginal settlement throughout Pialligo over an extended period of time. Many Aboriginal artifacts have been found. The name Pialligo is derived from the Aboriginal name for the area.
- In the early nineteenth century the area was part of Campbell's Duntroon Station.
- Since European settlement Pialligo has been largely used for agrarian purposes. Today the area is largely made up of commercial nurseries, associated buildings and open fields.
- The National Trust is concerned that the recent airport upgrading, the construction of the Brindabella Park office complex and road duplication have the potential to impact upon the remainder of Pialligo.
- In the context of the 2008–09 Heritage Grants program, the National Trust was successful in obtaining a grant to conduct a comprehensive heritage assets survey of Sections 2, 31 and 38 of Pialligo, the area lying to the west of Pialligo Avenue and East of the Molonglo River.

D) Yarralumla Brickworks

- Yarralumla Brickworks is entered onto the ACT Heritage Register and is considered to be of historical value as the first industrial manufacturing facility within the ACT and for its integral role in providing the base material ('Canberra Reds') used in the construction of the early buildings of the National Capital.
- In early 2008, the Yarralumla Brickworks development proceeded to the expressions of interest stage to solicit concepts for its development within the heritage constraints. This is being coordinated by the Land Development Agency.
- The Heritage Unit is represented on the evaluation panel for the Yarralumla Brickworks Expression of Interest process.
- The Respondent which is successful in Stage 2 will be responsible for the preparation and implementation of the CMP for the site, which will address a wide range of issues including, but not limited to, what needs to be preserved, the methods of preservation, the development potential of the site and how the site's development can be tied to the long-term preservation of the heritage and natural landform features.
- It is important to note that the CMP will have to be endorsed by the ACT Heritage Council prior to its acceptance by the Land Development Agency.

E) St John's Schoolhouse

- St John's Schoolhouse Museum is registered to the ACT Heritage Register as part of the St John the Baptist Church and Churchyard Precinct.
- St John's Schoolhouse Museum is registered on the Register of the National Estate. The National Capital Authority (NCA) maintains this register and development control lies with the NCA. While the registration currently affords it

protection, St John's Precinct will be jeopardised when the Register of the National Estate is abolished in approximately 4 years time. This is an issue that will need to be progressed with the Commonwealth in the context of the proposed changes to the NCA.

- A Master Plan with proposed development options has been prepared by St John's and released for public comment. St John's are working with the NCA in considering public comments and development options. At this stage no decision on development options has been made.
- The ACT Heritage Council has met several times with St John's about processes for developing a CMP for the precinct, and linking into the master planning program.
- St John's Church was successful in obtaining an ACT Heritage Grant in this years' round to develop a heritage area landscape conservation management plan.

F) Old Canberra House, Australian National University

- Old Canberra House is nominated to the ACT Heritage Register.
- Old Canberra House is registered on the Register of the National Estate as part of the Acton Conservation Area. The National Capital Authority maintains this register. While the registration currently affords it protection, the Acton Conservation Area will be jeopardised when the Register of the National Estate is abolished in approximately 4 years time. This is an issue that will need to be progressed with the Commonwealth in the context of the proposed changes to the NCA.
- The Heritage Register Taskforce has recommended that Old Canberra House, along with 16 other nominated places at the Australian National University, be removed from the ACT Heritage Register and placed on a 'Places of Interest to Canberra's Story List' as they are under the protection and control of Commonwealth agencies.
- The Australian National University has applied to construct a new building on the grounds. Under the Environment Protection Biodiversity Conservation Act the proposal has been referred for a ministerial decision.
- While the ACT Heritage Unit holds no jurisdiction over the development of land at the ANU, the Unit has been in close consultation with the ANU Heritage Project Officer, on the proposed development and other heritage matters at the university.
- A Heritage Impact Statement was prepared as part of the submission to the National Capital Authority for approval of this development, and this documentation, along with others will be considered by the Minister for the Environment and Water Resources as the development is assessed.

Housing—assistance (Question No 2172)

Dr Foskey asked the Minister for Housing, upon notice, on 7 August 2008:

- (1) How many people were impacted by changing the public housing income threshold from ACT average weekly earnings to Australian average weekly earnings;
- (2) What strategy has the ACT Government adopted to assist those people outlined in part (1) to secure affordable rental housing;
- (3) How many Canberrans are experiencing housing stress, defined as spending more than 30% of income on housing costs.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) As the majority of those people removed from the waiting list were removed for failing to respond to a request for updated eligibility details, it is not known how many were impacted by the revised income barriers.
- (2) The ACT Government has recently released a progress report on the implementation of affordable housing initiatives, including those related to private rental. The report can be found at http://www.actaffordablehousing.com.au/media/ACT_steps_ahead.html.
- (3) ACT Government data on the number of low income households paying more than 30% of their income in housing costs is not immediately available. Commonwealth Government data from June 2007 indicates that there were 3,311 income units (individuals or families) in Canberra who were paying more than 30% of their income on rent even after Commonwealth Rent Assistance was deducted from the rent.

Schools—Green Schools program (Question No 2176)

Dr Foskey asked the Minister for Education and Training, upon notice, on 7 August 2008:

- (1) How many and which schools have benefited from the Green Schools program;
- (2) What are the details of the projects and the amounts of money spent;
- (3) Are there yearly targets in place to measure whether the schools will, as the ACT Government has promised, be carbon neutral by 2017; if so, what are the targets and how is progress being measured.

Mr Barr: The answer to the member's question is as follows:

- (1) All schools will benefit in relation to water and energy reductions as a result of the works currently being funded from the \$90 million Schools Infrastructure Refurbishment and annual capital upgrades programs.
- (2) A list of the specific projects undertaken at each school and the associated cost is expected to be prepared by the end of 2008. This information will then be updated on a regular basis.
- (3) Targets are expected to be established following the preparation of energy and water audits at schools. These audits along with an assessment of the building condition and

consultant advice on the required works are required to develop the strategy to achieve carbon neutrality by 2017. It is expected that the strategy will be completed by the end of 2009 and include annual targets.

Environment—noise assessment guidelines (Question No 2179)

Dr Foskey asked the Minister for Planning, upon notice, on 7 August 2008
(*redirected to the Minister for Territory and Municipal Services*):

- (1) Is the Minister aware of the Queanbeyan Shire Council's Aircraft Noise Assessment Guidelines;
- (2) Are similar guidelines also necessary in the ACT within areas that fall within the 20 and 25 Australian Noise Exposure Forecasts contours;
- (3) What are the ACT's current guidelines pertaining to aircraft noise.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) I am informed that Queanbeyan City Council does not have specific guidelines in respect of aircraft noise assessment but is required to apply Australian Standard AS2021 -2000 – Acoustics - Aircraft noise intrusion – Building siting and construction.
 - (2) The Canberra Spatial Plan, issued in 2004, indicated that, within the Territory, suburban residential development should be excluded from areas inside the 20 Australian Noise Exposure Forecast (ANEF) contour. The Territory uses the ultimate capacity ANEF issued by Canberra International Airport and approved for technical accuracy by Airservices Australia.
 - (3) There are no current guidelines in the Territory specifically relating to aircraft noise because effective, long-term planning has kept noise-sensitive land uses outside high aircraft noise impact areas. There are a few dwellings on rural leases which fall within high noise areas and any recent approvals have required the lessees to meet the requirements set out in AS2021.
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Kambah—leasehold inspections (Question No 2180)

Dr Foskey asked the Minister for Planning, upon notice, on 7 August 2008:

- (1) In relation to the answer to question on notice No 2130, is the Minister able to say what law was flouted by the ex-lessee of 54 Morant Circuit, Kambah;
- (2) Which photos provided as alleged evidence of an unclean block were taken (a) on 3 June 1994 before a clean up order was dutifully complied with by 9 August 1995, (b) in 2005-2007 before an inspection report of 11 September found the block was not considered an unclean leasehold and (c) from within the boundaries of the block without the lessee's verbal or written permission;

- (3) Did the ACT Planning and Land Authority inspectors disregard the law when they failed to observe the relevant provisions of the Land Act concerning the legal requirements for inspections.

Mr Barr: The answer to the member's question is as follows:

As previously stated in answers to earlier questions on this subject the issues being raised by the Member have been the subject of extensive review by both the Ombudsman and the ACT Administrative Appeals Tribunal and I do not intend to answer them again.

Schools—Narrabundah early childhood (Question No 2182)

Dr Foskey asked the Minister for Education and Training, upon notice, on 7 August 2008:

Was the new Narrabundah early childhood school and centre offered the opportunity to have a flyer promoting itself and providing enrolment information inserted into the generic promotional brochure distributed by the Department of Education and Training.

Mr Barr: The answer to the member's question is as follows:

- (1) Yes, the Department has developed specific brochures on each of the early childhood schools, including a brochure on Narrabundah Early Childhood School, to assist the schools with their promotion in the local community.

Information about the new Early Childhood School has also been included in the 'South Canberra Public Schools' brochure. The brochure advises the community to visit the Department website for enrolment procedures.

Wakefield Garden—vacant building (Question No 2185)

Mr Mulcahy asked the Minister for Housing, upon notice, on 19 August 2008 (*redirected to the Minister for Territory and Municipal Services*):

Is the vacant building behind the Ainslie IGA Shops on Wakefield Garden which has been left vacant for approximately three years a Government building; if so, (a) who is responsible for repairing damage inflicted on the building due to vandalism and (b) have negotiations commenced for the sale of the property or will it continue to be left vacant and unused.

Mr Hargreaves: The answer to the member's question is as follows:

Yes

- a) The Department of Territory and Municipal Services.
b) Options for this site are currently being reviewed.
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**Water—quality
(Question No 2187)**

Dr Foskey asked the Minister for Health, upon notice, on 19 August 2008:

- (1) In relation to the response to question on notice No 2075, has the ACT Health *Code of Practice* been scrutinised by the Legislative Assembly;
- (2) Is ACT Health doing research to assess the level of risk to health and the environment as a result of the water purification plant;
- (3) Has ACT Health ever assessed the blood and urine of ACT citizens for chemical contamination;
- (4) Has there ever been a waterborne disease outbreak in the ACT that has not been reported to the public, under the *Epidemiological Studies (Confidentially) Act 1981*.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Drinking Water Code of Practice 2007 (DWCoP) was tabled in the Legislative Assembly on 8 March 2007. The Scrutiny of Bills committee made comments on the DWCoP in Scrutiny Report No. 40 (dated 30 April 2007).
- (2) Yes. ACT Health continues to assess potential public health risks associated with the water purification plant.
- (3) ACT Health has not done population studies concerning chemical contamination.
- (4) No. The *Epidemiological Studies (Confidentially) Act 1992* applies to epidemiological studies only, and not to disease outbreaks.

**Libraries
(Question No 2188)**

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 19 August 2008:

What are the names of the stakeholders who reviewed the first draft of the Libraries Alive! *Review of the ACT Government and Assembly Library and the ACT Heritage Library*.

Mr Hargreaves: The answer to the member's question is as follows:

The first draft of the Libraries Alive! Report was reviewed by relevant senior staff from the ACT Library and Information Service including the Director, Programs and Online Services Manager and three Senior Librarians.

Schools—evaluations (Question No 2189)

Dr Foskey asked the Minister for Education and Training, upon notice, on 19 August 2008:

- (1) How many students were lost to private schools after the school closures and re-organisation, particularly from (a) Cook, (b) Flynn, (c) Melrose and (d) Narrabundah;
- (2) Was there a robust evaluation of educational and social outcomes before changing the school year systems, for example, P-2, K-4, K-6; if so, is this evaluation available to the public.

Mr Barr: The answer to the member's question is as follows:

- (1) (a) 1
(b) and (c) unknown, as the Department at the time did not have access to individual student information for non-government schools
(d) 1
- (2) The structure and provision of early childhood education in ACT public schools is based on national and international research indicating the critical importance of early years in setting the foundation for learning, behaviour and health throughout the school years and on into adult life. Research relating to the early childhood schools (P-2 schools) is listed in the conclusion of the *Early Childhood Schools – A framework for their development as learning and development centres for children (birth to eight) and their families*.

K-4 is not a school model currently offered in the ACT.

P-6 and K-6 are common primary school models operating across the country and were based on the notion that prior to adolescence, children benefited from the majority of their instruction and social support being provided by a 'home room' teacher.

Education—international students (Question No 2190)

Dr Foskey asked the Minister for Education and Training, upon notice, on 19 August 2008:

- (1) How many international students attend ACT educational institutions;
- (2) What is the cost to the ACT Government for these students;
- (3) What is the amount of funding that is allocated per student to those institutions outlined in part (1) to support them;
- (4) What proportion of these students are in (a) primary schools, (b) secondary schools and (c) tertiary education.

Mr Barr: The answer to the member's question is as follows:

- (1) There are currently 484 full fee paying students enrolled in ACT public schools. In addition, there are approximately 220 international students who have been granted fee exemption status. As at 18 August 2008, there were 823 international students enrolled at the CIT and 2324 at the University of Canberra.
 - (2) Nil for full fee paying international students and over \$2.5m for fee exempt students in 2007. The cost to the ACT Government for international students studying at tertiary institutions is nil.
 - (3) In 2008, the funding allocated to ACT public schools to support full fee paying international students is \$7 179 per student for public colleges, \$6 903 per student for public high schools and \$5 388 per student for public primary schools. Fee exempt students incur no additional funding. Tertiary institutions receive no additional funding for international students.
 - (4) (a) 57 (b) 427 (c) CIT – 823 UC- 2324. The remainder of the tertiary sector is unknown, as the Department of Education and Training does not have responsibility for these universities.
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**Civic—parking facilities
(Question No 2191)**

Mr Mulcahy asked the Minister for Planning, upon notice, on 20 August 2008
(*redirected to the Minister for Territory and Municipal Services*):

- (1) How long will the temporary car parks near Commonwealth Avenue, next to Lake Burley Griffin, be operational;
- (2) What will happen to this car park when it is no longer operational;
- (3) What specific plans does the Government have to provide permanent car parking facilities in Civic.

Mr Hargreaves: The answer to the member's question is as follows:

1. The temporary car park is expected to operate for at least five years.
 2. It is intended that it will be returned to an open grassed area.
 3. The Government is ensuring that a condition of city developments is the replacement of publicly available parking as well as the provision of on site parking to meet some of the additional generated demand. In addition, the Government is investigating suitable sites for multi-storey car parks in the City area.
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**Bimberi—Youth Detention Centre
(Question No 2206)**

Mr Seselja asked the Minister for Children and Young People, upon notice, on 21 August 2008:

- (1) In relation to the Forecast Underspends for 2007-08 in the Capital Works Report for the March Quarter 2007-08, what are the principal reasons for the rollover of funding for Bimberi Youth Detention Centre;
- (2) Has the project been re-scoped since the original allocation, or has the cost of the project changed; if so, what are those changes;
- (3) What (a) was the original and (b) is the current estimated month and year for completion of the project;
- (4) Why was the delay in acquittal of funding for the project in the 2007-08 year unanticipated at the time of original budget forecasts for the 2007-08 year;
- (5) What portion of the budget for this project does the rollover represent.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The rollover of funds was for works that were committed, and in the majority of instances were completed in 2007-08, but were not invoiced, certified, passed for payment and paid until early in 2008-09. There may also have been some instances in which funds were held against the provision of 'as constructed documentation', service, operational manual warranties and certification.
 - (2) No, unusually for a project of this size and complexity, it has been constructed entirely to the original scope.
 - (3) a) 30 June 2008.
b) 14 July 2008.
 - (4) The Bimberi Youth Justice Centre was fully appropriated in the 2005-06 Budget reflecting the Government's commitment to addressing the issues raised by the Human Rights Commissioner's audit of Quamby. This was prior to a site being identified, the undertaking of a Territory Plan Variation, Preliminary Assessment and referral to the Commonwealth, the development of a user requirements brief, acquisition of the land, determination of a procurement model, selection of a Project Manager, preparation of a construction program and development of a cash flow projection. Without the cash flow projection the commitment and expenditure over the final months was, of necessity, an estimate. Notwithstanding these inputs, the final payments under the contract are always influenced by 'wet weather', other legitimate claims for extensions of time and the performance of subcontractors against the contract requirements listed at answer 1 above.
 - (5) 9.4%
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**Works—projects
(Question No 2211)**

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 21 August 2008:

- (1) In relation to the Forecast Underspends for 2007-08 in the Capital Works Report for the March Quarter 2007-08, what are the principal reasons for the rollover of funding for (a) Capital Improvements – Improving the Look of the City, (b) Lake Ginninderra Foreshore Upgrade – Stage 2, (c) Civic Olympic Pool – Replacement Air Dome, (d) Lakeside Leisure Centre Refurbishments, (e) Harrison District Playing Fields, (f) Lanyon Drive Upgrade (Monaro Highway to Sheppard Street), (g) Bonython West Infrastructure Duplication of Athllon Drive, (h) Government Offices Air Conditioning Upgrade, (i) Acton Temporary Car Park, (j) Fyshwick Stormwater Augmentation, (k) Airport Roads Stage 1, (l) Tharwa Bridge, (m) Predator-Free Sanctuary – Mulligans Flat and (n) an ACT Dragway;
- (2) Have the projects been re-scoped since the original allocation, or has the cost of the projects changed; if so, what are those changes;
- (3) What (a) was the original and (b) is the current estimated month and year for completion of the projects;
- (4) Why was the delay in acquittal of funding for the projects in the 2007-08 year unanticipated at the time of original budget forecasts for the 2007-08 year;
- (5) What portion of the budget for these projects does the rollover represent.

Mr Hargreaves: The answer to the member's question is as follows:

1. In relation to the Forecast Underspends for 2007-08 in the Capital Works Report for the March Quarter 2007-08, the principal reasons for the rollover of funding are as follows:

(a) Capital Improvements – Improving the Look of the City

Delays were experienced in procuring the design contracts for projects associated with Canberra City Central as well as urban Landscape and Built Asset Improvements, reflective of the tight market conditions and poor response from industry. Delays associated with Shopping Centre Improvements were largely due to the extensive consultation undertaken with local traders and the community. Delays within the Parks and Reserves category were primarily due to the large number of playground sites, lengthy consultation requirements and a 14 week lead time required by major playground equipment manufacturers for supply of equipment.

(b) Lake Ginninderra Foreshore Upgrade – Stage 2

Delays have been caused by lakebed and water level issues requiring additional technical investigation and amendments to the final design.

(f) Lanyon Drive Upgrade (Monaro Highway to Sheppard Street)

The Tender was delayed to ensure that it did not coincide with several other large tender processes, including the Airport Pialligo Drive duplication, to ensure better value for money.

(g) Bonython West Infrastructure Duplication of Athllon Drive

The tender price for the works was higher than the allocated budget. In response, the Department reviewed the scope of works in an attempt to meet the project authorisation, however the review indicated that it was more appropriate to request additional funding. A funding transfer was agreed by the Treasurer in March 2008.

(h) Government Offices Air Conditioning Upgrade

Delays have been experienced due to the production of equipment to be used on the project.

(i) Acton Temporary Car Park

Construction was delayed due to logistical requirements associated with the 2008 Olympic Torch Relay on 24 April.

(j) Fyshwick Stormwater Augmentation

The design phase was prolonged due to difficulties surrounding the proposed routes and complex interactions with Jerrabomberra Creek flood backwaters and adjustments to stormwater easements.

(k) Airport Roads Stage 1

Although construction contracts had been let, delays relating to the Pialligo duplication resulted due to a legal challenge in the Administrative Appeals Tribunal, since resolved.

(l) Tharwa Bridge

Delays were primarily due to the Government's decision, made late in the financial year, to rescopé the project and to restore the existing bridge instead of constructing a concrete bridge.

Items (c) (d) (e) (m) and (n) are the responsibility of Minister Stanhope and Minister Barr and will therefore need to be asked to them.

2. Re-scoping has occurred in relation to the Tharwa Bridge project due to the Government's decision, made late in the financial year, to restore the existing bridge instead of constructing a concrete bridge. Re-scoping was also undertaken on the Eddison Park Pond project (Improving the Look of the City) following community consultation concerning the size of the pond as and to include a water storage solution.

Authorisation increases of \$1 million were approved by the Treasurer in relation to the Bonython West Infrastructure Duplication of Athllon Drive project due to tender prices for the works being \$0.5 million higher than estimated. An increase of \$0.5 million was also provided to the Eddison Park Pond project, part of the Improving the Look of the City Program, for \$0.5 million as outlined above.

3. (a) The original and (b) current estimated month and year for completion of the projects are as follows:

Project Name	Original Estimated Completion Date	Revised Estimated Completion Date
Capital Improvements – Improving the Look of the City	Jun-08	Dec-08
Lake Ginninderra Foreshore Upgrade – Stage 2	Jun-08	Feb-09
Lanyon Drive Upgrade (Monaro Highway to Sheppard St)	Jun-08	Jun-09

Bonython West Infrastructure Duplication of Athllon Drive	Jun-08	Dec-08
Government Offices Air Conditioning Upgrade	Jun-08	Oct-08
Acton Temporary Car Park	Jun-08	Aug-08
Fyshwick Stormwater Augmentation	Jun-09	Jun-09
Airport Roads Stage 1	Jun-09	Dec-08
Tharwa Bridge	Jun-08	Dec-11

4. The delay in acquittal of funding for the projects in the 2007-08 year was unanticipated at the time of original budget forecasts for the 2007-08 year primarily as a result of tight market conditions; particularly those associated with the landscape design and construction industry, as well as higher than anticipated project costs and delays in the supply chain.

5. The following table shows the rollover for each project as a percentage of total budget.

Project Name	Project Authorisation \$'000	Rollover \$'000	% of Total Project Budget
Capital Improvements – Improving the Look of the City	9,700	6,331	65%
Lake Ginninderra Foreshore Upgrade – Stage 2	3,200	2,675	84%
Lanyon Drive Upgrade (Monaro Highway to Sheppard St)	5,000	1,852	37%
Bonython West Infrastructure Duplication of Athllon Drive	3,900	2,450	63%
Government Offices Air Conditioning Upgrade	1,410	1,350	96%
Acton Temporary Car Park	2,500	1,000	40%
Fyshwick Stormwater Augmentation	3,800	1,000	26%
Airport Roads Stage 1	15,000	2,000	13%
Tharwa Bridge	10,000	8,400	84%

Construction Industry Long Service Leave Board (Question No 2216)

Mr Mulcahy asked the Minister for Industrial Relations, upon notice, on 27 August 2008:

- (1) Have any members of the Construction Industry Long Service Leave Board resigned within the last year; if so, for each resignation, (a) what was the reason given, (b) is the Minister satisfied that the reason given was genuine; if not, or if no reason was given, is he able to provide a reason for the resignation and (c) did any resigning Board members criticise the operation of the Board to the Government; if so, what were these criticisms;
- (2) How was the new Chair of the Board appointed;
- (3) Is the Minister satisfied that the Chair of the Board is sufficiently independent from outside groups to perform his functions properly.

Mr Barr: The answer to the member's question is as follows:

- (1) Yes. I received two resignations in the last year. Mr Brian O'Reilly resigned as an acting member on 10 March 2008. I was advised of Mr John Haskin's resignation as a member on 12 March 2008.
 - (a) Mr O'Reilly provided no reason for his resignation. I was formally advised of Mr Haskin's resignation through the Chair of the Governing Board.
 - (b) No reasons were conveyed to me. I am not in a position to speak on behalf of Mr O'Reilly or Mr Haskins.
 - (c) I am not aware of any criticisms from the resigning members of the operation of the Board.
 - (2) The Chair of the Board was appointed after seeking nominations from all relevant industry stakeholders and the ACT Office of Women.
 - (3) I am satisfied that the Chair is sufficiently independent from outside groups in order to perform her functions properly.
-

Rates—payments (Question No 2217)

Mr Mulcahy asked the Treasurer, upon notice, on 28 August 2008:

In relation to early and up front rates payments, why does the ACT Revenue Office offer homeowners a 3% discount if they make their rates payments in full and up front before the first due date, and yet charge 16% interest if the payments are late.

Mr Stanhope: The answer to the member's question is as follows:

The Government introduced the rates discount scheme in 1989 to encourage early payment, to reduce administrative costs associated with quarterly billing and collection of rates. The rate of discount reflects a saving roughly equivalent to an 8 per cent investment return for the ratepayers who take advantage of the scheme. Currently around 40 per cent of ratepayers pay upfront.

In regard to the penalty interest rate for late payment, the current rate of 15.75 per cent per annum comprises of a market rate component of 7.75 per cent per annum and a fixed penalty rate component of 8 per cent per annum. The penalty component is designed to increase the penalty interest rate to the point where it is uneconomical to use the Government as a source of finance. Section 26 of the *Taxation Administration Act 1999* sets market rate component to the 90 day accepted bill rate updated twice yearly and the penalty interest component at 8 per cent. The current market rate is set at the 90 day accepted bill rate as at May 2008.

Gungahlin Town Centre—footpaths (Question No 2219)

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 28 August 2008 (*redirected to the Chief Minister*):

Why has the (a) footpath on Block 75 in the Gungahlin Town Centre along (i) Gozzard Street and (ii) Swain Street and (b) driveways on Block 75 along Gozzard Street not be completed yet and when will they be completed.

Mr Stanhope: The answer to the member's question is as follows:

- (1) (a) (i) The footpath along Gozzard Street immediately adjacent to Section 75 Gungahlin is scheduled to be constructed in early 2009. The construction works for footpaths and driveways commence once the development of each section has been completed.
 - (ii) Construction of the footpath along Swain Street, immediately adjacent to Section 75 Gungahlin, has commenced. It is expected to be completed by the end of October 2008.
 - (b) The driveways providing vehicular access to the residences on Section 75 along Gozzard Street are located in the rear lane being Carver Lane, with construction due for completion by the end of October 2008.
-