



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

7 MAY 2009

www.hansard.act.gov.au



Thursday, 7 May 2009

Petition: Long Service Leave (Contract Cleaning Industry) Act—petition No 98..	2035
Road Transport (Mass, Dimensions and Loading) Bill 2009	2035
Distinguished visitor	2039
Duties Amendment Bill 2009	2039
Statute Law Amendment Bill 2009.....	2040
Independent Legal Arbiter	2042
Latimer House principles	2066
Education, Training and Youth Affairs—Standing Committee	2066
Public Accounts—Standing Committee	2067
Facebook website.....	2074
Questions without notice:	
Schools—boards	2080
Health—Indigenous.....	2082
Budget—services.....	2084
Taxation—utilities	2087
Appropriation Bill 2009-2010.....	2088
Public Accounts—Standing Committee	2153
Papers.....	2153
Answers to questions on notice:	
Question Nos 30 and 131.....	2154
Cultural Facilities Corporation—quarterly report	2154
Framework for Children and young people with a disability	2154
Facebook website.....	2155
Adjournment:	
Budget.....	2160
Italian earthquake	2160
Mr Tony Meloto	2161
Gawad Kalinga organisation	2162
Incorporated document: Attachment 1	2164

Thursday, 7 May 2009

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

The following petition was lodged for presentation, by Mr Hargreaves, from 400 residents:

Long Service Leave (Contract Cleaning Industry) Act—petition No 98

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

This petition of certain residents of the ACT draws to the attention of the Assembly that -

Security Officers of the ACT urgently need to have their long service leave entitlements covered by the same scheme which already covers the cleaners of the ACT.

Security companies regularly win and lose security contracts. As a result officers can be engaged by a number of different employers whilst remaining in the industry for many years. Under the current laws, security officers find it difficult to remain with the one company long enough to qualify for long service leave.

Construction workers are entitled to portable long service leave – so that no matter how many employers that they work for, what counts is their time worked in that industry. Cleaners in 2000 also won this right. Security officers now face the situation that when facility management contracts change, the cleaners enjoy portable entitlements whilst the security officers do not.

The following petitioners call on the ACT Legislative Assembly to extend the current *Long Service Leave (Contract Cleaning Industry) Act* to form the *Property Services Act* to all Property Services employees.

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

Road Transport (Mass, Dimensions and Loading) Bill 2009

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.01):
I move:

That this bill be agreed to in principle.

This bill, the Road Transport (Mass, Dimensions and Loading) Bill 2009, seeks to implement the national road transport, compliance and enforcement scheme in the ACT. In November 2003, Australian transport and roads ministers approved the national model road transport reform compliance and enforcement bill developed by the then National Road Transport Commission in conjunction with representatives from federal, state and territory road transport agencies, the police, the heavy vehicle transport industry, the Transport Workers Union, occupational health and safety organisations and road user organisations. The bill was developed to provide a model, nationally consistent and best practice legislative scheme to improve compliance with and enforcement of the road transport laws.

The primary objectives of the model legislation, which is concerned with heavy vehicles and heavy combinations with gross vehicle mass greater than 4.5 tonnes, are to improve road safety, to minimise the adverse impacts that heavy vehicle road transport has on road infrastructure, the environment and public amenity and to make a demonstrable positive change in the on-road behaviour of those involved in the road transport industry. The legislation has the potential to bring about a positive cultural change in how the heavy vehicle transport sector operates, including safer loading practices such as reduced instances of overloading and improved contract arrangements between vehicle operators and receivers such as Woolworths. Improved road safety is expected to be a significant outcome benefiting all road users.

A key feature of the national scheme is the chain of responsibility concept where parties who affect heavy vehicle road transport compliance are made accountable for their acts and omissions. These parties include not only the driver and vehicle operator but also off-road entities such as consigners, packers, loaders and receivers.

New evidentiary and mutual recognition provisions are included that will facilitate investigations of large transport companies that operate across jurisdictions and have breached the heavy vehicle road laws. Jurisdictions will enter into agreements to allow investigations that commence in one jurisdiction to continue across border to enable appropriate evidence to be gathered to ensure successful prosecution.

The scheme includes special enforcement responses such as the issuing of formal warnings and improvement notices. It adopts a risk-based categorisation of mass, dimension and load restraint breaches, ranging from minor to substantial to severe breaches, reflecting the potential risk to safety, road infrastructure and the environment.

The scheme provides significant fines for loading breaches and a range of sanctions to enable the courts to impose a punishment that best fits the offence such as commercial benefits penalties, supervisory intervention orders, prohibition orders and compensation orders. These sanctions and higher fines will act to deter those operators who deliberately overload for economic benefit, to the detriment of the honest operator, thereby creating a more level playing field in what is a highly competitive industry. The model scheme also provides the framework for future

national compliance and enforcement reforms for the road transport law in such areas as driving hours and fatigue management, speeding heavy vehicles and vehicle standards.

The national model compliance and enforcement provisions were not drafted as template legislation as it was recognised that the national regulatory framework would need to be accommodated within state and territory legislative and legal policy frameworks. With this in mind, some aspects of the national model scheme are classified as desirable rather than essential for nationally consistent outcomes. Whilst the desirable elements were included in the national model to provide a best practice legislative compliance and enforcement scheme, the ACT was free to adopt only those elements that can be accommodated within our criminal law and human rights policy framework. The ACT Road Transport (Mass, Dimensions and Loading) Bill has been drafted to achieve such an outcome.

The key changes to the national approach that were necessary to achieve compatibility with ACT criminal law and human rights policy are:

(a) Instead of a tiered penalty structure which is considered to interfere with the discretion of the courts to deal with each case according to all the circumstances, particularly where there may be several fault element offences, a single maximum penalty is to apply for heavy vehicle road law offences.

(b) The bulk of contraventions under the model bill apply absolute liability as the standard for offences. The ACT bill departs from the model bill by applying strict liability for minor substantial breaches of mass, dimensions or loading requirements. In the case of severe breaches, a greater penalty is considered necessary than the 50 penalty unit maximum usually applied to strict liability offences. For severe breaches, the penalty is related to the degree of criminal intent or responsibility involved in the offence. For example, in a case involving a severe mass breach, the maximum penalty is 100 penalty units where negligence is a factor in the offence, 150 penalty units and six months imprisonment where recklessness is involved and 200 penalty units and six months imprisonment where there is an intention to offend.

(c) The reasonable steps defence provided under the model has been replaced with a reasonable steps exception to satisfy the requirements of the ACT Human Rights Act 2004. In general, the prosecution should be required to prove all aspects of the criminal offence beyond reasonable doubt. Consistent with the presumption of innocence, the onus of proof should only be placed on the defendant to prove a particular matter, including a statutory defence in exceptional circumstances. A change from a defence to an exception changes the burden of proof on the defendant from a legal burden to an evidential burden.

(d) The inspection and search provisions have been revised to reflect the standard provisions for the ACT which are human rights compliant. Having standard laws with a general applicability for all ACT regulatory regimes ensures that when the provisions are litigated there is a consistent

jurisprudence from the courts and that unnecessary complexity in territory law is avoided. The primary difference from the model approach is that when police officers or authorised officers wish to conduct a search of premises, which is more intrusive than inspecting and examining, a search warrant will be required to be obtained prior to undertaken such action.

(e) The model bill contains a provision which would allow a prosecution for an offence against the act to be commenced within two years after the alleged commission of the offence or, if two years has already elapsed, a further one year after the date on which the enforcement agency first became aware of the alleged offence. However, the general limitation period for commencing prosecutions under section 192 of the Legislation Act has been followed. Section 192 applies to all ACT offences and provides that a prosecution for an offence that is not punishable by imprisonment for a period longer than six months imprisonment must be commenced within one year of the date on which the offence was committed.

(f) In regard to confidentiality of information, the model provisions have been revised to bring them in line with the standard secrecy provisions of the Human Rights Commission Act 2005, which places limitations on the disclosure of protective information and creates offences where a person makes a record of or divulges such information in breach of the act or another law.

(g) The model provisions relating to embargo notices and return of forfeiture of seized things have been revised to comply with the requirements of the Human Rights Act 2004, the key aspect being that, in regard to the seized property provisions where a person pays an infringement notice, a burden is on the government to apply to the court for seized items to be forfeited, not for the person to apply to get it back.

During the process of drafting the ACT legislation, any New South Wales departures from the model legislation were assessed and, where it would serve to improve interjurisdictional regulatory and administrative consistency and transport efficiency, a similar approach was considered. The only New South Wales departure from the model scheme that the ACT will adopt related to the non-registration of industry codes of practice by a road transport authority. New South Wales advised that it decided not to register industry codes due to liability concerns and difficulties that may arise in prosecutions.

Although the intention of the model provisions is that the registration of industry codes should not be considered to be an endorsement of the code, liability could arise if someone is injured whilst complying with the code. A court may take the view that in registering a code the road transport authority is endorsing the content of the code. Similar concerns have been expressed by the Department of Justice and Community Safety and the outcome of a the decision not to register codes means that defendants may still call into evidence compliance with an industry code but the code will not have explicit legal status under the act.

The model provisions were shaped by extensive consultation. The model bill was first circulated by the National Road Transport Commission in draft form for public comment in June 2002 and was in the public domain for an extended period. The National Road Transport Commission conducted information seminars for government and industry in all jurisdictions, including two in Canberra, and convened special meetings with industry groups to discuss particular issues with the bill. Each public iteration of the bill was posted on the National Road Transport Commission's website and provided electronically to all major stakeholders.

The South Australian Department of Transport and Urban Planning coordinated a national communications campaign and conducted a national launch of the draft bill, generating considerable interest from industry and the media. In December 2004, the then Department of Urban Services joined the New South Wales Road Transport Authority in a briefing for local stakeholders on the implications of the compliance and enforcement scheme for those associated with heavy vehicle road transport.

To date, the national compliance and enforcement scheme has been introduced in New South Wales, Victoria, South Australia and Queensland. I commend this bill to the house.

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

Distinguished visitor

MR SPEAKER: Members, I draw your attention to the presence of former member Mr David Lamont in the gallery this morning. I welcome Mr Lamont to the Assembly.

Duties Amendment Bill 2009

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.12): I move:

That this bill be agreed to in principle.

The Duties Amendment Bill 2009 is a bill to amend the Duties Act 1999 in three respects. Firstly, it will amend the Duties Act to ensure that the exemption for long-term residential leases is retained when duty on short-term leases is abolished on 1 July 2009. Secondly, it will amend the Duties Act to clarify that the declaration of trust is a means of acquiring an interest in a landholder, for the purposes of landholder duty. And thirdly, it will introduce an exemption from landholder duty for top-hatting property trust restructures.

The first of these amendments is necessary in order to rectify a legislative oversight that occurred when the Duties Amendment Act 2006 (No 2) was passed in 2006. The

act implemented the government's commitment under the intergovernmental agreement on the reform of commonwealth/state financial relations to abolish duty on commercial leases that run for a term of 30 years or less. However, the 2006 act inadvertently removed the duty exemption that previously existed for all residential leases. The amendments therefore merely realign the Duties Act with existing policy.

The second of these amendments is an anti-avoidance measure designed to protect the ACT's revenue base. The amendment clarifies that a change in an interest held in a landholder that is made by a declaration of trust will give rise to an acquisition in a landholder and thereby trigger a liability to landholder duty. Similar amendments were made in New South Wales in 2008 and in Victoria in 2007 in order to close this loophole.

The third of the amendments will introduce a new exemption from landholder duty for top-hatting property trust restructures. Top-hatting occurs where property trusts restructure to come under a single head trust, making them more competitive in domestic and international markets. The exemption will apply to landholder acquisitions that are made to give effect to a rollover scheme under subdivision 124Q of the Income Tax Assessment Act 1997.

These measures will have a negligible financial impact on the ACT. I commend the Duties Amendment Bill to the Assembly.

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

Statute Law Amendment Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.15): I move:

That this bill be agreed to in principle.

This bill makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill in each sitting of the Legislative Assembly and including further technical amendments and other amending legislation where appropriate.

Statute law amendment bills serve the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up to date and are easier to

find, read and understand. A well-maintained statute book significantly enhances access to ACT legislation and it is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency and presentation and cohesion between legislation coming from different sources at different times so that better access to and understanding of the law is achieved.

This Statute Law Amendment Bill deals with four kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency. Schedule 2 contains amendments of the Legislation Act 2001 proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation. And Schedule 4 contains repeals of obsolete or unnecessary legislation proposed by government agencies or the parliamentary counsel.

The bill contains a large number of minor amendments, with detailed explanatory notes; so it is not useful for me to go through them now. However, I would like to briefly mention several matters.

Schedule 1 contains amendments of the Environment Protection Act 1997 and the Mental Health (Treatment and Care) Act 1994. The Environment Protection Act requires public notice by way of notification on the ACT legislation register of the making of applications for environmental authorisations and the granting or review of environmental authorisations. These authorisations can cover things as diverse as holding outdoor concerts to running pest control operations.

Once a notice has been notified or, in the case of applications for authorisations, the period for public consultation has ended, there is little value in the notifications remaining current. While further notices may include expiry clauses, this amendment inserts a provision in the Environment Protection Act that automatically expires notices once they have served their purpose. The expired notices will still be available on the register but will appear under the repealed heading. This will ensure that only truly current instruments are included under the current heading on the register, making it easier to access them.

The amendment to the Mental Health (Treatment and Care) Act inserts a standard provision in the act to make it clear that officials exercising functions under the act are protected from any civil liability that may arise in the proper exercise of those functions. The liability attaches instead to the territory.

Schedule 2 provides for non-controversial structural amendments to the Legislation Act 2001 initiated by the Parliamentary Counsel's Office. Structural issues are particularly concerned with making the statute book more coherent and concise and, therefore, more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

The schedule contains several amendments, including of section 60. Section 60 ensures that legislative instruments notified on the legislation register are named correctly. It provides for names to be added to unknown instruments and sets out the limited circumstances in which the name of an instrument may be corrected to bring it into line with current legislative drafting practice. Consistent naming of instruments makes them easier for users to find, therefore enhancing, again, access to legislation.

The amendment will extend section 60 to statutory instruments added to the register under section 19(3), contents of register. That section includes provision for certain statutory amendments to be added to the register as additional material if the parliamentary counsel considers it is likely to be helpful to users of the register. The amendment will ensure that the naming conventions for legislative instruments apply also to this additional material.

Other amendments of the Legislation Act include inserting new definitions in the dictionary, part 1, for ease of reference across the statute book, and revising a number of provisions to make their meaning clearer.

Schedule 3 includes amendments to acts that have been reviewed as part of an ongoing program of updating and improving the legislation and form of legislation.

Schedule 4 repeals a number of notifiable instruments under the Environment Protection Act. The instruments still appear on the legislation register under the current heading but have served their purpose and are no longer needed. The repealed notices will still be available on the register but will appear under the repealed heading. This will ensure that only truly current instruments are included under the current heading on the register and that, as I have said earlier, makes it easier for them to be accessed.

In addition to the explanatory notes in the bill, the parliamentary counsel is of course available to provide any further explanation or information that members would like about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important and ongoing building block in the development of a modern and accessible ACT statute book, one that is second to none in the country. I commend the bill to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Independent Legal Arbiter

MR RATTENBURY (Molonglo) (10.22): I move:

That:

- (1) the report of the Independent Legal Arbiter appointed in relation to the call for the release of the Strategic and Functional Review of the ACT Public Sector and Services be authorised for publication; and
- (2) the paper be noted.

Ordered that the question be divided.

Paragraph (1) agreed to.

MADAM DEPUTY SPEAKER: For the information of members, I present the following report:

Disputed Claim of Privilege—Review of ACT Public Sector and Services—
Report of Independent Legal Arbiter, dated 7 April 2009.

The question now is that the paper be noted.

MR RATTENBURY (Molonglo) (10.23): I would like to rise this morning to take the opportunity to speak about the process of the Independent Legal Arbiter, which I think has been both a very valuable process and one which now warrants some discussion and some analysis of how the process rolled out. The functional review is a document which falls into the category of being a state paper. It should be beyond dispute that the legislature has the power to call on such papers in order to fulfil its primary responsibility of holding the executive to account. The Assembly is entrusted with the duty to secure executive accountability by questioning and challenging the competence and judgement of the government as a whole, individual ministers and even senior departmental officers.

In the case of *Lange v the ABC*, the High Court stated that the system of responsible government established by the Australian constitution necessarily implies a limitation on legislative and executive power to deny the electors and their representatives information concerning the conduct of the executive branch of government. With all due respect, I cannot agree with the government or the independent arbiter that the Assembly has no power to call on the functional review. There is considerable judicial authority for the proposition that the Assembly has the power to call on any and every document in the government's possession. It is then for the government to make out a case for withholding the document if they consider that, as a matter of law, it should not be provided to the Assembly.

Unfortunately, we on the crossbenches assumed that the independent arbiter process would be an inquisitorial one and that the arbiter would make whatever investigations were necessary to satisfy himself or herself that the government's case stood up to rigorous scrutiny and that it was a compelling one. We now realise that in the couple of days available to us after the government lodged their claim of privilege that we should have engaged legal counsel to put a strong case for the release of the report to the Assembly. As it was, the Assembly presented no case at all to the arbiter. It has

now become apparent that the Liberal Party merely objected to the government's claim for privilege but did not think to present any supporting evidence whatsoever to back up their claim.

I appreciate that it must have seemed obvious to them that the government's claim was weak, but I am sure that the Leader of the Opposition has learnt from this, as we have, that he had to back up his assertions with something more than a comment or a brief letter if he is to have any chance of convincing the unconverted. Anyway, we will be revisiting the way in which the arbitration process operates to ensure that both sides of the arguments do get put in the future.

With the many months they had to prepare their case and the vast legal resources at the government's disposal, it is, in retrospect, obvious that the playing field would have been tilted so dramatically in the government's favour that even the weak argument they presented to the arbiter would have had a good chance of being accepted. The fact is that the government have approached the independent arbiter process as if it were party to an adversarial legal battle, but in this contest there was no opponent.

It has become apparent that, for the process to operate in its current form, it needs to be an inquisitorial process, and the arbiter must conduct his or her own inquiries and put the government's claims to test. That has not happened. The arbiter was obviously expecting more of an adversarial process and, having only received one side of the argument, has accepted that argument.

We have said that we will accept and abide by the arbiter's decision, and we will. But we are not happy, and we will make sure that such a defective process does not occur again. Might I add, I fully understand the government's glee at having got away with it. The government's case contained no discussion of the trend in advanced democratic systems towards narrowing or qualifying the extent of executive privilege, nor did it contain any judicial authorities which would support the case for release of the functional review. These glaring deficiencies highlight the need to reform the manner in which the Assembly satisfies itself that any document should not be produced, because our resolve is still strong. We still want to avoid the costly and lengthy legal battle, which is the alternative to some form of independent arbitration.

In the circumstances, it falls to me to put on the record now the weaknesses of the government's argument in order that the general public and legal experts can see for themselves why we feel that the faulty process has led to an unfortunate outcome. I urge anyone who has a genuine interest in this matter to obtain a copy of both the government's submission and the arbiter's report and they will see why we are so disappointed at this outcome. It is not because we are disappointed with the results; our disappointment, rather, is that the process has failed. It could well be that the report is at law a document that should not be released. We will not know that until there is a change of heart, a change of government or the report is released from the archives in a few decades time.

While the government's submission acknowledges that the power of the executive to withhold documents from the Assembly depends on the documents satisfying the tests

of public interest immunity, the government never actually undertakes that test of balancing the competing public interests in releasing or withholding the documents. They simply fail to recognise that there is any benefit in letting the public know the reasoning behind why their schools were closed, their services were cut or their taxes were raised. Nor were the government's interpretations and selective quotations from authorities like *Egan v Willis* or *Egan v Chadwick* ever questioned. It would be regrettable if the government now think that they can make every embarrassing document immune solely on the basis that it has been wheeled into the cabinet room, discussed in cabinet or merely stapled to a cabinet submission.

The government correctly identifies that, in the absence of legislation made pursuant to section 24 of the Australian Capital Territory (Self-Government) Act, the ACT Assembly shares the powers and privileges of the British House of Commons. But even the minutes of cabinet proceedings in the UK have been found by the information commissioner to fail the public interest test, because the public interest in keeping them secret would be outweighed by the public interest in letting the public know what information was put before cabinet, when the decision was made to wage war on Iraq and what spin was put on information by particular cabinet members. Compared to those documents, the functional review is way down the scale of documents which *prima facie* attracted public interest immunity.

There is no dispute with the government's submission that documents which record actual deliberations of cabinet *prima facie* attract the public interest immunity. Their submission then contains a quote from the High Court case of the *Commonwealth v the Northern Land Council*, where the court found that the release of documents prepared outside cabinet for submission to cabinet may or may not, depending on their content, be inconsistent with the doctrine of collective cabinet responsibility.

Unsurprisingly, the government's submission does not dwell on the "may not" aspect of this quote. It goes on to boldly assert that the very distinction drawn by the High Court may be misconceived. No contemporary authority is given for this proposition, because none exists. The upshot of this argument is that any document which is merely considered by cabinet should attract executive immunity, because a comparison between its content and the final cabinet decision would indirectly reveal the workings of cabinet. This is a proposition that has been rejected, not only by the courts, but also by the Labor Party's federal colleagues.

The proposed changes to the release of information contained in the federal Labor Party's exposure draft bill specifically reject this notion, and it is entirely possible that the functional review would not even attract an exemption as a cabinet document under federal Labor's proposed FOI laws. The obligation to release documents to the Assembly is far stricter than the administrative law obligations under FOI. Most exemption categories under FOI laws do not even apply to the production of documents called for by a legislature.

After asserting that the High Court and, by implication, their federal Labor colleagues have got it wrong by drawing a distinction between documents which directly reveal cabinet deliberations and documents which were considered by cabinet, the

government's arguments then proceed immediately to the proposition that, given that the High Court got it wrong, if you accept that the functional review is prepared for cabinet and considered by cabinet then, abracadabra, it must be protected by executive privilege. Whilst it is possible that the functional review would attract executive privilege if subjected to a thorough judicial examination, we cannot be confident that this is the case, because the only argument we have to base an assessment on is the government's incomplete and thoroughly one-eyed submission to the arbiter.

It is informative that word has it that many members of the Labor Party and, indeed, some ministers believe that these documents should have been released for public scrutiny. This is clearly a battle which is being waged by the Chief Minister as a personal matter. While it may be that he is deliberately following some of his state Labor colleagues in attempting to widen the scope of cabinet exemptions, it is hard to escape the suspicion that the release of this report will reflect poorly on the government of the last term, and that that is why the Chief Minister has gone to such extraordinary lengths to keep it confidential.

It is also possible that the government is attempting to expand the cabinet in-confidence exemption category in order to fill the gap left by the abolition of conclusive certificates. As I mentioned at the start, both the government and the arbiter concluded that it is beyond the power of the Assembly to call for the functional review. This is a remarkable proposition. Surely they are not suggesting that the Assembly has no power to even call for documents which may or may not attract the public interest immunity from release.

It is a matter of established law that the Assembly has an unrestricted power to call for any document whatsoever. It is for the party who asserts a public interest immunity exists to make the case for withholding the document from release. This is an essential part of ensuring that a legislature is able to scrutinise a government's activities. The government has not acknowledged that a public interest test applies, even in the case of cabinet documents, and especially so in this case where the document does not directly reveal the deliberations of cabinet.

Despite the government's best efforts to conflate the two classes of document, we are not talking about a cabinet notebook, nor are we talking about a cabinet submission. This is a document of some 450 pages. The Greens respect the principle of cabinet confidentiality and, all else being equal, we have no intention of demanding documents which clearly fall within the scope of the accepted conventions of executive privilege. But it is still not clear whether this document deserves that protection.

This document does not reveal which minister said what about the assumptions or assertions or recommendations contained in the report. Rather, it reveals what deliberations of cabinet were based upon. I suspect it would also contain some unflattering comments about senior public servants, some extremely shonky economic forecasting and some neo-liberal social valuations which the Labor Party's rank and file would be appalled to discover ruled the day in the cabinet room. It is extremely difficult if not impossible for the Assembly to adequately perform its duty of scrutinising the performance of the government and the individual ministers if we cannot see what economic, ideological or factual assumptions underpin their decisions.

The government claims and the arbiter accepts that this document “was prepared solely for submission to cabinet and its disclosure would disclose the deliberations of cabinet”. But let us ask ourselves what would be revealed. We would discover that cabinet discussed the state of the ACT economy, the performance of its agencies and various recommendations for reform. It would be reassuring to know that they discussed those things, but it would be hardly surprising and would hardly even threaten our system of single-party cabinet government that has evolved itself into our constitutional democracy.

The government submission states:

Given the nature of the analysis and recommendations contained in the report, some proposals are being implemented over longer time frames and remain under active consideration by the Cabinet.

So if there had been a change of government at the last election, which was a distinct possibility, or if there is a change at the next election, whoever took office would presumably have access to not only the functional review but also the cabinet discussions around it in order to carry on that policy implementation. Given the Liberal Party’s position on this subject, it seems clear that they would have released it, or large parts of it. We certainly would have. This would seem to weaken the government’s claim that its release would bring the whole system of government crashing down. It is impossible to escape the suspicion that this level of hyperbole is merely a smokescreen.

Another matter which is unclear is the extent to which the arbiter tested the government’s claim that a higher level of cabinet confidentiality always applied to this report. It was seen by numerous public servants, and its details have been used by various agencies to drive their policy reforms. The government also gave a private briefing to a select audience of favoured businesspeople and union representatives to discuss the contents of the functional review. Was this fact mentioned to the arbiter? It does not seem to have been. Certainly, when you compare this level of public dissemination to the extremely strict level of confidentiality that is required to maintain legal professional privilege confidentiality over a document, the functional review fails the test miserably.

The government’s media release of 9 November 2005 uses the terms “government” and “cabinet” interchangeably. The only mention the report will be provided to cabinet is in the very last paragraph. Madam Deputy Speaker, I seek leave under standing order 69(j) to be given an extension of time. (*Extension of time not granted.*)

Standing and temporary orders—suspension

Motion (by **Mr Rattenbury**) put:

That so much of the standing and temporary orders be suspended as would prevent Mr Rattenbury from having an extension of time.

Ayes 10

Noes 7

Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	

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

MR RATTENBURY: I thank the members of the opposition for giving me the opportunity to continue for just a few more minutes on this important matter.

As I was saying before the small interruption, the government's media release of 9 November 2005 uses the terms "government" and "cabinet" interchangeably. The only mention that the report will be provided to cabinet is in the very last paragraph. This is a curious thing for a document which it is now claimed as solely and exclusively prepared for the extremely limited purposes of being considered exclusively by five or fewer ministers and a limited number of senior bureaucrats. We will not mention the business council that they briefed on it.

Any finite number is, of course, a limited number. I suspect the limited number in this instance is considerably larger than "a couple" or "several" or even "a few". But the arbiter was never told just how large a limited number actually was. I assume there was also no discussion of the implications of the monthly progress reports from Michael Costello's team to the Chief Minister and the Treasurer which, presumably, the government also considers to be covered by executive privilege.

Given what I have already said, the functional review appears to be a lot broader than merely a document prepared solely for cabinet, the disclosure of which would, in the Chief Minister's own words, "throw out the window any notion of responsible government completely" or "jeopardise parliamentary democracy and significantly undermine the continued effective operation of the government". They are big calls. Maybe he is right, probably he is wrong. We have no way of knowing for certain.

I suspect a large part of the government's reluctance to let the public and the Assembly see this report or the review or any documents related to the report or the review other than the terms of reference is that history has proven it to have been so wrong and that revealing its contents would show how poor the cabinet's own independent understanding of the ACT public service and financial situation was. Perhaps it would reveal which cabinet members had a competent grasp of what the real situation was and which ones were uncritical conduits for the views of others. That would be embarrassing—severely embarrassing perhaps. But that is not a sound basis on which to withhold from the Assembly or the public information which would explain the extraordinary and, with the benefit of hindsight, socially and environmentally irresponsible 2006 budget.

I wonder what the Chief Minister makes of Senator Faulkner's directive reported in yesterday's *Canberra Times*—so undoubtedly he saw it—to all commonwealth

agency heads that they must take a lead role in creating a culture of disclosure across agencies. Senator Faulkner makes it clear that causing embarrassment to the government is not a legitimate ground to withhold information. The legal affairs review of freedom on information is now underway. The government should be aware that it will soon be faced with a clear and stark choice—reform your secretive ways or get out of the way as the majority of the Assembly moves governance in the ACT into the 21st century.

People, including journalists and MLAs who should know better, have been saying that the Greens prevented this document from being released by blocking the Liberal Party's original call for it to be released to this Assembly. This is, of course, nonsense. What would have happened is that the government would have refused to hand over the documents and the ACT community would have been up for hundreds of thousands dollars, and possibly a lot more, in legal fees as the government defended its decision through the Supreme Court and High Court. The public would have been in the invidious situation of paying for both the government and the Assembly's legal representation. This is what the process of an independent arbiter is intended to prevent.

The Chief Minister's obsession with secrecy is not shared in many other advanced democratic polities. This is a quote from the official New Zealand cabinet manual:

In line with the philosophy of the Official Information Act 1982, the law relating to public interest immunity as a means of protecting government documents has moved significantly in favour of disclosure. Cabinet documents do not occupy any specially privileged position.

The Welsh cabinet actually publish all their cabinet documents a fortnight or so after cabinet meets. The Swedes also have a strong communicative government transparency of government decision making. As I have already noted, even the most sensitive British cabinet documents do not enjoy a total immunity from release.

These issues were not presented to the independent arbiter and they were not raised or even acknowledged in the government's submissions. So, on that basis, far from questioning Sir Laurence Street's credibility, as the members of the government are suggesting, I am suggesting that the government's submission did not give Sir Laurence Street the full picture that it might have given.

The law relating to the release of government information is evolving throughout the world, and progressive social forces like the Greens are at the forefront of the push to make governments accountable to the people. I am not convinced the doctrine of cabinet confidentiality, even in its most restrictive sense, serves the cause of democratic governance. Why should ministers be able to hide their actions from the public? Why should the electorate not have a right to know what their representatives actually argue for when they get behind cabinet's doors? How can we accurately assess ministerial confidence if we do not know what they have supported or rejected in cabinet, and how can we know whether they truly represent our philosophies, values and policy positions if we do not know what they are arguing for in cabinet?

Similarly, why should public servants be entitled to hide behind the veil of secrecy? While exceptions must always be made to safeguard our personal safety, national security, commercial confidences and privacy issues, if their views are well thought out and delivered with objective professionalism, that is the hallmark of true public service. Why should they not be exposed to public scrutiny?

We are up against a fundamental philosophical divide with this debate. On the one hand we have a government which thinks that governments have a right to govern in secrecy, and on the other hand we have the Greens who believe that government is too important to be left to politicians, that collective wisdom is needed to deliver optimal policy outcomes and that the community must have a greater say in what is done on their behalf. The functional review would seem to be an example of the type of document which should be made publicly available in order for the public to form rational and well-informed opinions on matters of vital public importance. It is disappointing that the government continues to keep the community in the dark by choosing to hide behind the excuse of cabinet in confidence.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.50): The government, unlike the Greens and the Liberal Party, welcomes Sir Laurence Street's decision on the functional review and the clear statements it contains about the role of the cabinet.

At the nub of the conversation or the debate there is a philosophical difference. It relates to an appreciation which the government has about the role of the cabinet in our system of government, the centrality of the cabinet to the system of government and its importance to the strength of our democracy. In relation to the statements the report contains about the relationship between the executive and the legislature in the ACT, it is a relationship that Sir Laurence Street has summarised in a way that unfortunately—I think it presents some interesting issues and challenges for us into the future—the Greens have just indicated they do not accept and do not support.

In other words, the Greens have just announced explicitly and comprehensively that they do not support the current notions of responsible government which apply in the ACT, in Australia and in the western democratic world. I think that is an interesting position for us to reflect upon. It is interesting too, having just listened to the extensive traducing of the Speaker's own appointed arbitrator, the disinclination to accept the legitimacy and validity of an arbitration by somebody that is regarded as perhaps Australia's leading jurist and judge. On the appointment of the Speaker, he produced a report as requested by the Speaker which the Speaker disagrees with on behalf of the Greens and which he now simply rejects.

It is quite remarkable. It is a quite remarkable sequence of behaviour, particularly by the Speaker. His own appointed arbitrator, in his first commission to arbitrate on a decision consistent with a process developed by the government in consult with the Greens, is now to be rubbished because the Greens did not like the outcome. The arbitration, the decision, is an outrage simply because it did not meet the Greens' expectations.

This really is, I think, a remarkable decision or performance by the Speaker. The Speaker produced his own arbiter. An arbiter appointed by the Speaker is belittled and treated in a derogatory and dismissive way as somebody that actually cannot be trusted in his decision. It has to be said that the establishment of the arbitration process for claims of privilege by the executive was part of our parliamentary agreement. I presume it is now part of the agreement that the Greens propose to walk away from. It was agreed that there should be an independent arms-length process for settling disputes between two branches of government as a useful enhancement, an enhancement which we embraced and were prepared to accept as an enhancement to our system of responsible government in the ACT. That is why we agreed to it, have embraced it and have stood ready to stand by the resulting outcomes.

On the first arbitration of a request for privilege, the Greens, through the Speaker, stand in this place and propose to review, to revise, to change the process because on the first outing it did not suit their purpose. The first use of the procedure established by standing order 213A to test the claim by the executive for privilege over documents the Assembly has ordered be produced was always going to be very significant in its precedential value.

That is why the government did devote some time and thought to the submission it would make. It was because it was significant and there was a need to establish an understanding and benchmark around the notion of responsible government and the relationship between the executive and the legislature. That is why this first arbitration was so important. It is a precedent now established. The Speaker appointed the arbiter knowing full well that his first arbitration would, of course, establish some precedential value in relation to the very question that we are dealing with; namely, privilege and the relationship under our system of government and consistent with responsible government that exists in this place and in every other parliament in Australia.

It is important that the decision Sir Laurence Street issues is clear and comprehensive. It is clear, it is unambiguous and it is comprehensive. The government, of course, was pleased that it was, because it provides that benchmark for all of us to have regard to. Of course, it goes back to a long tradition of jurisprudence. The High Court of Australia in the *Commonwealth v Northern Land Council* held:

... it has never been doubted that it is in the public interest that deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made ... Despite the pressures which modern society places on the principle of collective responsibility, it remains an important element in our system of government.

The Speaker now actually rejects that notion of the importance of responsible government. He says that these documents should be released so that there is some notion or understanding of what individual ministers thought or said or what their particular expertise in relation to a particular subject under investigation was. The notion of collective responsibility of cabinet decision making is at the heart of responsible government. It is part of the reason for responsible government being

maintained in the form that it is within the western democracies. It is why our democracies are as strong as they are.

The government has, of course, consistently maintained that releasing the functional review would undermine that fundamentally important principle of our system of government and that it would compromise the capacity of this government and, importantly, future ACT governments to discharge responsibilities properly. That was, of course, the nub of our submission to Sir Laurence—asserting executive privilege. We in the government particularly welcome his adoption of our central arguments as the core of his decision. I think it is notable that the Speaker did not go to this point in his address just now, but Sir Laurence in his decision states:

I have been provided with a copy of the Report and an “Outline of Claim for Executive Privilege” made by the Chief Minister. I have also been provided with a relatively comprehensive collection of extracts from Hansard, press clippings and some Committee Reports touching upon the substance of various public service issues relevant to the Report. These documents—

in the words of Sir Laurence Street, in the report; not touched on by the Speaker—

present all of the material necessary for me, as the Independent Legal Arbiter, to appraise in deciding whether the claim for Cabinet immunity should be upheld.

Sir Laurence Street did not have any concern about the nature of the material before him. He believed he had all the information necessary for him to make his decision. He refers to that in his decision. He had the *Hansard*, he had the committee reports, he had the press clippings, he had a full array of material and he explicitly states in his report that as far as he was concerned he had all the materials necessary for him, as independent legal arbiter, to make the decision that he went on to make. Sir Laurence’s decision was that the functional review falls “well within the field of legitimate Cabinet immunity”. Sir Laurence recognises that the report addresses:

... topics which raise considerations at the very heart of the functioning of executive government, and with that, collective ministerial responsibility.

The government’s submission to Sir Laurence was adopted verbatim—he is criticised for this—subject to the proviso that it is the content of the document itself that is decisive. This is what Sir Laurence found; these are his findings:

The Report was prepared solely for submission to Cabinet. It was presented to Cabinet in circumstances of strict confidentiality. A comparison of its terms with decisions made by Cabinet would inevitably indicate the nature of the deliberations of Cabinet in accepting or rejecting (in whole or in part) the contents of the Report.

Further, giving the Legislative Assembly access to the Report is inconsistent with ministerial responsibility, individually or collectively, as it is the responsibility of Cabinet to determine what use is to be made of the Report, which was commissioned by it for the sole purposes of the executive government. Production of the Report is not reasonably necessary for the proper

performance of the Legislative Assembly's functions, as all appropriate material relating to the relevant budget and structural decisions were and will be made available as part of the relevant budget legislative process.

He went on to state:

Finally, its production would significantly undermine the continued effective operation of the government. The Report is a very clear example of the type of document to be protected from production by executive privilege.

He further goes on to state:

It is therefore beyond the powers, privileges and immunities of the legislature to call for the Report.

Those are the findings of Sir Laurence Street, which the Greens and the Liberal Party do not believe represent the notion of a responsible government and the ways in which a responsible government does or should operate. These are traditions, notions and conventions that have existed in many instances for centuries and are at the heart of the strength of our form of government. Although the government has consistently maintained cabinet confidentiality around the functional review document itself, it has, of course, published the decisions based on it in the budget papers.

As Sir Laurence adverted to, all of the decisions have been published in budget papers and have been explained in detail, particularly in the 2006-07 budget. We have answered questions ad nauseam on every aspect of the decisions that we have taken both here in the Assembly and in the committees. The government has also fielded questions and criticism from the public and the press. The government recognises and values the important role played by the legislature in scrutinising the actions of the executive. Again, we recognised that as a fundamental part in the strength of our democracy and a proper role played by members in pursuing lines of questioning with responsible ministers.

But just as the government recognises that fundamental plank of our system of government, it gives equal importance to the conventions of cabinet confidentiality, safeguarding as they do the deliberations of the cabinet. I must say that I do find it a very sorry day indeed, having set our path on a particular innovation in relation to decisions around determining executive privilege, that on its first outing, because it does not meet the expectation of the Greens, the entire process is now to be rejected and the arbiter is to be embarrassed in the way that he has been today by the Speaker.

I think it is a simple outrage. We welcome the decision. It is a clear and comprehensive statement of the way in which this legislature and every other legislature in Australia operates and will continue and should continue to operate into the future.

MR CORBELL (Molonglo-Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.03): It is worth reflecting on a number of issues in this debate. I would like to start with a quote.

As a society we entrust independent arbiters to assess the validity of the competing claims according to an established body of law, and there is a body of international, as well as Australian jurisprudence, that clearly establishes the role of courts and tribunals in assessing these types of claims. The person appointed as legal arbiter will be suitably well qualified to properly resolve disputes and provide defensible and impartial reasons for their decision. The Greens believe that this is the most appropriate way to resolve these disputes. It is not appropriate that these documents be viewed if they should legitimately be protected by privilege. If there is no valid claim of privilege members and the public will be able to view the documents. If there is a valid claim then it is appropriate that members do not see the documents.

Those were the words of Ms Hunter on 12 February this year when the Assembly agreed to the establishment of the independent arbiter process. I repeat:

... we entrust independent arbiters to assess the validity of the competing claims. There is a body of international, as well as Australian jurisprudence, that clearly establishes the role of courts and tribunals in assessing these types of claims ... The Greens believe that this is the most appropriate way to resolve these disputes.

It is interesting, therefore, that when Mr Rattenbury is unhappy with the decision of the arbiter, he seeks to revisit the argument, he seeks to traduce the reasoning of Sir Laurence Street, the independent arbiter that he appointed. I think the most interesting comment that Mr Rattenbury made in his speech was that he deliberately confused the reasoning of the arbiter.

He did that by saying that what this decision meant was that the government could wheel any document into the cabinet, any document at all, and say it is cabinet-in-confidence, it is privileged and you are not allowed to have it, and that Sir Laurence Street's decision basically says that is okay. No, it does not. Sir Laurence Street's decision does not say that, Madam Deputy Speaker. In fact, he says:

That content—

that is, the content of the document—

will be decisive of whether or not the claim for privilege is valid and should be upheld.

So it is not just that a document is cabinet-in-confidence. That is not the reasoning of the arbiter. In fact, the arbiter says that the document must be central to the deliberations of cabinet. I repeat that he said it must be central to the deliberations of cabinet. That is effectively what he says. It is not that any old document can get wheeled into the cabinet room and all of a sudden has some magical status. That has not been the decision of courts on these matters. Indeed, many documents that have been claimed to be cabinet-in-confidence have been released as a result of contested processes. But what Sir Laurence Street says very clearly is that in the circumstances where a document is central to the deliberations of cabinet, and its release would compromise the confidentiality of the cabinet decision-making process—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MR CORBELL: So Mr Rattenbury is wrong. Not only is this a case of sour grapes; he is just plain wrong in the way that he interprets the arbiter's decision. The government obviously put itself in a position where it had to accept the outcome of this process whether or not it was favourable to the government. We had to accept the outcome of this process. The Greens should do the same. The Liberals I think have at least maintained a position that they do not agree with this process and they have been quite clear from day one. They do not want this process. That is their position. The government disagrees with that, but that is their position.

But the Greens have said this is the process they want. They have been in full control of it. They have been able to outline in detail exactly how it will operate. They made amendments which were supported by this place because they have the balance of power in this place. They outlined exactly how the process should operate. They suggested the process after the last election. They insisted upon it. They identified that the New South Wales upper house mechanism or a derivative of it was the most appropriate. They chose the arbiter. Now, after all of that, they say this is not good enough. If they think it is not good enough, it is because what they suggested was not good enough. They need to argue why they made what they now obviously feel is such an appalling mistake. If they feel it is in appalling mistake, let us hear their explanation as to why they think it is, because this is the Greens' process lock, stock and barrel.

The government has indicated previously—I indicated this earlier this year—that it does believe there may be grounds for a refining of the process. One mechanism that I have already foreshadowed in this place is a requirement for a member objecting to the release of a document and, therefore, triggering the process for arbitration to give reasons for their objection rather than simply say that they object.

I foreshadowed this earlier this year before Sir Laurence Street's decision, and I foreshadowed it in this place. There should be a process where the member has to substantiate their claim as to why they believe the document should be released. The government would welcome a discussion and a debate on that and look at a suitable form of words that achieves that in the standing orders, because there should be an argument made.

But as the Chief Minister has indicated, that does not mean that this is a one-sided debate. Sir Laurence Street said in his decision that he has not just reviewed the government's claim; he has reviewed the arguments that have been put repeatedly in this place by members of the opposition and others. He has looked at those arguments; he has read the *Hansard*. He is familiar with the political arguments that have been made.

He has looked at the media commentary on the matter as well, and there has been a lot of it. To suggest that the argument has been unbalanced or one-sided is simply wrong.

This should be the most effective way of resolving these disputes. The government accepts that this process should continue to be available to members who will continue to support the application of these processes to resolve these types of disputes because, as Ms Hunter herself said in her speech, this is the way that we resolve these complex and contested matters. (*Time expired.*)

MRS DUNNE (Ginninderra) (11.13): Unfortunately, we are here today essentially still debating the merits or not of the release of the 2006 functional review. I suppose I expected that we would be here doing this when we debated the process proposed by the Greens during the early part of this year. It is true that the Liberal Party were not desperately supportive of this process. We were of the view that the Greens should have supported the position we took—that the Assembly should call for the document, as we had attempted to do in the previous Assembly, and as Dr Foskey had done in the previous Assembly.

It was a long process for the previous Assembly to get to the stage where they agreed that we needed to use the terms and the powers of the Assembly to call for the document. We had been through a process where several members of the Assembly, through various requests under the Freedom of Information Act—from myself, from Mr Stefaniak—had attempted to obtain the document. There had been general calls for it in the Assembly. The public accounts committee had called for it and used the standing orders available to committees in relation to calling for documents in an attempt to obtain the document. There had been a report from the public accounts committee to the Assembly and, as a result of that, there had been a motion in the Assembly, supported by the then Green member, calling for the document. There was a very clear and drawn-out process which was agreed to by all the non-government parties in relation to the acquisition of this document.

The Greens, I think, thought that the process they set up was perhaps a more principled approach than simply calling for the document. I think they were wrong and I think this has been borne out by this process. We were prepared to go along with that, but we had already expressed our view that this was not the most desirable outcome and, in fact, had moved in December last year for the tabling of this document, which was not supported by the Greens. This could all have been over and dealt with by now, but we have gone through this process and it really boils down to the truculence of the Stanhope government.

The merits of the scheme proposed by the Greens and addressed today by the Speaker are important issues. It is clear from most of the comments made by members today that the system needs some refining, and it is quite simply the case that when the Leader of the Opposition put in his objection to the plea for privilege from the government, it was simply an objection. We were, in fact, waiting for an opportunity to make a submission, but it seemed to us that there was no scope for anyone to make a submission. We were only given the possibility of objecting.

There was material being compiled that could have been provided to the arbiter, had that opportunity arisen, but it did not arise. And the material is important. The argument put forward by the government is fallacious, and I do question the extent to which there was full disclosure by the government in relation to how they have dealt

with the document. I draw members' attention, most importantly, to a fact sheet that was published at the time of the 2006-07 budget. The first fact sheet was in relation to the functional review. So, in addition, as Mr Rattenbury has rightly said, to extensive briefings to selected non-executive members of the government and selected senior members of the public service, there was an extensive briefing to businesspeople and there was a written fact sheet, the content of which could be construed as effectively waiving the government's privilege.

The content is substantial; I will read from it and then, for the interest of members, I will table it, because I have only one copy. Under the heading "What is the Functional Review?" the fact sheet states:

The Chief Minister—

not the cabinet; it does not say this—

commissioned the ... Functional Review of ACT Public Sector and Services (the Functional Review) to review the outlook for the ACT Budget, to benchmark government expenditure against other jurisdictions and to identify options to improve efficiency through more effective government structures ...

The Stanhope Government is the first since self-government to undertake a comprehensive analysis of government services and structures.

That is, in fact, not true. It continues:

The Government's key aims in commissioning the Review were to maintain community outcomes in priority areas such as health, education, law and order and emergency services and to place the ACT budget on a secure footing for future generations.

You will note, Madam Deputy Speaker, that in the description of what the functional review is at no time does it say that this was a document commissioned by the cabinet for the use of the cabinet exclusively. In fact, if you go through this—if anyone can point it out to me; I have read it on a number of occasions—I do not think there is a reference anywhere in the 2½ pages of the fact sheet on the functional review to the cabinet or privilege. In fact, under the heading "What did the Functional Review find?" there are nine paragraphs that tell us things about what is in the functional review. It mentions things like this:

The historic growth in health expenditure is also unsustainable, at an average rate of 11.2 per cent over the past four years.

It goes on and on and reveals a whole range of things that were addressed by the functional review. The mere publication of this fact sheet can be construed, and has been construed by my legal advisers, as the government waiving its privilege. The government waived its privilege a long time ago, and the privilege that it really wants to preserve relates to the things that Mr Rattenbury touched on. The functional review has been used as an excuse for a whole range of things, but the government is not prepared to come clean and show us what the functional review actually provided.

There is this untruth in the fact sheet:

The Stanhope Government is the first since self-government to undertake a comprehensive analysis of government services and structures.

The fact is that the first act of the alliance government was to undertake two such reviews: one of incomes and revenues and one of expenditures. They were both published because the then Chief Minister, Trevor Kaine, wanted the people of the ACT to know what the state of the books was. That is how principled government works.

We knew that the functional review was coming; it had been commissioned. We rather got the impression that the Chief Minister commissioned it and that the Treasurer did not know about the commissioning of it at the time—that Ted Quinlan probably learnt about the commissioning of the functional review by reading about it in the *Canberra Times*. It went on for some months in relative secrecy—of course, behind closed doors; this is the way things operate. But there was always an expectation that we would see this document. It was only a couple of months before D-day in 2006 that we started to become aware that this document would not become available to the public when it was released.

When parents were opening up the *Canberra Times* and seeing stories about how their school might close if their enrolment was under 100, they were saying, “Well, show us the reasons why we should do this.” “No, no; we won’t be doing that because that will be part of the functional review and that is a cabinet in-confidence document.” This was a position that evolved over time, obviously because the Stanhope government was uncomfortable about what it was going to do and did not want any really incriminating evidence.

The point here is that the Canberra Liberals believe that the functional review should be made available to the people of the ACT. The people of the ACT pay Jon Stanhope’s wages and they are entitled to know why he and his colleagues made the decisions they did in 2006. That is the thing that we have to remember in this place. It is not our money; it is the money of the people who elect us, and they are entitled to the answers. They are entitled to the information.

Jon Stanhope, the great reformer: he wants to reform everything except that which would make him uncomfortable. Jon Stanhope, who was going to come in here in 2001 and reform access to information in the ACT. He thought that the Carnell government had not treated him well in relation to access to information. But he got more access to information in relation to Bruce Stadium than I did in relation to school closures. Kate Carnell did not issue conclusive certificates over information in relation to Bruce Stadium. There were no conclusive certificates issued over information in relation to Bruce Stadium. He thought that he was treated badly and he came in here on a platform of reform. And what have we seen, even today—the old, tired argument that the whole cabinet process will come tumbling down if this document is released.

This is not the case. Mr Rattenbury went to the nub of it: in a sense, we cannot know whether that will ever happen because Jon Stanhope will not release the document. But if he did release the document, I lay you really good odds, Madam Deputy Speaker, that the system of cabinet government would not fall over in this place. Mr Rattenbury referred to the principles enshrined in the New Zealand cabinet manual, and it was interesting to note that, in her review of access to information, Professor Irene Moss referred to these matters and to the changes that had been undertaken in New Zealand and how, in fact, after these changes had been made, the world did not come to an end; the sky did not fall.

Jon Stanhope has become a dinosaur. The person who was going to be evolving, changing and creating a new ACT, a more up-to-date ACT, has become a dinosaur and a defender of the old and tired ways. In the same way we saw the Attorney-General, in his so-called reform of freedom of information at the end of last year, creating a situation where whole classes of documents would not be available. One of the processes involved in that would be effectively running them through the cabinet system and saying that they were cabinet documents.

This is what we have had. We have another set of evidence that the Stanhope government is not interested in reform and is not interested in bringing the ACT's system of government into the 21st century, because it wants to hide behind privilege. In a sense, it does not matter what the independent arbiter says; it is about the mindset and the intent of the government, and at any time this government can waive privilege. I contend, Madam Deputy Speaker, that it has already waived privilege in relation to the fact sheet, which I seek leave to table.

Leave granted.

MRS DUNNE: I table the following paper:

Budget 2006-2007—Fact Sheet #F1: Functional Review.

I make it perfectly clear that that fact sheet effectively waives privilege and, if there was any doubt about it, and if Jon Stanhope was a real reformer, and if Simon Corbell was interested in freedom of information, they would waive their privilege. Even if Sir Laurence Street said that they do not have to, they can. At any moment they can waive the privilege if they intended to, if they were interested in serving the people who pay their salaries.

Mr Corbell: Privilege is there for a reason.

MRS DUNNE: And you can waive it any time you like.

MR SMYTH (Brindabella) (11.28): It is an interesting debating point from the Chief Minister that the arbiter made a decision and therefore we all have to abide by it. I am aware that a coroner's inquiry into bushfires made some decisions; she was the arbiter on the day, but apparently we do not have to abide by that. This is the inconsistency of Jon Stanhope. "When it suits me it's a good thing; when it doesn't suit me it's a bad thing." That is the problem with the arguments that the Chief Minister makes.

The problem with the decision that has been made by Justice Street—I think we all respect Justice Street, but if we are to assume that everything he says is correct just simply because he said it, then all processes should just go to him and he can be the arbiter on everything. That is not how it works.

This Assembly has always had the right to question the government, and question the decision on anything. In effect, the Assembly becomes the highest court in the territory. It is quite reasonable to bring things back here for decision and actually inquire into and look at decisions that are made. I do not recall ever asking for the deliberations of cabinet on the Costello functional review. I do not recall that ever being asked. If I am wrong—if somebody can prove me wrong—I would be happy to be corrected.

What the Assembly and others have consistently asked for is the report. Let me look at the ruling that is used, the principle. I will quote from Justice Street, because he is right in this regard. He said:

The principle establishing the immunity of Cabinet documents is not in doubt.

This was in the High Court in *Commonwealth v Northern Land Council*. He said:

... it has never been doubted that it is in the public interest that deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility of any decision which may be made.

The deliberations are protected, and that is in the public interest. It is reasonable that cabinet, when supplied with information, has a frank and robust discussion and comes to a decision—and from that that cabinet solidarity proceeds.

The court case quoted looks at deliberations. It goes across to page 4 of the decision to say:

The documents in issue in that case were in fact documents which recorded the actual deliberations of Cabinet.

Again, Justice Street would be right. I do not believe they should be revealed, because then cabinet cannot have those discussions.

But that is not what has been asked for, and that is not what was asked for to be assessed. What was asked for was the Costello review—a review put together by an individual who is not a cabinet member, who does not have a vote in cabinet. That is what has been asked for, and that is why, fundamentally, you could say that perhaps this decision is wrong.

As Mr Rattenbury has pointed out, the problem here is that we have got a government that presented a case that Justice Street has accepted. You would accept that Justice Street would expect the case presented by the government to be accurate in all ways. But those who have dealt with Mr Stanhope over many years know that that is perhaps not the case.

Mr Corbell interjecting—

MR SMYTH: Mr Corbell was interjecting, “Go to the decision.” Let us go to the decision. In the decision, the former Chief Justice says that a “well-reasoned Outline of the Claim” is listed in paragraphs 26 to 29. I will just quote 26 to 29. Let us go to 26:

The Report was prepared solely for submission to cabinet.

That is actually unclear, as Mrs Dunne pointed out. Mr Quinlan found out about it the following morning when he read about it in the newspaper. Mr Quinlan was a member of cabinet. If it was a cabinet decision, you would have expected all the cabinet members to know. And, as Mr Rattenbury pointed out, it is quite clear that the words “cabinet” and “government” are used interchangeably. In the document tabled, the word “cabinet” does not even appear. And, in the initial words of the Chief Minister, this was a report prepared for government. It was not prepared for cabinet. Is paragraph 26 accurate? I do not believe so. I think it is certainly unclear.

Let me go to paragraph 27. The Chief Minister wrote to the arbiter:

Further, giving the Legislative Assembly access to the Report is inconsistent with ministerial responsibility, individual or collectively, as it is the responsibility of Cabinet to determine what use is ... made of the Report, which was commissioned ... for the sole purposes of the executive government.

Again, I think that is unclear. What they do with the information contained in it is their business, and that is their right. But it is reasonable for those who are affected by what is in this report—particularly if the report is inaccurate. From what we understand from the summary document *For the future*, there are numerous inaccuracies in the way it has treated things as diverse as the tourism budget, spending on business programs, emergency services—and it goes on.

It goes on and says:

Production of the Report is not reasonably necessary for the proper performance of the Legislative Assembly’s functions, as all appropriate material relating to the relevant budget and structural decisions were and will be made available as part of the relevant budget legislative process.

They were not made available. Quite clearly, that paragraph, paragraph 27, is not true. The information that we asked for—there are so many unanswered questions that the government has refused to answer. Therefore, clearly, the information required by those of us in the legislature to answer our needs has not been met. This paragraph—who judges what is appropriate? The executive did; the government did—to hide what they were doing.

It goes on, at paragraph 28:

Finally, its production would significantly undermine the continued effective operation of the government. The Report is a very clear example of the type of document to be protected from production by executive privilege.

Again, that is an assertion. It is simply an assertion:

Finally, its production would significantly undermine the continued effective operation of the government.

Yes, it would if the report was inaccurate and the conclusions that came from it were false. Yes, that would undermine the government, because it would show them up for the face of a government that they are. But it also says, “We can receive reports that are not subject to challenge by other experts.” I do not know how much of an expert Mr Costello is in government. I know that he wrote a similar report for WA that did not give the savings that they expected. Yet, in some of the documents, Mr Costello is quoted as being an expert.

It is interesting that we can get reports that are written knowing that they will never be challenged. Therefore, you have to question the validity and the strength of that report. It is interesting that Crispin Hull wrote this in his opinion piece on 28 March this year:

Other spurious reasons are given for non-release. The classic is that, if they know advice is to become public, public servants will not make it frank and fearless. But the corollary of that is frightening: if the public is to know about these policy options, then we must not be frank and fearless: we must lie, mislead, sugar-coat.

That is the problem. That is why, if you accept—and I can understand that Justice Street would take this assuming that he was dealing with an honourable government:

Finally, its production would significantly undermine the continued effective operation of the government.

If it is the truth, and it is accurate, then it does not undermine the government. That of its own volition cannot undermine a government. What use is made of it and the decisions that spring from it might undermine a government that have twisted and abused and lied or cheated; but the report of its own nature, if it is accurate, cannot do that.

Mr Corbell: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Mr Smyth, resume your seat.

MR SMYTH: If we could stop the clock, please, Madam Speaker.

Mr Corbell: Madam Deputy Speaker, Mr Smyth made the assertion that the government had lied and cheated. That is a reflection on me and on my colleagues. It is unparliamentary and I ask him to withdraw it.

MR SMYTH: On the point of order, I actually did not say that. I said that a government might or could; I did not say this government did. I did not use the words “this government did”.

Mr Corbell: No. You were clearly talking about—

MADAM DEPUTY SPEAKER: Mr Smyth, resume your seat please.

MR SMYTH: We need to be accurate in what we discuss, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: I believe that Mr Corbell is right. I believe I heard you say that. I would like you to withdraw it.

Mrs Dunne: On the point of order, Madam Deputy Speaker, my understanding is that a member cannot say that an individual member lied.

MR SMYTH: No, I did not.

Mrs Dunne: Which I do not believe Mr Smyth did.

MR SMYTH: No, I did not.

Mr Corbell: You said “the government”; that implies myself and my colleagues.

MR SMYTH: No. I think I said “a government”.

Mr Corbell: You said “the government”. Your imputation is unparliamentary; just withdraw it.

MADAM DEPUTY SPEAKER: Mr Smyth, what we are going to do is this. If Mr Corbell—

MR SMYTH: That is reasonable, thank you, Madam Deputy Speaker. I am happy to do that. And if I did say that, I would withdraw it. In fact, I will withdraw it. If Mr Corbell feels there was an imputation, I will withdraw it. The point I wished to make was that a government may do this. If I said “the”, I withdraw it.

Let us go the last paragraph. The government asserts—this is the government asserting this in their document to Justice Street:

It is therefore beyond the powers, privileges and immunities of the legislature to call for the Report.

Who says? That is just a statement.

Mrs Dunne: Madam Deputy Speaker—

MR SMYTH: Sorry, if we could stop the clock.

Standing and temporary orders—suspension

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

That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notices Nos. 1 and 2, Assembly business.

MR SMYTH: I have lost some time there. I might ask for a short extension at the end.

We go to the last paragraph, apparently based on 26, 27 and 28 from the government's submission, which is the knockout. It says:

It is therefore beyond the powers, privileges and immunities of the legislature to call for the Report.

It is the legislature that determines its powers; it is the legislature that sets the standing orders.

Mr Corbell: No, it isn't actually.

MR SMYTH: It is the legislature that sets the standing orders.

Mr Corbell: It is the constitution that determines the legislature's powers.

MR SMYTH: The self-government act lays out the parameters, but the standing orders which we choose to suspend—and we suspend on many occasions—

Mr Corbell: Powers to govern your own affairs, not powers in relation to other arms of government.

MR SMYTH: The paragraph is written by government, but I think the case is quite clear: governments of both kinds in this place have been ordered to present documents and to be held to be accountable. It is quite consistent for us to do so. In effect, we are the highest court in the territory, and that is an established principle as well.

The problem about all of this—we heard the attacks from the Chief Minister and we heard the attacks from Mr Corbell. They invented a pseudo-attack on the arbiter to attack the Speaker of this place, because they have got a decision that they are desperate to protect, a decision that helps them keep secret a report that, based on data in the report, led to things like the closure of 23 schools, the winding back of ESA and its sucking back into the department, cuts to business, cuts to tourism and other cuts.

It is interesting to go back to a final quote from Crispin Hull to finish. It goes:

Stanhope is being foolish not to release the Costello report. Sure, he might get a few hotheads in the schools debate saying he could have acted differently. But if he handed the report out the public would probably get an understanding about the difficulty of government choices.

If, on the other hand, the Costello report shows that Stanhope made a hash of the school closures and other decisions at the time then it is clearly in the public interest that the public know about it, even if it is not in the Government's short term interest.

(Time expired.)

MR RATTENBURY (Molonglo) (11.41), in reply: I will only speak briefly as we are somewhat behind time and I was earlier given indulgence by a portion of the Assembly to speak at some length.

I simply want to conclude by reflecting on the scurrilous efforts of the Chief Minister to twist my words and his willingness to distort what I said. I was very deliberate in my choice. I was not questioning whether arbitration is a good process. I very clearly said:

We have said that we will accept and abide by the arbiter's decision, and we will.

I was very clear in saying that. The Greens, in setting up this process, want to avoid the costly and lengthy legal battles which could ensue by not having an independent arbitration process.

Nor did I question the credentials of Sir Laurence Street. As Mr Stanhope pointed out, as the Speaker I was responsible for appointing Sir Laurence Street. I chose him very deliberately as a well-credentialed, well-recognised and respected former member of the judiciary.

What I was exploring in my speech was whether we had got this exactly right. Mr Corbell went to some lengths to say that this is a Greens process, and that is true. We encouraged this place to adopt this as a process that would save the ACT taxpayers' money and provide a dispute resolution mechanism for this place when we come to these sorts of matters.

But I am quite comfortable to stand here and say that this is the system we set up and maybe now we need to tweak it, having actually used it. I am not embarrassed to walk into this place and say that maybe we did not get it exactly right the first time. I acknowledge Mrs Dunne's nuanced comments in reflecting on that in making those observations. I am not embarrassed by that. The Greens have made considerable efforts to find a good process here. We accept that maybe we now need to make some adjustments.

That was the point I was trying to discuss. The government understands that, because all the changes to the standing orders that have been made in this term have been temporary. I can only assume that the rationale is that we need to make sure they work properly—not that the government hopes to win a majority next time and get rid of them all again.

I was also noting in my speech, and I think this is where the tensions rose, that the ALP, in making their submission to the arbiter, really put only one side of the story. I was questioning whether we needed to move from an adversarial process to perhaps an inquisitorial brief for the independent arbiter. I was not questioning whether we have an arbiter or not.

I would like to clarify the distortions the Chief Minister attempted to make of my earlier words. I was simply making two points. Is this process spot-on? Seemingly not. We may need to have a discussion amongst all of us about whether we can refine it to make it more like what our expectations were. Mrs Dunne's comments that they did not make a submission to the arbiter—they did not believe they could—is an example of the fact that we have probably not quite set this up right.

The other point I wish to make is this, and again Mrs Dunne has touched on this: how do we want to evolve governments in the ACT? I drew out a number of examples of places around the world that have moved beyond the very restrictive interpretation of Westminster government that the Chief Minister gave, and yet their parliaments remain viable entities. I was simply raising a number of examples and directions in which the ACT could evolve that could result in a more open, transparent and accountable form of government, which I am sure the voters of the ACT would appreciate.

That said, the question is that we note this paper. I commend the motion to the Assembly.

Question resolved in the affirmative.

Latimer House principles

MR RATTENBURY (Molonglo) (11.45): I move:

That the resolution of the Assembly of 11 December 2008 referring the Latimer House Principles to the Standing Committee on Administration and Procedure for inquiry and report, be amended by omitting “last sitting week in June 2009” and substituting “last sitting week in August 2009”.

I simply note that this has been discussed in the committee and all members of the committee felt that this was a suitable amendment in order to enable the committee to have enough time to do its job properly in this inquiry.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee Report 1

MS BRESNAN (Brindabella) (11.46): I present the following report:

Education, Training and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*, dated 1 May 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I will just make a brief statement about the report. The report of the Standing Committee on Education, Training and Youth Affairs makes six recommendations. These recommendations are primarily around the provision of data and information in future annual reports. We look forward to the government’s response to the report and to having a collaborative approach to pursuing the report’s recommendations. I would like to thank the other members of the committee—Ms Joy Burch, Deputy Chair, and

Mr Jeremy Hanson—and I would like to particularly thank committee secretary Sandra Lilburn for her support and patience and also for putting this report together.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 2

MS LE COUTEUR (Molonglo) (11.48): I present the following report:

Public Accounts—Standing Committee—Report 2—*Report on Annual and Financial Reports 2007-2008*, dated 30 April 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to present the report. Our report covered 17 annual and financial reports of government agencies for the 2007-08 financial year. Given that we are short of time, I will not list all of the agencies that we covered, but I note that the provision of meaningful operational and financial information by government to parliament and to the public is a fundamental component of the accountability process. Annual reports are the principal and most authoritative way in which chief executives and chairpersons account to the Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding 12 months.

We examined the annual reports for their compliance, where applicable, with the *Chief Minister's annual report directions 2007-10*, legislative and other requirements as raised in individual agency reports. Our first three recommendations in fact concern compliance with the *Chief Minister's annual report directions*.

In reporting, we considered mainly the issues of accountability, governance and effective reporting. In our 27 recommendations, the themes were reporting, sustainability and the usefulness in particular of the reporting. We made a couple of recommendations about the role of the Auditor-General and the importance of adequate funding for the Auditor-General. I would like to record PAC's appreciation of the Auditor-General's work.

The report did not come together without a lot of hard work, cooperation and professionalism on the part of many people. I would like to conclude by thanking my committee colleagues, Ms Burch and Mr Smyth, the relevant ministers and accompanying departmental and agency staff and members of governing boards for providing their time, expertise and cooperation, the committee office, and, in particular, our very, very hard-working secretary, Andrea Cullen. There are 27 recommendations. Given that we are short of time, I will not go through them. I commend the report to the Assembly, and I think it is possible that my colleagues may wish to say more on the subject.

Motion (by **Mr Corbell**) put:

That debate be adjourned.

Question resolved in the negative.

MR SMYTH (Brindabella) (11.51): It has always been the case that members of committees speak to the reports when they are tabled. Annual reports is an interesting process, particularly after an election and because of the delay caused by the election time frame.

There are some important recommendations in this report. The first couple talk about how government agencies report. If you go back through the PAC reports on this topic over the last couple of years you will see similar recommendations about finetuning that process on reporting. In this case, the committee looked particularly at ecologically sustainable development, so that departments fully adhere to the Chief Minister's directions. We understand that it is an emerging form of reporting but the directions are there, they are quite clear and they should certainly be adhered to.

There are a number of recommendations in regard to the Auditor-General. In particular, the committee recommends that the government require agencies to take up the Auditor-General's recommendation that agencies review the relevance, usefulness and appropriateness of performance measures reported in their statements of performance. Again, if people were to look back over the years, they would see the words "relevance, usefulness and appropriateness of performance measures" reported as a recommendation in many of these reports.

How we judge governments needs to be consistent over time. With respect to the effectiveness of saying that the cabinet liaison unit will provide briefs to cabinet, that is what they do. To provide briefs as a performance measure is a silly measure. It is important that what is there is not just there to bulk it out, to fill it up, which seems to be a trend, particularly in annual reports—the bigger we make it, the larger and glossier it is. In fact, in some ways, to slim the reports down to useful information rather than providing a glossy advertisement for what the department is up to would be very useful.

We mentioned the Auditor-General's budget; we will address that later tonight, I am sure. I think it is a shame that the auditor is not being given the tools that she needs to do her job properly.

Recommendation 8 is one that I am particularly interested in. It is about the state of the service report, which this government has discontinued. Many of you would know that the government came to office with the policy of being more open, more honest and more accountable. But the state of the service report was a particularly useful report because it brought together a large amount of information that sits in other sources so that you had it there directly in one document for comparison. I acknowledge that the Chief Minister said, when we spoke to him on this matter, that he would look at its usefulness. I certainly note that a number of people who have

spoken to me lament the loss of the state of the service report, particularly because of the in-depth look that it gave to the state of the ACT public service.

For me, that also raises the question, which is covered in recommendation 7, of the decision of this government to merge the functions of the Commissioner for Public Administration with that of the Deputy Chief Executive of the Governance Division of the Chief Minister's Department. It is very hard for a commissioner to be independent when the rest of that person's job involves working directly to the head of the Chief Minister's Department. It is very difficult for anyone to keep that division in their mind. If you are working in one part of Chief Minister's and you are reporting on the whole of the public service in the other part of your job, it is nigh on impossible. Perhaps something that we need to look at long term is the reform of that. What is the role of the Commissioner for Public Administration and how does that person's job impact on the public service and on the ACT?

For instance, I once wrote to the commissioner and asked the then commissioner to conduct a review. She wrote back and said, "I can't; you'll have to write to the Chief Minister." Given that it was a review of something that the Chief Minister and his department were doing, I suspect that the Chief Minister was not going to do that. So if we are genuine about having scrutiny and we are not afraid of scrutiny then the whole question of the independence of the Commissioner for Public Administration certainly needs to be looked at.

Recommendation 9 asks that the commissioner look at the feasibility of including more environmentally friendly transport packages. I know that some jurisdictions overseas have bus tickets included as approved salary packaging items. We currently do not, and it is certainly something that we could look at. It may take some changes to federal acts, but let us start down that road. It is very important. We see in the budget that bus fares are going up. As it becomes more expensive, and as parking fees in particular are going up and as they become more expensive, we need to make sure that public servants also have options so that they can react to the world as it changes around them.

The reports that we looked at included things like EPIC. We had an outcome on EPIC on Tuesday, when the government was told to leave EPIC alone. With respect to your speech, Mr Speaker, there was a suggestion that you and I have discussions about what we might do. There is a way forward with EPIC and I think we need to look at it. It is important that EPIC's independence continues, so that the board can get on with the job.

Some issues came up in the report about Tidbinbilla. Maybe I am confusing my reports. I will speak about the Tidbinbilla bush fire brigade site a little later today.

Mr Speaker, there were suggestions about helping to improve the effectiveness of the Assembly. There are a number here—specifically, 13, 14, 15 and 16—that you might like to have a look at. It is about keeping up with the times and giving members' offices the tools they need to be more effective. For instance, there are issues like whether we use fax machines these days or whether it is possible to get a multifunction product that prints, copies, scans, faxes and perhaps even does some

colour printing. There is a practical recommendation about the size of mailboxes for members and staff. I think we all suffer from the problem, and it is important when increasingly everything arrives electronically that we have the tools to do the job. There are also some suggestions about staffing and preparation of a strategy. There is a recommendation about having one email address for Hansard, which I think might already have been addressed, so well done if that is the case.

I refer in particular to recommendation 20. When we were discussing what was happening at the Hume Resource Recovery Estate enterprise, we were told by the Chief Minister's project facilitation unit that all that they look at is the financial bottom line and that, if it does not stack up, it does not get the go-ahead. This gets back to the earlier recommendations about ESD. There is more to it than just the sheer dollars. Indeed, if we are all serious about reducing the carbon footprint of the ACT then we have to look at ways of reducing it and we also have to look at different ways of accounting for what we are doing. The recommendation talks about the triple bottom line to the territory as a whole. Yes, we have to look at the commercial viability of organisations, but if a project is not viable in a commercial sense or in a value for dollar sense, the inclusion of social and ecological sustainability may be a deciding factor regarding what projects the project facilitation unit will support.

I think it is very important. Often, when you are leading, these things initially are not cost effective. You can see it simply in the evolution of solar power. Solar power, 20 or 30 years ago, was not commercially viable. A lot of effort went into wind because wind seemed to be the front runner, but solar is catching up. So you have got to look at the long term and you have got to look at the triple bottom line and make sure that you are making a balanced decision that gives you a long-term outcome, not an outcome just for today.

Recommendation 21 talks about the centenary celebrations and recommends that the government ensures that community consultation informs the creation of an enduring legacy. There were concerns that there may be no long-term enduring legacy that celebrates the 100th anniversary of the foundation of the city that we all call home. Indeed, the fact is that the community should have a say in it.

Recommendation 22 goes back to the whole issue of ecologically sustainable development. We suggest that Australian Capital Tourism investigates the feasibility of carbon foot printing events such as Floriade. It has been said in this place many times over many years that the Folk Festival is one of those events that does a fantastic job of reducing its impact on the environment. It has turned full circle in many ways. One of the perfect examples is that you now buy a mug of coffee; you do not get a styrofoam cup. There is no styrofoam, and that is a good thing. But as it leaves EPIC, we have to make sure that waste is disposed of appropriately. There were some concerns that it may not have been done in that way.

Tourism came up in the report—something dear to my heart. Recommendation 23 laments the fact that, now that tourism has been dragged into Territory and Municipal Services, the tourism report that ACTC and Canberra Tourism Events Corporation used to produce, which would run to 70, 80 or 100 pages, and told us exactly what was going on in tourism in this city—it is a billion-dollar industry and a very

important sector for this city—is now reduced to two or three pages, and that just is not an annual report. We are saying that it should include more detailed reporting on their activities, particularly visitor numbers and, where appropriate, breakdowns by tourism campaigns and activities. If you read the tourism section in the annual report from the last financial year, you will have noted that it is very hard to get a picture of what tourism is up to in this territory or the importance of tourism, and in particular where tourism in this city is going.

Recommendation 24 goes back to a theme that emerged, and it is about the whole-of-life impact that our purchases have, in this case in the IT sector, on the environment. Again, we are just saying that the bottom line, the dollar, is very important. I think in these hard times everybody knows that the dollar is important; it always has been important. But it is about how you account for the value and the cost to the territory over the life of a product, and recommendation 24 in that regard is very important.

The lack of consultation, in a way, came up again in recommendation 25, in that the Department of Treasury has a new community insurance scheme, but it would appear from commentary that very few people know that it is there. So you have got something that supports the community but you do not tell them it is there. You have to question the commitment and the need to have the product if that is the approach that is going to be taken. It is very important, particularly for community organisations—and we all know the difficulties that many of them have had in accessing insurance over time—that, if we have got a product that was put there to help them, we need to make it easier for people to know that it is actually there.

The last one I will speak to is recommendation 27. Exhibition Park Corporation has been asked to encourage other clients to adopt and implement the National Folk Festival's approach to waste removal and recycling options. I think that is a worthy recommendation. We said earlier in the recommendations that Australian Capital Tourism should do exactly the same thing, particularly for the events that they run. Floriade is perhaps the single biggest event that is run in this territory annually, and it would be great if Floriade followed the Folk Festival's example.

You have got to give credit to the Folk Festival and the commitment by people over time. They are not just interested in their music and in the words in a song; they are interested in the whole world that they live in, and that is, of course, represented through the music, the song and the dance. But the work that they do, the way that they do it, the fact that they can do it and that they have proved that it does work and it has not made the event unviable is a clear indication to the community that this is a good way forward.

There are 27 recommendations in the report. I thank the secretary, Andrea, for putting together the report. It is a good report. I thank those that attended. I thank my colleagues for the many days that we spent there together and for the robust discussion that we had as we got together to put this report together. I commend the report to the Assembly.

MRS DUNNE (Ginninderra) (12.05): I think that in the tabling of this report, the comments in relation to the Auditor-General cannot go un-noted, especially

recommendation 12 in relation to budget funding to enable the Auditor-General to undertake all the programs that she needs to. This is a matter that has been raised in and out of season by the Auditor-General. I was a member of the estimates committee last year when this was raised. I understand from the evidence that the Auditor-General gave at the time that this matter was being raised in annual reports through the PAC and that the PAC has previously made recommendations about the funding of the Auditor-General which have gone unheeded by the Stanhope government.

The role of an independent Auditor-General is one of those essential elements of good government in any jurisdiction. It is a matter of considerable concern that again the request by the Auditor-General for appropriate funding has gone unheeded. I would have to check the record. I know that Mr Smyth and I took the view during the last estimates committee that the Auditor-General should receive this funding. I cannot recall whether this was a majority decision or just dissenting comments from Mr Smyth and me in relation to the Auditor-General's funding during the last estimates committee. But this is an ongoing and now running sore, the fact that the Auditor-General is unfunded.

The evidence that we have heard over a number of years is that it is difficult for the Auditor-General to retain her staff because she does not have the capacity to pay them as other audit organisations do and that she ends up becoming a training ground; once you have got your auditors trained up someone can poach them for a much higher price. This does not do the territory a great service. It means that the Auditor-General is not able to retain staff for long periods of time and, in a sense, recoup the investment in ongoing training and building up of experience.

It is not just short-sighted on the part of the Stanhope government. It does materially impact on the work that the Auditor-General can do. It is not really my particular area of expertise, but I am pretty sure there is no extra funding for the Auditor-General in the budget brought down this week, which goes to yet another failure on the part of the Stanhope government to have real, open and accountable government. I think that is a great shame, and the people of the ACT should be made aware of these failures.

Question resolved in the affirmative.

Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts.

The Standing Committee on Public Accounts recently resolved to inquire into and report into ACT government procurement. The committee will inquire into, and report on, the following matters:

- (1) the pursuit by ACT government agencies of the 'procurement principle—value for money', having regard to:

- probity and ethical behaviour
 - management of risk
 - open and effective competition
 - optimising whole-of-life costs;
- (2) the integration of sustainability considerations that encompass environmental, economic and social aspects throughout the procurement processes;
 - (3) agency approaches to procurement training and development activities;
 - (4) the ability of local suppliers to compete for ACT government procurement opportunities;
 - (5) the effectiveness of recent reforms;
 - (6) impact on tendering organisations, in particular, speed, feedback and finalisation, of government discontinuing the tender process; and
 - (7) any other relevant matter.

The committee is expecting to report to the Legislative Assembly for the ACT as soon as practicable.

Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts concerning the Review of Auditor-General's Performance Audit Report No 1 of 2008: *Chris21 human resources management system: procurement and implementation*.

On 26 June 2008, Auditor-General's report No 1 of 2008 was referred to the Standing Committee on Public Accounts for inquiry. This report relates to the procurement and implementation of Chris21, a whole-of-government human resource management system, by the Chief Minister's Department, supported by Information Technology ACT.

The committee received a briefing from the Auditor-General in relation to the report on 4 February 2009. The report highlighted a number of general lessons with respect to project implementation and management. These included the need for:

- more effective involvement of agencies in the development of a statement of requirements and during project implementation;
- more effective communication with stakeholders;
- adequate time to be allowed to replace legacy systems;
- assessment of the risk that supplies of critical business systems may be interrupted or terminated; and
- adequate record keeping.

After consideration, the committee resolved to make no further inquiries into the report. However, the committee will consider the general lessons with respect to project implementation and management as part of future inquiries.

Facebook website

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

That the Leader of the Opposition table by close of business today all documents relating to the investigation conducted by the Liberal Opposition into the creation of a fraudulent “Facebook” website defaming the Deputy Chief Minister.

The government has reluctantly taken this step today of calling on the Leader of the Opposition to table, by the close of business today, all documents relating to the investigation conducted by the Liberal Party into the creation of a fraudulent Facebook website defaming the Deputy Chief Minister.

Members would be aware that a website was created which purported to be a website of the Deputy Chief Minister, Ms Gallagher, which sought to defame her and, in fact, did defame her by depicting her, in the Deputy Chief Minister’s words, as the “proverbial dumb blonde”. It sought to ridicule the relationship she has with her partner, it misrepresented her political views and it disparaged her as a woman.

We are aware that this is a matter which the Leader of the Opposition has said he has conducted an inquiry into. He has sought to dismiss the allegations made against Liberal Party members in relation to this matter by saying that an investigation has concluded that there are no links with the Liberal Party. We want to see the proof of these claims. This is a serious matter. This is one of the most scurrilous, disparaging, deeply personal and vile attacks against a member of this place that we have ever seen.

The Liberal Party need to demonstrate the basis upon which they have concluded that there is no evidence to link members of the Liberal Party with this vile and disgraceful attack on the Deputy Chief Minister. That is what this motion does today. It simply asks the Leader of the Opposition to table all documents relating to the investigation that he conducted so that members can be satisfied that the Liberal Party has fully and appropriately investigated this matter.

Let us turn to some of the issues here. The website clearly does involve members of the Liberal Party. The website, which has now been removed by the Facebook administrators—not by the person who established it, I note, but by the Facebook administrators—has, as its confirmed guests, a number of people clearly associated with the Liberal Party, including at least one person who has worked for a member of the Liberal Party here in this place. We note, of course, that Mr Seselja himself is displayed on this website. Indeed, we note also that Mr Seselja’s chief-of-staff is also clearly identified as being involved in some way with this website.

This is a matter where the Liberal Party need to put beyond doubt—beyond doubt—that they have taken proper heed of the disgust which is felt by many members in this

place about the content of this website, that they have properly and fully investigated it and that they are able to substantiate their claim that there is no association between the Liberal opposition and members of its staff or other Liberal Party members with the development of this website. That is the simple and straightforward request that the government is putting forward today. We hope that it will be met without any opposition or disagreement in this place.

MR SESELJA (Molonglo—Leader of the Opposition) (12.17): Mr Speaker, it is sad but true that inappropriate and offensive and, in some cases, illegal content makes its way onto the internet, often anonymously. In the case of the Facebook pages which have caused offence to the Treasurer, I condemn what has occurred. I have stated this publicly and in my letter to the Treasurer. Neither I nor the Liberal Party condones any actions which use sexist, racist, homophobic or any other vilification in any medium.

As I also stated in my letter to the Treasurer, the Liberal Party has made a number of inquiries. Given this was an anonymous posting, where the creator deliberately hid their identity, those inquiries have failed to uncover the origin of the site. With the information at hand, the person responsible has not been identified.

The regulation of internet material is difficult as anyone can post anything at any time. After exhausting our own lines of inquiry, I also asked the Treasurer to provide any additional information she or her office or the Labor Party may have which could assist in identifying the person responsible. I did this merely with the intent that if there was any further information out there I would like to be aware of it. It was a genuine attempt to get any and all relevant facts that might help in the process.

The Treasurer cannot control what is posted on the internet, I cannot control what is posted on the internet and neither of our parties can control what is posted on the internet. It is a sad fact that those of us in public life are subject to cowardly anonymous attacks. It has happened to me, it has happened to my colleagues and it has happened to members of Labor and the Greens. None of us like it. None of us condone it. None of us can completely control it.

The staff of Liberal Party members have been spoken to regarding this issue. I have spoken to the President of the Liberal Party and asked for inquiries to take place. I have no documents relating to those inquiries. I have written to the Treasurer, and I will table the letter. In fact, I will table all of the documents that I have, and I will go through them. Mr Hanson has released a statement, which I will also table. Brett Chant has written letters of apology and has received both verbal and written acceptances. I also table that correspondence. I ask leave of the Assembly to table those documents.

Leave granted.

MR SESELJA: I table the following documents:

“Facebook” postings—Copies of—

Letters from Brett Chant, dated 23 April 2009, to:

Senator Brown.

Mr Hargreaves.

Mr Rattenbury.

Mr Stanhope.

Ms Gallagher.

A statement from Jeremy Hanson—Media release, dated 24 April 2009.

Letter from Senator Bob Brown to Brett Chant, dated 27 April 2009.

Letter from Ms Gallagher to Mr Seselja, dated 29 April 2009.

Statement from the Liberal Party—Media release, dated Friday, 1 May 2009.

Letter from Mr Seselja to Ms Gallagher, dated 4 May 2009.

Those papers represent all the documents that I have relating to this matter. I cannot table phone calls or discussions. I cannot table documents I do not possess. As I have said, we unfortunately cannot control much of what goes on in the internet. I state again that we condemn any such behaviour. The inquiries have been made by the Liberal Party, and we do not know who created the site.

I think that the timing of this motion is disappointing. It could have been brought at the beginning of the week or at any time before that. In Ms Gallagher's speech yesterday she called on me to speak to the Assembly prior to the close of business today, which I was intending to do. Nonetheless, on the morning of the budget reply, the government has chosen this timing.

That is what we have on the matter. That is the basis on which we will go forward. As I made very clear, if any further information is provided to me, we will investigate that further, but the parties have made investigations and that is the information that we have at this time.

I would like to move an amendment to the motion by Mr Corbell, particularly taking account of the fact that I do not have the ability to table documents that I do not have. I move:

Omit all words after "This Assembly", substitute:

- (1) condemns the use of sexist, racist, homophobic vilification on internet posts or any other medium;
- (2) commits that all parties will work to ensure that Members, staff and party members do not engage in the use of such actions in any medium; and

- (3) will apply appropriate disciplinary action against anyone identified as conducting any such activities.”.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (12.21): I wish simply to reinforce the opinions and the position expressed on behalf of the government by the minister, Mr Corbell, just now.

This has been an incredibly sorry episode in relation to relationships within this Assembly. I believe that in my time in this Assembly—now 11 years—I have never before witnessed such a dreadful attack on the character of a member of this place. It is, I think, the most cowardly and the most outrageous personal attack ever on a member of this place. That the Deputy Chief Minister, the Treasurer and the Minister for Health should have been characterised in the way that she has through this fraudulent defamatory Facebook and that the Facebook was allowed to persist with the knowledge of a significant number of at least the staff, if not the members, of this place all within the Liberal Party is an indictment of the Liberal Party.

It is incontrovertible that members of staff of the Liberal Party had access through links to this site and were aware of it. That significant numbers of members of staff of the Liberal Party were invited to join the page and that many accepted that opportunity is proof incontrovertible of the awareness broadly within the Liberal Party of the existence of this fraudulent defamatory, offensive, degrading site.

I think it is a reflection on the honour and integrity of the Leader of the Opposition—the Liberal Party—that it was not until today, just now, in the face of a motion moved by the leader of government business in the Assembly that the Leader of the Opposition took the opportunity to repudiate the views expressed on that fraudulent, defamatory Facebook to which his party is so closely linked.

He has done it now, and it is this point, of course, that the deputy Chief Minister went to yesterday in a speech seeking a response from the Liberal Party in relation to this outrageous defamation—that the Liberal Party, through its leader, had not taken the opportunity to repudiate the views expressed on the site, that he simply went missing, became silent, rejected invitations for interview from the media and journalists in relation to the issue and, through his silence, implicitly condoned the site.

This is an incredibly deeply disturbing and nasty episode in the life of this Assembly. It does reflect any honour or integrity on the Liberal Party for the way that they have handled the matter. For the Leader of the Opposition today to advise the Assembly, as he just has, that he had no documentation to support the fact that he undertook an inquiry, of itself, speaks volumes. There are no documents—

Mr Seselja: The party didn't.

MR STANHOPE: The party. Well, I am sure that if there were documents or if there was actual proof and a formal, rigorous process had been adopted in relation to this,

there would be papers. One presumes there would be statements from staff, that there might even be statutory declarations, but we are not to have the benefit of any of that. We are not to have the comfort of any evidence or any suggestion that the Liberal Party has taken seriously in any way, to any degree the need to fully and thoroughly investigate this odious episode.

The Leader of the Opposition today leaves as many questions unanswered as he answered by expressing his inability to table any documents because there are no documents that he has that actually show or prove in any way that he did undertake a serious inquiry into this matter.

MR SMYTH (Brindabella) (12.26): As always, on serious issues, when the Chief Minister has nothing of substance to say he attacks the person. He says that Mr Seselja has not said anything. Well, that is not true. Mr Hanson put out a statement on the very first day that confirmed that Mr Seselja and Mr Hanson were against this sort of activity. From day one they have said that.

The charge is that Mr Seselja did not do an interview that day. Well, he was not in Canberra that day. I will remind people that it was the school holidays. He was away. It is impossible to do something when you are not in town. The Chief Minister can weave whatever he wants, but the reality is that Mr Seselja has tabled documents, as requested.

It is interesting that last evening the Deputy Chief Minister called on Mr Seselja to inform this Assembly before the end of the sitting period, yet this morning that has changed and suddenly it is a motion. Perhaps the Labor Party needs to get their act together on this.

At the heart of this is whether anybody in this place condones the use of sexist, racist, homophobic vilification anywhere, but specifically on internet posts or any other modern electronic medium. I think the amendment, as presented, is something that everyone in this place could sign up to. I do not believe anybody here ever does or ever would condone the use of sexist, racist, homophobic vilification in any forum.

The second part of the amendment suggests that we commit that all parties work together to ensure that members, staff and party members do not engage in the use of such actions in any medium. I am aware of websites and other sites, electronic sites, out there that have vilified John Howard, Brendan Nelson, Malcolm Turnbull and Julie Bishop. There are some people who have a different standard and they do different things. It is not something I condone; it is not something that I agree with. Perhaps the Attorney-General, given his control or what limited control we have over electronic communications, can come up with a way forward. But we can start with members of this place and our staff and work with our parties to ensure that no-one engages in the use of such actions in any medium. Indeed, I think we will all undertake to abide by the terms of paragraph (3) of Mr Seselja's amendment and apply appropriate disciplinary action against anyone identified as conducting any such activities.

It is important to continue the steps we have made in this country, particularly in this territory, to get rid of sexist, racist or homophobic activities. That process should not

be held back; it should continue. There will always be work to do. I think it is very important that this place agree on this and I would hope that no-one would have any difficulty with the amendment, as presented. I think it is important that we also make sure that the work we do and the way we do it keep up with advances in technology. As new mediums that have a public benefit appear there will always be somebody who will use them in a way not intended by the inventor. In that regard I think we all have to make sure we keep up to speed and that we look at the way new forms of technology are used.

This is a reasonable approach. The member has been asked to table some documents. He has tabled the documents that are in his possession and which he has control over. He has complied with the request of the Assembly, but also put forward a way forward for all of us so that these lamentable activities do not happen again.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.29): We have this hastily cobbled together amendment from the Leader of the Opposition. This was tabled two and half hours ago. The Liberal Party have been aware of it for a reasonable period of time, but their amendment shows just how rushed and ill-thought through their approach has been on this matter from day one. The amendment does not even make any sense. Clearly, they have not read the motion because, if they had, they would have recognised that you cannot replace all words after “this Assembly” because those words are not in the motion. I invite the Leader of the Opposition to redraft his amendment so it actually makes sense.

The real issue here is how sincere and how credible is the Leader of the Opposition’s response to this disgraceful episode. He has said to the media and to the Canberra community that this matter has been investigated, that he cannot find any proof of Liberal Party involvement and people should just trust his word. Well, we do not trust his word. We want him to substantiate his claim. The onus is on him to demonstrate that members of the Liberal Party were not involved in the creation of this hateful, scurrilous and defamatory website. The onus is on him.

It beggars belief that there is no substantive record that exists that he can produce that demonstrates he has taken this issue seriously. It beggars belief. He either is not serious and he thinks this is all some sort of a joke that he can hopefully brush off or he has not fully disclosed the process that the Liberal Party has gone through. So whilst the substantive terms of the amendment are not unacceptable—there are elements that we can accept—the Leader of the Opposition needs to draft it in such a way that it recognises substantive elements of my motion.

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

Sitting suspended from 12.32 to 2 pm.

Questions without notice

Schools—boards

MR SESELJA: My question is to the minister for education. Minister, you were reported in the *Canberra Times* on Tuesday, 5 May 2009 as considering whether parents could be paid to sit on school boards. This week you have advocated an important measure of micro-economic reform through the abolition of the board of Exhibition Park Corporation, a decision that would apparently save \$50,000 a year. Minister, have you estimated how much your policy for school boards would cost? If so, what would this policy cost?

MR BARR: If Mr Seselja read the detail of my comments to the *Canberra Times* he would note that I explicitly ruled out directors fees or any situation for school boards to be in any way similar to a company board structure. What I indicated was that there may be a case to broaden the number of parents able to participate in school boards if some form of honorarium or assistance with associated costs such as provision of childcare may be possible and that schools might, as part of the review of school-based management, consider making available to parents some small provision to offset the costs that some parents might incur through their participation in sitting on a school board.

The provision of something like an allowance to meet the costs associated with childcare could be something that schools might consider in individual circumstances if it would enable a broader range of parents to participate in their school community, particularly in active representative bodies like the school board. That was a matter that I indicated should be considered as part of the review of school-based management.

In relation to the attempt by the Leader of the Opposition to draw a relationship between the government's position on the EPIC board—which is that it is an unnecessary administrative duplication—the Liberal Party has failed its first test on this budget. It has failed its first test. It has shown that it is soft on reform; it is soft on micro-economic reform. It talks the talk; it comes into this place and asks all the big questions of the Treasurer about micro-economic reform. Yet, when it comes to a practical example—at the most micro level, I might add, and in my comments during the debate I did point out that this was the most minor of micro-economic reform issues. Nonetheless, it is about the degree of efficiency in government services.

If the opposition do not believe that delivering government services efficiently is micro-economic reform, I would invite them to look at any textbook—even a year 11 or 12 economics student book; probably even year 8 or 9 economics—and look at the definition of micro-economic reform. Of course, it extends to the efficient delivery of government services and it is worth noting, in spite of all the catcalling, that on every significant test of micro-economic reform in this place whilst I have been a member, the Liberal Party have opposed it—opposed it outright.

Whether it is in relation to reform of government service delivery in the education portfolio, in the tourism portfolio or in any portfolio I have held, those opposite have

opposed any form of micro-economic reform. Then you go more broadly, Mr Speaker. They have opposed reform for the taxi industry. They opposed reform to the hire car industry. In each and every area of significant micro-economic reform the Liberal Party have shown themselves to be intellectually bankrupt.

Opposition members interjecting—

MR SPEAKER: Order, members! Mr Barr.

MR BARR: They are happy to—

MR SPEAKER: You might come back to the question, Mr Barr.

MR BARR: The question was about micro-economic reform. He did mention that specifically in the question.

Mr Seselja: It was on costs, actually.

MR BARR: He did. He did mention that, Mr Speaker. In wrapping up my answer, I again make the very clear point that my comments in relation to school boards were about providing parents with a small payment, and that would be a matter for each individual school to determine from within their own budgets. That was made clear in the *Canberra Times* article as well—that it might broaden participation if things like childcare costs were able to be claimed by some parents who might find that a barrier to their participation on a school board and that that matter should be considered as part of the review.

If the opposition disagree with that policy position, let them say that now. Let them say it loud and clear. If they want to put barriers in front of parents' participation on school boards, let them say that now.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. I thank the education minister for his answer. Minister, could you outline to us why it has become necessary and what has led to parents in the last couple of years in particular no longer volunteering as much for school boards?

MR BARR: I thank Mr Seselja for the supplementary question. At this point I commend the Treasurer for the fact that after one day the opposition are already off the budget. Congratulations, Treasurer, on an outstanding rebuttal of each of the opposition's claims. After one day, the Leader of the Opposition cannot even ask questions on the budget.

MR SPEAKER: Order, Mr Barr! Mr Seselja has asked you a straight question. I expect a straight answer.

MR BARR: Thank you, Mr Speaker. Members would be aware, in that same *Canberra Times* article, of comments by the Principals Association representative,

Mr Battenally, who indicated that this issue of parental involvement on school boards and P&C councils has been an issue for a long time. He commented, and I agree with his assessment, that there are a range of societal changes, including the fact that often both parents are working and have other commitments, and that they might in fact have to incur costs, personal costs, in terms of both time and lost income, to be involved in their school community. That is why, in response to some of those issues, I raised for discussion and consideration in the review of school-based management that it would be appropriate to consider this, on a school-by-school basis. It would be a matter for each individual school to determine.

I restate my earlier comment: if the Liberal Party are opposed to this, let them come out and say so. But I suspect that what you will get is the usual carping from the shadow Treasurer: "We won't actually put forward a substantive position on the policy issue we are debating. We'll just carp on the sidelines." It is opposition for opposition's sake; we hear it time and time again. It is no wonder that this man is the biggest loser in ACT politics. This is the man who has lost more elections than the rest of us combined.

Health—Indigenous

MS LE COUTEUR: My question is to the Minister for Indigenous Affairs and concerns Indigenous health. Minister, I am sure you are aware of the national campaign to close the gap, which focuses on improving Indigenous health services. The Indigenous health equality statement, a key to the campaign, was signed in March 2008 by the Prime Minister, Kevin Rudd, and Jenny Macklin, the federal minister for Indigenous affairs. Minister, has the ACT government signed on to this statement; if so, when?

MR STANHOPE: I thank Ms Le Couteur for the question. The closing the gap health initiative is an initiative that was pursued through COAG. The ACT government is a partner to it, if it is the same agreement that Ms Le Couteur is referring to, and I will just check that. There is a multiplicity of agreements, particularly national partnership agreements and partnerships, that have been entered into through COAG. There is a national partnership agreement in relation to health in closing the gap. These are agreements that the ACT government, along with all the other states and territories, have negotiated with the commonwealth. We are party and signatory to them. I will need to take some advice as to the specifics of Ms Le Couteur's question in relation to the precise nature of the particular agreement she refers to and the timing of the signature. But, yes, the ACT government is strongly committed to closing the gap in relation to Indigenous health.

We as a government have invested enormously heavily through the department of health in relation to the mainstream provision of services, and particularly in relation to the significant support which we provide within the ACT to Winnunga Nimmityjah. I am sure you are aware of the status and the stature of the Winnunga Nimmityjah Aboriginal Health Service within the ACT. It is held as a model, and, indeed, has been so successful, particularly under the stewardship of Judy Harris and Julie Tong, that Julie Tong is now being quite deliberately headhunted as an advocate and as a manager. Most recently she has been spirited off to Brisbane to achieve for the

Brisbane Indigenous community the same level of service and quality of service as has been achieved by her as the general manager of Winnunga Nimmityjah.

I might refer in the context of this government's commitment to Indigenous health to our commitment to the bush healing farm, the Indigenous-specific drug rehabilitation facility and an almost \$11 million commitment to Indigenous health in this region. It is an Australian first where we worked in close consultation with the Indigenous community of the ACT to establish the facility, despite the continued opposition of the Liberal Party in this place. One really does wonder on what philosophical policy basis the Liberal Party or, indeed, anybody would seek to oppose or obstruct the establishment of what is essentially an Australian-leading dedicated therapeutic Indigenous rehabilitation facility such as we propose.

Ms Le Couteur, I will just confirm some of those details, but this government is as committed as any on Indigenous issues and Indigenous outcomes. There is still much work to do. There is an enormous gap to close, and we are determined to do everything we can to assist in closing it.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Minister, I suspect you may have already answered my supplementary. The question was: what steps has the government taken to improve Indigenous health? If there is more to come, I would be delighted to hear it.

MR STANHOPE: There are a whole raft of specific initiatives that we have pursued as a government. I will refer part of the responsibility for answering in detail your question to the Minister for Health who, perhaps, has a slightly more refined understanding and advice on some of the mainstream initiatives that we pursue in relation to Indigenous health but I would be happy to give you a detailed response on all of the initiatives that we have pursued, accepting of course that in relation to issues such as health, health status and health outcomes one does require, does need, to pursue a holistic response.

I met briefly with Professor Mick Dodson just a week ago and he discussed with me the need for a similar Indigenous-specific response in relation to education such as the closing the gap in health outcomes. The point that Professor Dodson made to me on that occasion was that, from his research with AIATSIS and at the Australian National University, health outcomes for Indigenous people are very directly related to the extent to which they have an education or education qualification. It is quite interesting that, in the discussion I had with Professor Dobson, one can measure health status and health outcomes for Indigenous people within that cohort on the basis of the level of educational attainment that they have achieved.

He actually said to me, which I think is quite interesting, that one of the most important determinants of health status for Indigenous people is, indeed, their capacity to access or have equal access or opportunity in relation to the attainment of an education. We are very conscious here in the ACT that issues such as access to quality education, access to good housing, access to good health, are all part of a continuum of responsibility we have in closing the gap generally across the board.

Budget—services

MS PORTER: My question is to the Chief Minister. Chief Minister, are you aware of any proposals to cut services in the ACT budget, and what is the government's position on this?

MR STANHOPE: I thank Ms Porter for this most important question, two days after delivery of the ACT budget and a few minutes before the alternative budget is delivered to us by the Leader of the Opposition as he receives the call to deliver his vision, his strategy, for dealing with the unprecedented impact of the global financial crisis on the ACT budget. We, of course, look forward with great anticipation to the alternative budget, which will be delivered in 15 minutes from now, and the strategy that it will undoubtedly outline and the strategy for dealing with the deficit that we are now experiencing here in the territory.

I have to say that, with all the positivity surrounding the ACT budget, Labor's budget for these challenging times, members do need to be aware of what the alternatives might have been or indeed are—we will hear more on this in a few minutes time—what gun barrel we might have been looking down without the measured approach taken by the Treasurer, Ms Gallagher, and indeed the government.

The government invests each and every year in services to the community: health services, almost 30 per cent of our budget now, just touching \$1 billion; education services; community sector services, including homelessness; housing services such as public and community housing; emergency services; services to enhance the look and feel of the city; and tourism services—noting that Mr Smyth, the opposition tourism spokesman, has just undertaken a little tourist excursion to New Zealand, while daring to lecture this government on its level of support for the local tourism industry. I am assured, Mr Smyth, that Tourism New Zealand enjoyed your holiday enormously.

When we receive submissions from the community, from interest groups in the lead-up to the budget, you may be sure that the submissions are exclusively for greater spending, not less, and for fewer revenue-raising measures, not more. The task of government, tough and sometimes unpalatable, is to balance these demands for ever greater spending—demands that in an ideal world it would be lovely to deliver.

The budget that the Treasurer handed down this week makes modest but strategic increases in services but resists the slash and burn mentality that is now being urged upon us by the Liberal Party. Never before—probably in the history of politics, not just here in the ACT—has there been an opposition, the day after a budget, demanding that the government not show the rectitude we have in relation to slash and burn. I cannot remember a previous instance when, a day after the budget, the opposition have come out and said, “You didn't cut enough. You should have slashed. You should have sacked. You should have reduced services.”

Mr Barr: It depends which member of the opposition.

MR STANHOPE: It does depend. That is the position of the Leader of the Opposition. Actually, there is a range of other views amongst the other members. It is quite a feather, I think, in the cap of Mr Seselja, consistent with of course—and this goes to the question I have been asked—the bizarre slash and burn plan that Mr Seselja took to the last election, of course a slash and burn policy that was roundly rejected by the people of the ACT—

MR SPEAKER: Order, Mr Stanhope! The question was about your budget.

MR STANHOPE: No, it was not.

MR SPEAKER: Or about Ms Gallagher's budget.

MR STANHOPE: No, it was not. It was about alternatives, Mr Speaker.

MR SPEAKER: The question was: are there any cuts to services in the budget?

MR STANHOPE: No, it was not.

MR SPEAKER: Take your seat, Mr Stanhope. Ms Porter, will you read me the question again, please?

MS PORTER: Are you aware of any proposals to cut services in the ACT budget and what is the government's response?

Mr Hanson: You're a liar.

MS PORTER: I did not say which particular budget.

Mr Stanhope: I raise a point of order, Mr Speaker. The Facebook king just called me a liar. I ask that he withdraw.

Mr Hanson: Mr Speaker, I withdraw that comment.

MR SPEAKER: Mr Stanhope, Ms Porter has clearly ingeniously worded her question, so I suggest you continue.

MR STANHOPE: It is a feather, I think, in Mr Seselja's cap, as I say consistent with the bizarre slash and burn plan that he took to the electorate last October and which, of course, was roundly rejected by the people of Canberra on that occasion. Mr Seselja, as we know, is the second least successful Leader of the Opposition in the history of self-government, and I am sure this is as a result of that bizarre slash and burn and sack public servants proposal that he took to the election.

We do need to recall those promises. He was asked this by Mr Solly this morning and could not quite recall what the promises were. Let us just go to some of those cuts: a \$1.4 million cut to shopping centre upgrades; a \$4.5 million cut to playground and park upgrades. These are the savings that have been urged on us by the Liberal Party:

a cut to shopping centre upgrades; a \$4 million cut to playground upgrades; a multimillion dollar cut to the Emergency Services Authority; a \$17.4 million cut to climate change funding—a \$17.4 million cut to climate change and environmental funding; a reduction of the Treasurer's advance by \$16 million—(*Time expired.*)

MR SPEAKER: A supplementary question, Ms Porter?

MS PORTER: Thank you, Mr Speaker. Chief Minister, this paints quite a dire situation. What other implications would there be with such cuts?

MR STANHOPE: There would be some very significant other implications from the cuts proposed by the Liberal Party in the election and from which they have not resiled. We expect now in the alternative budget that we will have delivered to us in a few minutes time a reiteration by Mr Seselja that he stands by these cuts.

So what were some of the other cuts and what would be the consequences of them? I am happy to table at the conclusion of my answer the full list—the \$50 million list accepting, of course, that it is \$100 million short of the target that we would need to achieve. It is quite relevant to consider, in the context of the philosophy and the nature of this particular government, what else they proposed to cut. They propose to cut \$6 million from our program to install new street lights and to replace street lights. Consistent with this, or course, he proposed to actually reduce finding for the CCTV rollout program and engine immobiliser program—actually, a program designed to make older people in our community most particularly feel safer.

Just to give some indication of the nature of his support for the community generally and the nature of the cuts that the Liberal Party thinks are reasonable, the Liberal Party proposed to cut that fund within the ACT government from which we provide those occasional payments to charities on their particular fund-raising days. I refer to the Red Cross, the Salvation Army, the Red Shield Appeal, Legacy and Down Syndrome and others that are funded out of our community support fund that was to be completely abolished. No more donations to the Red Shield; no more donations to the Salvation Army; no more donations to those community groups around our town that do such a fantastic job.

That was just a shortlist of the list of cuts that the Liberal Party proposed, which they must repeat today. They have not resiled from them. This was put to Mr Seselja today by Mr Solly and he actually maintained, through his response to that, the suggestion that these are still part of the agenda.

On top of that, as we heard yesterday, but they then resiled from it and denied it immediately, they had proposed to abandon the major projects unit. They do. They proposed to cut the complete policy capacity or branch from the Chief Minister's Department. It is one of the most significant policy areas in the central department. The policy branch or division within the Chief Minister's Department is to be abolished. Major projects and facilitation is to be abolished. Those are the sorts of initiatives that it was proposed would be abandoned, including the capital upgrades funding for schools. All of those schools that actually annually throughout—

Mr Barr: Well, we know their position on schools—good money after bad, isn't it, Vicki?

MR STANHOPE: We know their philosophy—good money after bad. That was reflected by a commitment by the Liberals in the last election to remove from the capital budget the capital upgrade program for schools—the \$11 million rolling program to provide capital support for our schools. It was to be slashed; it was to be removed. No more capital upgrades for schools under the Liberal Party.

Of course, in that context there is no vision. We note this morning that Mr Seselja expresses a concern: of course, he has only had two days in which to prepare a Liberal Party view, response or strategy—not the seven months since the election. This is an admission that he has been asleep for seven months. This is it: “Oh, you have to understand, Mr Solly, we have only had two days to reflect on what we, the opposition, the alternative government, would do in the face of the global financial crisis. You have got to give us a break. It is seven months since the election but we really have only had two days to think about this.”

Ms Gallagher: Brendan saw it in 2006.

MR STANHOPE: Yes, and Mr Smyth boasted yesterday that, in fact, he foresaw this in 2006. Mr Smyth has had three years. He foresaw the financial crisis. He foresaw the \$200 million-odd deficit in 2006. He went to an election campaign then, of course, promising a couple of hundred million dollars of promises.

What we need to hear today, what we expect to hear today, what we expect to hear in five minutes is the alternative strategy. What savings will you make, how will you make them, in what time frame will you make them, will you consult or will you actually do as you are urging us to do—make the announcement now; do not consult; do not take the community into your confidence; just do it? This is the message of the Liberal Party today: no need for consultation, despite the rhetoric of the last three years around decisions and modus operandi for the government.

They are the issues that we wait to hear. What is the strategy; what are the cuts; where are the savings coming from; what is your time frame; who are you going to consult with; and how many jobs over and above those you have already promised to cut do you intend to cut? (*Time expired.*)

Taxation—utilities

MR SMYTH: My question is to the Treasurer. Treasurer, I refer to a report in the *Canberra Times* of 1 May 2009 in which a spokeswoman from your office is quoted as saying, “New South Wales and Victoria have a utilities network facilities tax and there was nothing to indicate the tax made the ACT less competitive.”

Treasurer, I draw your attention to paragraph 3.1.5 of a comparison of major taxes in the ACT with taxes in New South Wales. It does not have a comparison of utilities tax. What evidence do you have that New South Wales and Victoria have a utilities

network facilities tax or a tax that is similar to this tax? How much revenue does this tax raise in New South Wales and Victoria?

MS GALLAGHER: I stand by the statement that the spokesperson in my office made. I do not have the detail in front of me on how much that raises in New South Wales, but I am happy to provide that for Mr Smyth.

We can see from Mr Smyth's approach to the big questions and the big issues facing the ACT budget—

Mr Stanhope: Is EPIC.

MS GALLAGHER: The big issues for the opposition this week in the challenges facing this year's budget has been whether ACTIA issue two newsletters a year; whether the Gambling and Racing Commission have audited a website and now a comparison of New South Wales taxes and how much they raise for New South Wales.

Instead of grappling with the most significant set of economic circumstances and challenges that have ever presented themselves to the people of the ACT, Mr Smyth continues on his little, petty, nasty, tricky campaign to attack the ACT Treasurer on whether she has 100 per cent understanding of every tax in every jurisdiction across the country and how much they raise.

The issues facing the ACT are irrelevant to Mr Smyth. You have no answer to the challenges facing the ACT. You obviously have not paid any attention to them. So while all this is happening, Mr Smyth is sitting in the back of his office, rubbing his hands together, reading an FOI from 2008-09 and going, "Goody. I don't think ACTIA have issued two newsletters this year." He will be able to see from the statement of intent that was tabled on Tuesday that ACTIA actually have issued two newsletters, and that detail would have been provided to Mr Smyth. I am glad we answered one of those massive questions that have left the shadow treasurer scratching his head.

It being 2.30 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2009-2010

Debate resumed from 6 May 2009, on motion by **Mr Stanhope:**

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (2.30): Mr Speaker, this budget is not, as Katy Gallagher would wish, a budget for the times. This is a budget that ignores the times. These times include the global financial crisis as an external factor, plus an ACT recession, falling retail sales and rising unemployment, and deficits stretching on for seven years, which are conditions the government has influence over.

What has the government done in this budget in the face of all this? Nothing; it is business as usual and that business is spending. It is a sign as clear as the budget bottom line that this Treasurer and this government do not know what to do. It is a fingers crossed, hope for the best, rabbit in the spotlight, leave it till tomorrow budget, and no matter how you look at it we are faced with a dead end of deficit and debt.

Some of the problems in this budget stem from a simple premise that Katy Gallagher and Jon Stanhope, who so willingly cling to the raft of the GFC, will not accept other equally important and compelling facts. There is no plan to accept the facts. This government does not want to talk about those relevant facts and has no plans to talk about them in the future. Yes, we have the global financial crisis and that has played a part in affecting the ACT economy and the ACT budget; we do not dispute that. But Jon Stanhope has spent the last seven years taking credit for the economy when times were good. He and Katy Gallagher must take some of the responsibility now that times are bad.

They must also accept the following facts. Fact 1: even though we currently face difficult economic conditions, this government has enjoyed the single biggest economic boom in the history of the territory. Fact 2: this government was the recipient and beneficiary of over \$1.6 billion in unexpected windfall revenues, revenues that could have been used to protect the economy before a crisis hit, instead of sitting dormant waiting to be wiped out after it did. These windfall revenues far outstrip any loss of revenue as a result of the downturn. Fact 3: this budget's bottom line revenues are still amongst the largest the territory has ever known. If we could keep the budget line positive with a much smaller revenue base, why is it now impossible to avoid recession and years of deficits?

Fact 4: the ACT was the first Australian jurisdiction in recession. If our problems were all due to the GFC, why are we in recession on our own? Fact 5: the ACT is heading into seven years of deficits; other states have returned surpluses. If all our problems were due to the GFC, why are other states able to balance their budgets in the midst of it? The fact is that our current position cannot be due to the GFC alone. There are—there must be—other factors as well. It therefore follows that some of the situation is a result of choices—choices this government made that left us so vulnerable to the downturn and the choices this government now makes as we face these difficulties.

It is also a fact that it is the responsibility of governments to respond to challenges, not to run for cover. There is no plan for recovery. Given this overview of the situation we are in and the extraordinary bill of an underlying deficit of \$770 million, it is heartbreaking to find no real plan in this budget to get us out of this crippling debt. It has been couched as a plan for recovery. It is nothing of the sort. An examination of the numbers, particularly in the outyears, shows how bereft of ideas and how barren of solutions this government is.

But the crucial year, the year which has not been fully scrutinised, is 2012-13. The figures for those years are some of the most telling and compelling figures in this budget. In 2012-13 we are projected to have more revenue than ever before in the

territory's history. According to Treasury, the economy will be back to its boom time best. Yet Katy Gallagher is still planning a deficit of over \$150 million in that year.

When the GFC is but a bad memory and the commonwealth revenues that have cushioned the next two years budgets are spent, you would think the budget could stand on its own two feet. It has to if we are ever to recover. Instead, it crawls along, digging our community deeper and deeper into debts and deficits. In that year, revenues are projected to sit around \$3.8 billion, yet this government is intending to spend around \$4 billion, a deficit of \$150 million, even in the best of times. And this is after all of the savings have been found—if the government can ever find them—after the efficiency dividends are found and implemented, after the stimulus money has come and no doubt gone.

Still, under this budget, we will be paying for basic services on the credit card. This is not a plan for recovery; it is a blueprint for disaster. It is not a response to the GFC; it is setting up your very own crisis for the future. It is not just contemplating deeper debt; it makes it a certainty. It is quite simply spending more than you earn, even when you are earning more than ever before. This point alone tells how empty this budget is of a genuine plan to overcome this crisis and get the budget back in the black.

One of the hallmarks of this government has been their ability to make promises, only to be followed by the sickening emptiness of delivery. There is perhaps no politician in the history of the ACT with a greater ability in verbal gymnastics than the current Chief Minister—and his apprentices are coming along well in this regard too. They are more than happy to have fake openings, false announcements and fractional delivery. They will conduct secret deals, tell half-truths and provide selective statements. The result: a short-term reduction in embarrassment and a long-term cost to the community.

We have the GDE, the airport roads, the sham prison opening. But there is no better example of blatant bad delivery than the government's land rent scheme, the centrepiece of its housing affordability policy. Land rent is, without doubt, one of the biggest electoral frauds perpetrated in this territory's history, and for this government that is saying something—worse than the sham prison opening, more embarrassing than a class sizes backflip, more damning than the school closures.

We have seen, through documents gained under freedom of information, that Jon Stanhope blatantly, callously and completely misled the community about the support the scheme was receiving, despite the mounting pile of evidence from banks, financial institutions, mortgage brokers and his own department. That advice amounted to naught in the minds of this government; it was far more crucial that they avoid political embarrassment, that they muddy the water in the face of a clean, comprehensive scheme to address the problems. The financial ruin and broken dreams were not important to this government; getting back into office was.

In recent days the government has sought to blame even this on the GFC, despite documents tracking back as far as 2004 showing the concerns lenders had about the fundamental viability of the scheme. It is bad policy, not the GFC, that has seen this

scheme falter. Documents prove the banks were concerned as early as 2004, yet the cost of those shattered dreams is one Mr Stanhope was willing to pay to cling to power.

Given the cost this government is willing to brook to stay in power, what is the plan to reduce expenses? Nobody knows. There is no plan to reduce expenses. We keep coming back to the massive debts this budget drives the territory into. So far we have scant information on how this government intends to pay for these debts. It admits there are still nearly \$100 million of savings that it has yet to find. This is a disgraceful abrogation of planning and leadership in tough times. The only response seems to be to slug car users, raise bus fares and rely on the above-CPI increase in rate revenues. That is plainly not going to be enough to rein in the deficit, so there must be more cuts coming and we have no indications of where those cuts will be.

There is a provision for an efficiency dividend across all ACT government departments, and when we look at crucial portfolios such as education that amounts to a future cut of \$11.975 million. In health, it will be \$19.775 million in cuts. Those figures were not leaked to the press before the budget. The Canberra Liberals do not oppose sensible cuts. We do oppose a Treasurer putting out a budget whose plan for the future holds no substance and no detail. That is not a plan; it is a pipedream.

There is also the announcement of the Expenditure Review and Evaluation Committee. This does, of course, raise memories of the Costello functional review that closed schools and slashed jobs and services across the territory. As such, this budget must sound as a warning bell ringing loud and clear across the community. There are cuts hidden in this budget, but we do not know what or when. This deficit is unsustainable, but there is no plan to pay back the debt. The continuing addiction to spending cannot continue. There must be a plan to reduce the deficit, not a hope that the deficit will disappear by itself. In reality, it is not surprising that the government which wasted the good times so comprehensively seems to have no idea on how to handle the tough times.

There is no plan to manage portfolios. In every portfolio across this budget we see a hotchpotch of ideas, a kaleidoscope of concepts, with no plan to manage any of them in a more professional, streamlined manner to increase outputs and decrease costs to the taxpayer. In Territory and Municipal Services, Katy Gallagher and ACT Labor will slug all workers in Canberra with an increase of 20 per cent on ticketed parking machines and a 20 per cent and 50 per cent increase on metered machines. Bus users are also hit with an increase of 11 per cent. Every person that works in city areas will be affected and it will hit them where it hurts—their everyday family budget. As it was called on radio on Tuesday, and replayed at breakfast yesterday, this is being referred to as a reverse Robin Hood—robbing the poor to pay the rich.

It was interesting to watch the Chief Minister dismiss the parking increase with a wave of his hand. “Don’t bother me with this,” he says, “it is only a few dollars.” Jon Stanhope still does not get it. It is these very measures that cause the young families in Canberra, worried about their jobs, worried about their mortgage, to reassess the family budget. Maybe it is a small luxury of a night out with the family that now goes to pay Jon extra to park their car. Maybe it is a little less saved for Christmas that is sacrificed. “Only a few dollars,” he says.

Business and industry development has been cut by 20 per cent, limiting business development and limiting revenue that comes from this bedrock of the ACT economy. This is, of course, entirely contrary to what we have been hearing from this government in relation to stimulating the economy and to the dictums being touted as sensible fiscal policy; that is, if we are to run deficits they must be used to generate activity that builds for a long-term future. This short-sighted cut does the contrary.

In planning, we took one of the most comprehensive, complete overhauls of the planning system for Canberra to the people and to industry long before the last election. It provided for better leadership from the top to provide cultural change to ACTPLA, more support for staff to clear the backlog of DAs, and a direct engagement with industry through a small business response unit.

I note the planning minister's embarrassment. We have more for him because, when it comes to some of the backflips we have seen, the planning minister has been the king.

Mr Barr: You're kidding!

MR SESELJA: We will get to this. Don't worry, Andrew; we will get to you on smaller class sizes.

Ms Gallagher: Are you getting any ideas, though?

MR SESELJA: I am sorry. The Treasurer obviously is not listening. We just put forward one of the ideas that this government has taken. It has been the planning minister who responded and pilfered some of our planning ideas after the election. We were very pleased. He put it out just before Christmas because he was so embarrassed—so embarrassed was he.

The planning failures of this government have long been document in the fiascos such as EpiCentre, QEII, the retail oversight in section 63 in Civic, the height overrun in Kingston, right down to carports and home extensions. The system has been racked by poor leadership and wrecked by poor resources.

Some parts of our policy have been adopted by the government in this budget and we welcome that. There is more to do and we will continue to advocate changes to streamline the planning system.

In infrastructure, once again Jon Stanhope promises big on infrastructure and year after year fails to deliver. \$188.7 million has been rolled over from the 2008-09 budget into the forward years from underspends. This latest underspend includes \$57.8 million in health, \$59.2 million in education and \$34.9 million in TAMS.

In the budget papers, Labor had the audacity to blame the delay in the spending of \$29 million on Gungahlin college as "due to planning difficulties". Who is responsible for planning in this town? Certainly not Labor. I believe it is the education minister, the man making the claim. This government cannot deliver infrastructure projects. The GDE, the prison, airport roads are just some of the examples.

Last year, we put forward infrastructure Canberra, a comprehensive plan to ensure more effective delivery of infrastructure in the territory. It was comprehensive; it was welcomed by industry; and it would have made a real difference to infrastructure delivery in the ACT. Today I can announce that we will be putting this policy into legislative form for the consideration of the ACT Assembly. I call upon the Greens and the Labor Party to support this positive initiative as a key reform to underpin economic growth in the territory. We cannot go on with this underdelivery and underspend on infrastructure year after year after year.

The issues we have with health are as obvious as they are unaddressed, that we have too much focus on grand plans and not enough focus on results. We still have one of the worst performing health systems in the country in a number of key indicators.

Although we support much of the spending in this budget which I will also touch on soon, we are concerned that this budget is planning to strip money from ACT Health. But they will not tell us. Again, Katy Gallagher will not say how or when or what. Our already struggling health system will be forced to find \$19.8 million worth of savings over the next four years. I ask you now: what will become —

Ms Gallagher: It's not true. You've got the wrong numbers.

MR SESELJA: Now there will not be efficiency dividends in health.

The education part of the budget does contain an absolutely fantastic idea to reduce class sizes in primary schools. What a stroke of genius!

Mr Barr: High schools and colleges.

MR SESELJA: We will see about that, I suppose. Unfortunately, it was not the government that led this victory for the teachers and children in our public schools; it was the Canberra Liberals as early as June last year. Was it eagerly embraced? Was bipartisan support offered? No. It was met with derision, scorn and sneering. When we first announced our policy for smaller class sizes in the middle of last year, the Labor Party said it was unaffordable. Wild costings were circulated to try to discredit the concept. It was bad policy, we were told. All of that was wrong.

Then came the backflip. After weeks and months of talking up the evils of the idea, after weeks of denying the value of the policy, Andrew Barr was forced to stand in a press conference and pretend nothing said previously had been uttered. While the fact of smaller classes is welcome, the sad truth is: the motivation was not a sudden insight into sound educational policy by the Labor Party.

Mr Stanhope: I think you brought the wrong speech. He's brought the wrong speech down.

MR SESELJA: I am sorry, I was not aware that smaller classes were not funded in this budget. We have a very sensitive Chief Minister when it comes to this issue. The embarrassment of him spreading misinformation during the campaign about the

cost of this policy, which was utterly rejected by Treasury, must leave him with a bad taste in his mouth.

We welcome the fact of smaller class sizes. The sad truth is: the motivation was not an insight into sound educational policy; it is because the polling came back and the numbers were bad. Here we see a classic example of how the Liberal Party was leading the way in this town and the Labor Party used deceit and deception to attempt to grab the credit. Despite there being funding for 70 new teachers in this latest budget, this will not reduce class sizes for all classes to the optimum of 21 students. We have already seen debate start over what “average” means but once again there is a scant lack of detail or accountability on this promise.

However, in the next four years, the government will need to find \$12 million in efficiencies. The government needs to outline what areas of education delivery will be affected by these savings. Additionally, funding for primary and secondary education will go backwards in 2010-11. Tertiary education spending is cut in 2009-10. We see it in a number of other areas. Vocational education funding goes backwards in 2012-13.

There are, of course, as with any budget where the government is spending \$3½ billion of our money, a number of items in this budget that are worth supporting and we will say so. I will outline some of these.

Maternity leave is one. We support the measures to extend paid maternity leave. We said so during the election campaign and we will support it now. In fact, I will go further and call on the federal government to introduce a national scheme for maternity leave.

It is good to see that the GDE will finally be duplicated, after we were told just last year by John Hargreaves that it did not need to happen for five to 10 years. The money allocated in this budget, \$83 million, is more than the entire budget to build the entire road if they had constructed it completely at the beginning of the process. This is just another example of this government’s way to save money. When we announced our intention to end the procrastination and fix the mess Labor had made, it was instantly matched, magically. Once again, it was an election year; there was a promise from the Liberals; and lo and behold, the Labor Party finally saw sense.

Mr Hargreaves: Which alignment were you going to do it on?

MR SESELJA: The right one. The Canberra Liberals support the spending on a range of areas identified in the budget in the area of health. They include mammography, preventative health programs, community health facilities, mental health and improving surgery capacity and health workforce development. These are some of the areas of health which we particularly list. There are a number of others.

Unfortunately, there is no plan to address the risks. There are clearly risks to this fragile budget and, although they are recognised as such in the documents, nowhere do we find a robust plan to deal with them should any of the contingencies arise.

A core part of the re-election deal that was struck between Labor and the Greens was the issue of public housing. I know the Greens take their agreement seriously as an example of contract parliamentarianism and consider the Greens-Labor agreement to be a binding document. Yet we have seen this week that the cost of one of those deals on public housing will punch a billion dollar hole in the budget. We are told, this week also, by the government that it will not be delivered in this term.

It is now up to the Treasurer to put on the record when it will be achieved and how much it will cost. You simply cannot have it both ways on this issue. Either you mean the promise, either it is an aspiration you are going to move towards, in which case you have to set out a time frame on how you are going to get there and how you are going to pay for it, or, if you did not mean it, you should say so; you should acknowledge that you never meant to get there.

But the point does need to be made that, for every year that that promise is delayed, the cost grows. It is 10 per cent of public housing stock. The numbers grow every year and the Labor Party, in particular, needs to outline how they will pay for it. If they never meant it, if they did not want to pay for it, if they do not plan to fund it, they should say so. There is no plan to answer concerns.

We have of course been subject to the cries of despair from those opposite that we might dare call into question this budget, that we have the cheek to ask questions about a \$770 million black hole in our bank balance. They have pulled, with amazing swiftness, one of the standard tools in the Labor arsenal of deflection: if you do not have the answers, attack the person asking the questions.

We have seen beyond doubt that this budget presents us with a problem but not a solution. It expressly, carefully lays out exactly what they will not be doing. The plan for recovery that Katy Gallagher refers to shows what they intend to do for the next 12 months. There it is in budget paper 3, on page 19. Nothing! That is what it says. There is a zero there. How can that possibly be a plan? Katy Gallagher is trying to paint this as the long-awaited change to consultation from this government but a look at their recent actions suggest this government has still not learnt its lesson.

The plans to purchase Calvary Hospital, for example, were not released to the public. In fact, Katy Gallagher had the temerity to say she had put all her plans on the table before the last election, when we now know that negotiations had been in train for months. This is not a plan for consultation. It is a chance for the Treasurer to cross her fingers and hope for the best, because things are so different from those which the Treasurer expected.

We have also been accused of inconsistency. It is not inconsistent to recognise that, as we face difficult times, action should be taken, not put off until next year. It is not inconsistent to suggest we should both cut wasteful spending in some areas and increase value-for-money spending in areas that need it. It is not inconsistent to say we should spend less than you make and should make every dollar count. This budget does spend more than we will make, long after the GFC is passed and the revenue is back on track, and we cannot count the dollars to be saved because the Treasurer is not sure where to save nearly \$100 million.

There is no plan to accept responsibility. In the six months since the election we have seen a government paralysed by inactivity in the face of significant challenges. Government sitting days have finished early because the government has no business. It clearly has no agenda. It has no plan. At a time when Canberrans expect that their elected representatives will drive policy solutions to the economic challenges we face, we see a government at a loss for answers, as encapsulated in this budget.

This budget is not a seven-year plan for recovery. It is the cost we have to pay for Jon Stanhope keeping his job. It is the price for ducking decisions. It is the cost of a Treasurer deciding to put off the pain to avoid the blame. As Michael Moore said, it is the blame-everyone-but-me budget. At the end of that, we are faced with these inescapable facts: we will be \$770 million in deficit and will be in deficit for at least seven more years; we are in recession, the first Australian jurisdiction to be so, and we have skirted being so for a year and a half.

There is no actual plan in this budget. It is a fingers-crossed budget from a guesswork Treasurer, a hope-for-the-best budget and in many ways a pay-the-piper budget. But it is not Jon Stanhope or Katy Gallagher who has to pay; it is we, the community. It is we that now have to pay for their poor choices in the past. It is we who have to face a decade of deficits for the government's refusal to make cuts during an election year. It is we that will pay for the deceit of political ruthlessness. It is we that will hold you accountable for your choices.

The global financial crisis is one of the facts but not the only one. We have seen in recent weeks any number of attempts to blur facts, recast history, wriggle out of commitments. Enough! With a deficit of the size announced, the territory in recession and the longest stretch of red ink in our history, we say enough—enough distractions, enough excuses, enough buck-passing. It is time for the government to accept the results of its own making.

This is a budget with no plan to do things differently. We have put a complete, comprehensive plan for an alternative vision to the people of Canberra. The Labor government is well aware of exactly what those plans are. We know this because they have spent the last six months copying the best bits and pretending they are theirs—GDE, class sizes, planning—all ours, all copied by this government.

We put a complete list of savings that we would undertake to bring the budget into line with our priorities. We know they are fully aware of our Treasury-costed savings because they claimed that every saving we found was too much and unnecessary. The fact is that there is an alternative vision, a vision that we continue to develop.

It must be said, on the issue of savings—and we heard again from the Chief Minister today—he criticises our savings and then he says, “You need to find more savings.” In fact, we had Katy Gallagher, in a press release yesterday, saying that she looked forward to us giving her ideas on savings. We will and we will continue to do so. But this government cannot have it both ways. They cannot say, on the one hand, “No, your savings are too harsh, too deep; they will cost jobs.” And that was not backed up by any of the analysis but they say that. On the other hand, now they say, “No, you do not have enough.” You cannot have it both ways.

I will not seek refuge in avoidance, as Jon Stanhope did when he presented his budget reply in the first year of his new term as opposition leader. Over the coming months I will be announcing legislative action and policy initiatives which are designed to protect jobs and economic activity in the ACT and ensure that core services are able to be delivered to the people of the ACT in a sustainable and economically responsible manner.

That process has already started. We will not be waiting a year. We have moved quickly to pass laws to make the government more open and accountable. We have proposed a bill to stop this government wasting millions of taxpayers' dollars on political advertising which has already received in-principle support from this Assembly.

In the coming months we will put before the Assembly a raft of measures, as I have already announced, including infrastructure Canberra, which is a comprehensive plan for better delivery of infrastructure in this town. We made the point last year that the government needed to make the changes, the structural changes, to better deliver infrastructure. Since then we have still seen no action and we see a \$188 million underspend again this year. We will also be putting forward policies for further streamlining of the planning system and we will continue to put forward sensible savings.

In response to Katy Gallagher's desperate plea yesterday for assistance in finding savings, I would be very happy to provide a briefing to the Treasurer on the simple, comprehensive plan for our savings, many of which have already been costed by Treasury.

We will be engaging with the community and initiating public debate over the critical areas of health and education. No doubt, as we saw last year, every move we make will be derided by this government. However, the playing field has changed and they are not the majority strength that they once were.

Our vision is for a territory that is planned better, built better and run better; a territory planned around the imperatives of the next century, not the headlines of next week; a territory run on simple, sound principles that, if you are the recipients of boom revenues from the community, those revenues should be reinvested in the community; that the taxpayers' money should be expended for their benefit, not hoarded for the benefit of the sitting government. And it is incumbent on governments to provide for the community, not for the community to fund the incumbent government. We have a long record of putting our alternatives to the people, which we can now see will provide more robust responses to the current crisis than the myopic meanderings of the current government.

We have all manner of major projects unfinished or unfunded in this territory. This territory urgently needs an overhaul of its planning system, working both from the top down and the bottom up.

Our vision of the city is a city with more concentrated urban centres and it must be encouraged and assisted. The benefits of this are manifest. Use of our scarce natural

resources will be enhanced. Transport solutions will become available and feasible. IT infrastructure can be more easily and affordably integrated.

For this to happen, you need to bring the community with you. Today I am, therefore, announcing that we will be putting forward a concept plan to the community on how we can achieve this. It is a plan to sustainably develop our city, to underpin our economy, to protect our unique suburbs and to enable a sustainable public transport system in the future. I call on both the Labor Party and the Greens to engage with us in this community conversation.

Governments can be very bad at the business of business. We see a city where governments are there to assist businesses to do what they can, not just telling them what they cannot. If, as we have stated, it is a fundamental imperative that the economic base of the territory be broadened, then we must broaden the scope of our thinking to include business as a ground-floor stakeholder with meaningful contributions to make to our city, to our culture and to our community.

That this government has engaged and continues to engage in expensive indulgences is beyond question. Government spending can, and should, be accountable, open and subject to the highest levels of scrutiny. It should also be targeted at what people want, rather than only what the government deems you ought to have. It should be better planned, better built, better run. There should be planning reform, business and economic assistance, more focused services designed to deliver resources to frontline workers and services to more Canberrans.

I take this opportunity to warn this government. You have a significant job on your hands and you have not started well. We will allow you no quarter. We will scrutinise every move, every decision. You face a committed and capable opposition and there will be no free ride. Try as you might, you will not be permitted to hide behind distractions.

This is the legacy of Katy Gallagher's first budget: a budget with no plan—no plan to accept all the facts, no plan for recovery, no plan to repay debts, no plan to manage portfolios, no plan to address the risks, no plan to answer concerns, no plan to accept responsibility and no plan to do anything differently. If this is the best the Treasurer and this government can deliver, then the ACT faces challenging times indeed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.06): Thanks to the Greens, there are some key initiatives in this budget that point the ACT in the right direction. The underlying approach of the ACT government, however, is still too much like business as usual, when what is needed is a vision for the future. This budget is a sign that with a strong Greens presence in the Assembly the people of the ACT can expect a more sustainable Canberra, socially, economically and environmentally.

Today marks a new beginning for the Australian Capital Territory with the delivery of a budget that shows a new influence that goes beyond old party orders and finds collaborative solutions. This budget acknowledges the faith of the people of Canberra who voted for the Greens and for change at the last election. The current global

economic recession calls for a new vision that will ensure our economic prosperity while protecting our environment, and today we can see that the Labor-Greens parliamentary agreement is beginning to deliver this vision for the people of Canberra.

The Greens are taking a long-term approach and beginning to change the direction of future planning to deliver strong social, economic and environmental outcomes over the full economic cycle. The Greens brought to the table a range of specific and innovative policy measures that we have seen funded in this budget. And we welcome those initiatives. But it is a new way of thinking about being genuinely sustainable that we look forward to seeing from the government in the years ahead.

However, it is a sad indictment that, over a decade of strong economic growth in the ACT, previous territory governments did not use the good times to build a bank balance large enough to cope with this downturn, the inevitable bust after a long and very comfortable boom. Nor did previous territory governments maintain adequate ongoing infrastructure spending, leaving us playing catch-up now. It looks like another example of politics trumping the long-term interests of the community, with the needs of the business cycle subservient to those of the election cycle. Therefore, it appears that it is recent local history that has brought us to the budget we have, as much as has a global financial market crisis.

We understand the scale of the external impacts on our revenue and on the need for stimulus spending. But we do not agree that we are naive victims of global forces. The ACT was not well enough prepared and had only pursued a medium-term agenda. Our policy platform restores the value of the medium and long-term agenda. The Greens will be championing the importance of having that medium and longer-term agenda for the life of the Assembly and beyond.

An important part of our platform is that recurrent spending and capital investments made now must deliver medium and long-term community benefits. In health, for example, we value the benefits of wellness as opposed to dealing with illness; a distinction lost on those driven by talkback radio noise on the latest apparent medical crisis.

In line with most governments in Western economies, we in the ACT are looking to soften the impact of a global recession by boosting capital investments and pumping public funds into infrastructure. Our concern is not that this is putting the ACT budget into deficit but that the budget is based largely on spending for its own sake. It looks too much like an attempt to use public money to maintain the last gasp of a boom, trying to maintain a direction for the ACT economy which will continue our journey on a path which leading international thinkers are telling us needs to change direction—and change direction now.

Bricks and mortar capital works will be welcomed by the engineers and construction teams who will build them and by the people who will use the facilities once the ribbons are cut. But we need more from this investment—much more if it is to genuinely improve our quality of life in the ACT. We need guarantees that in putting the vast majority of the territory's stimulus money into capital works these capital works take huge steps forward in terms of reduced environmental impact and

long-term returns to the community. These works must be scrutinised to ensure that the social and environmental benefits of this once in a lifetime spending spree at least match the economic benefits we expect. Our new infrastructure must deliver the highest practical levels of energy efficiency and water use efficiency with a clear eye towards a future in which energy and water costs will certainly increase.

Cost increases are inevitable in a climate where global demand will continue to rise and global action is being taken at last to internalise the free ride we have had on the externalities that excess energy and water consumption have left us with. High levels of energy and water use efficiency designed into our new infrastructure now will leave a legacy of ongoing dividends for future generations of Canberrans.

In infrastructure design and delivery we must also be thinking ahead in terms of integrating opportunities for waste minimisation at source, whether this be in the form of recyclable fit-out in office buildings or clever capture and reuse of stormwater run-off so that it is able to be used as a resource and not treated as waste to be managed. From a medium-term perspective, even the material used in the infrastructure needs to be examined. Even our reliance on concrete as our most familiar building material is up for review, as is the energy embedded in concrete itself, with cement manufacturing one of the most energy intensive industries we have. Better performance on each of these will deliver long-run returns to the community through lower running costs and more people-friendly buildings.

The ACT has a unique economy. Since the territory's creation we have had an economy based on providing public sector services—government itself as well as health and world-class education—and on a steadily growing population and the diverse business mix that services it. Our aim is to see this foundation evolve in line with the call from leading global thinkers to play our part in changing the direction of global growth. Our contribution to this global challenge will be to minimise Canberra's environmental footprint while maximising the value gained from business and government activities. If we are to keep Canberra's economy evolving to be one which emphasises higher value, knowledge-based products and services alongside environmentally friendly technologies and services, we need to be working now on measures to stimulate change in this direction. Higher-skilled, green-collar jobs in emerging sustainable industries will be the foundation of our future economic growth.

But does the ACT have a strategy to do this? The territory's new economic strategy, capital development, sets the tone. While there are aspects of the strategy that accord with the directions we know the territory needs to go in, it is clear that it is based more on optimistic business as usual than providing a handbook for change. The strategy builds on the territory's economic growth path but does not provide a road map of how the territory can change direction to be a more genuinely sustainable economy. The strategy is based on a number of orthodox principles, including faith in a hands-off framework which emphasises deregulation and government getting out of the way, at a time when there is widespread recognition that this is no longer necessarily the best pathway. I am also concerned that the capital development strategy seems to lack the type of broader community consultation and engagement that we have seen in its predecessor, the economic white paper, and in the other pillars of the Canberra plan.

We think it is timely to review what the community think about the territory's economic future. What are their desires for the territory's economic base and have those desires changed in recent months? National surveys consistently point to a popular desire for a more cautious and resilient approach to economic management, maximising the value of the public sector and not leaving the private sector unregulated or at least unmonitored. What are the views of the residents of the ACT? The Greens believe that in changing directions the ACT government itself needs to walk the talk, showing leadership in how a sound approach to reducing environmental impacts also makes sound business sense.

Our election platform included a clear call for retrofitting of energy and water efficiency technologies into ACT government buildings. We are very pleased that the budget includes funding to help commercial building owners with this important task. Government assistance with retrofitting reduces the payback period of this capital investment as well as providing great opportunities for ACT businesses to supply the products and specialist advice that the scheme will stimulate. Government subsidies will also help local building owners and business occupants prepare for a world where energy, water and waste costs move to more closely reflect their actual impact on the environment. We are keen to ensure that ACT businesses are well placed ahead of the introduction of a price on carbon.

The Greens are pressing for much better sustainability reporting across the ACT government so that we can track progress, and for more measures to improve the sustainability of government purchasing. This too will mean more opportunities for smart local businesses to step in and deliver the services and products needed. The capital works program contained in the budget will help address underspending over the last decade and will help insulate parts of the Canberra economy from international pressures. The Greens are pleased that the government has sought to minimise its external borrowings but are concerned that the real value of these borrowings may not be recognised.

Borrowings are the most expensive part of any deficit, incurring real community burdens through the interest payments required. As these are such a high value item, the Greens need to be able to reassure the community that these borrowings are going to deliver triple-bottom-line returns and, through them, dividends back to the community in the future. Capital works are needed, but we are concerned that the economic weight in this budget relies too much on buildings and infrastructure. The unique qualities of our economy mean that the flow-on impacts to our community are larger at the service delivery end of the spectrum than at the construction end. Our community deserves the best infrastructure it can afford, but we also deserve dedicated, front-line staff able to deliver the health, education, environmental and cultural services we need.

Infrastructure spending needs to deliver medium and long-term social and environmental benefits to the community, not just short-term economic stimulus. To that end, the Greens are looking for signs that new works will minimise heating, cooling, external water use and waste generation, thereby reducing running costs and providing long-term efficiency gains and further savings to the community and environment.

The ACT Greens are a political reality. We have entered the Legislative Assembly on the back of significant and growing community concern about the way the country, and the territory, is managing its natural resources. Of course, with four Greens in the Assembly it is not surprising to see that the government has moved in this budget to shore up its environmental credentials, and the Greens welcome the commitment.

Spending on the environment does not just deliver benefits for the environment; it also delivers benefits for the economy and our community. We are at a time in our history where this is becoming clearer. The challenges of climate change are massive, as are the challenges of sustainable water supply both for human consumption and for the health of our natural environment. We all want to see a Canberra that is a model of sustainable living in the 21st century. Our natural environment needs investment. It will not just look after itself. We must take serious action to cut our greenhouse gas emissions and continue to think about how we can minimise our use of water.

A number of the government's announcements were in the ALP-Greens agreement. Expanding the urban wetlands program and the establishment of a one-stop shop to help householders implement water and energy efficiency savings are two big ticket items. There is no doubt more could be done to build a network of urban wetlands so we can capture and use our stormwater for community purposes, as well as create natural waterways that build the ambience of our city. The \$13.9 million allocated by the government will kick this project along in locations around Canberra.

We have already seen how the work along Sullivans Creek has not only restored the creek to its original state but also improved the local amenity while delivering water for local sporting fields. We want to see that money is spent on not just building ponds but also replacing concrete stormwater drains with natural creeks. This is the kind of infrastructure spending that delivers long-term benefits on a range of fronts—environmental, social and economic—and that is essentially what the green new deal is all about.

The other major environment announcement is the \$19 million over four years to consolidate energy and water efficiency programs for householders. The government has talked about the switch your thinking program being a one-stop shop and online portal for people to access information and education about efficiency. But we do hope and assume that, with the level of funding that has been announced in this budget, the program is less about thinking and far more about action.

People find it very challenging to navigate the efficiency rebates and programs on offer from the ACT and federal governments, so any help on that front will be useful. But the success of this program will not be about how many brochures have been given to people in the ACT on energy efficiency or how many people have clicked onto the website, but about how many homes are water and energy efficient at the end of four years.

In all of this it is essential that the government ensures that the poorest in our community do not get left behind. Sustainability measures are not just for the wealthy or the middle class. Often families that live in cheaper rental accommodation have

large energy bills due to poor insulation and building design. So we must ensure that there is encouragement for landlords to access these efficiency programs, as well as homeowners.

Our natural environment also costs money to look after. There are some useful initiatives in this budget to protect our natural areas, but there is little doubt that they fall short in some places. The Greens will want to look closely in the estimates process at how the government has funded programs to manage and preserve our grasslands, including weed and rabbit management, provision of ranger services and funding to support the creation of new reserve areas, off the back of the commissioner's grasslands report that came out earlier this year.

However, I would like to make it clear to the government that there will need to be substantial reprioritisation of spending on climate change mitigation measures that will go hand in hand with the implementation of the ACT's energy policy and the setting of legislative greenhouse targets. The time for tinkering around the edges is over. The time for calling something that is so important "climate spending" when it is not should be over. In the next few months when we see the ACT government make some significant decisions about our climate policy, we require strong policy responses and a far greater investment by government in the very near future. Climate change, energy and water are all issues that will only grow in significance in the years ahead.

With regard to planning and development, the Greens are very pleased to see that ACTPLA has had its budget increased by \$1.7 million specifically to ensure that development applications can be processed in a timely manner, an issue which I am sure many of you are aware has been ongoing and one that was raised by my colleague Caroline Le Couteur. We certainly do not want to see development in the ACT stifled by the slowness of DA processing, leading to the possible loss of financing.

In the same way, we welcome the government's proposals to reduce the change-of-use charge as well as the two-year moratorium on fees charged on delayed commercial developments. Although this will cost the government \$120,000 in lost revenue, it should ensure that commercial growth is able to withstand the difficult economic climate we are in.

The Greens are also pleased to see that ACTPLA is improving its capability to undertake mandatory inspections. You may know that we have done a lot of work—again, by my colleague Caroline Le Couteur—on improving the auditing of the energy efficiency ratings. This is important, as we understand that an increase in one-star or EER rating increases average house prices by approximately \$10,000. We will be following up to ensure that this funding of \$7.9 million over four years includes funding for EER auditing as well as gas, electrical and building inspections.

We see that the government is planning to release land in the Molonglo Valley in this next financial year, with 800 houses in Wright. \$2 million has been allocated to potable water supply to Coombs and Wright but the agreement clearly states that a third pipeline for non-potable water should also be incorporated into the planning

and development, as well as public transport infrastructure, mandatory solar passivity and pedestrian and child-friendly design.

We were also very pleased to see that \$12 million has been set aside for upgrading our CBD. Certainly we all know that the Sydney and Melbourne buildings are overdue for a sprucing up and we hope that the Canberra community gets on board with some innovative input.

The Greens are also pleased to welcome the return of a library for the inner south. A new library in Kingston, in a busy shopping centre, with better public transport access, will ensure that a larger proportion of the population is able to use it. We understand that when libraries are co-located with shopping centres they are far more accessible to a larger range of people, which results in increased user numbers.

With regard to waste initiatives, \$500,000 has been included in the budget to improve commercial sector recycling. It stems from one of the key waste initiatives in our agreement with Labor. This focus on commercial sector recycling has been required for many years and we are pleased that the government has responded. If this commercial waste strategy is implemented smartly, there are huge gains to be made. We will be keeping a close eye on this project to make sure that the government uses this money fruitfully and that it leads to quick and effective results.

I also want to note that we have been asking the government to implement organic waste recycling, which still constitutes 20 per cent of household waste. We will continue to press for action in this important area.

The government has honoured the Labor-Greens agreement by providing an additional \$6.4 million over four years for cycle paths and \$500,000 per year for footpaths. We have long said that Canberra needs to become a greener city that is friendlier for non-motorised transport. These improvements are a major win in the ongoing effort to create a greener urban environment by encouraging people to cycle and walk. We will be asking the government to prioritise improving routes to and from town centres, to fill in gaps in the walking and cycling paths.

We welcome the initiative to trial a bus rapid transit service. It is the first step towards an effective public transport system for Canberra. Bus rapid transit will make commuter travel faster and more convenient. This is what is required if we are to shift Canberra's transport balance from cars to buses. Combined with the updated ticketing system planned for this year, ACTION will really have something effective, efficient and attractive to offer to people. I am confident this service will be a success.

But as you all know, it is not just about peak-hour buses. It is about community service to people who are otherwise isolated or marginalised in our community. And while we have community transport of various sorts, taxi subsidies and so on, these are run by different businesses and agencies, none of them effectively or efficiently linked together.

In addition, we have a wheelchair-accessible taxi service which is significantly inadequate. The people who rely on this service suffer possible health effects when

they have to wait for hours and hours in the cold, heat or late at night. This same taxi service is exploited by the airport but not supported, and some have argued that 100 more cab licences would solve the problem. But anyone who knows the industry will tell you that this is not necessarily the solution.

At a more concrete level, let us think about roads. We need transit lanes to be incorporated in road duplication. We need bus priority lanes at key intersections. We need park-and-ride facilities built as a matter of priority.

One million dollars for buses is a small investment when you compare it to the multimillion dollars on new road projects. In fact, new capital works receives only \$1 of investment in clean transport infrastructure for approximately \$27 spent on roads, highways and feasibility assessments for even more roads in the future. This stands in stark contrast to the Victorian government who revealed plans to direct \$2 of investment in clean transport infrastructure for every \$1 on spending on roads. This is the sort of thinking we need to permeate down to the heart of ACT government and, indeed, across Canberra. If we are to have a truly sustainable transport plan in place, we need to get momentum outside as well as inside the Assembly.

The Greens are pleased to see the ACT government is facilitating the very important federal government investment to increase the public housing supply in the ACT, which will provide both a much-needed service to those less fortunate in our community and work for those in the local building industry.

The Greens are also pleased to see increases in a number of health care programs, particularly those which partly fulfil some of the health provisions in the Labor-Greens parliamentary agreement. This includes the initial two-year funding for mental health training for emergency service workers and teachers—these are frontline workers—and an increase of \$8.4 million over four years in funding for mental health services. Half of this allocation is going to community sector mental health programs, and the Greens will continue to push for recurrent funding following the initial pilot programs.

While these are good beginnings and many community organisations are celebrating these achievements, our agreement sought an increase in mental health funding to 12 per cent of overall health funding and a shift of resources towards the community-based recovery part of mental health, to make up 30 per cent of mental health's funding. There is a lot further to go and we will continue to work with the government and community to implement the agreement.

The government has made an important commitment of resources to the bricks and mortar of health care and technological infrastructure for a high-quality, responsive acute sector. The development of effective electronic health systems is also an important way of empowering consumers of health care. However, to see the best use of these, we need a vision for health care which directs more resources to maintaining wellness, to reduce the need to access acute services, and which creates strong, supported pathways out of the acute sector.

Expanded community and consumer engagement in improving these pathways is vital. This budget lays some foundations for these pathways. The \$3 million funding over

four years for transition support for people moving from hospital to the community is an example of this. We will maintain pressure on the government to continue to build on these over the following budgets.

The Greens welcome the new early intervention programs for children with disabilities and increased funding for care packages for those people with high needs. The establishment of the companion card to enable people with disabilities who require an attendant to go to various events and venues without incurring the cost of a second ticket for their attendance is also very welcome. However, we also share the concerns of ACTCOSS that the needs of these services may well increase over the four years of budget allocation due to the increasing age and fragility of many carers of people with disabilities.

Increased provision for the aged care and rehabilitation service of \$4.2 million over the next four years is of benefit to the aged in our community who require health care. Funding for the construction and operation of the Tuggeranong over-55 club—that is, \$1.5 million in capital works and \$24,000 in recurrent costs, and \$62,000 over four years for the seniors grant program—will encourage aged participation in the Canberra community. However, the amounts allocated each year to the wellbeing of our aged are very limited. Given the proportion of our population that are aged and the desire to encourage increased health and social participation by our aged citizens, the Greens would hope to see a greater expansion of these services in the future.

With regard to the provision for our most vulnerable children, the government has provided \$11 million over four years for the growth in costs of out-of-home care. Given the low level of carer subsidies in the ACT and the expanding numbers of children and young people in out-of-home care, this is an important commitment.

On initial examination, it appeared there was an increase in foster carer subsidies which currently meet less than 50 per cent of the costs of raising a child. However, it is very disappointing to see that the detailed accountability indicators in budget paper 4 show that the department is aiming to reduce the daily cost per child in out-of-home care from the \$164 target in 2008-09 to a \$136 target in 2009-10. Given that the weekly subsidy payable to carers is equal to only one day's costs, there must be room for the department to reduce costs in other areas.

The Greens recognise the importance of investing in people and are deeply concerned that there will be an increased demand on community organisations as a result of the global economic crisis. There are a number of good initiatives in the budget with regard to the free legal service for homeless and aged people, community mental health service funding and building housing partnerships to break the cycle of homelessness. But there will need to be increased funding and assistance as unemployment rises and the full impact of the financial crisis is felt.

Also in this context there is no evidence in this budget that funding will be allocated to multicultural services indicated in the 2009-12 multicultural strategy. Multicultural Youth Services is one service that will experience decreases in funding in an essential program. Multicultural Youth Services has successfully supported many young people through providing vital services to refugees and new arrivals and has received awards that acknowledge the importance and quality of the services they provide.

We are also very disappointed to see the ACT government has not continued the funding for the Googan Gulwan literacy and numeracy program. This program achieves great results and has been commended for its work in keeping Indigenous students engaged in their education. Lobbying for this funding has been ongoing for years and has come from various organisations within the community who recognise the value of this program for our Indigenous young people. The ACT government could have investigated options for providing this funding within the department of education, especially given their commitment to literacy and numeracy in this budget. Alternatively, they could assist Googan Gulwan to investigate options for commonwealth funding for this valuable program.

As the Greens spokesperson on women, I am very disappointed to see that this year's budget has not been accompanied by a women's budget statement. Each year this statement gives a report on how the budget directly impacts on girls and women in the ACT. I grant you that this statement has always been a little light on information but specific initiatives are outlined and, without ongoing monitoring of the programs and their implementation, we do not actually know how the budget really impacts on women. It was a useful overview of the impact of the budget on woman and girls in the ACT.

It seems that this year women's issues have been entirely subsumed into the mainstream documents. Lack of gender-disaggregated data is something that needs to be addressed. Our agreement with the government states that the publication of gender impact statements and gender-disaggregated data associated with the government's legislation, policy, budget and annual reports will be phased in by 2010. We will be insisting that the government delivers on this.

The vitally important service of education in this budget has received \$28.7 million to lower class sizes. We welcome the move to reduce class sizes but there is a need to ensure that in this process class sizes actually reduce as the budget refers to an average figure. It could be easily achieved without any improvement in class numbers in some larger schools.

We also welcome the \$6.4 million over four years for the enhancement of performance in literacy and numeracy skills, which addresses the need to provide many more literacy specialists in schools to help in this area. The construction of the Harrison high school, the performing arts centre at Canberra college and the \$4 million dollars for the installation of solar power generation systems and water tanks in ACT schools are great additions to the system.

Higher education has also received a much-needed investment of \$27 million in CIT, which provides an opportunity to build skills for green-collar industries for the future. While the budget contains substantial infrastructure spending, it is even more important that we invest in the people that will build our future economy. The Greens want to see a new army of solar technicians, energy auditors, house retro fitters to put Canberra at the centre of Australia's new economy, a green economy. And of course we want to be providing places for skilled professionals to teach this workforce.

The Greens are concerned about all of the citizens of Canberra, which includes those in correction facilities. And we are very concerned about the lack of funding that appears to be there for through-care and aftercare services to the Alexander Maconochie Centre population. It is so important to provide these services if we are to decrease the rate of recidivism. I think there is an expectation out there that that be provided to the community organisations who are already under increasing demand for services.

However, we do welcome the funding in proactive and diversionary rehabilitative justice programs, the funding for the Legal Aid Commission to establish an elder law project. We also welcome the extra funds that are going to the Director of Public Prosecutions. This is a highly stressful area of work. They perform a vital service to the ACT community and, therefore, we welcome it.

We also, of course, welcome an increase in the community fire units. We know in recent years how vital this service is to the ACT community.

So the Greens welcome this budget. It is fitting that in difficult global economic circumstances we increase spending and support our regional economy. It is vital for Canberra's future that spending is not just for spending's own sake. We have a once-in-an-economic-cycle opportunity to ensure that this burst of activity in infrastructure helps put us on a pathway to environmental and social sustainability. It is now time for new thinking, to try a different way; to establish the new, green economy which will provide direction on how we will manage any forthcoming downturns, while ensuring a sustainable and viable future.

MR SMYTH (Brindabella) (3.44): Madam Assistant Speaker, this is a budget which ignores the time in which it has been presented. This is a budget that fails to provide leadership, and this is a budget that shows that the Treasurer is simply not up to the task. The Treasurer has squibbed the hard decisions. This is a budget without ideas and a budget without a plan. If you look for a deficit reduction strategy, there is not one. If you look for a tax reform strategy, it is missing. If you look for an employment strategy, there is none. If you look for a wages strategy, there is none. If you look for a strategy for achieving savings in expenditure, it is, "Wait, form a committee and hope." If you want a debt management strategy, there is none. If you want a cash management strategy, there is none. If you look for a strategy for managing the capital works program, it is simply, "Promise more and deliver less." If you are after a business encouragement strategy, there are funding cuts and the finalisation of programs. If you look for a business regulation reduction strategy, there is none. If you look for a strategy for the management of the superannuation provision account, there is none. There is a chapter in the budget papers called "The budget plan". But a plan or a strategy without actions, without goals and without a definite path to success is not a plan at all.

The community has been looking to the Stanhope-Gallagher government for leadership, and what did they get? A Treasurer and a Chief Minister who have failed to provide leadership and comprehensively failed to take responsibility for the circumstances in which we find ourselves. We have a Chief Minister and a Treasurer

who have failed to make the decisions that the community would have expected from those two ministers. And all these two ministers provide is a flimsy document that they purport to have as a plan. It is a flimsy document that will only be developed after the government has consulted, yet again, with the community.

The Treasurer has been critical of me and my colleagues for being what she describes as unnecessarily negative about the prospects for the ACT economy. I reject that conclusion. I have been and remain very optimistic about the ACT economy, as do my colleagues and as do the communities that live in it, particularly the business community, which is dedicated to improving our lot. I love living in Canberra and I love all that Canberra offers to me, my family and my community. It is not that I can be accused of talking down the ACT economy; rather, I can be accused of expressing criticism of decisions that have been made by the Stanhope-Gallagher government. That is quite a different matter; that is the legitimate role of an opposition. I do not have to accept all the decisions that have been made by the Stanhope-Gallagher government; that is our prerogative as the opposition. But what we are required to examine are the decisions of the government of the day, to analyse, to question and even—surprise, surprise—to criticise.

As far as the 2009-10 budget is concerned, Wednesday's *Canberra Times* summed things up pretty well with the headline "Risky strategy to delay pain". This budget is a pretty dismal effort from a Treasurer who is simply not up to the task.

We see a budget that does not have a coherent strategy, and you only have to refer to budget paper 3 at page 19 where all of the activity under 2009-10 is simply listed as zero. A big fat zero. That is a pretty accurate summary of what this Treasurer has delivered. What we see is a budget that does not acknowledge that the ACT economy began to slow down well before the influence of the global financial crisis became evident in late 2008. I know that for four out of the last six quarters for the ACT—12 months out of the last 18—we have had negative growth, and that for five of the last 12 months retail sales have been negative in the ACT. We have a government that seeks to place all the blame for the current economic difficulties on the global financial crisis, but it defers any hard decisions that are needed and proposes even more consultation on this budget.

My colleague the Leader of the Opposition has outlined in considerable detail many of the concerns that we have identified with the 2009 budget. Let me reiterate by simply saying that there were clear and unambiguous signs of an economic slowdown long before the global financial crisis. Yet the Stanhope-Gallagher government continued as if nothing was wrong. The reality is that they should have been responding to these emerging signs earlier but, no, they carried on blithely ignoring those developments. As a consequence of this, the ACT is now in an even bigger mess than should have been the case.

At this late point what has been the response of the Stanhope-Gallagher government? In particular, what has been the response of the Treasurer? She has simply run up the white flag. She has surrendered. She has said that the ACT will have difficult times for the next seven years. The Stanhope-Gallagher government will increase public sector employment during 2009-10. The Stanhope-Gallagher government will have

even more consultation with the community and the painful cuts will take place in 2010-11 and beyond.

The critical issue is how the Treasurer has dealt with the preparation of this budget, and, in particular, how the Treasurer has dealt with the emerging and prospective economic environment. The Treasurer told us on Tuesday that she had a plan. She said: "Look, it's budget paper 3, it starts on page 17. It's called the budget plan." But a chapter in a document is not a plan unless it has specific targets to achieve, targets that are outlined, how they will be achieved and when they will be achieved.

What is the reality of the claim of the plan? The Treasurer was repeatedly telling us that all would be revealed in the 2009 budget. Indeed, when addressing the third appropriation, she said it would be pretty small because the budget comes down three months after. That was in February. She said, "Don't get your hopes up about the third appropriation bill," which was set in late February. She then said, "The big decisions are going to be taken in the budget." She said that in early March. And so we waited and we waited for the big decisions, and the big decisions have been deferred. What did we get? No decisions. Instead, we have got a chapter in budget paper 3 headed "The budget plan", and we have a policy-free period for the next 12 months when, supposedly, the community will tell the government what they should have done.

So let me summarise: seven years of deficits. Next year we will employ an additional 976 public servants so that we can then fire them the following year. We will make no savings next year, and in the outyears we will save \$153 million of which \$97 million is unspecified. There will be wage restraint, already rejected by the unions, and we will have an efficiency dividend. Again, it is all best summarised by the chart in budget paper 3 on page 19, which has a big fat zero for activity in the year 2009-10, which leads me neatly into community consultation, as the Treasurer has placed much emphasis on this as part of her so-called budget plan.

We have castigated the Stanhope government for its complete failure to conduct effective and timely community consultation, and we now see that, in a desperate attempt to find \$100 million of savings between the year 2010-11 and 2012-13, more consultations are planned. The community will be asked, "Where would you cut from the ACT government's current activities?" What a silly approach this is. It is the responsibility of the government to make these decisions and to outline them in the budget. The budget is the place you outline your plan, not to say that you plan to have a plan. Moreover, this government has already had six months to consult with the community in preparing this budget. Indeed, that would have been the reason for the Treasurer to delay the big actions from February this year to May this year.

This government received many submissions from individuals and a wide range of community organisations in the lead-up to the budget. How do I know? Because I received many of them also, as did my colleagues. I am sure the government received more than any of us. Is this not consultation? I received more than 20, so the government must have received 40 or 60 or 80 or more submissions. They had a number of roundtables, and the government made great store of the Stanhope-Gallagher government ministers engaging in numerous roundtables with

industry and community groups and others interested in developing responses to the global economic slowdown. Is that not consultation? Did they not listen? Did they not hear? Did they not learn? How much consultation does this government require?

What does this government do when it is consulting with the community? Did the ministers ask any questions? Did the community give any answers? Despite all this consultation in the lead-up to the budget, we still have a community talking about the need for more community engagement as part of its budget plan. This is nonsense. It shows that the Stanhope-Gallagher government has not listened, and it shows that the Stanhope-Gallagher government has no idea on how to conduct consultation and that it has still not learned anything from the consultation fiascos of recent years.

One important aspect in any major policy announcement is to consider the views of third parties. Yesterday we had a motion attempting to condemn Mr Seselja for selectively quoting, a motion rejected by the Assembly, and yet we have got a Chief Minister who does it all the time. Yesterday the Chief Minister selectively quoted from the Canberra Business Council by claiming that the Canberra Business Council, through Chris Faulks, reported on the budget that “capital works expenditure will generate employment opportunities in the short to medium term”. That is true; that is in the document. But what the Chief Minister did not read is the final paragraph of the conclusion. What did the Canberra Business Council conclude about this budget? Well, let me tell you what they said:

The council expresses concern over the magnitude and duration of the forecast ACT Budget deficits. This concern is amplified by the fact that the 2009-10 budget does not clearly outline how the ACT Government expects to eliminate the deficit by 2015-16. Given the amount of pain the ACT suffered to generate savings of \$100 million in 2006-07, the target of \$153 million in savings identified over three years in the current Budget seems alarming. The announced actions—an efficiency dividend—

of one per cent from large agencies and half a per cent from smaller agencies—

public sector wage restraint and unspecified programs of expenditure reviews—are unlikely to be sufficient to return to a balanced Budget without the need to resort to extreme measures.

The situation is likely to be further compounded by steps taken by the federal government to bring its budget into balance over a similar period. I seek leave to table the entire document for the edification of the Assembly.

Leave granted.

MR SMYTH: I table the following paper:

ACT Budget—Summary 2009—Canberra Business Council, dated 5 May 2009.

Madam Assistant Speaker, why did the Chief Minister not quote the overall conclusion and the view? Well, I think it is clear by what they said. Is it a ringing endorsement of the 2009 ACT budget? I think not. Indeed, it is far from an

endorsement. Consider the concerns spelt out by the council: the way in which the savings of \$153 million will be achieved is alarming; there are also likely to be extreme measures to achieve the necessary savings. “Alarming” and “extreme”; these are not my words but those of the Canberra Business Council.

Indeed, let us consider matters relating in this budget to the business sector. The Stanhope-Gallagher government have reduced assistance to business by \$3 million or almost 20 per cent. Why? What has the business sector done to deserve this? Yes, there are a few initiatives, and they are welcome, but overall it loses almost \$3 million. At a time when we are seeking to save jobs and generate revenue, we attack business.

What is happening to the tourism industry? Well, the same. The Stanhope-Gallagher government have reduced assistance to this industry by \$816,000 or by three per cent. Again when we are trying to save jobs, generate business and revenue for the government, they cut the sectors that will provide it.

We can go on and look at things like the sleight of hand that is the provision of \$5 million for the new autumn event. I emphasise, again, that this event is completely unnecessary as we already have a great range of activities across the territory. Perhaps the tourism minister should attend some. So what did the budget do with this \$5 million? Well, it did not provide the \$5 million promised for a new autumn event. No, what have we got? We have got some funds to be spent on tourism marketing, we have got some funds to be spent on developing a new autumn event—or stealing one from another jurisdiction—and some funds to be spent on Floriade and night-time Floriade because they underfunded it last year. Well, if you were anticipating a new autumn event, I am not sure what you will get.

What has happened to emergency services? I welcome the spending on a couple of the new rural fire service facilities for Rivers and Jerrabomberra, but there are concerns. The most run-down and dilapidated facility at Tidbinbilla has been ignored, despite what the minister said in the public accounts meetings in March when I raised the issue. The minister said, “Well, Tidbinbilla will miss out in the third appropriation, but it will be dealt with in the budget context.” Well, they got dealt with, did they not? They got nothing. A dilapidated, run-down building completely ignored. Then, of course, there is the re-announcement of the building of the new headquarters for the Emergency Services Authority for—what?—the third or fourth year in a row now. It is exactly how they operate.

I want to refer to one final matter, and that is the library in Canberra’s south. What a brilliant decision by the Stanhope-Gallagher government to put a library back there after Minister Hargreaves got rid of it. We asked a number of questions of the Treasurer in this budget looking for a plan, looking for a strategy. We were looking for a deficit reduction strategy. I seek an extension of time, Madam Assistant Speaker. (*Extension of time not granted.*)

Standing and temporary orders—suspension

Motion (by **Mr Smyth**) put:

That so much of the standing and temporary orders be suspended as would prevent Mr Smyth from having an extension of time.

Ayes 10

Noes 7

Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	

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

MR SMYTH: I thank colleagues, and I will be brief. I would like to comment on one other specific matter—that is, the library in Canberra’s south. We had this brilliant decision by the Stanhope-Gallagher government to close the library in this area when in every other jurisdiction around the world they are building more libraries. Chicago have stopped building youth centres and police stations; their first preference is to build libraries. In the last decade they have built something like an extra 41 libraries. So what a brilliant decision! What pathetic consultation by Minister Hargreaves. What community outrage. Now we have an announcement that a new library facility will be put in Kingston. We commend this decision. We note that it is a decision that should not have ever been necessary. Presumably there has been spending incurred that could have been avoided in closing the former library and planning for a new library. It is another example of waste from the Stanhope-Gallagher government.

The root cause of many of the issues facing the ACT’s budget is the narrowness of our economic base. As the Chief Minister himself said in April 2006, the ACT is now on its own, stuck with a narrower revenue base than most jurisdictions. What has happened since that statement in 2006? Well, yesterday the Treasurer ran up the white flag on economic development in the ACT to signify that she had no idea on how to diversify the ACT’s economy. The Stanhope government have done nothing to diversify our economy in the last seven years. Indeed, as a percentage of employment, the number of people in the private sector has declined under Jon Stanhope’s rule as minister for economic development. An outstanding achievement for the minister! All they do is procrastinate, as has been the case with so many projects, in particular, the new international-standard convention centre that Canberra deserves.

We set out a number of questions for the Treasurer to answer in this budget. We were looking for: a deficit reduction strategy, there is not one; a tax reform strategy, there is not one; an employment strategy, there is not one; a wages strategy, there is not one; a savings strategy, there is not one; a debt management strategy, there is not one; a cash management strategy—surprise, surprise—there is not one; a capital works management strategy, there is not one; a business encouragement strategy, there is not one; a business regulation strategy, there is not one; and a strategy for managing the superannuation provision account, there is not one. We looked hard, but we found none of these.

This is a Treasurer who told the ACT community that the whole budget is estimates and guesses, and yesterday proved it. Her approach to this critical portfolio and to the

development of the most important policy document for any government calls into question the very basis of this budget and calls into question the capacity of this Treasurer to deliver in this critical portfolio.

MR RATTENBURY (Molonglo) (4.06): I welcome this opportunity to speak to the government's budget presented in the chamber on Tuesday, to acknowledge a number of welcome initiatives and to discuss some areas of concern where the Greens consider that the government has not gone far enough and where program funding will need to be monitored closely to ensure that it meets policy objectives.

Firstly, I would like to note that there has been genuine engagement by the government with the issues that are raised by the Greens in the ALP-Greens parliamentary agreement, and initiatives that were in the agreement have been funded through this budget. In particular, as a member for Molonglo, I would like to say how much I welcome the funding of a new library for the inner south. The library will become an important community asset, one that we have already seen warmly welcomed by residents of the area.

On matters relating to the environment, there is no doubt that having four Greens in the Assembly has at least given notice to the government that they should lift their game on environment issues. While the Greens welcome many of the budget measures that have been announced this week, I would like to state here and now though that there is still a long way to go. On environment spending, the government will need to do more work next time around, especially in light of outcomes from the climate change inquiry and the development of an energy policy in the ACT.

In relation to specific measures this time around, the Greens welcome the extra allocation of funds for the urban wetlands project to build two further stormwater ponds. Building a network of urban wetlands will assist us to capture and use stormwater for community purposes, but also create natural waterways that build the ambience of our city—far better than concrete drains. The money allocated by the government will kick this project along in locations around Canberra, and we look forward to that happening quickly.

Some members may already have seen the work along Sullivans Creek which has been undertaken with a combination of community effort in the early years, and then with federal and ACT government funding. This project has resulted in an improvement in how the area looks while also restoring health to the creek and delivering irrigation water for local sporting fields. This sort of project—repairing landscapes, for example—is a small instance of what the Green “new deal” is all about. This kind of infrastructure spending delivers long-term benefits on a range of fronts: environmental, social and economic.

This brings me to the government's switch your thinking program and the sizeable allocation of \$19 million over four years to deliver on water and energy efficiency in Canberrans' homes. The Greens are very keen to see this program work effectively, and I have spent some time conveying to the minister what our vision is for how this could work. It comes down to this: we need to do more than simply offer rebates. Rebates are a great start, an ideal for committed people with a degree of expertise or

perhaps maintenance skills. But we also know there are many in the community who want to do the right thing but are simply time poor, who have other stresses in their lives, or who just do not have the necessary skills to change a showerhead or something. These are the people we really need to reach out to.

As Ms Hunter has already noted, with the switch your thinking program, it is important that it is about not just switching our thinking, but also about switching action. The one-stop shop, an on-line portal for people to access information and education about efficiency, is a great start, as is the idea to coordinate the booking of people's home audit and guide them through the maze of government rebates and incentives that are available. But this program must also have the capacity to coordinate the delivery of services such as the arrival of a plumber at your house to actually install the water-saving device and sort out the leaky taps. That is the sort of program that will make a real difference.

Importantly, particularly given the amount of public funding allocated, the government will need to set targets for the effectiveness of this program. For example, how many houses can we retrofit with water-saving devices? How many houses can we move up to at least a three-star rating for energy efficiency? This is the kind of cold, hard data that we will be looking for as a measure of the success of this program. We should tailor programs to suit our community and consider means testing particular initiatives. We must specifically target the poorest in our community who we know are often most disadvantaged by higher energy and water consumption and therefore have proportionately higher bills. Implementing efficiency measures is of the utmost importance to this group, as they have the potential to deliver ongoing savings as well as improved quality of life.

Preserving our natural environment also has costs associated with it. The expertise required for our parks management has been brought to the forefront recently with the release of the environment commissioner's report into grassland management, which highlighted that many grasslands across the ACT do not have suitable management plans in place, nor necessarily the resources to effectively implement those plans. The Greens welcome the funding in this budget for the implementation of the kangaroo management plan. As we have repeatedly stated, the sensible management of kangaroos in the ACT requires long-term thinking and planning, particularly to avoid the anguish of an annual kangaroo cull.

However, I do remain a little perplexed that there is only one year of funding for weed and rabbit management. I am not sure if this reflects an exceedingly optimistic outlook from the minister about the eradication of weeds and rabbits or if further funding for these programs will follow in next year's budget. I hope it is the latter, as I am quite sure we will not have resolved either of these problems in the next 12 months.

More generally, the Greens look forward to exploring with the government in more detail during the estimates process the current state of funding for reserve management, grasslands and woodlands and our national parks, as well as how the government anticipates building the network of grassland reserves, as flagged in their 2004 election commitment.

In last year's budget, before I arrived in this place, the government placed a particular focus on climate change by appropriating \$100 million for climate-related measures. Unfortunately, these measures were breathtakingly Howardesque in their imaginative scope. Only around \$8 million of the \$60 million was allocated to measures that would actually deliver emission reductions. I make mention of last year's climate budget because the \$40 million that was put aside last year as future provision for climate change works, appears now to have been allocated. In looking at the budget papers, we discover that \$38.3 million of that has been put aside for drought-proofing sportsgrounds, replacing urban forests and for that paragon of marvellous climate policy, the Canberra International Arboretum.

Mrs Dunne: Yes, growing trees and grass; yes, they are carbon things.

MR RATTENBURY: Yes, that is right. Another \$6.3 million of capital expenditure has been allocated to the arboretum. It is also worth noting here that this is not the only extra funding that has gone the way of the arboretum in the last three appropriation bills. In all, something in the order of an extra \$3 million to \$4 million has been sent towards the arboretum in the past 12 months. There is a big difference between mitigation measures like planting trees and reduction measures like increasing the energy efficiency of existing buildings and intelligent urban design to maximise solar access and minimise reliance on private vehicles.

Most of the ACT's greenhouse emissions come from our heavy and increasing use of electricity and gas for heating and cooling houses, offices and other buildings, and our transport system. This is where we are going to need to focus our thinking and the resources of government in the years ahead. Yet last year's climate change budget allocated as much money to managing water reduction measures on sports fields as it did to all other measures that delivered greenhouse emissions reductions.

While funding to build resilience and manage climate change impacts is welcome, let us not kid ourselves that the bulk of the government climate change money under their building the future program was in any way related to actually reducing the ACT's emissions.

More specifically, it is disappointing and frankly disingenuous of the government to continue to label projects such as the arboretum as climate change measures. We have no evidence that the arboretum is even climate neutral, by the time earthworks, pumping of water and use of pesticides and fertilisers have been accounted for. While the arboretum may be a fine tourist attraction when it is completed, it is nowhere near a serious measure to tackle climate change.

We thought the government would have learnt this lesson last year, but no. They are still claiming it is a climate change measure. Why is this important to note? It is important for two reasons: firstly, I do not want to hear in the year ahead about how the government will not be able to afford genuine greenhouse efficiency measures or genuine measures to invest in renewable energy production or public transport. I do not want to hear the government say, "It costs too much" or "That is unrealistic" until they acknowledge that they have wasted money on so-called climate projects that do not deliver any actual benefits to the climate.

The second reason is that we must get value for money on climate spending. While there is merit in funding climate adaptation, the priority must be actioned to reduce emissions and transition Canberra to a clean energy economy. Luckily for the government, spending on the environment does not just deliver benefits for the environment; it also delivers benefits for the economy and our community. We are at a time in our history where this is becoming clearer. The challenges of climate change are massive, as are the challenges of sustainable water both for human consumption and for the health of our natural environment. Our natural environment needs solid, ongoing investment; it will not just look after itself. We must take serious action to cut our greenhouse emissions, ensure sustainable water management and build resilience.

So while it is pleasing to see that the government are beginning to refocus on the environment, they have plenty of ground to make up. The outcomes of the climate targets inquiry and the ensuing energy policy for the ACT will likely require strong policy responses that will need to be backed up by much more significant investment by the government over the years ahead.

I would like to turn briefly to sport. I welcome the new facilities identified in the budget which reflect the Labor Party's promises during the election campaign. I do, however, note that they are being developed in the absence of a clear strategy for sports facilities in the ACT. As I noted in a recent matter of public importance, there is still a clear need for an audit of ACT sports facilities. Once we have that we can then develop a five to 10-year plan in partnership with stakeholders and create a clear future plan that sporting organisations across the ACT can then rely on.

We need to know not only what we are doing now but what we are heading to in the future. We also need to ensure that we adequately resource our sporting organisations, many of which already operate on the smell of an oily rag and a bucket of volunteer time, so that we get the possible usage of the facilities that we build.

With regard to tourism, the Greens welcome the investment in a major new autumn event and look forward to seeing some details. And real details are needed. The recent so-called strategic plan for Floriade was so short of details that it was hardly worth printing. Do not get me wrong; the document had all the right words, but it did not contain any specifics, let alone targets or other measurable benchmarks. We need this sort of transparency so we can test that we are making the right investments in tourism because this industry is a vital part of our local economy and a key source of diversification.

With regard to justice and community safety, the overall picture for the JACS portfolio is quite positive. The department has retained its funding and has instituted some welcome reforms and initiatives which it is to be hoped will enhance the delivery of services and help the department to better meet its new performance indicators. It always has to be remembered that behind those performance indicators lie real people with real problems.

For instance, the conviction rate for sexual offences committed against children is appallingly low when compared to the number of charges and, even more so, when

measured against the rate of reported attacks. The Greens welcome the extra resources going to the Office of the Director of Public Prosecutions and the Government Solicitor. The staff in these offices perform what are often incredibly difficult, vitally important and highly stressful duties. Hopefully, this funding will help take some of the pressure off them and enable the officers to retain and recruit experienced staff.

It is good to see some recognition that actually monitoring and operating CCTV cameras is an essential component of their effectiveness in protecting personal safety. Given that the deficiencies in the system have been known by the government since 2005, when the Chief Minister received a report on CCTV cameras, it is disappointing that the situation has been allowed to continue whereby those cameras are often not monitored and are apparently often not even operating. With similar qualifications, I welcome the belated retrofitting of the court transport unit vehicle so that detainees can actually be observed while they are confined in the vehicle.

Finally, on emergency services the Greens also welcome the ongoing funding for the community fire units and the expansion of this program over the next four years. It is crucial, as we have been so recently reminded, to ensure that our community remains fire alert and trained as to how best respond at a time of fire emergency.

It is important that governments do not lower their investment in fire preparedness in response to the apparent risk having diminished. As we all know, the risk is unpredictable but it is, unfortunately, only likely to get higher. It is to be hoped that the extra funding for communications systems for the ESA will finally deliver a product that enables teams in the field to obtain real-time information as they need it and to communicate with each other and with other services. The Victorian fire tragedy has really highlighted yet again the need for different services at all levels to be able to establish and maintain communications on a 24-7 basis.

With those comments, I, together with my Greens colleagues, very much look forward to the estimates process, to drilling down into some of the details. As budget first-timers, it is a bit surprising how little information there is in some of the budget papers, and I look forward to the estimates process.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (4.22): Earlier today we heard from the Leader of the Opposition in his reply to the budget what we assume are the full fruits of six months of strenuous effort on the part of the opposition. It was six months worth of dedicated visionary effort revealed in the Leader of the Opposition's 40-minute response. It was the Liberal Party's strategy, detailing how it would deal with the global financial crisis, its strategy for dealing with the deficit that has been foisted on this government and other governments as a result of a decline in revenues—in our case, of \$1.1 billion over the next four years.

Reflecting on the speech made by the Leader of the Opposition—the alternative budget, the alternative vision, the alternative strategy—the mind simply boggles. Mr Seselja let the truth slip this morning on Ross Solly's program on Triple 6 when he admitted that the Liberals had only turned their minds to their own plan for

tackling the global financial crisis in the last two days. In the last two days the Liberal Party started to think about the fact that the world is in crisis—the worst crisis since the Great Depression of the thirties.

That may be why the speech that the Leader of the Opposition delivered earlier today sounded, in fact, just like two days worth of work, rather than the six months of work that one would have expected the Liberal Party to have been doing. Perhaps if the opposition really had started work six months ago instead of two days ago, Mr Seselja would not have embarrassed himself to the extent that he has today. Perhaps he would have had the level of understanding that would have allowed him to inject a modicum of reality into his response to the Treasurer's budget—a budget that commentators agree is a budget for these times.

The ACT budget handed down this week is not the only possible budget in such times as these, but it is the budget that I believe Canberrans need and want and will support. It does not do what the Liberals want to do—put a few hundred public servants immediately on the scrapheap in the midst of the worst economic downturn anyone now of working age in this country or anyone sitting in this Assembly has ever experienced. Sack now, strategise later. That is the Liberal vision: sack now. I know the public servants in the agencies that I have the privilege of being involved in are grateful that Labor proposes a different approach—a year-long consultation so that we can make the savings where they will cause the least pain to workers, but also to those on the receiving end, those who depend upon government services.

Let us be under no illusion. What we are witnessing from the United States to Japan, to the United Kingdom, to New Zealand is the most widespread and the fastest slide into recession since the 1930s. The latest forecast is for the global economy to contract by 1.3 per cent this year. It is generally accepted that Australia is better placed than many to cope with the contraction and then to recover and that we in Canberra are perhaps better placed than many of our fellow Australians. Indeed, today's unemployment numbers reveal that. The ACT is the only place in Australia with an unemployment rate under four per cent.

But surely this challenge deserves a bit more than two days of close analysis and planning. The budget handed down earlier today by my colleague the Treasurer, Katy Gallagher, is a budget for such times as these—carefully crafted and caring. It is a budget that cushions the blow we must take as a community and spreads the impact, rather than loading the shock upon the community this year. It is a budget for the times—by that I do not just mean this week, which seems to be the attention span of the Liberal Party—in which a shrinking GST pool, the evaporation of earnings on our investments and a decline in revenue from construction activity have been the main culprits.

These few factors, in combination, have dealt a \$1.1 billion blow to the budget in the past year, sliced two years of growth off our revenue and caused our superannuation investment assets, which we had anticipated would grow by \$200 million over the year, instead to fall by \$350 million. This drastic turnaround has occurred, almost in its entirety, in the past six months. I was grateful to hear at yesterday's post-budget breakfast that the Liberal Party finally concede that my colleague Katy Gallagher had

not, as the Liberals had previously believed, been personally responsible for the subprime meltdown in the United States, the credit crisis and the consequent world recession. I am sure she is now sleeping rather better at night, having been relieved of that particular burden of accusation.

The crux of the Leader of the Opposition's difficulty with the ACT budget delivered this week seems to be that, because we want to consult with the community, because we want to consult with our agencies and because we want to consult with the families whose livelihoods depend on the decisions we make, our vision is flawed and we have no exit strategy from recession. To see a flawed vision, Madam Assistant Speaker, you only need to look at the one Mr Seselja took to the voters last October and which the voters, the people of Canberra, rejected so roundly and soundly. I have made the comment before that that is put in stark perspective by the fact that even Mr Smyth, as Leader of the Opposition, achieved a higher result for the Liberal Party than Mr Seselja was able to achieve.

Mr Smyth: Mr Seselja got more votes than you.

MR STANHOPE: No, he did not. You know he did not.

Opposition members interjecting—

MR STANHOPE: That is simply not true. You know it is not true. It is simply wrong. It is interesting to note the sensitivity about this last election.

Mr Smyth: You are sensitive.

MR STANHOPE: It is interesting to me that Mr Seselja is the second least successful Liberal Party leader after Trevor Kaine since self-government and probably, in the context of the vote, the second least successful Liberal leader in any parliament in any jurisdiction in Australia since the Second World War. I think a 31 per cent return to Mr Seselja probably represents the second worst result by a Liberal leader in an election in any jurisdiction in Australia since the Second World War. That was the verdict of the people of Canberra on the savings measures that the Liberal Party proposed in the context of the election and which they do not resile from today.

We saw that flawed vision today; it is the vision that was expressed and put to the people of Canberra last October. It is a vision that would have seen somewhere in the order of 200 public servants lose their jobs—and that was just on a \$50 million package—and swingeing cuts to government service delivery, even in the best of times—cuts that were required to pay for a handful of ideological pieces of flim-flam. It looks like what they want to do now is keep that vision intact. I think that was the message that was delivered on Triple 6 this morning. That is the vision, and that is the vision that will be maintained. Of course, there is still another \$100 million. I think the outcome might be even more gruesome than that previously proposed.

What is the plan that was articulated today? What is the Liberal Party's strategy? What is the alternative? What does the alternative Chief Minister and the alternative government think should be done now? What is the leadership they intend to show? Is

it to remove the provision for growth that is built into our health budget? You could go some way towards balancing the books that way.

Is it to remove our wages provision? That is what they did last time they were in government. Actually, it needs to be remembered that this is the tactic of the Liberal Party in the delivery of a budget—remove wages provision from budgets. That is what we inherited when we came in in 2001—a budget with no real provision for wages. I will change that. It was one per cent. This was in a context where the then Liberal Minister for Health, Michael Moore, had actually been in the process of negotiating a 14 per cent pay rise. The provision that the then Treasurer, Gary Humphries, had made was one per cent. The negotiation actually resulted in an outcome of over 14 per cent, and we inherited that. That is the Liberal Party approach. It might be that they will take the growth factor out of the budget. It might be that they will take the wages provision out of the budget, or they would have if they had the opportunity, and that is what they will suggest again.

We could in this budget have massively cut services or massively increased taxes—both socially destructive paths at the very time when services are most needed and household budgets are most strained—or we could choose as we have chosen and as the people of Canberra have trusted us to choose. Despite the times we are making modest, prudent and targeted investments in the services that matter most to Canberrans: health, education, community safety, and city amenity. Coincidentally, they are the very areas that the Liberal Party want to cut.

I congratulate my colleague the Treasurer, Katy Gallagher, on a budget that is tough, but just. It is a budget that takes the Canberra community into the government's confidence; it does not soften the bad news but points to better times in the future.

MR HANSON (Molonglo) (4.32): Madam Assistant Speaker, I apologise in advance for my voice. I will see how we get through. One positive that has come out of this week for me is to really emphasise the difference between the government and the opposition and between the Chief Minister and the Deputy Chief Minister and the Leader of the Opposition and Deputy Leader of the Opposition on our side.

What I have seen this week is a Chief Minister with an arrogant, bitter, bullying and hectoring approach who is quite prepared to play the man and quite prepared to play with the truth—in quite stark contrast to Mr Seselja, who has provided an alternate vision for Canberra, who has dealt with the facts comprehensively and who has today provided an eloquent, decisive and coherent strategy for the people of Canberra.

The Treasurer and Deputy Chief Minister is utterly clueless. The one tactic, of guessing, that we have seen seems to have now departed her; she has even run out of guesses in this budget. She is someone whose only role seems to be providing a human face to this government, someone who can stand in front of the cameras and shield the public from the arrogance and hostility that oozes out of Mr Stanhope—in contrast to Mr Smyth, who has provided, I think, a comprehensive, substantive response to the budget, one that really demonstrates his experience and knowledge of the facts and of the way a budget should be put together.

Let me turn to the issues in the budget, the facts in the budget that cover the portfolios that I have responsibility for—health, police, corrections and Indigenous affairs. It is clear that this government lacks a plan. The only plan it does have is to continue on with business as usual, to spend, spend and spend. It is a budget that is haunted by lack of vision and unidentified savings.

In terms of health, the most substantive of the portfolios that I have responsibility for in terms of the number of dollars allocated to it in the budget, we have now had almost a billion dollars poured into what seems like a black hole of spending, with very little vision and very little planning for the future.

I have spoken before in this place of the appalling state of many of the key facets of our health system—of bed occupancy rates, elective surgery, emergency departments, GP numbers, access blocks and declining rates of radiotherapy. These are all key indicators of the state of our health system as it stands, a health system that is clearly struggling.

Yet again in this budget, we see aspirational targets articulated which are well below those that are accepted nationally by all of the national bodies. These are not just aspirational targets that are numbers; these are actually people's lives, translating the figures in the budget papers into the trauma that people are suffering in our hospitals and out in the community as they struggle in what is a failing health system. Indeed, according to budget paper 4, our already diabolical waiting times for categories 4 and 5 in our emergency departments are set to decline even further, despite the vast amounts of money—taxpayer money—that have been poured into our ailing health system.

That is the current state of our system. It is ignoring the impending tsunami of health demand that is descending upon us. By 2032 our population will increase by 67,000 people and the demographic of 65-plus will represent approximately 25 per cent of the population. By 2022 the increase in demand will be at about 50 per cent across our hospitals. If we are struggling to keep up in a failing system now, with the demand that we face, how on earth are we going to keep up with that, based on the lack of planning and lack of vision that we see in this budget?

This government has a single plan, basically—the capital asset development plan, which is focused very much on the building of infrastructure. When we look at the government's track record on the building of infrastructure, we can see how appalling it is and how unlikely it is that its plan will be realised. We have already heard about the GDE and its failures there. You have heard me speak at length about the Alexander Maconochie Centre and the failure to deliver that project on time, on budget or within scope.

I look forward to the opening of hospitals in the ACT and the elements of our hospital redevelopment—no doubt well before they are actually ready to receive patients and well before they are ready to receive staff, and probably just in advance of an election.

There are already many aspects of the capital asset development plan that are failing. The car park, which was meant to cost \$29 million, has now gone up to \$45 million. It

was meant to be completed by June 2009; it is now October 2010. The Canberra Hospital campus was meant to have a secure adult mental health unit—the adult mental health in-patient facility. That is failed now; after eight months of planning, they have realised that it cannot accommodate.

It is also interesting to note that there are aspects in this budget that are simple re-announcements—the mental health assessment unit and the surgical assessment and planning unit. In total, for this budget, just in health alone, \$57.8 million has been rolled over from last year's budget. How on earth does that give us any confidence that we will have the hospital system that we need and the health system that we need delivered on time, on budget and within scope? It clearly will not occur.

In recent times, perhaps the best example of this lack of vision, lack of planning and lack of capability from this government is the latest fiasco with Calvary Hospital—a secret plan to purchase a hospital that is now failing. It is in limbo through botched negotiation. It is unclear where these negotiations actually sit, but if they fail it is apparent that this government has absolutely no plan, no idea what it is going to do about the development of our hospital facilities in the north of Canberra.

Whether we buy them or not seems to be a question that even the government cannot answer, because of its flawed negotiations. But the question still remains—and the government is yet to provide us with the answer—of why it is best for this community to spend \$100 million repurchasing an asset that the community actually paid for in the first place. The reality is that a lot of the additional money that is being spent on health is simply playing catch up in areas of acute need in our hospitals and important things like cancer services.

On one hand the government is spend, spend, spend, but on the other hand we note in the budget papers that it will be looking for efficiency dividends. When Mr Seselja raised the figure of \$19.8 million over the forward estimates, the Treasurer was unaware of this figure and disputed it. I suggest that she turn to page 100 of budget paper 3, read her own document and get across the details; then she will see those figures.

What this suggests to me is a government that has put the onus of savings back on the health department. It is unlikely that they will be able to make those savings without cutting into services—important services that need to be delivered to the community. This is a government that has been too lazy and has lacked the vision to identify where these savings could be made elsewhere within the budget. Those in the government have simply been sitting on their hands, putting their heads in the sand and ignoring the need to make efficiencies and make decisions themselves.

What scares me also is that there are \$97 million of further savings to be made, but this government has yet to have an idea about where they will be coming from. And if they are so willing to target health in the first round of identified savings, it is certainly of concern to me that a portion—and probably a significant portion—of that \$97 million will again come from health, where we can least afford to be delivering money to cover up for this government's mismanagement in the handling of the budget.

The government have articulated the need for wage constraint. They have not identified where that is coming from, but I would counsel the Treasurer and health minister that, if she looks for these wage constraints, she should be very mindful of any impact on our health professionals or nurses, who are already a workforce under great pressure. She needs to be mindful of the impact that will have on our ability to recruit and retain health professionals into the future.

There are initiatives included in the budget targeted at workforce development—indeed, in the area of GPs. I certainly welcome that, but I would emphasise that this is something that we have been crying out for for some time. It is very much coming late in the day, and only after immense pressure from the opposition, with the support of the crossbench, to establish inquiries in this place that have embarrassed the government into now finally responding to the fact that we have the lowest number of GPs per capita in Australia.

There are also initiatives in the budget across chronic disease, health prevention and mental health. The amounts in there are only starting to catch up on the failures of this government over the last seven years to deliver in such critical areas of need. There is still much more that needs to be done.

The \$90 million earmarked for e-health is an important area, and I recognise that, but again it is simply in response to national initiatives and in recognition of this government's utter failure to provide the technological advancements that we have needed in health for some time.

On the whole, when you put these elements together in the health budget, it clearly is not delivering now. And there is nothing in this budget that provides us with any confidence that it is going to resolve many of the issues that we face now and into the future—or, indeed, as we push up against the increase in demand, that we will not go backwards in many of the key areas that I have already addressed.

I turn now to police. There are not many announcements in this budget in the area of policing. CCTV cameras are one area, but it certainly does not replace the need for experienced police on the beat, on the ground, in the community. There are very few initiatives to support that. There is an announcement that we have spent on the re-opening of the 24-hour Gungahlin police station, but noting that this government actually closed that—silently, quietly, in the dead of night—and then re-opened it with great fanfare and has put that in the budget.

Throughout the election campaign, the government proclaimed a new era of community consultation with the establishment of suburban policing consultative committees. I cannot see them in the budget. They are either hidden there because the government are embarrassed by it or it is another election promise that they have clearly stepped away from. I hope that that is the case; this was a flawed strategy. But what they do have is money towards Neighbourhood Watch—which we have been pushing for, encouraging the government to do. We are glad that they have followed our lead in this regard.

When it comes to Indigenous affairs, after nearly eight years of this Stanhope Labor government we have seen little of substance that has managed to improve the lives of our Indigenous community—their health, their education, their housing, their quality of life. There are measures in the 2009-10 budget towards leadership and towards the Ngunnawal genealogy project that are missing. These were election promises, promises to the Indigenous community. They have not been delivered. Obviously, we will be pursuing that matter further with the government; it is simply a slap in the face to the Indigenous community.

Corrections—I could wax lyrical for hours. We have all heard of the debacle of the Alexander Maconochie Centre. There is probably more to come on that enduring fiasco; I will come to that later.

This is a failed budget from a failing Treasurer. She has failed to present a plan. It is clearly now—(*Time expired.*)

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.47): It is a great pleasure to rise in support of this budget and to participate in this debate. The Leader of the Opposition said two things today in his budget reply. He said that the government had stolen all of his policies and then he said that the government's policies have stuffed everything up. Well, at least it is logical, Madam Assistant Speaker. If we had stolen Mr Seselja's policies, yes, we would have stuffed everything up. But, happily, it is not true. So let me tell you a little about the policies that the government has pursued—policies which support jobs now and into the future.

In education, there are four key elements: a new curriculum framework, quality teaching, better schools and classrooms, and smaller classes across all levels of schooling. In children and youth, we are looking out for all of our kids. In planning, we are keeping the politics out of planning. In tourism, sport and recreation, we are creating an active and vibrant city and an active and vibrant economy.

In relation to the education portfolio, the centrepiece was a \$28 million commitment over the next four years to lower class sizes in primary schools, high schools and colleges. There are further targeted policy initiatives in areas of high need, working across those four key elements in education policy that go back to my initial statements when I took over the portfolio in 2006, and focusing on four key areas—the curriculum, quality teaching, quality facilities and smaller class sizes. This government has taken the lead in all of those areas throughout our time in office.

But this budget is about more than that. It is about investing in literacy and numeracy. It is about reducing the achievement gap between our highest and lowest performing students. It is about ensuring that we are using the latest pedagogy in our literacy and numeracy strategies. That is what is important, not using 20-year-old outdated programs, but using the latest pedagogy in literacy and numeracy. This budget builds on Labor's record of a \$350 million investment in upgrading every single school in the territory and to build new schools where they are most needed. It builds on the

work in which we are partnering with the federal Labor government to ensure that every ACT student benefits from upgrades to their school.

There are a number of key elements in terms of strategic ACT government investments in this budget that have been discussed, particularly the construction of a much needed high school in east Gungahlin, at Harrison. Also, one that I would like to particularly highlight, and one that is located in the electorate that Minister Corbell and I share, in Woden, is the construction of a new performing arts theatre at the Canberra college, which will be an important community asset for the people of Woden. The primary purpose, of course, is to serve the needs of the school but it will be available for the broader community and it will provide much needed community space in Woden.

We are also providing additional funding for the Gungahlin college project aimed at increasing the range of vocational education and training opportunities in partnership with the CIT—another welcome initiative in support of our learning and earning policy. We have provided a range of initiatives involving rainwater tanks, solar panels and a number of other capital projects within our schools, and we have provided more money for information and communication technology in government and non-government primary schools. Recognising that the commonwealth is investing significantly in secondary schools' ICT, we are targeting our investment at primary schools.

A program that I would particularly like to talk about is the near million-dollar investment in gifted and talented students. This is an area that the government wants to work intensely on over the next four years, working in partnership with parents and with teachers to recognise and nurture gifted and talented students in our public education system.

We also acknowledge the need for additional resources for students who have English as a second language and additional resources for language education. We have met our commitments to non-government schools in relation to the creation of a \$4 million non-government school equity fund. This will assist students with identified learning needs, those who come from socioeconomically disadvantaged backgrounds in non-government schools and to assist with students in non-government schools who have special education needs.

The government is also investing heavily in Australian school-based apprenticeships through the Department of Education and Training, another initiative targeted at providing options for young people, who may not want to take a traditional path through years 11 and 12 and on to university, to take up a school-based apprenticeship through the Department of Education and Training in many different fields. It is a most welcome initiative.

In the children and youth portfolio, the main investment there is an \$11 million boost to out-of-home care supports over the next four years. This increased funding will provide increased placement management services to better place children with suitable carers. A placement services unit within the Office for Children, Youth and Family Support will manage and coordinate placement options for children and young

people with relevant non-government agencies and carers. The government's commitment to a carers-grandparents support service will be met from within this funding. This will include a new position to provide support and advocacy to foster carers and kinship carers. This position will support the valuable role carers provide in caring for the most vulnerable children and young people.

A new program will also be developed and provided to support the most complex children and young people in our out-of-home care system. A new therapeutic foster care support model will commence by providing clinical expertise to specific foster carers in the area of trauma counselling and support for children in care. This nationally recognised program will improve the stability in care for the most complex children, leading to a reduction in the dependency on high-cost residential models.

Another key initiative in this portfolio is the establishment of the West Belconnen Child and Family Centre. This will be the third child and family centre for the ACT and will deliver a range of universal and targeted programs that promote child development, positive parenting and family functioning. This initiative is being delivered in partnership with the commonwealth government under the Indigenous early childhood development national partnership agreement. Also, the government's commitment to provide a budget for the Youth Advisory Council has been met in this year's budget. So \$20,000 will be made available each year for the Youth Advisory Council.

I now turn to the planning portfolio. There are a range of initiatives in support of the building and construction industry, particularly new inspectors in the plumbing and electrical inspectorate. There are some additional resources for the Planning and Land Authority to complete some urgent work, particularly around the COAG agenda for national consistency in a range of policy areas, and further work for ACTPLA to reform internal structures. Another key element is a significant injection, \$74 million, in major road infrastructure to support land release in Gungahlin and the Molonglo Valley. There are a number of projects that will be funded to see infrastructure in place for these new suburbs.

Turning to the tourism, sport and recreation portfolio, the 2009-10 budget delivers a range of sensible and targeted investments in the ACT sports and tourism sectors that are aimed at supporting local jobs and the economy whilst delivering a range of services and facilities that will ensure Canberra remains Australia's most active and healthy community.

I am particularly pleased to be able to fund the second stage of the Lyneham sports precinct. The first stage was funded in last year's budget. This stage deals with the western side of the precinct, and provides support for Tennis ACT to upgrade the National Sports Centre. That will mean a racket sports precinct, meeting the needs of tennis, squash, table tennis and other associated sports such as fencing, which have been looking for some permanent facilities. As part of the arrangements the government has in place with Tennis ACT and that have been negotiated, we want to ensure that there are facilities for a range of sports as part of the national indoor sports centre.

Another key element of this government commitment goes to capital works to improve the precinct around its environmental sustainability, and also access and parking. Anyone who has participated in sports on a weekend at that Lyneham precinct will recognise there is heavy demand, with the netball centre and a range of other sports through the playing fields, in both summer and winter competitions; so this investment will be very important for that precinct.

We have also moved ahead with funding for the sporting precinct within the Gungahlin town centre, including funding for the enclosed sports complex, to meet the needs of all of the major football codes. There is further money for the forward design of the Gungahlin indoor pool complex. There is \$3 million towards the basketball centre of excellence and an \$8 million investment to continue our investment in drought-proofing our sport and recreation facilities.

I am also pleased to be able to provide an additional \$300,000 sponsorship to the Children's Physical Activity Foundation. This is a very important preventative health measure, and very important to encourage participation. In the first year of the minister's physical activity challenge last year, more than 14,000 primary school students across the territory participated. I am looking to build on that number in 2009. It was fantastic to visit all of the schools and to participate directly in PE programs with those schools, and I am very much looking forward to that challenge again this year.

Budgets are about choices—choices about how the government spends public money for the public good. In turn, choices are about values—values about how politicians understand the public good. The budget shows this government's values: fairness and community, sharing and sticking together in tough times, engaging with the community about our plan to restore the budget to balance, investing in the city, investing in infrastructure, investing in health, education and the environment, delivering on our election promises—promises we have made, promises we have kept—and prosperity for the long term.

The budget reply from the opposition leader was also about choices. The choices he made tell us about the values he holds. I listened carefully to the Treasurer's adjournment speech yesterday, and I know many other people did as well. And her words struck me. She said that Mr Seselja—and I quote:

... condones the behaviour and ... condones the slurs, condones a very nasty and juvenile way of doing politics and it reflects the culture of this nasty and timid opposition, an opposition that has more in common with a high school clique than a viable alternative government.

The shoe fits, Madam Deputy Speaker. I was wrong earlier today, and I apologise. I labelled the Seselja-Smyth opposition as the dynamic duo—Robin and Robin. But the Treasurer has nailed them: they really are a high school clique, the six of them. They are not a parliamentary party; they are a little high school gang.

They remind me of the Heathers. There is Heather Seselja, Heather Smyth, Heather Dunne. They are the Heathers. And you can see them, huddled together at the canteen

at lunchtime, snickering and sniggering, whingeing and whispering, the giggle and stink club.

There is little Zdenko—that is right: he was Zdenko at school—running in from the chess club and complaining that mean old Jon Stanhope has been copying his moves. Then there is Jezza. You can see him, nose pressed against the window, waiting to see when Katy parks her bike in the bike rack, and then running in to the attendance office and saying that she is a minute late. You can just see how creepy the girls think he is.

Then there is poor old Victoria, hanging around with the boys, coming in from band practice with the tuba under her arm, huffing and puffing, out of breath, always promising to back a new captain of the club if only they would make her vice-captain, but never quite getting there. Then there is little Al, everyone's pal, the only kid in the class who wears the school blazer, the only kid who does not take the coat hanger out before he puts his coat on. Then there is sleepy Steve—helmet hair. They usually wake him up at the end of the class to get him out to lunch. Usually, but that is them.

Hang on, there is one more. I forgot. There is always that one kid hanging around: Brendan, the mathlete, getting out his slide rule, practising his tough questions for the teacher after lunch. He never has an answer; he has just got a silly question. He is a small boy—a small, small boy.

The Chief Minister, in a debate about waste management earlier this year, advised the Assembly that, "Some substances are simply too toxic to be recycled."

MR DOSZPOT (Brindabella) (5.02): The budget as presented by the Stanhope-Gallagher government is a budget with no real answers. It is a budget that leaves all the hard decisions to the department heads and community. It is the "close your eyes and hope for the best" budget. It is a budget that is designed to lull the community into a false sense of security until the axe falls.

It must be said that the government have made good on some election promises, as one would hope they would. It does seem, however, that they have fulfilled just enough promises to keep faith with the Greens and that part of the electorate that did not have the stomach to vote them back in with a majority rule.

We have a new popular set of words being bandied about: "efficiency dividend". Right up there with "global financial crisis", this could be the next most regularly used phrase in the ACT government and public service. The Gallagher-Stanhope efficiency dividend: ominous words.

Department heads right now are faced with the challenge of coming up with cuts and savings. The efficiency dividend that needs to be found, starting next year, over the next three years, in the Department of Education and Training alone, is \$12 million. The Treasurer is keen to use the least descriptive terminology when referring to these cuts. She says we only need to find one per cent savings across the board, but in reality, in budget paper No 3 on page 100, we see the ominous one per cent equates to \$12 million worth of cuts to the education portfolio alone.

The budget has provided \$28 million over four years to lower class sizes—an election promise made good, but only on the surface. There is always the small print that you need to check in Labor propaganda. It does seem that the Labor government have very short memories. It was just over a year ago, in fact in this very chamber on 6 August 2008, during the last gasp of the Stanhope majority government—remember that period?—when Jon Stanhope was the Treasurer, before he realised that he needed a hard-nosed Treasurer. So he appointed Ms Gallagher to this most demanding of positions, at a most critical time, and from all accounts against intense lobbying from young Mr Barr, who was hard-nosed and, according to some, hard-hearted. He was certainly hard-hearted enough to close 23 schools. But back in the Assembly on 6 August 2008, in this very chamber, Mr Barr was describing the Canberra Liberal policy to reduce all class sizes in all schools in the ACT school system to a maximum of 21 students. Mr Barr said:

There is no evidence to prove that placing children in smaller classes across the board has a significant impact on improving students' educational outcomes. Similarly, there is no agreement in the research that there is an optimal class size for students in any year, let alone in years 4 and above. There is certainly no research that children in class sizes of 21—the magic figure that is mentioned in the Canberra Liberals' education policy—are more likely to achieve higher outcomes than children in other classes.

We then see a massive change of heart, a complete turnaround, when, in September 2008, ACT Labor announced a rip-off of the Liberal policy, with one significant difference. Mr Barr, within the space of one month, saw the light, experienced his very own conversion on the road to Damascus and became a Liberal policy convert. A social progressive with a near-religious experience—a miracle. It is no wonder that he is leaving the chamber. An ACT Labor election commitment was suddenly announced, and the ALP proudly boasted:

A re-elected Labor team will now build on our record by reducing average class sizes to 21—

the small print—

or lower in every year of schooling. We have already reduced class sizes to 21 in all government schools in the important early years and our commitment is to smaller class sizes for children of all ages.

These are curious words. This is a convenient sleight-of-hand, or words as the case may be, to falsely raise the hopes of the ACT school community, and the community as a whole has been hoodwinked.

Let us look at what this year's budget really gives us. The 2009-10 budget commits \$22.7 million over four years to employ 70 teachers in order to reduce class sizes—70 teachers across 83 schools in the ACT. The question remains: how will these 70 teachers be recruited? The Australian Education Union have come out today and said that it will be difficult to recruit these teachers. In the past, in fact at the time of Labor's initial election promise, the union said that it was very ambitious for the

government to think they could attract that many teachers in such a short space of time. I also understand that there are issues at the initial recruitment level with teachers from other regions being put off due to a long and arduous selection process.

It seems that some schools have a situation where teachers are required to backfill vacancies that already exist, ultimately resulting in these teachers being in charge of teaching subject areas they may not be familiar with. Everyone must agree that this is creating a less than optimal teaching situation for both staff and students. Even if the teachers are found, it is also alarming to think about what will happen when the efficiency dividend needs to be found in the department. Remember that we are looking for \$12 million over the three years from 2010.

This year provides the smokescreen that all is okay. "ACT Labor are to be trusted" is the underlying theme. The government would have us believe that they have listened and that they are ready to consult. Old habits die hard for some and some old dogs refuse to learn new tricks or undertake new consultation. Despite what is said, they will tell us what they want us to believe and no more. Spin is in overdrive and dressing up this unpalatable budget must be a chore.

I will now move on to the disability portfolio. I am encouraged to see an additional \$750,000 per year over four years to assist patients that have spent a significantly excessive amount of time waiting on funding packages to return home and begin the rest of their lives. I am aware of a number of individuals who will welcome this particular initiative and who will say, "About time."

It is estimated that there will be a number of ACT residents who will require assistance as a result of newly acquired disability. We may well attribute this to emerging technologies in medical science. Regardless of why these are the numbers, the fact remains that there will be an ongoing need now and into the future to provide for these individuals and assist them to move forward with their lives.

Support for people with a disability must go beyond the basic needs of accommodation, personal care and financial support. Quality of life is a crucial aspect of the needs of people with a disability, and this should not be seen as an "optional extra" when we consider programs that address the fundamentals. I wholeheartedly welcome the announcement of a companion card, which now brings us in line with other jurisdictions. This is an announcement that has been long overdue. We must also remember that this requires the cooperation of business to be successful.

We have had two days to digest this year's budget, so I look forward to scrutinising the 2009-10 budget further, line by line, during the estimates process. It is clear at this stage, however, that this is not a budget for the times. It is a budget that ignores the times. We are on the long, lonely, dead-end road to deficit and debt. And while the GFC can be used as an excuse this year, what about when we are seven years down that long, lonely track? We are the only jurisdiction in deficit and we need look no further to find blame than this government for failing to prepare for the bad times and squandering the good times.

MS BRESNAN (Brindabella) (5.11): I will go through some of my portfolio areas and point out the key issues in this budget for these areas as I see them. As an

expanded Greens team in the Assembly, we expect to make a substantial difference to the directions of government. We understand, however, that change that is needed will take some time. This budget makes it clear to me where some of the change of direction is needed.

The Greens welcome the initiative in this budget to trial a bus rapid transit service. It will show Canberra commuters how public transport can be fast and convenient. And we need to help more commuters out of cars if we are to make Canberra a more liveable city. Combined with the updated ticketing system also planned for this year, ACTION will really have something efficient and attractive to offer people, particularly at busy peak times. We hope to see the government deliver on this new ticketing system as it will also deliver the accurate data needed to know when people are getting on and off buses.

But as we all know, it is not just about peak-hour buses; it is about providing an accessible service to people who are otherwise isolated or marginalised in our community. While we have community transport of various sorts across Canberra, taxi subsidies and so on, none of them are really linked together. We have not yet found anything in the budget papers which points to coordination and improvement of these services.

Similarly, there is a wheelchair accessible taxi service which is, in essence, too often appalling for the people who use it. People who rely on this service really do suffer when they have to wait for hours to catch a taxi to attend appointments or simply to go on social outings. There are many Canberra people who use this service who would appreciate a sign that the government was prepared to act. But this budget has not addressed this issue.

The desire to deliver on concrete infrastructure does seem to get in the way of delivering on human services. That is poor economic thinking, as a return on income and employment is often better with investment in important services such as transport. It is also about building the kind of community we want. There are many roads in the ACT that could do with improvement but none of them are in as appalling a state as our WAT network. On top of that, the budget ignores the fact that we have a cab service that is often inconsistent in delivering an adequate service and bus systems that run on separate tickets.

In this budget, investment in roads far exceeds that for public transport. If the government is determined to put hundreds of millions of dollars into roads, those road works need to support a better transport system. We need transit lanes to be incorporated into road duplication, bus priority lanes at key intersections, park-and-ride facilities built as a matter of priority and transport planning across the territory, which includes roads to provide for light rail.

One million dollars for buses is a small investment when you compare it to the more than \$200 million on new road projects. That is why we need this kind of commitment to an integrated regional approach to transport to permeate down to the heart of the ACT government and why we need to get pressure from outside as well as inside the Assembly. Fortunately, that is one thing which is happening.

The Property Council of the ACT has moved quite a long way when it comes to the issues of transport and parking. The Canberra Business Council has worked with the Gungahlin Community Council and the conservation council on a light rail coalition. The Canberra Taxi Industry Association has been pushing for a transport council and a demand-responsive transport trial. It would seem that the government is, on occasion, the one who is dragging the ball on this but the Greens expect to see things pick up in the next year.

The investment on housing infrastructure facilitated by this budget is welcome. We note that the Housing Industry Association is now on our side when it comes to increasing the supply of public housing in the ACT. That is because housing affordability is still a problem in Australia.

New homes are close to a historical high when it comes to their cost against average annual earnings. Private rental housing is in very short supply and our social housing is more narrowly focused, with a great proportion of high-needs tenants. More public housing will make Housing ACT more economically and socially viable and be a buffer to the market.

The Liberals have excitedly pointed to Treasury figures for a plan that does not exist and claim that the goal of 10 per cent public housing will cost Canberra ratepayers a billion dollars. For the record, while they would like you to think we expect to reach our goal of 10 per cent public housing in the next three years, we know it will take a lot longer than that. The agreement is for an increase of \$3.3 million per year which, if the Liberals had read further in the document they had, is in bold at the bottom of the document.

The \$300 million of federal government stimulus funding coming online this year is a big step in the right direction and will have a major impact on achieving the 10 per cent goal. Now we need to see the ACT government comply with its Assembly commitment to work collaboratively with the building design experts and social services in the ACT to make sure that the housing we get is efficient, affordable and in the right places.

Finally, there is some confusion about whether money has been pulled from the homelessness strategy. We will be looking to the estimates process so that we can learn how prepared the government is to address the growing demand from people, young and old, who are homeless or at risk of homelessness.

The Greens have a strong commitment to health and wellbeing for the Canberra community. Expenditure on health services is the largest single recurrent expenditure in the ACT budget, estimated at approximately \$980.3 million in 2009-10, and we are glad to see that the importance of health services to the community was reflected in the government's budget priorities.

The Greens are particularly glad to see increases in a number of healthcare programs, which partly fulfils some of the health requirements in the 2008 Labor-Greens parliamentary agreement. This includes the initial two-year funding for mental health

training for emergency service workers and teachers. We have learned from various tragedies in the ACT and in other jurisdictions in Australia that the knowledge and sensitivity of these professionals in recognising and dealing appropriately with people with mental illness are crucial. We will continue to push for recurrent funding of this pilot.

The budget also includes an increase of \$8.4 million over four years in funding for mental health services and the allocation of half of it to community sector mental health programs. ACTCOSS, the Youth Coalition and other community organisations have been celebrating these achievements. The ABC yesterday reported that these and other commitments achieved under the agreement and this year's budget were a demonstration of how successful the Greens have been in their partnership with the government.

While these are good beginnings, the government has some way to go. For example, our agreement sought an increase in mental health funding to 12 per cent of overall health funding. At the moment, it will sit at just under eight per cent in 2009-10. The Greens sought a shift of resources towards the community-based mental health services to 30 per cent of mental health funding.

The fifty-fifty allocation of the growth funds between government mental health services and the community sector is a good step. However, as the focus on recovery increases, the importance of shifting more resources into the community sector mental health services will mean a greater reallocation of funds. It has been internationally recognised that psychosocial, employment and accommodation support services needed to assist people with mental illness on their road to recovery are able to be provided more flexibly and cost effectively in the community sector.

There is obviously a lot further to go to realise the vision the Greens have for services which promote and sustain wellbeing and health for Canberrans but these are important steps. We will continue to work with the government and the community to implement the health parts of the agreement. Consistent with its overall strategy for a budget for these challenging economic times, the government has invested in the bricks and mortar of health care and the technological infrastructure to develop and maintain a high-quality, responsive acute sector.

The development of effective electronic health systems can also be a very important way of empowering consumers on health care through better and more timely access to their own health information. However, to see the best use of acute infrastructure within a resource-stretched system, the Greens believe more resources are needed to maintain wellness to reduce the need to access acute services. Consumers also need strong, supported pathways out of the acute sector. Expanded community and consumer engagement in improving these pathways is vital.

This budget lays some foundations for these pathways. The \$3 million funding over four years for transition support for people moving from hospital to the community is an example of this.

The Greens welcome the new early intervention program for children with disabilities. This is growing evidence that well-targeted, timely, early interventions can

significantly reduce the longer term disabilities associated with conditions such as autism and related conditions. However, these programs need to follow through when children reach school age, where services are limited and skilled assistance for teachers and parents can be long delayed.

The increased funding for care packages for those people with high needs provides a basis to honour the human rights of some of our most disadvantaged citizens. They also provide potential reassurance for the ageing parents of people with multiple disabilities. Often these older people have lived their lives caring for their now adult and even middle-aged children and are now experiencing physical frailties themselves. The main concern for the Greens is that the limited funds will be inadequate to meet the important needs of this growing group.

The establishment of the companion card as part of the national initiative to enable people with disabilities who require an attendant to attend various events and venues without incurring the cost of a second ticket for their attendant is also extremely welcome.

Increased provision for the aged care and rehabilitation service over the next four years is of benefit to older people in our community who require specialised health care. Funding for the construction and operation of the Tuggeranong over 55 club and \$62,000 over four years for the seniors grant program encourages the participation of older people in the Canberra community.

However, the amount allocated each year to the wellbeing of our older people is very limited. Given the proportion of our population that are ageing and the desire to encourage increased health and social participation by our ageing citizens, the Greens would hope to see a greater expansion of these services in the future.

With regard to industrial relations, the ACT government's commitment to increasing paid maternity leave will deliver social and economic benefits to all sides. Parents and their newborns will be able to have a more secure start together and the ACT public service will be seen as an employer of choice.

On corrections, I am disappointed that the government has not funded as a priority community organisations to provide through-care and after-care services to the AMC population. Through-care and after-care are extremely important if we are to decrease the rate of reoffending. At present, services can only be provided to a person until the point where their parole order ends. A community organisation, however, can maintain a relationship with the ex-prisoner and ensure they are receiving the appropriate services.

I note that there will be a through-care forum on 14 May. However, six weeks after the AMC received detainees and some eight months after its official opening, we do not yet have a plan of how the ACT government will deliver through-care and after-care services in conjunction with community organisations in a manner which minimises duplication. We need a whole-of-government approach to deliver through-care for it to be successful and to have a real impact.

I welcome the government's proposal to deliver a four-year strategy for multicultural affairs in the ACT. I support many of the initiatives in the themes already identified in the draft multicultural strategy for 2009-12. While I recognise the strategy is still to be finalised, it is disappointing that there has not been funding allocated for vital community projects. With the winding up of the community inclusion funding in particular, key services will not be funded, such as those for young refugees. Where will these young people now go when they can no longer access the Multicultural Youth Services drop-in centre? We need to have a multicultural-specific youth service in the ACT.

On my electorate of Brindabella, as I have already mentioned, I am pleased to see the construction of premises for the Tuggeranong 55 Plus Club. I am disappointed that there has been no provision for major infrastructure development, particularly for a community sporting facility in Tuggeranong. I note people living on the fringes of Brindabella often get left out of transport initiatives, so I hope that the government are able to carry through with transport planning and integration as they have flagged. *(Time expired.)*

MR COE (Ginninderra) (5.27): I rise today to speak on the Appropriation Bill 2009-2010. This ACT budget is a classically irresponsible Labor budget that is big on deficit, big on taxes, big on fees, charges and fines. It is a budget that avoids the difficult decisions that need to be taken. Governments are not elected to sit in neutral. They are elected to take the tough decisions and ensure they meet the needs and aspirations of the community they serve.

Parliaments and governments need to react to the challenges and circumstances that confront them. It is not good enough to come into this place and say, "I'm not going to do anything about it because it is too hard." The job will just get harder.

It is unsurprising that the Labor government has announced a disastrous budget. Even in the boom years, the Labor government could not manage its budget. During the boom years, those years in which the Labor government received some \$1.6 billion above and beyond budgeted revenue, there was a budget crisis, causing the budget we had to have in 2006.

If you listened to the rhetoric of the Chief Minister just a couple of years ago, you would be very surprised indeed to learn that the ACT budget is now in the shape it is in. When handing down the 2006-07 budget, the then Treasurer, Mr Stanhope, said:

Today, I hand down a budget and announce a suite of structural changes that will put the finances of the territory on a sustainable path.

That budget was of course informed by the *Strategic and functional review of the ACT public sector and services*, the Costello review, which to this day the Chief Minister refuses to reveal. It has been discussed at length in this place today. The point I make today is that "sustainable" is more than two years between budget crises. It is clear that the 2006 budget in boom times resulted only in the cutting of services and increased taxes, fees and charges to pay for the waste. The waste has caught up with us again.

Budget deficits do matter. There is nothing temporary about them. The money has to be found somewhere—if not now, in the future. The waste that occurred under this government's watch during low inflationary, low unemployment and high growth times is scandalous. And now they seek to take us even further down the unsustainable, high tax, high deficit, high waste, unsustainable path.

The urban services budget is nothing more than the government playing catch-up on years of neglect. The number of urban services projects rolled over is indicative of a government that cannot get its priorities right and fails on delivering the most basic services that Canberrans demand and pay for.

There is no better example of this than the library for the inner south. Many people throughout the inner south still cannot believe that the Griffith library was closed. It was a very popular service and was utilised highly by residents in the inner south. Just think how much money the taxpayer would have saved had the government not closed the library in the first place. Instead of maintaining an important service, the government has now allocated \$7.1 million to rent, staff and stock a new library in Kingston. There are some issues with this, not least because of the difficulty of parking at Kingston and the cost of parking at Kingston—which will also go up as a result of the budget. Many older residents, younger families and people with a disability who were able to utilise the Griffith library with the confidence that there would be a car park and easy access may not be able to easily use the library in Kingston.

Not only does this government avoid the difficult decisions; when it makes the easy ones it simply gets them wrong. Rates have gone up beyond inflation by some 3.7 per cent; and yet our local infrastructure is generally in bad condition. It is a great shame that some in the community still remember the days before self-government as days when the look of our city was better and public amenity much higher. We have to work harder in this place to get the basic local services right.

The budget papers reveal that the government has failed to meet road surfacing targets. Again, more and more roads are not being resurfaced and the quality of the overall network continues to decline. There is evidence that suggests that the road resurfacing that is done is not even done properly.

The transport budget is nothing more than a desperate cash grab. The budget papers reveal a slap in the face to every single Canberra commuter. The government's transport plan is simply a tax plan. All Canberrans commute, and all are about to pay more. Parking fees will increase substantially. From 1 July this year, there will be an increase of 20 per cent on ticketed parking machines, and from next year an increase of 50 per cent on metered machines. People parking in the surface parking areas around our city will be paying \$375 extra per year—\$250 extra in Belconnen, Woden and Tuggeranong.

The average Canberran, I think, would be happy to pay more if better services were going to be delivered. But what more is someone driving a car to the city going to get? Not much. Instead, they are going to get a parking study and an increased number of full-time parking inspectors.

So there you go. The government's strategy for parking is to slug Canberrans more and more for fewer parking spots, to conduct a survey to tell us that we do not have enough parking spots and to hire more parking inspectors to fine those who have no doubt tried to park lawfully but cannot because of the shambles that parking is in in the city.

We have heard before the rhetoric from the Minister for Transport about the need to get off our driving habit and onto a bus. But that is getting more expensive too. From 1 July we will see an 11 per cent increase in bus fares. What will ACTION commuters get for that? The performance indicators in budget paper 4 reveal that they will get a worse service. The government has given up on running on time for ACTION. This year's budget papers reveal that over the last year 83 per cent of ACTION services have run on time. This is well short of the 99.8 per cent target. Instead of announcing changes to get services back on time, the target has been adjusted to 83 per cent. That means that, in the same year that ACTION will get an extra 11 per cent for fares, one out of five buses will run late. If next year only 70 per cent of ACTION services are on time, can we assume that the next budget target will drop to 70 per cent?

It is a bizarre transport strategy that attempts to get people out of their cars by charging more for parking and then charges higher fares for buses and a network that does not even meet the everyday transport needs of Canberrans. The NRMA has observed that motorists are simply seen as an easy target for revenue from the government.

The housing budget is another Labor Party cover-up. In an unashamed cost shifting of \$102 million of the federal government's stimulus package, it is masking the underperformance of this government. As I raised in the media over the weekend, there is no mention of the \$1 billion commitment to provide funding for some 1,500 extra homes in the territory. When the Labor Party and the Greens signed their parliamentary agreement, either they were deceitful in knowing how much it would cost and not telling anyone or they did not know how much it would cost and decided looking good was more important than being good. Either way, the agreement is a shambles and is not worth the paper it is written on.

The budget clearly lacks a direction on the involvement of community housing organisations in the provision of social housing in the territory. Community housing should be the future of social housing in the territory. Unlike the creaking public housing bureaucracy, community housing can provide housing that meets the diverse needs of individuals and families in a much quicker and more sensitive way. These organisations are better able to tailor housing solutions to meet specific needs and are able to do it at a much lower price.

The heritage budget is small, but very important. In the lead-up to our centenary year, 2013, it is more important than ever that we are able to tell the story of Canberra from our pioneering beginning through to our city present. Our heritage must be remembered in our rural villages, our suburbs and our institutions.

The new Bimberi Youth Justice Centre is a key project delivered in this reporting period. In spite of the fact that the facility was operational for fewer days than planned,

the average cost per custody day at the youth justice centre was 11.6 per cent over the 2008-09 estimate.

It is disappointing that the total number of children and young people for whom the chief executive has parental responsibility increased by seven per cent above the budgeted number of 505. We must do all we can to support families so that it does not get to the point whereby the needs of children in vulnerable families are better served by the state.

I would like to associate myself with the comments my colleague Mrs Vicki Dunne will be making shortly about the youth foyer model. This model, as I understand, has worked well in overseas jurisdictions and could offer the ACT a much more effective and efficient model of providing services to youth.

In conclusion, we must remember that the government is here to fulfil a role in offering basic community services. Government is about doing what people want, not people doing what the government wants. This government is tired, and there is still more than three years to run in this term. The Chief Minister's arrogance has been dealt a blow by minority government. No longer can he treat this place with contempt, and no longer can he take a vote in this place for granted.

As the Leader of the Opposition has said, this is a budget that ignores the times. These are the times to act decisively, not to sit on our hands. What do people say about this budget? Is it economically responsible? No, it is not. Does it do justice to the community sector and not-for-profit organisations? No, it does not. Does it improve the environment for doing business in Canberra? No, it does not. Does it fix our suburbs and improve our urban amenity? No, it does not.

This budget is an ideas-free zone. The government has delayed making decisions to build our future. Instead, we have a budget to build our debt. There are fundamental problems in the ACT budget that have not been addressed. The Treasurer delays the difficult decisions and continues the big government waste rip-off.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.37): I will not take very much time at all. I do not need to, because, with respect to the alternative budget proposed by the opposition, there is nothing to talk about. Talk about a policy-free zone! I cannot believe it.

I was going to talk about the opposition's corrections policy, but there is nothing to talk about there either. I looked it up on the website and there was nothing there. It was a case of "please turn over" on both sides of the page. I am not surprised. In fact—

Mrs Dunne: Point of order, Mr Speaker.

MR HARGREAVES: I heard you in silence without interruption.

MR SPEAKER: Mr Hargreaves, resume your seat, please.

Mrs Dunne: I think I am entitled to make a point of order—

MR HARGREAVES: You can make a point of order, but be prepared.

Mrs Dunne: and seek your direction, Mr Speaker.

MR HARGREAVES: Be prepared.

Mrs Dunne: This, I think, is about the second or third time in the last little while that Mr Hargreaves has referred to looking up the Liberal Party webpage and finding a corrections policy that says “please turn over”. On one occasion he tabled what he purported to be a copy of that document that he received on the webpage. No such document exists. I would like to draw this to your attention, Mr Speaker, and ask you to look at this matter.

MR HARGREAVES: On the point of order—

MR SPEAKER: Just hang on, Mr Hargreaves. Let me hear Mrs Dunne and then I will come to you.

MR HARGREAVES: On her point of order?

MR SPEAKER: Yes. I will come to you in a second.

Mrs Dunne: But one at a time.

MR HARGREAVES: Yes. Well, how about some manners? Same for you, young fellow.

Mrs Dunne: Mr Hargreaves has made allegations about the particular content of a particular document.

MR SPEAKER: Clerk, stop the clock, please.

Mrs Dunne: On one occasion Mr Hargreaves went so far as to table a document which he purported was a document that came off the Liberal Party webpage. I seek your indulgence to look into the tabling of the document—not now but at a later stage—and see whether or not it was an appropriate action for a minister to table a document which he purported to be a particular policy document when in fact it was a confection made by him or someone in his office.

MR HARGREAVES: This is no point of order.

MR SPEAKER: Mrs Dunne, yes, that is something we can take up later on. If you can send the specific point to me in writing, that is something I can look into.

Mrs Dunne: I will. Thank you.

MR HARGREAVES: Thanks very much, Mr Speaker. I will not talk about the point of order; like their corrections policy, there is nothing to talk about there either.

Mrs Dunne: You want to be careful, John.

MR HARGREAVES: I do not need to be careful, and I do not need your advice either. Thank you, Mrs Dunne. I will talk to you through the Speaker. You can do me the same courtesy too.

Mr Coe: No, you will not. Look at what you are doing now.

MR HARGREAVES: And you can do me the same courtesy too.

Mr Coe: Through the Speaker, please. Through the Speaker.

MR HARGREAVES: You know, for an apprentice, you are pretty loud. Less than 200 days in this place does not make a politician. When you have got a couple of thousand days up, you can speak.

Mr Coe: I want to be just like you in 40 years time. I want to be just like you.

MR HARGREAVES: In the meantime, why don't you just be quiet? You had your say; I heard you in silence. I ask you to give me the same courtesy.

Mr Coe: I want to be just like you, John.

MR HARGREAVES: How about you just try it for once. It might be a really good, pleasant surprise.

Mr Coe: You are a model member.

MR SPEAKER: Order, members! Mr Hargreaves, let us continue on the substance of your speech.

MR HARGREAVES: Thank you very much, Mr Speaker. Mr Speaker, I want to just highlight a couple of things. Mr Hanson did not talk about corrections. That is fine. Ms Bresnan did. She voiced some concerns about through-care and after-care. Such plans do exist. I have indicated before, and I have indicated to the member, that such plans do exist. The list of MOUs which underpin all of those plans actually does exist. Indeed, the meeting on 14 May is intended to canvass the involvement of stakeholders in just that—the enhancement of those particular programs.

To suggest that the through-care and after-care programs do not exist is erroneous. It has been the case that they have existed for some time, but not for all prisoners. Most of the prisoners at one point in time were in New South Wales, and some still remain there; when it comes to some of our programs which require a critical mass for their production, we need that critical mass from New South Wales to effect them.

Mr Coe talked about one of these Jacqui Burke type throwaway lines—the creeping bureaucracy in housing. The only thing that creeps around anywhere in this particular precinct is Mr Coe himself. He ought to stand there and be as ashamed as Mrs Burke should have been when she had a shot at the bureaucracy, who cannot defend themselves. It is a cheap and easy shot to say “creeping bureaucracy”. Does Mr Coe know, Mr Speaker—I ask you—how many housing properties there are in each housing manager’s portfolio? Has he bothered to check it out?

Mr Coe: It is 250—250, John.

MR HARGREAVES: No, he does not. How many properties in the private sector per portfolio, Mr Speaker?

Mr Coe: It is 250, isn’t it? It is 250, isn’t it, John? Is it 250?

MR HARGREAVES: Do be quiet, you ignorant little man. Mr Speaker, I ask you how many properties do the private sector property management actually manage? A fraction of those—a fraction.

Mr Coe: How many is it?

MR HARGREAVES: It is between around 20 and 50. It depends on the company.

Mr Coe: But they are more efficient. They are more efficient.

MR HARGREAVES: Mr Speaker, the thing is that Mr Coe first ought to get his facts right about these sorts of things. There is no creeping bureaucracy in Housing ACT. There is a very effective one. He ought to be a bit careful about the day when his dreams and our nightmares may come true and he may be asked to administer any kind of department. He will find their cooperation a tad wanting if he keeps continuing down this track. He can snigger; he can say what he likes. I am telling him that this is a fact. He has got less than 200 days experience in this place. I have got nearly 30 years experience in supporting governments. I can tell him, through you, Mr Speaker, that he will pay for the day if he is lucky enough to continue in this place.

When it comes to the housing things, he talks about housing being a debacle and all this sort of stuff. Mr Speaker, does he actually pay any credit to the amount of money out of ACT funds for the outreach service for rough sleepers? Don’t think so. That is 180 grand in the first year. Does he say anything about the building housing partnership? Another 160 grand in the first year. Does he talk about the transitional housing program expansion of—

Mr Coe: None. Zero. Zip.

MR HARGREAVES: Does he? No, he does not, Mr Speaker. Does he talk about the housing and accommodation support initiative? Does he? That is 200 grand in the first year, Mr Speaker. No, he does not. Does he talk about the centralised intake service of 100 grand, Mr Speaker? No, he does not. Does he talk about housing assistance for the victims of domestic violence, Mr Speaker—100,000? No, he does not, Mr Speaker.

He talks about the significance of the community housing sector. Does he acknowledge the transfer of \$40 million worth of assets and \$50 million worth of revolving credit so that the community housing sector can grow its stock by 1,000 units in 10 years? No, he does not, Mr Speaker. He does not know. He does not know about it or he chooses not to say so.

Mr Coe: You said they were wasteful. You said they did not use the equity.

MR HARGREAVES: Mr Speaker, it is very difficult to have a conversation with your good self while I hear the inane ramblings of an idiot across the chamber.

Mr Coe: I'm in the same boat.

MR HARGREAVES: Mr Speaker, I would ask you to seek Mr Coe's cooperation. I heard him in silence; now I would like the same courtesy extended to me. And it saves me having to raise my voice over that particular cackle.

Mr Speaker, the difference in housing provision in the ACT at the moment is the partnership that the ACT government has actually in place with the federal government, in addition to our own activities—our own activities. Our buy and sell program in a year is worth \$60 million.

Now we have all of those initiatives which sit in this budget which are additional. This is not the base. Our housing portfolio is significant, Mr Speaker. What part of about 30 per cent of the whole of the rental market in the ACT do these people not understand? It is 8.3 per cent of the whole of the ACT—8.3 per cent of the whole thing. What part of 88 per cent of our client base receive a rebate?

This is what Ms Bresnan was talking about, and I support the view that she set. She said this. It may have been Ms Hunter; I will apologise if I get the wrong one. She said: "You have to look after the most disadvantaged. You have got to look after those people that are not going to get there." That is why we will look after the Greens and we will not look after you—because you are never going to get there.

Mr Speaker, we need to understand that there has been a change of government at the federal level. I used to go to ministerial councils and housing ministerial councils and bash my head up against a brick wall. The brick wall was Amanda Vanstone, Carl Scully and people like that. They were deaf brick walls, too. There was a whole change in attitude when the Howard government was given the right royal order of the boot and then the Rudd government came to power. Then we saw \$100 million come our way. We saw the national affordable housing strategy come forward. We saw housing forums. We saw the money flow. And the money is to flow for homelessness. It is for homelessness, Mr Speaker; that is what it is all about.

These guys have given us budget reply speeches which have done nothing but whinge. "You did not do this." "You did not do that." "You did not do something else." "You have not got the money." "Don't spend." "Oh, spend like crazy." "Don't spend," says this guy. "You must spend over here," they say. Where is their alternative budget?

Where is their list of expenditure? Where is a list of revenue that is going to pay for it?

They have not even done budgeting 101, Mr Speaker. These guys ought to go and do budgeting 101. Maybe they could learn something. He could actually lean over to his left. He could lean over to his left to the grande dame of budgeting, Mrs Dunne, who knows everything. She is the one who said it was sending good money after bad in fixing up our schooling system. We are going to trust everything that she says when it comes to budgeting and about financial management! She was the one—

Mr Coe interjecting—

MR HARGREAVES: We talked about Mr Smyth having a bad time, you know. He has lost more elections than most people have had hot breakfasts, this bloke. The big loser—the winner as he thought. Mr Smyth—every time I come near him he loses another election. Maybe it is me.

We did ask the other day which one of these guys was a member of the Carnell cabinet. It was Mr Smyth. But I forgot. I must be getting a tad old, Ms Porter, because—

Mr Coe: Are you going to win another election?

MR HARGREAVES: Mate, I've won a heck of a lot more elections than you have. I would be a little quiet about that if I were you. I would be a bit quiet about that, son. I would be a bit quiet about it.

I forgot, of course, that, when Mr Humphries was the grand guru of the Liberal Party, Mrs Dunne worked for him. In fact, she worked for Mr Humphries when Mr Humphries lost the election. She worked for Mr Humphries when he lost an election, so it is fair to assume that she helped him lose the election.

Mrs Dunne: I also worked for him when he won elections.

MR HARGREAVES: That was a long time ago, wasn't it?

Mrs Dunne: Yes.

MR HARGREAVES: That was when Pontius was a trainee "Pilate", wasn't it? Yes, mate. Sorry about that. It does not count. The Stanhope Labor government has won more elections on the trot than you blokes ever did.

Mr Speaker, this budget presented by Katy Gallagher is a responsible budget for the times. We have to be careful on how we go, but we have still got to look after the people that need us the most. This budget delivers that.

We are still waiting. I was hoping that one of the shadows at least would say, "This is how we are going to do it"—instead of just standing up and bagging us. They reckon they have got one. I heard Mr Seselja say on the radio this morning: "We've got it.

We've got it and it will all be revealed. Yes, we are going to complain about Labor but we have got our own plan." We are still waiting to hear it. I am still waiting to hear it.

I have not heard one constructive comment or suggestion on how this town can keep its head above water in the global financial crisis. I have not heard one constructive way these guys can balance the books—not one way these people can bring us back towards surplus. Not one. I heard Mr Coe say that he wants to reduce the number of public holidays. That is a good one! I think we should put that in as a policy initiative by the Liberal Party for the next election. Bring it on. It is a shame we cannot bring an election on early.

Mr Coe interjecting—

MR HARGREAVES: I have endured the erratic babbling of Mr Coe sufficiently for one night. He is clearly, to me, a man of no idea, no hope and no courtesy.

MS LE COUTEUR (Molonglo) (5.51): I welcome the opportunity to comment on the budget. I notice that the budget volumes are in fact coloured green and I like to think this signifies the fact that the Greens have coloured the budget outcomes. As my Greens colleagues have already emphasised, there are many good green initiatives in this budget to improve the ACT community.

Mr Hargreaves: Second-hand paper.

MS LE COUTEUR: No, recycled. These are very welcome and I am encouraged by the opportunities we have had to move the government towards a new mindset that prioritises democratic principles, social and economic justice as well as environmental sustainability. But there is still a way to go and I look forward to this happening in upcoming budgets.

The Greens are also pleased to hear that ACTPLA is improving its capabilities to undertake mandatory inspections. We know that this is going to cover plumbing and electrical, but the funding needs also to cover energy efficiency and building design and placement issues. As you would be aware, I have an ongoing interest in improving energy efficiency ratings. This is very important because we know that people value it enough that they actually pay more for houses which are higher rated. So it is important that, if they are paying for something, they get what they pay for. I note with approval that an extra \$100,000 over four years will be spent to improve ACTPLA's community engagement and website.

However, I am very disappointed to see there is no commitment in this budget to neighbourhood planning, an item in the Greens-Labor agreement which could address the ongoing problems we have, particularly in older areas which are being in-filled. I have raised this many times in the Assembly already and I believe that good neighbourhood planning processes could save a lot of conflict.

We will also be pushing to ensure that a non-potable water pipeline is provided for the new housing development in Molonglo, as well as the other sustainability initiatives

in the agreement relating to Molonglo. On that note, we look forward to seeing the strategic assessment of land to be released for development in the Molonglo Valley, based on ecological analysis, which has been flagged in the budget. And we look forward to greater information about the government's plans for Molonglo in general.

I note also that the ratio of greenfield sites to town centre land release still shows that the government is relying substantially on greenfield sales as a key part of its revenue base. We need to find a way forward here. I hope that we can work together as a community to identify key areas which can be developed or redeveloped, instead of continuing to spread our suburban footprint across dwindling greenfields which tend to be of increasing ecological importance.

The Greens welcome the \$1.7 million increase to ACTPLA's budget which will help ensure that development applications are processed in a timely manner, and we look forward to seeing the statistics on waiting times improved. We also welcome the government's proposal for a two-year moratorium on fees charged on delayed commercial developments.

We are very pleased to see that the Property Council's proposal for commercial building energy efficiency tune-ups was taken on board by the government to the tune of \$2 million. The scheme is a dollar for dollar arrangement with \$500,000 available this year and \$1.5 million the year after. This gives commercial building owners a two-year opportunity to access government funding to reduce their greenhouse gas emissions and also save money on energy bills.

However, instead of investing in innovative economic development in these difficult financial times, the government has inexplicably reduced funding to the business and development unit. If the government is serious about local employment, maintaining support for business development is essential. Part of the agreement was to fund a detailed government strategy to support a green economy in the ACT. We very much regret that the government has chosen not to fund that as yet.

The government appears to be happy for Canberra to continue to be a public service town supported largely by the construction industry, which is good. But we need to go further than that. The economy has to change to meet the environmental issues of the future, and our economy is not. We can change. We can build local jobs, for instance by retrofitting our houses to make them more energy efficient, doing the same to our offices and exporting the know-how we get from that successful scheme to the rest of Australia. We can export design know-how. We can export, for instance, the world-leading solar research at the ANU, which has led to significant economic developments—but not in the ACT.

Something that my colleagues have spoken about: we welcome the return of the library for the inner south. The location in Kingston should make it easier for young parents who visit libraries while they are grocery shopping and then pop in with their kids to hear story time or just browse the books; for workers so that they can order a book online and then pop in at lunchtime and pick it up or use the internet services. Public transport is a lot better to Kingston than it was to the old site.

The issue of waste and recycling is one area where we know that the government can make up huge ground in the ACT. I am pleased by the half-a-million dollars included in the budget to improve commercial sector recycling. This is one of the four key waste initiatives the Greens promoted through our agreement with the Labor Party. There is a huge amount of waste which must be seen as a resource in the business and industrial sector. We are keen to see a real difference here. Recycling of commercial waste is one of the low-hanging fruit as far as our waste is concerned. I am optimistic about this but I have some unease.

The initiative is described as a future waste strategy that will investigate why businesses are not recycling more, as well as to clarify the obstacles to increasing the recovery of the commercial waste stream. But I think we need to do more than clarify the obstacles. We actually have to reduce them. We actually have to make changes now. I do not want us to see business as usual, and on this note I am disappointed to see that the budget did not set a more ambitious waste reduction target; it is just the same as last year's. I am, however, quite positive about the other waste initiative of the increased separation at the tip face. I think that should also make a significant positive impact on recycling in the ACT.

I understand that the government has done quite a bit of work on the issue and I think it is really important that this money does not disappear into existing works. It should be funding new initiatives to turn around the problems in the commercial sector with waste, which is the low-hanging fruit in the ACT.

I was disappointed that the budget provided no funds to construct and staff a shopfront in Gungahlin despite the fact that was part of the Labor-Greens agreement. Gungahlin is the fastest growing area in the ACT, and the people of Gungahlin should have access to local services. A shopfront would also support other businesses by drawing customers into the area and it would help to instil confidence for potential new investments in the area. I look forward to this essential service being included in the budget funding soon.

I see this has been a bumper budget for roads. For example, there has been \$83 million set aside for the Gungahlin Drive extension over three years and \$10 million for extending Mulligans Flat Road. I must admit I am totally confused as to why the government has chosen to extend the Mulligans Flat Road to New South Wales; I guess that is something we will try and work out in estimates.

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.

MS LE COUTEUR: Thank you. The government has described its roads projects as responsible projects that will increase the liveability across the territory. I question this belief. I also question the Chief Minister's belief, which he expressed during question time only yesterday, that traffic provides life and vitality to our city. Life and vitality come from sustainable environmental and people-friendly planning, where pedestrians, cyclists and buses feed the city and serve the city. Other cities around

Australia are realising this. Yesterday, for example, the Victorian government revealed plans to direct \$2 of investment in clean transport infrastructure for every \$1 that it is spending on roads.

In Tuesday's budget, the ACT government is planning to spend \$27 on roads, highways and feasibility assessments for future roads for every dollar of investment in clean transport infrastructure. That is quite a difference. We need to change from a car-focused mindset to a sustainable transport mindset. In Melbourne, for instance, councils are building European-style, separated on-road cycle lanes. Yet, for some reason, we do not even consider these as an option for Bunda Street, which would seem to be an ideal location and which is currently being planned for redevelopment. So the Greens will continue to advocate for funding for infrastructure and planning which supports sustainable transport. At the very least, I expect that the newly funded roads will be built with transit lanes incorporated, bus-priority access and bikeways.

One excellent part of the budget, however, is that the government is honouring the Labor-Greens agreement to provide an additional \$6.4 million funding over four years for cycle paths and \$500,000 a year for footpaths. These improvements are a major win in the ongoing efforts to create a greener urban environment. The growing number of cyclists in Canberra and the huge number of pedestrians will appreciate this improvement. Recent data shows that the number of cyclists moving into Civic has increased by 50 per cent over the last five years, showing among other things that linking routes into town centres can have a big impact on cycle use.

The huge amount of money spent on roads and on other road related activities makes me conscious of other areas of the budget that have missed out. My Greens colleagues have mentioned some of these. There was one that I was surprised about. The RSPCA has not had its funding renewed in this budget and it now, I anticipate, will be forced to cut services, mainly in the area of stray animal management. A tiny fraction of the money given to roads would have kept the RSPCA services alive. I wonder if the government will be in a position to take up caring for stray cats if the RSPCA is no longer able to do that.

I note also that there is substantial capital upgrade funding for road safety measures and rehabilitation. I hope that part of that funding will cover the consultation and possible implementation of 40 or 50-kilometre-per-hour speed zones around town centres. This was part of our agreement with the Labor Party, because there is considerable evidence that low speeds make a substantial difference to reducing the risk of injury for cyclists and pedestrians. I am very pleased that the government has decided to look at this item as part of the bigger road safety roundtable and I look forward to seeing it implemented in the next few months.

As Ms Hunter mentioned, it was very disappointing to see the ACT government has not continued funding for the Gagan Gulwan literacy and numeracy program. Indigenous students continue to be disadvantaged and we would like to see the government issue an aggregated statement for all Indigenous funding, much like the previous women's statement, which would improve transparency and accountability in relation to funding of Indigenous programs.

Moving to heritage, I welcome the funding of upgrades to Albert Hall, Lanyon Homestead, Mugga Mugga and Calthorpes House. Our heritage must be maintained for future Canberrans to enjoy. Albert Hall, in particular, is a much-loved historic building. However, we note that the majority of the funds have been rolled over from last year's budget and we urge the government to ensure that this important work is completed in a timely manner. It appears that the ACT heritage grants program does not have recurrent funding. This program has funded many worthwhile community projects, such as local history books and restoration and conservation projects, and it would be very disappointing if this important program were to cease. I urge the government to consider entrenching this program, because once our history is lost it is gone forever.

Turning to arts funding, funding for the arts within the CMD has decreased since last year, which is disappointing. The per cent for art program has been largely slashed, but fortunately it seems that other arts funding has been maintained. I welcome the \$7.6 million funding for the performing arts theatre in Woden. I also welcome the \$40,000 for Valley FM 89.5 community radio. The community radio sector has been a largely ignored part of the community sector. It is always struggling for funding, but it is great fun and it delivers a lot to our community in many ways.

Again looking at arts, one of the important tasks for the government is to use the \$14 million dedicated to the centenary of Canberra ACT celebratory program to stimulate Canberra's arts sector by consulting and engaging local artists and the community.

MRS DUNNE (Ginninderra) (6.06): Mr Speaker, it is an important and momentous thing to speak on a budget, and it is as important and momentous to comment on it as it is to bring one down. The Leader of the Opposition has spoken at length today and on a number of occasions about the lost opportunities of this budget. I think that it is necessary that these sentiments be repeated, because Tuesday's budget was a prime example of the inability and the failure of the Stanhope government to manage the ACT economy. It showed that we have a situation of rising revenue over the next four years and a forecast new boom culminating in the highest ever level of revenue for the ACT of \$3.8 billion in 2012-13. Yet, with that in mind, in the same year we will see the ACT in deficit to the tune of \$150 million, and \$770 million in deficit over the whole period.

The government has said that its financial woes are due to the global financial crisis, and yet it has done nothing to address that. In fact, it wants to employ over 1,000 new staff this year and increase spending by \$240 million. But then we think that we will see belt-tightening in 2010-11, when the government and agencies will be asked to produce efficient dividends. How many of those nearly 1,000 staff will lose their jobs in the ensuing period and is this a responsible course of action?

What we have seen is a history of bad budget management. We had experience of the horror budget of 2006, which was predicated on the false premise of the still-secret functional review, a budget that would forecast a deficit of \$86 million in 2006-07 but miraculously turned into a surplus of \$34 million, a turnaround of \$112 million. This is an abysmal record of government in predicting and managing revenues.

It seems that we are headed to the depths of deficits in 2009-10, and it seems that this is all based on guesswork from the Treasurer. There seems to be a great deal of guesswork, or at least a great deal of hope and perhaps a wing and a prayer, from the Treasurer. I think that this is why the Treasurer has delayed the cuts and efficiency dividends until next year. Has she delayed it because the Treasurer is engaging in more guesswork and more hope that the end result will be that, if you hold your breath and cross your fingers, come May 2010 the global financial crisis will have gone away? It is a long time to hold your breath.

This government is ignoring the global financial crisis. It likes to use it as an excuse, but its policies, as they are poured out in this budget, show that it really does not take very much into account. It wants to employ more than 1,000 new staff this year; it wants to spend \$240 million in excess of what it did last year. This is not a budget of a government that is concerned with the effects of the global crisis; it is the budget of a government that cannot save for the a rainy day that is the global financial crisis. It is the budget of a government that does not have the economic skills to be able to manage its way through a global financial crisis. It is the budget of a government that continues to be unable to get its priorities right.

Even so, there are some glimmers of hope and some positive comments that need to be made in relation to the budget. Firstly, I will turn to the Department of Justice and Community Safety and look particularly at the increased resources for the Office of the Director of Public Prosecutions. On the back of years of low staff morale and impossible work levels, this government has allocated funding for another five prosecutors and three support staff. I congratulate the minister on this and I thank him for it. This is good news, and I think that it will take the pressure off to some degree.

But low morale and excessive workloads are not the only problems that face the DPP. One of its significant problems is the lack of competitiveness with other agencies in this country and federally. The question that plays on my mind is whether the increased funding will be sufficient to attract and retain staff in the office of the DPP, and I will be pursuing this matter in the estimates process. The effectiveness of this policy initiative will only be borne out over a number of years, and I will be taking particular interest in this.

One of the issues that is welcomed is the enhanced fine enforcement initiative which is \$300,000 in this financial year increasing to \$378,000 in the final outyear. The thing that concerns me about that is that the return on that is actually quite low by comparison. The revenue returns equal the expenses in this financial year and only rise to half a million dollars in each of the outyears. There are considerable problems with fine defaulters; we have seen in the articles in the *Canberra Times* where the figure is in the vicinity of \$13 million in unrecovered fines. I think that I will be working with the Attorney-General and other members of the Assembly to ensure that that enhanced fine enforcement is more productive than it appears in the budget papers.

Turning to the arts, we have seen the scrapping of the per cent for art scheme—hallelujah. I want to make it clear, and it needs to be made emphatically clear to the

minister for the arts, that, while the Liberal Party are not supporters of the per cent for art scheme, we are not opposed to public art. The Liberals are supportive of the arts in Canberra, including public arts. We just think, and so does the arts community, that any arts program should be properly targeted towards ACT artists. The per cent for art scheme did not do that. With the scrapping for the per cent for art scheme, there will be \$1.2 million for public art in the next two years, but after that there is nothing.

Also in the arts portfolio I note the rollover of expenditure on the Belconnen arts facility, which indicates that they are behind schedule with the building of the arts centre, and there is no anticipation of the building of an auditorium, although there are auditoriums being built elsewhere under other budget initiatives.

In the important area of family services, Mr Coe has touched on some issues, and I have to reinforce his concern about the rise in the number of children in the care of the chief executive. Over a number of years, I have expressed a concern about the high rate of children in care, especially Indigenous children, but to see a five per cent increase this year is concerning. These matters will be raised during the estimates process.

I also welcome the money for Therapy ACT, which is part of the government's election commitment to provide eight speech therapists for four years. My only concern in this area is that over the years I have heard the previous ministers tell members of the estimates committee how difficult it is to find speech therapists. It is all very well to fund them, but we do actually need to fill those places to provide the services to people, especially children with autism spectrum disorder who are particularly in need.

The out-of-home assistance is very welcome. But, again, this is an area where there is an allocation of money but it is very light on detail. You, Mr Speaker, alluded to the lack of detail in the budget. It is nothing new; it always looks like this, and it will take a lot of digging for us to get down to the nuts and bolts of what the government proposes to do with this very important expenditure for these most vulnerable children. I hope that with this increased expenditure the minister will be able to see his way clear to hire Australians in the future to do the job when they are here and available and qualified to do so.

Although it is not directly in my portfolio area, it is an area of some interest, so I will touch on the proposal for the development of the foyer model for outreach housing or supported housing for young people. I note that there is \$1.1 million over four years for transitional housing in this area. In addition, there is also presumably capital money coming out of the national homeless partnership agreement. This is another area where the ACT government is depending on a handout from the federal government. But I think that the youth foyer model, which was developed in postwar France and is now spreading across the world including Australia, is highly innovative. I know that officials from the department of housing went overseas last year to look at the operation of foyer in the UK. I was very pleased to hear that, and I am very pleased to see this initiative in the budget.

A word of caution, though, is that those people involved in the establishment of foyer point out that there is a long lead time to its effective establishment, and the capital

costs are quite substantial, because you are not just providing housing; you are providing facilities for people to train where they live. It is estimated in the UK that the per-bed establishment cost is about £50,000, so about \$120,000 per bed. It is a worthwhile model and worthwhile innovation, but it is also something that requires the involvement of the community, and I would see it as something being run by community housing rather than by the department of housing itself. It is something that, by its history, requires the involvement of the community.

Turning to the environment, I acknowledge the allocation of \$13.9 million over two years for the construction of wetlands in Lyneham and Dickson. Many members have dwelt on this. I think that this is a good move. It is probably the best measure in relation to water that we have in the budget, because there is little or nothing in relation to existing education and water tune-up programs. It seems to be the same old, same old. There are very few issues in the budget in relation to water conservation.

You, Mr Speaker, touched on a range of climate change initiatives which the government claim as their own. Really, you got in before me. Most of the climate change initiatives, as you rightly say, are spurious, such as the planting of grass on sporting fields. Sometimes some of that grass is artificial grass, so I think it does not even become a carbon sink. There is the hoary old chestnut of an arboretum as a climate change initiative, and the planting of street trees. While the planting and placement of street trees are important, it is hardly a climate change initiative. I concur entirely with your sentiments, Mr Speaker, that this \$40 million-odd of money could have been better directed to more effective climate change initiatives and changing our practices and the way we run our lives and the amount of energy we use.

I note the switch your thinking campaign, which is \$4.6 million over this year and successive years. That is a lot of money for essentially a one-stop shop. There seems to be nothing in there about programs and about how that changes. I contrast that, Mr Speaker, with the Canberra Liberals' proposal for a climate change agency—the Canberra climate change agency—which we took to the last election. We were proposing to spend about \$4 million a year and, in addition, having a revolving fund which would have had real programs and real initiatives which would have helped change people's behaviours, rather than just give them pamphlets.

Ms Le Couteur touched on the missed opportunities and the failings of this government to help the commercialisation of solar technology. Our solar Canberra plan would have helped to do this. The work of the Stanhope government is a pale imitation of our solar Canberra plan. They like to use the words "solar capital", but we have not seen very much progress on that. We see nothing in here that would facilitate the establishment of, say, a solar farm or provide a hand-up for emerging industries, like Spark Solar. There is nothing in this budget that goes towards innovation in renewable energy. As Ms Le Couteur has talked about, there is nothing in this budget that relates to dealing with organic waste. That is in contrast to the initiatives that were put forward by the Canberra Liberals in relation to green bins. I am also concerned about a lot of other things. (*Time expired.*)

Question resolved in the affirmative.

Bill agreed to in principle.

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

That the Appropriation Bill 2009-2010 be referred to the Select Committee on Estimates 2009-2010 for inquiry and report.

Public Accounts—Standing Committee Reports—government responses

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

Public Accounts—Standing Committee (Sixth Assembly)—Government responses—

Report 17—Review of Auditor-General’s Report No 1 of 2006: Regulation of Charitable Collections and Incorporated Associations.

Report 18—Review of Auditor-General’s Report No 4 of 2007: Regulation of ACT Liquor Licences.

I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Planning and Development Act—

Planning and Development Amendment Regulation 2009 (No 4), including a regulatory impact statement—Subordinate Law SL2009-14 (LR, 23 April 2009).

Planning and Development Amendment Regulation 2009 (No 5), including a regulatory impact statement—Subordinate Law SL2009-15 (LR, 24 April 2009).

Mr Barr presented the following paper:

University of Canberra Act, pursuant to section 36—University of Canberra—Annual Report 2008, including financial statements, dated April 2009.

Answers to questions on notice Nos 30 and 131

MR CORBELL: Mr Speaker, with your indulgence, I just want to make a brief statement in relation to overdue questions on notice. Mrs Dunne asked in the Assembly yesterday about a number of questions on notice that are overdue. I just want to clarify and correct my comments on two of those questions. I indicated to Mrs Dunne that all those questions had been cleared by my office. I apologise for that; in fact two are still outstanding. Those are question on notice No 30, in relation to unpaid traffic and parking fines, and question on notice No 131 regarding breaches of model litigant guidelines.

In relation to question on notice No 30, that question involves information to be obtained from the Department of Territory and Municipal Services. This is proving to take longer than expected, but I have asked my office to expedite the matter. In relation to question on notice No 131, that matter is a complex question and is still with GSO for action. I have asked the Government Solicitor's office to expedite the answer. I apologise for any misunderstanding in relation to those matters.

Cultural Facilities Corporation—quarterly report Paper

Mr Stanhope presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report (for the second quarter 2008-2009: 1 October to 31 December 2008).

Framework for Children and young people with a disability Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (6.26): I present the following paper:

Children and Young People with a Disability and their Families—ACT Policy Framework, dated May 2009.

I move:

That the Assembly takes note of the paper.

In the interests of time, I seek leave to incorporate the statement in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 2164.

MR HARGREAVES: I thank members.

Question resolved in the affirmative.

Facebook website

Debate resumed.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.27): As I was indicating before lunch, there is an obligation on the Liberal Party and, in particular, the Leader of the Opposition to demonstrate that he has conducted himself in a manner which does properly put to bed the real doubt that still exists in this place and, I think, in the broader community about the level of the Liberal Party's involvement in the creation of this scurrilous and highly defamatory website.

I note that the Greens are proposing an amendment to Mr Seselja's amendment. I can indicate that the government will not support Mr Seselja's amendment in that it removes the substantive part of my motion and, for that reason, we will not support it. However, if the Greens propose to link the two, then the government, I think, in those circumstances would be willing to support that.

So the issue here is that Mr Seselja really does need to demonstrate that he is serious about this matter, that he has undertaken a level of scrutiny that he can justify in this place. It is not good enough to simply say, "I have looked at it and there is nothing to worry about." That sort of standard would not be expected of ministers and a much higher standard would be expected of ministers rather than simply the assertion: "I have looked at it and, trust me, there is no problem."

He needs to demonstrate that he has undertaken a rigorous and thorough process that puts beyond doubt any suggestion that the Liberal Party has been involved in the creation of this scurrilous and highly defamatory website. If he is unable to do so, then quite simply it just shows that he has not been able to put that question beyond doubt and that those doubts will remain about the level of the Liberal Party's involvement in this matter.

The government will not be supporting Mr Seselja's amendment but is willing to consider an amendment by the Greens.

MRS DUNNE (Ginninderra) (6.29): This is a very important matter and is a matter which the Liberal Party has taken quite seriously. In fact, when this matter arose I was overseas but I was informed and approached for my comments on the matter and for what I knew about the matter. So I know how seriously the Leader of the Opposition and his senior staff took on this matter because they took the time to contact me when I was holidaying, visiting my family overseas.

The actions of members of the opposition, the actions of the Leader of the Opposition, the statements of the Leader of the Opposition, the statements by Mr Hanson, the

actions by Mr Hanson's staff, all show how seriously this matter is taken. And I think that that has been borne out by the tone of the discussion from Mr Seselja this morning, the tone of the letter that he wrote to Ms Gallagher when she raised the matter with him, and the tone, which is: if anyone can shed more light on this matter that might indicate that somebody knows more than the Liberal opposition does, that might help the Liberal opposition find the person who created this site in the first place; it is incumbent upon them to come forward with that information.

I thought it was a little unfortunate that when the Deputy Chief Minister spoke yesterday she characterised the request from Mr Seselja—have you anything else that you could possibly give me to help me pursue this matter?—as interrogation. I do not think any reading of the tone or the words that Mr Seselja used in any way could be considered interrogation. It was an honest, straightforward attempt to ensure that Mr Seselja had all the information he could possibly garner so that, if it is possible to find out anything more about the person who created this site, it could be dealt with.

I think that it is most interesting that the Labor Party does not want to support Mr Seselja's amendment to the motion today, which is basically requiring all of us to behave in a civilized fashion. And it is about behaving and dealing with people in a way that we would expect to be dealt with so that we do not go in for the name-calling and the slagging, the cut and thrust of politics, that sometimes goes beyond the pale.

What we had today in Mr Seselja's amendment is a call to basically cool it. The response from Mr Corbell was: no, we do not want to cool it. And that was borne out, in fact, by the rather juvenile comments made by the minister for education and Minister for Planning in his so-called budget response speech where he came in with some fairly (a) juvenile and (b) catty, not very witty, remarks—at least Mr Hargreaves can do wit but Mr Barr does not know how to do wit—where he extolled bullying; he thought that it was all right to bully. It was sexist; it was misogynistic; all of the things.

Mr Hanson: Ageist.

MRS DUNNE: Ageist, all of those things. All of those things that Mr Stanhope, Mr Corbell and the Deputy Chief Minister had rightly complained about on this website were in fact perpetuated by Mr Barr. Mr Barr, if he wants the Labor Party to be taken seriously on this, needs to apologise and withdraw the comments that he made earlier this afternoon.

This is a serious matter. We take it seriously. I hope that all members of this place take it seriously and that this debate today is not just a ploy to distract the Leader of the Opposition on the day of the budget reply.

The timing of this is interesting. Ms Gallagher in the adjournment debate yesterday afternoon asked for an explanation. I was sitting in the leader's office at the time and he said, "I will address that tomorrow. It is a reasonable thing to ask; I will address it tomorrow." Lo and behold, we come down here and circulated is a motion requiring that that be addressed. It was done quite specifically because we were preparing—they knew that the leader would be preparing—to put together a 40-minute speech of some substance and some importance. But we have got bigger shoulders than that.

Mr Corbell: You have to be able to chew gum and walk at the same time in this place.

MRS DUNNE: That “you can chew gum and walk at the same time” is an indication of that. Yes, we can do more than one thing at a time. But the aim was to distract from the address-in-reply. The aim was to take staff off doing one thing and put them onto doing something else to ensure that you had another story. You tried to run another story that would distract from the address-in-reply. It is pretty base. It is pretty transparent. And it does not actually do anything to address the substantial and serious issues of inappropriate language, behaviour and address towards a member of the Legislative Assembly.

Members of the Legislative Assembly should have big shoulders. People say outrageous things—sometimes jokingly, sometimes not—about members of the Legislative Assembly on a regular basis and basically you have to suck it in. But when it is done in the way that was done in relation to the Deputy Chief Minister, it is time that we all took a pause. That is why the Leader of the Opposition has acted in the way that he has—a principled way, the way of saying, “I have done everything that I can to find the answers to these questions.”

But this is the internet. And the attorney would know how difficult it is to police the internet and to find out what is going on. I am sure that if the Deputy Chief Minister wanted to take it further with Facebook there may be some means by which Facebook could identify where it was posted from and from what computer. That is possible through the server. But that is not possible for the Leader of the Opposition to do.

The Leader of the Opposition and the President of the Liberal Party have made all the inquiries that they can. The people who have been identified amongst the staff who have been involved in this have been more than contrite, genuinely contrite. Mr Hanson has dealt with the matter.

While recognising that these things have been said and they should not have been said, recognising that they have been apologised for, recognising that every reasonable step has so far been taken, if anyone in this place or elsewhere knows anything more that can shed light on who the perpetrator was, they should come forward; they should take this matter to the Leader of the Opposition or to the President of the Liberal Party so that we can do something about that.

At the same time, this Assembly should resolve that as far as possible this should never happen again. That resolution means that each one of us should live up to the code of conduct that we expect ministers to live up to. There is a members code of conduct. We should be living up to that code of conduct and we should be prepared to put our name to Mr Seselja’s amendment.

MR SPEAKER: Members, I have consulted with the Clerk on *House of Representatives Practice* and I will be ruling Mr Seselja’s amendment out of order. I quote from *House of Representatives Practice*:

An amendment proposed to be made, either to the original question or to a proposed amendment, must be framed so that, if it is agreed to, the question or amendment, as amended, would be intelligible and internally consistent.

Unfortunately the framing of Mr Seselja's amendment will not meet that criterion. So the question now is that Mr Corbell's motion be agreed to.

MS BRESNAN (Brindabella) (6.39): I will speak briefly to the motion which has been put forward. I can understand Ms Gallagher wanting to address this matter and to have it addressed in the Assembly. The content of the webpage was offensive and, I think, particularly sexist. As a fellow female politician, it is something which just cannot happen; it has to be addressed; and we cannot let these sorts of actions take place because I think they not only demean women but demean women's role in politics as well.

During elections I guess things do happen but I do find it a little hard to believe that during the election campaign it was never picked up at any stage by the Liberal Party and that someone in the party did not think, "Perhaps we had better put a stop to this because it is something which could potentially get us into trouble." So I do find it unusual that that did not happen.

We have just been told the amendment by Mr Seselja was out of order but I do appreciate what they were putting forward with that. It is something that we have to all take responsibility for as members of the Assembly, as politicians and as members of political parties, that this sort of action is not condoned, that we do put a bit of respect in the roles here and that we do try to stop this sort of content being put forward on web pages, because it is inappropriate and something we cannot allow. In a fairly, already, I would have to say, male-dominated area, which politics is, it does not make the job easier for women when we have to put up with that sort of information being put forward.

Again, I do understand why Ms Gallagher wanted this put forward. I think it is something which was offensive and it did obviously impact on her greatly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.41): I have to say that I am not impressed with the fashion of establishing these false websites and Facebook pages as a form of political agitation, particularly when they pursue sour and personal lines of attack. I pick up on Ms Bresnan's point that it was an outrageous slur on Ms Gallagher to have this fake website out there, and I condemn all of those people who were part of putting that website together.

I certainly do not take the view that someone who has been defamed in this way, which is how I see it, ought simply to accept that this is all par for the course, that this is the rough and tumble of political life or that those responsible should not be held to account. This is not acceptable. It is not a way that any of us should be conducting ourselves, or allowing staffers or party members to conduct themselves either.

I think that politicians and people who work with them and people who act on behalf of political parties that are represented in parliament have an onus to be upfront about their actions during election campaigns and more generally. None of us are perfect and none of us would necessarily like every one of our personal actions to be held up for judgement. I am talking here about a matter of degree. I do not think it is hard to

draw a line when it comes to looking at individual instances of deceptive, defamatory or insulting activity being pursued for party political purposes.

As a member of the Greens, I am well aware of our policies being deliberately misrepresented and widely circulated through the electorate by the internet and the traditional media. We are on the record as describing these activities as deceptive and anti-democratic. I have run in a few election campaigns now, and one of the appalling actions that I was totally unimpressed with and thought was out of order was back in the 2007 federal election campaign here in the ACT when Gary Humphries distributed information that incorrectly described our policies. In our view, this was a Ruddock-like act by him, stepping away from his purported beliefs for electoral advantage.

We have seen other examples of this around the country in other political campaigns, and can I say on that particular pamphlet that was handed out during that 2007 campaign that this was a pamphlet that was held on computers by every Liberal Party branch around the country that just needed to be printed off at the time of an election. So whenever there was an election coming up, the great idea was, four days or so out from the election, to print off this outrageously untrue and inaccurate anti-Greens brochure and then letterbox it around the suburbs. I have to say also that Peter Garrett was an enthusiastic contributor to essentially the same exercise before the last Victorian election.

I note that in this last campaign the Liberal Party here in Canberra did not take the same approach to us. They did not roll out this brochure, and in that context I do, I suppose, acknowledge that Mr Seselja was not going to play that particular nasty trick. I move the amendment circulated in my name:

Add the following words:

“and that this Assembly:

- (1) condemns the use of sexist, racist, homophobic vilification on internet posts or any other medium;
- (2) commits that all parties will work to ensure that Members, staff and party members do not engage in the use of such actions in any medium; and
- (3) will apply appropriate disciplinary action against anyone identified as conducting any such activities.”.

I think this is important. First of all, it is incredibly important to acknowledge that this fake Facebook page was totally unacceptable and we should not see the likes of it again in the ACT. I think that my proposed amendment, which adds three parts to the motion, puts out there quite clearly that this Assembly needs to work to a standard. We have been elected to represent the people of Canberra. We are here to show some moral leadership and also, I believe, to show that we play fairly. I believe that we need these additions to the motion and I hope that all members will support the motion with the amendment that I have moved.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Budget

Italian earthquake

MRS DUNNE (Ginninderra) (6.48): I would like to just conclude the remarks that I was trying to make during the budget speech. I got distracted and did not quite get there. I could have asked for an extension of time, but I thought I might have been pressing my luck. I thought I would just use the adjournment debate.

I was saying, Mr Speaker, that there are a number of spurious climate change initiatives in this budget, which you had touched on and we need to see much better environmental performance from the Stanhope government. A word of caution: I have heard the same tone from most of the Green members in their responses to the budget: we are the Greens, we are here and we are players and we have made significant inroads into the budget. That has been the opening gambit, and then there has been a big but.

You, Mr Speaker, and Ms Le Couteur in particular, really drilled down into the big but. At the moment the Stanhope government is giving lip service to environmental issues. They have to be able to do more than just talk the talk, and at the moment I have not seen any evidence that they are able to walk the walk or that they are even inclined to walk the walk.

There are a few other issues that I need to touch on. The disappearance of the women's statement is disappointing. Over a number of years I have been critical of the content of the women's statement, saying that it is not sufficient to say, well, 50 per cent of this program goes to women and therefore that is a women's initiative. Mr Smyth and I made dissenting comments about the content of the women's statement in the last estimates committee and obviously it has become too difficult for the government and the Minister for Women, who is now the Treasurer, to come up with an effective women's statement, so it was easier to take it out. I think that is quite remiss and that we should see a women's statement in future.

I am also concerned about the extraordinary costs of planning, design and feasibility studies that is in the capital works budget. I draw particular attention in my portfolio to \$4 million for planning and design work for the Supreme Court. This is a substantial amount of money. It comes up time and again. For instance, I remember commenting last year in the budget debate that, of the \$300 million in health capital works, there was \$63 million for planning, design and feasibility studies. This is a sum of money that I am particularly concerned about because I would rather see that money go into hospital beds or machines that go ping than to architects. I do not have

anything against architects, but architects and design people should not be getting such a large proportion of our health capital works. I am concerned about the large amount of money going to design for the Supreme Court building.

I question that. I think that if we had a better approach to capital works expenditure, if we had a capital works commissioner, an infrastructure commissioner, there would be some control and some scrutiny of these figures. My concern is that if you go out and say that we are going to spend \$4 million doing this, well, people will bid to the \$4 million mark. They see us coming in government, and we are not very good at keeping our costs in check because we have to go out and flag in advance how much we are going to spend on things. It is very unlikely that we ever come in under budget.

I have commented previously on the highly intellectual and professional contributions of Mr Barr in the budget debate. Mr Hargreaves also made highly intellectual and professional interventions, but at least his were an attempt at humour. I think that Mr Barr's intervention was unnecessary. It was spiteful. If you are going to rib your colleagues, at least try and inject a bit of humour into it. It makes it a little more palatable and it makes you seem less venal. It was interesting that Mr Barr referred to the members of the opposition as the Heathers. I think that when you throw stones like that, it actually reveals more about your own personality than the people you are criticising.

In the few moments remaining to me I want to pay tribute to the Italian community in the ACT for the work that they have done over the last few weeks in supporting their compatriots who were the victims of the Abruzzo earthquake. Just before I went to Japan, I attended a commemorative mass for the victims. There was also a substantial and successful fundraising dinner. I hope that members of the Assembly were able to support the Italian community in their ventures.

Mr Tony Meloto

MR DOSZPOT (Brindabella) (6:53): Mr Speaker, it was my pleasure to meet during this week Mr Tony Meloto, the founder of the Philippines-based Gawad Kalinga organisation. On Monday afternoon, my Assembly colleagues Alistair Coe and Mary Porter and I, with the assistance of the Canberra branch of the Gawad Kalinga committee, hosted a function here at the ACT Assembly to welcome Mr Meloto to Canberra and give him an opportunity to meet with and address a cross-section of our Canberra community, including Monsignor John Woods. I have to say it was a pleasure and a privilege to meet Tony Meloto and one of his new supporters, Mr John Roberts, President of the US-based Heal the World organisation.

In 1995 Tony launched a work with the poor program in one of the most notorious squatter relocation sites in Manila. He called his program Gawad Kalinga, GK, meaning to give care. Gawad Kalinga grew rapidly under the inspirational leadership of Mr Meloto and has become an internationally renowned self-help program for the disadvantaged homeless poor. The dream and the vision that Tony Meloto first had in Australia on a visit in 1995 became Gawad Kalinga, and since that time it has delivered over 2,000 Gawad Kalinga villages across the Philippines and the world, and each village has around 30 to 50 houses.

In 2006 Tony Meloto received a Ramon Magsaysay award—Asia’s equivalent of the Nobel Peace Prize—in community leadership, for inspiring Filipinos at home and abroad to take pride in their identity and country. While Gawad Kalinga has been described as the best thing to come out of the Philippines, and the GK model is now being adopted by developing countries around the world, Tony Meloto is considered by many as one of the most compassionate, successful and inspirational men of our times. Having met with Mr Meloto on three separate occasions over the last three days, I fully concur with this description, having seen first hand his ability to inspire those around him and being well aware of the incredible good works that his vision has created in the Philippines, which is now growing around the world.

In Canberra, his inspiration is evidenced by the large, enthusiastic following that has evolved into the Canberra Gawad Kalinga Committee, whose members include Ronnie and Rowena Bautista, Chris and Luz Carlile, Sally Barber, Blesila Carter, Aida Garcia and George Lemon. I should add that a significant number of the committee members are from my home parish, the Corpus Christi parish in Tuggeranong.

On Tuesday night Mr Meloto was able to thank the Canberra committee and recognise the outstanding generosity of Brian O’Donnell, John and Deanna Barilaro and Emilita Kaczerepa with a special Gawad Kalinga appreciation award.

Mr Meloto has gone on to Sydney and Adelaide and will conclude his Australian tour in Victoria, where I understand he will also attend a parliamentary function in his honour. To members who may have missed meeting with Mr Meloto, I commend his organisation to you and seek your support in future functions that will occur in Canberra.

Gawad Kalinga organisation

MR COE (Ginninderra) (6:56): I wholeheartedly support Mr Doszpot’s words, for early this week I too had the pleasure of learning about the great work undertaken by Gawad Kalinga. Gawad Kalinga is a transformational organisation that brings hope and opportunity to thousands, if not millions, of people throughout the world.

The founder of the organisation, Tony Meloto, is an inspiration to all and we were very fortunate to have him address a gathering here at the ACT Legislative Assembly. He spoke about his motivation for setting up the organisation, the partnerships he has formed and the achievements his organisation has recorded.

Gawad Kalinga, translated, means simply to give care. The organisation started work in one of the poorest parts of one of the poorest countries in the world, the Philippines. Gawad Kalinga stepped in when the government did not and has helped to transform some of the slum areas of the Philippines.

The organisation builds basic concrete steel-frame houses to replace the cardboard boxes and galvanised sheets that are used by slum dwellers. The construction of these houses is made possible through the generous support of landowners, sponsors,

volunteers and the eventual residents and neighbours. The houses are of bright colours and include provision for electricity and water. The cost of the homes is paid back in part by those who live in them through what is known as sweat equity: they help build the houses of others. The organisation has a bold target of 700,000 homes in 7,000 communities in seven years. This is a bold task but one that it can meet.

However, the project is more than that. It is about building communities that are sustainable in every way. Gawad Kalinga has an education program that ensures children receive a preschool, primary and vocational education. The livelihood program helps use the land to farm produce for the benefit of the community. Volunteers for Gawad Kalinga monitor the health of everyone in a village and ensure that every family member understands nutrition and hygiene.

In addition to literally building bridges, the organisation bridges the divisions separating communities: from people divided by faith to a cohesive and supportive community; from homelessness to shelter; from no hope to education and opportunity. Tony firmly believes in the concept of mutual obligation, that everything is a two-way street. Rather than the conventional model of charity, Tony believes in fostering partnerships, partnerships between donors, residents, builders, corporations, volunteers—anyone.

Travelling with Tony is John Roberts, President of the Heal the World organisation. The organisation is helping those in disadvantaged situations by providing the necessary tools to further their own development. Heal the World is a partner organisation of Gawad Kalinga. The model has been so successful it has been expanded to other countries, and funds raised in Australia have recently been used to help construct a village in Papua New Guinea.

I am grateful for the opportunity I had to meet Tony and John and to learn about their initiatives. It shows once again how individual enterprise and charity can help communities achieve significant and successful outcomes. It demonstrates that government does not always know best and that when it works with local communities through consultation and engagement it can achieve tangible results for the benefit of local communities.

I would also like to say a special thankyou to George Lemon and his colleagues from the Canberra committee. They are part of GK ANCOP, an Australian non-profit organisation that raises funds for Gawad Kalinga projects. They were the driver behind recent events which raised significant funds for the organisation. Their selfless commitment to the organisation means more and more underprivileged families can move out of the slums and into housing, have an education, work for a livelihood and, most importantly, receive care.

The Assembly adjourned at 7 pm until Monday, 11 May 2009, at 10 am.

Incorporated document

Attachment 1

Document incorporated by the Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections.

ACT GOVERNMENT POLICY FRAMEWORK FOR CHILDREN AND YOUNG PEOPLE WITH A DISABILITY AND THEIR FAMILIES

Tabling Statement

- I am pleased to table for the information of Members, the *ACT Government Policy Framework for Children and Young People with a Disability and their Families*.
- The policy framework represents a comprehensive, whole-of-ACT Government response to the individual needs of children and young people with a disability and their families.
- Access Economics tells us that there are 84,067 children and young people under the age of 18 in the ACT. Nationally, according to the Australian Institute of Health and Welfare, 4.3% of children aged from birth to 14 years need support in one of the core activity areas of mobility, communication or self care. An extrapolation of this data indicates that there are approximately 3,600 children and young people in the ACT who will benefit from the outcomes this policy framework will deliver.
- The ACT Government is committed to creating a society that values all of its members. This Government has a strong record in responding to the needs of Canberra's most vulnerable citizens.
- The policy framework sets a model for better integration of services across ACT Government to support children and young people with a disability and their families. It represents significant progress towards improving outcomes for children and young people in the ACT.
- The policy framework is consistent with the goals and underlying principles of key ACT Government strategies, such as:
 - *Building our Community The Canberra Social Plan (2004);*
 - *The ACT Children's Plan 2004-14; and*
 - *Challenge 2014: A ten year vision for disability in the ACT.*
- It is also compatible with the requirements of key legislation, such as:
 - *Children and Young People Act 2008;*
 - *Disability Discrimination Act 1992 (C'wth);*
 - *Discrimination Act 1991 (ACT);*
 - *Education Act 2004; and*
 - *Human Rights Act 2004.*

- This policy framework is for children and young people under the age of 18 who are living in the ACT, and who have a disability that results in an ongoing need for support.
- In 2006-07 there were 2,497 children under 15 years in the ACT receiving services funded through the Commonwealth State/Territory Disability Agreement (CSTDA). This represents more than 70% of the total users of CSTDA services in the ACT.
- The importance of this policy framework cannot be underestimated. It draws together the principles and commitments of the key ACT Government agencies that provide services to children and young people with a disability. It outlines core principles, clarifies roles and responsibilities, provides guidance for coordination, and establishes joint planning mechanisms across and between agencies.
- The framework emphasises the fundamental principle that a child or young person with a disability needs to be recognised as child or young person first. With this recognition the child or young person is accorded the same treatment, including access to the same services and care that would be provided to any child or young person.
- It also acknowledges that a child or young person with a disability may require additional support in recognition of their special needs arising from the impact of their disability.
- Importantly, the policy framework establishes Disability ACT as the single entity that has overall responsibility for ensuring the outcomes for children and young people with a disability are achieved across government. Disability ACT will be responsible for implementing the policy framework, including the coordination and development of integrated processes. Disability ACT will also monitor, review and update the policy framework.
- More than 99% of children and young people with a disability live with their family who provide for most of their support requirements. At various times, families may seek additional assistance from their natural support networks, community agencies, generic services, and from specialist service providers.
- Navigating the service system can at times be complicated. The effective coordination and collaboration among the support providers is crucial to ensure that the best possible outcomes are achieved, helping families to sustain their caring role.
- The policy framework acknowledges the role of government in supporting families to care for their children and facilitating early intervention strategies for those families that require it.
- An important outcome of the policy framework will be the development of mechanisms for the coordination of information between agencies to assist families to access the information they require when they need it.
- Through the policy framework the ACT Government is delivering its commitments under major national agreements.

- On 1 January 2009, the new National Disability Agreement came into effect. The Agreement includes key areas of reform in services for people with disabilities with the objective that “People with disability and their carers have an enhanced quality of life and participate as valued members of the community”.
- The ACT Government supported the Commonwealth Government ratifying the United Nations Convention on the Rights of Persons with Disabilities, which it did in July last year.
- By ratifying the Convention, Australia joined other countries around the world in a global effort to promote the equal and active participation of all people with disability.
- The principles outlined in the policy framework reinforce the rights of all children and young people to participate and be included in their community and to have access to the universal, targeted and specialised supports and services they require.
- The range of supports and services currently available in the ACT are provided with the cooperation of Government and non-government agencies. I take this opportunity to thank all providers for the work they do in supporting children and young people with a disability and their families in the ACT.
- The policy framework has been developed by the Department of Disability Housing and Community Services, with the specific collaboration of ACT Health and the Department of Education and Training.
- I commend the *ACT Government Policy Framework for Children and Young People with a Disability and their Families* to the Assembly.