



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

9 FEBRUARY 2010

www.hansard.act.gov.au

Tuesday, 9 February 2010

Death of Mrs Marjorie Turbayne AO, MBE (1Motion of condolence)	1
Absence of Clerk.....	10
Petition: Hospitals—Clare Holland House—petition No 106.....	10
Justice and Community Safety—Standing Committee.....	10
Public Accounts—Standing Committee	11
Health, Community and Social Services—Standing Committee	19
Planning, Public Works and Territory and Municipal Services—Standing Committee	19
Public Accounts—Standing Committee	20
Public Accounts—Standing Committee	20
Well Station Drive extension	21
National Multicultural Festival 2010	27
Education Amendment Bill 2010.....	31
Standing and temporary orders—suspension.....	31
Revenue Legislation Amendment Bill 2009	35
Health Legislation Amendment Bill 2009	38
Fair Trading (Motor Vehicle Repair Industry) Bill 2009	42
Questions without notice:	
Hospitals—Calvary Public Hospital.....	42
Schools—league tables.....	46
Education—literacy and numeracy	49
Hospitals—Calvary Public Hospital.....	52
Environment—Green Square, Kingston.....	56
Hospitals—Calvary Public Hospital.....	58
Budget—savings.....	61
Children and young people—protection.....	64
Hospitals—birthing centre.....	67
Budget—savings.....	69
Hospitals—waiting times	69
Answers to questions on notice:	
Question No 346.....	73
Question No 404	74
Question No 411	74
Question No 495	74
Question No 513.....	74
Papers.....	75
Executive contracts	75
Papers.....	77
Legislation program—autumn 2010	78
Financial Management Act—instruments	81
Paper	83
Justice and Community Safety—Standing Committee.....	83
Papers.....	95
Planning and Development Act 2007—schedule of leases	96
Papers.....	96
National Multicultural Festival	100
Schools—closures.....	100
Well Station Drive extension (Matter of public importance)	102
Paper	116

Adjournment:

Palmerville Heritage Park.....	116
Brindabella Motor Sport Club	117
Professor Patrick McGorry	118
Mr Michael Firestone	118

Schedule of amendments:

Schedule 1: Health Legislation Amendment Bill 2009	120
--	-----

Tuesday, 9 February 2010

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

Death of Mrs Marjorie Turbayne AO, MBE
Motion of condolence

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): I move:

That this Assembly expresses its deep regret at the death of Mrs Marjorie Turbayne, AO, MBE, long-serving board member of the National Australia Day Council, former president of Australia Day in the ACT, dedicated advocate of the Australian of the Year awards, founding manager of the National Press Club and tireless enthusiast for active citizenship and strong community life, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

Marjorie Turbayne's long life was also a life of fulfilment and variety spent in the thick of the community and the city which she came to call home. On behalf of the Assembly, I offer my condolences to her children, David, Jane and Judith, and to her eight grandchildren.

Marjorie Turbayne was born in England in 1919, and her childhood was repeatedly marked by personal loss. By the age of 11, she had lost both parents. Within a short time, she had also lost the grandparents who had become her guardians. By the age of 15, she was working in a London factory. It was a far cry from the life she would make for herself decades later in her adopted home, Canberra.

The road to this city was a roundabout one. After a period of working her way up the ranks of the British civil service, starting from the typing pool, Marjorie Storey, as she was then, spent a number of years after the Second World War in Europe, Turkey, Czechoslovakia and later Germany, helping those displaced by the fighting. It was during this period that she met Keith Turbayne, an Australian working for British intelligence. They married in 1950.

In the early 50s, the couple came to Australia, where Keith took up a position with the newly formed ASIO. He would later rise to become deputy director-general of the organisation. The growing family lived mainly in Melbourne for the next two decades. The Turbaynes moved to the ACT in the 1970s, after Keith's retirement from the commonwealth public service. Marjorie quickly established herself in the social circles of the day within Canberra. She was a founding member of the Woman of the Year luncheon and involved herself in causes such as "Red Cross Calling".

To these and the future roles for which she is now most well known, Marjorie Turbayne brought the skills and knowledge gained over the course of her earlier working career, including the diplomatic skills developed during her time as protocol officer and social secretary for the United States embassy and the caring skills developed during her time as a social worker at the Canberra Hospital.

For 14 years from 1975 she was general manager of the National Press Club, and, as the first person to hold that post, she inevitably helped shape the culture and vision of the club. As a member and later president of the National Australia Day Council, Marjorie helped build the Australia Day celebrations from a small event into a major annual display of pride and nationalism. In her council role, Marjorie Turbayne was also heavily involved in selecting the Australian of the Year, and she took many of the same attributes to her work as a member of the Council for the Order of Australia.

Marjorie's work for these organisations, as well as her involvement in the life of the community more generally, was recognised on a number of occasions during her lifetime. In 1989 she received the Medal of the Order of Australia. A decade later, in 1999, she was awarded a Member of the Order of the British Empire. In 2001, she received the Centenary Medal for her service to the Australia-Britain Society, the National Australia Day Council and the Red Cross. In 2006 she was again recognised when she was appointed an Officer of the Order of Australia for her service to the community through support for arts, heritage, social welfare and youth organisations; for encouraging national pride and identity; and for strengthening Anglo-Australian relations.

Marjorie Turbayne lived her long life to the full, and it is fitting that an individual who ensured that the works and achievements of others received due recognition should herself be recognised by the Assembly today. I extend my sympathy to her family and her extensive range of friends at her passing.

MR SESELJA (Molonglo—Leader of the Opposition): I rise to pay tribute to the remarkable life of one of our most prominent citizens, Mrs Marjorie Turbayne AO, MBE. From what were unexceptional beginnings for her time, she went on to accomplish a truly extraordinary series of achievements in all manner of fields and in all sorts of ways.

Marjorie was born near Durham in England just after the end of the war that was supposed to end all wars. As we all know now, that was not the case. Marjorie lived through an even more appalling conflict between 1939 and 1945. In those difficult years of rebuilding after the war, she met an Australian intelligence officer, Keith Turbayne. They married in 1950, and in 1952 Keith and Marjorie made the great journey all the way to the Antipodes.

Marjorie was clearly very proud of her British heritage. But rather than lament the distance between her new home and her old one, she worked assiduously and effectively to maintain a connection that would honour this country's connection with Britain as well as promote the interests of Australia. This love of her adopted country—and "love" is a word I have heard repeatedly in connection with Marjorie's relationship with our nation—was evidenced by her involvement with the

Australia-Britain Society and also her very long-term commitment to the Australia Day Council, the body that supervises the awards and honours and promotes the Australian of the Year. As the son of an immigrant family myself, Marjorie's approach of respecting a past from overseas while working for the future in a new country is, for me, one of the most inspirational aspects of a life that has been an inspiration to so many.

Listing all of Marjorie's achievements and appointments is an almost impossible task, and I do not propose to attempt to do so. However, no overview of Marjorie's life could fail to include some mention of the most prominent positions. I offer a small list of those, with apologies regarding those who have been omitted. As I mentioned, Marjorie was a leading figure in the Australia-Britain Society. While she was national president, the society elected to create a monument to the important concept of freedom under the law and decided to make the Magna Carta monument the society's Centenary of Federation project. Today, Magna Carta Place is a space of inspiration and introspection commemorating the importance of the document that first codified many of the legal freedoms we all work to maintain.

Turning to her involvement in Australia, I must make mention of Marjorie's role as director of the National Australia Day Council. Warren Pearson, National Australia Day Council chief executive, said:

Mrs Turbayne's contribution to the nation was impressive and her dedication to the growth of Australia Day and the Australian of the Year Awards is of particular note. Marjorie led the way as an impressive female achiever and was an incredibly active senior Australian.

Australia Day is now a day that reaches all Australians and Marjorie's contribution over the last few decades has paralleled the growth of Australia Day.

Of course, as a politician, many of my federal colleagues would have been aware of Marjorie as a major player when she was the first general manager of the National Press Club, a post she held for 14 years during some of the most tumultuous and intriguing eras in our political history, and she was there for all of it. Just a sampling of her myriad other appointments are summed up by long-time political pundit Alan Ramsey, who listed her appointments as including a founding member and life patron of the Woman of the Year luncheon, membership of the Centenary of Federation Committee, the Royal Flying Doctor Service, the St John Society, the judging panel of Senior Citizen of the Year and Australian of the Year, a director and board member of the National Australia Day Council and council member of the Order of Australia. She was once even protocol officer of the US embassy for three years in the latter 1960s during the Johnson administration.

Marjorie was awarded an MBE in 1998 and an OAM in 2006 for service to the community through support for arts, heritage, social welfare and youth organisations; for encouraging national pride and identity; and for strengthening Anglo-Australian relations. There really are very few people who can point to such a list of accomplishments.

I would like to offer a little more of an insight into Marjorie's life. When I attended Marjorie's memorial service last year, I was impressed not only by the attendance of some of the highest profile people in the land but by the personal stories and anecdotes that were related and which gave an added personal aspect into what was an extraordinary public life. For example, I was impressed by the story of Marjorie, while on the Australia Day Committee, holding court at a table at a lunch attended by prime ministers, ministers, defence chiefs and various other decorated personages. As the story was told, there was no doubt whatsoever as to exactly who was in charge that day. While there may be some wry appreciation for a formidable character in that story, the truth of the essence of it is borne out by the fact that former Prime Minister John Howard was at the service where it was told.

Although her accolades and accomplishments crossed the whole spectrum of Australian life, as leader of the Canberra Liberals I must also pay tribute to her passionate and loyal commitment to the Liberal Party cause. Marjorie was a long-time supporter of the party, but, more than that, she was a real mentor, encouraging new members and providing leadership through her actions. Members of this Assembly, past Assemblies and federal colleagues have all benefited from the support they received from Marjorie. On behalf of all of those who cannot say so themselves, I would like to express our heartfelt gratitude.

I would also like to acknowledge the presence of Judy and David Turbayne in the gallery today, and I express my personal condolences and respect to Judy, David and also Jane, and Marjorie's eight grandchildren.

In conclusion, I would like to pay tribute to a woman who contributed so much to our lives, to honour a woman who spent so much time honouring others, and to thank a woman who so often did her tasks without any thought of thanks. Farewell Marjorie Turbayne. Our lives, our city and our nation are far better for your involvement and your commitment. I commend the motion to the house.

MS HUNTER (Ginninderra—Parliamentary Convenor ACT Greens): In the short time this Seventh Assembly has been sitting, we have lost a number of outstanding citizens who have made great contributions to the ACT and Australia. Sadly, today we pay tribute to another great Canberran. On behalf of the ACT Greens, I join with the members of the Assembly in offering our deepest sympathies and condolences to the loved ones and friends of Marjorie Turbayne AO, MBE.

Looking back on the contribution Marjorie Turbayne made to the ACT and Australia, it was a remarkable life. Marjorie was orphaned at age 11 in Durham, England, and worked in a biscuit factory by day, studying at night. After the war, she went to Prague in Czechoslovakia, working for the United Nations refugee organisation. At that time, Europe had many homeless and stateless people, and Marjorie was part of the massive postwar effort to find, relocate and house people affected by the war.

While working for the United Nations in Germany, helping people move in and out of that country in the early days of the Iron Curtain, she met and married an Australian military attache, Keith Turbayne, and came to Australia. After moving to Sydney, Marjorie became involved as a volunteer with the New South Wales Crippled

Children's Association, and then in Canberra became the first general manager of the National Press Club. It has been said that she helped lay the foundations of the club's successes. Her grandson commented at her funeral that in this role and being a promoter of women's rights, she was not afraid to take on the boys club of the established media at the time.

She became involved in the Australia Day organisation in 1976, and on her retirement in 1988 she took over the role of president of the Australia Day Committee in the ACT on the retirement of the "king of Canberra", the late Fred Daly. The present chief executive of the Australia Day Council, Warren Pearson, said recently that Marjorie's dedication to the growth of Australia Day and the Australian of the Year awards is of particular note. He said:

Australia Day is now a day that reaches all Australians, and Marjorie's contribution over the last few decades has paralleled the growth of Australia Day.

Her list of community involvement was extensive, and we have heard from other members this morning just how extensive. She was a founding member of the Australia-British Society in 1972 and national president from 1995. She was a social worker at the Canberra Hospital, protocol officer at the US embassy, worked on the Centenary of Federation Committee, was coordinator, treasurer and life patron of the Women of the Year luncheon, a director of the Menzies scholarship, and committee member of the National Opera Festival, to list just some of the positions she held.

She has been described as a tireless worker and a determined, no-nonsense campaigner who knew how to get things done for the benefit of others. Reverend Brian Douglas, who conducted her funeral service, said that everyone, clergy included, had been soldiers in her battle to combat inequality and disadvantage. She once told Reverend Douglas: "I have been poor. I know what it's like to be poor, which is why I have to be generous now."

Her awards included being made an Officer in the General Division of the Order of Australia in 2006, a Member of the British Empire in 1999, and receiving an Order of Australia Medal in 1989. It is a measure of the contribution Marjorie and her husband, Keith, made to our country that former Prime Minister John Howard paid his respects at both of their funerals.

Marjorie was a prominent member of many societies and community groups, and through her contribution she touched the lives of many. She will be long remembered by Canberra and the broader Australian community. On behalf of the ACT Greens, I extend our deepest sympathies to her children, David, who is a Greens colleague, Jane and Judith, their partners, grandchildren and friends. She was a remarkable woman.

MR SMYTH (Brindabella): I also offer my condolences to the family at the passing of Marjorie Constance Turbayne and welcome Judy and David here today. It is fabulous that you are here, and it is a shame that more people from Canberra whom Marjorie touched throughout her incredible life are not here to hear what we say for her today.

For me, one of the most outstanding achievements of an immigrant girl was to sit at the opening of Magna Carta Place and know the part that Marjorie played in having that memorial, that monument there, and the declaration of the place but, more fundamentally, understanding the importance of parliamentary democracy. That right to free speech, that right to have your opinion and have your view, will be one of the things that I will always remember about Marjorie. She let you have that right but, in my conversations with her, she would always challenge you to justify that and prove that what you believed in was what you really believed in and that you understood what you were talking about. It is that sharpness of mind and that dedication of purpose that, for me, will really stand out a long time in my memories of Marjorie Turbayne.

At the same time, she was also her own person. She was not guided by what was the fad or what was the trend of the day. Marjorie was Marjorie because she chose to be that way. I think there is a lovely reference in the *Canberra Times* where Jane says,

But Mum also loved clothes. She had a wardrobe of expensive suits and she had bright pink-painted nails, even when she died.

This was a woman who, to the very end, knew who she was, what she was, and was not afraid to say it.

The other thing that is particularly interesting, I think, is the citation that she received. It says:

Mrs Marjorie Constance TURBAYNE OAM MBE—7 Mugga Way, Forrest ACT, 2603—for services to the community through support for arts, heritage, social welfare and youth organisations, for encouraging national pride and identity, and for strengthening Anglo-Australian relations.

You can get an OAM or an MBE for any of those, but to have all of those listed in the very short citation that I came across shows how extraordinary a woman she was.

One of the stories that have not been largely recounted about Marjorie was the role of the Turbayne family in the Petrov affair. My understanding is that, when the Petrovs defected, they may have lived in the Turbayne family house. The family might like to tell us more of these stories. But one reference that I came across—I think it is from Alan Ramsay—says:

Keith and Marjorie Turbayne came here from Britain in the early 1950s. Keith Turbayne was in ... military intelligence and, in this country, for very many years, he was senior in the spook business in some way or other. I don't know the detail. I do know Marjorie Turbayne, after the defection 50 years ago of Vladimir and Evdokia Petrov, was a minder and companion of Mrs Petrov for some months, if not years.

Again, this is a woman who is raising a family. At that time, in the 1950s, she has a husband in a professional career. She is staking out her own career but there she is doing her bit for what she believed in. Have no doubt about it, if Marjorie believed something and she got behind it, then things happened.

The stories, as Mr Seselja related, about Australia Day are legion, are legendary. At one stage, I can remember being at an Australia Day luncheon in Commonwealth Park. She had more generals under her command than John Monash, and she did not hesitate at sending them to do errands. When I was a cadet at RMC, seeing brigadiers and generals being ordered around by this slight lady and having no hesitation in obeying her command was something that I always found quite amusing. It was not just retired generals, it was the Chief of the Defence Force, it was serving generals, people in uniform, lots of braid. If Marjorie said, "Could you do this?" they went and did it, and they did it willingly.

If you ever attended, Mr Speaker, one of the Australia Day parades where Marjorie was the parade major, she had the bearing of a major; she certainly had the commanding voice of a major. If Marjorie said it would start, it would start. By the end of her time as president of the Australia Day Council, when she took the salute, I think she looked at the guard and certainly would tell them whether or not they were up to scratch. She was a remarkable woman.

It is interesting, too, to bring together some of the lists that people have read out. I have another small list about some of the things that Marjorie did. This one says:

For the past 40 years—

again, I think it is from an Alan Ramsay article—

Marjorie Turbayne's remarkable life in umpteen capacities, appointments and posts has included, at various times, social secretary and protocol officer at the US embassy (for three years in the late 1960s), founding manager (for 14 years) of the National Press Club from 1975, council member of the Order of Australia, life patron of the Woman of the Year luncheon, president of the Australiana Fund, committee member of the National Opera Festival, National President of the Australia-Britain Society, director and board member of the National Australia Day Council, and a committee member of the Red Cross appeal.

That, again, is a formidable list of achievements.

I have a personal story. Very shortly after I was elected member for Canberra in 1995, I attended a function and Marjorie very kindly came up and introduced herself. What she had not realised was that we had met before. My wife at that time had worked at the Press Club. I said, "Marjorie, we have actually met. My wife used to work for you." We had this wonderful chat about the old NPC, as they called it, the National Press Club days.

When Marjorie moved on to continue working the room, her husband, Keith, came up, with that twinkle in his eye. If you knew Keith, there was always something going on behind Keith. Keith just said, "Yeah, and I bet she was tough." And she was tough. She had to be tough. She was competing and making waves in a world that often did not appreciate competition and people making waves.

But she was a great example to all women about what you can achieve and not taking no for an answer and getting out there and doing it. Marjorie Turbayne certainly got out there and did it. My condolences to the family.

MR HANSON (Molonglo): I welcome Judy and David; it is lovely to have you here today for this condolence motion. It is a great honour to speak in memory of Marjorie Turbayne, who was a quite remarkable Australian and citizen of our city. Mr Stanhope, Mr Seselja, Mr Smyth and Ms Hunter have outlined the service that she gave and what a remarkable woman she was, with many stories of service.

We heard many other stories at her memorial service late last year. It was clear at that memorial service that she had passed on much of her spirit to the following generations. The words spoken by her family, particularly her grandchildren, really showed that none of that spirit had been lost in her family, and that is a great thing to see. It was also good to see that the service was attended by an ex-Governor-General, an ex-Prime Minister and many prominent Canberrans, in great respect for this wonderful woman.

I have a small anecdote to tell. In early 2008, when I put my hand up to become a candidate for the Liberal Party, I was told that I had to have a form signed with 10 signatures on it from Liberal Party members. I am not sure that at that stage I even knew 10 members of the Liberal Party. I was told, "It doesn't matter, because, if you get Marjorie Turbayne to sign at No 1, no-one else will dare not sign that form."

I was taken out to see Marjorie at her house in Mugga Way. To be honest, I was quite nervous. Her reputation preceded her and, rightly, it should have. She certainly had an aura about her and a piercing intelligence. Although her body was by then frail, it was quite clear that her intellect had not lost anything of its razor sharpness. She, gladly, did sign that form for me, and I then went on and I find myself here today remembering her great service to the nation.

Her life is full of many more impressive anecdotes than that one, many rich stories, and it is a life of great service to women, to the nation and to Canberra.

MR COE (Ginninderra): I rise this morning to pay my respect to a proud Australian and Canberran and a lady proud of her English heritage. Mrs Marjorie Turbayne AO, MBE was a lady that all who knew her dubbed her with respect and admiration. Her story is one that captures the Australian values of working hard, a strong sense of service and a commitment to family and faith. As has already been said by other members this morning, Mrs Turbayne has a remarkable story and one that spans many decades, countries and interests.

Whilst it is impossible to articulate the vast legacy she has left, her service to the nation through her advocacy for the celebration of our national day through her membership of the National Australia Day Council is very special. Her work as general manager of the National Press Club is also held in very high regard. In addition, she also supported the Red Cross; the Royal Flying Doctor Service; the Australiana Fund; the National Opera Festival; St Paul's Anglican Church, Manuka; the Australia-Britain Society; and many other organisations.

In 1989 Mrs Turbayne was awarded the Medal of the Order of Australia for service to the community. In the 1999 new year's honours, she was awarded a Member of the Order of the British Empire. In *London Gazette* 55354 it was announced that she

would be listed to be an “Ordinary Member of the Civil Division of the said most Excellent Order” for her services as national president of the Australia-Britain Society.

In 2001 she received the Centenary Medal for service to the Australia-Britain Society, the National Australia Day Council and the Red Cross. In 2006, she became an Officer of the Order of Australia for service to the community through support for arts, heritage, social welfare and youth organisations, for encouraging national pride and identity and for strengthening Anglo-Australian relations.

Whilst I did not know her well, I did have the pleasure of meeting her on a number of occasions. When I first joined the party about 10 years ago, I was promptly informed that Mrs Turbayne was someone who was worth getting to know. As a younger person in the Liberal Party, I and others would look up to people like Mrs Turbayne as an example of what can be achieved through dedicated service. I, too, extend my condolences to her family and friends.

MRS DUNNE (Ginninderra): I would like to join my colleagues in expressing condolence at the passing of Marjorie Turbayne AO, MBE. All of us present today have heard about Mrs Turbayne’s sterling qualities, her long life and her service to her community, especially to her adopted country, the home of her husband and her children. The Chief Minister, the Leader of the Opposition, the Deputy Leader of the Opposition and all my colleagues, as well as Ms Hunter, have dwelt on the extraordinary accomplishments of this great lady who lived so long and served so sterlingly the people of Canberra.

I, too, wish to pay tribute to Mrs Turbayne, a lady in all senses of the word. Her poise, as Mr Smyth has said, is renowned. Anyone who was extended the hospitality of Mrs Turbayne, especially at Australia Day lunches, knows of her poise. She has been an inspiration to many of us in the Canberra Liberals and in the wider community for her service, her sticking up for the role of women in society and doing so in a way that was not ever overtly pushy but always determined.

I pay tribute to Mrs Turbayne’s family, David, Jane and Judith. I acknowledge David and Judith in the gallery today. I pass on to all of Mrs Turbayne’s family, friends and colleagues the condolences of this place.

MR DOSZPOT (Brindabella): Marjorie Turbayne AO, MBE will be remembered for her countless community activities, and other members this morning have mentioned some of them, including the National Australia Day Council and the Australia-Britain Society, amongst many others. Marjorie was appointed to the rank of Officer of the Order of Australia for service to the community through support for arts, heritage, social welfare and youth organisations, for encouraging national pride and identity and for strengthening Anglo-Australian relations. This, I think, sums up her career very well.

I would like to focus on her contribution to the great political party I represent in this Assembly. In addition to her other community activities, Marjorie Turbayne was a long-serving and utterly invaluable member of the Liberal Party. Marjorie loved the party and everything it stands for. Marjorie actively assisted the party with its

fundraising activities and, to this end, singlehandedly organised a number of functions over the years. One of those fondly remembered by members was the fundraising lunch she put on at the Deep Dish restaurant in Deakin prior to the 2004 federal election—a classy event organised by a very classy lady.

Many of us remember with great affection the stall run by Marjorie and her late husband, Keith, at Red Hill primary school at election times, through which they distributed thousands of how-to-vote cards. We in the Liberal Party will miss Marjorie Turbayne and her unflinching support for a cause in which she passionately believed.

Question resolved in the affirmative, members standing in their places.

Absence of Clerk

Mr Speaker informed the Assembly that, due to the absence of the Clerk on leave, the Deputy Clerk will act as Clerk for the duration of the Clerk's leave.

Petition

The following petition was lodged for presentation, by Mr Stanhope, from 11 residents:

Hospitals—Clare Holland House—petition No 106

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Legislative Assembly that the ACT Government has expressed an intention to sell Clare Holland House, the ACT community hospice, to a private, Sydney-based corporation.

Your petitioners, therefore, request the Assembly to take all necessary steps within its powers to prevent Clare Holland House, and the lakeside land on which it stands, from being sold or otherwise transferred to any private corporation or person.

The Acting 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.

Justice and Community Safety—Standing Committee Scrutiny report 18

MRS DUNNE (Ginninderra): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 18, dated 1 February 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 18 contains the committee's comments on 10 bills, three pieces of subordinate legislation and four government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Public Accounts—Standing Committee Report 6

MS LE COUTEUR (Molonglo) (10.32): I present the following report:

Public Accounts—Standing Committee—Report 6—*Review of Auditor-General's Report No 7 of 2008: Proposal for a gas-fired power station and data centre—Site selection process*, dated 2 February 2010, including additional comments (*Mr Smyth*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is a report about a very significant planning exercise. The first thing I would like to say about it is that, when the public accounts committee looked at it, we said we wanted to do a forward-looking report. We thought that, given the community angst, given the time that had elapsed, given the fact that it was a major part of the last election and given the Auditor-General's report, we did not want to spend our time going through the minutiae of the actual decision.

This report is not about where the data centre should have been located. That has been canvassed at considerable length in other places. The committee focused in this report on how to do it better so that, next time there is a substantial proposal like the data centre, we do not end up with the situation we had last time. I do not think that anyone on any side of politics, whether you are a proponent or whether you oppose this proposal, could think that it was in any way a satisfactory process.

Our recommendations have two basic strands to them. One is about community consultation and the other is about strategic projects. I will start by referring to a quote which appears on page 21 from the chairman of ActewAGL, which I am afraid is such a gem that it probably set the tone of the whole inquiry; I cannot resist it. He told the hearing that, even after the project was scaled back considerably:

... we also ... believed that this was a fantastic thing for Canberra, even if we were not going to make the kind of commercial killing that we thought we were going to make earlier in the piece.

I am afraid that quite a bit of that permeated not just the whole inquiry but the whole sorry tale of the data centre. It is a wonderful quote, and I think we need to make sure that in the future commercial killing is not the major consideration in whatever

projects are proposed in Canberra. Commercial killing, while being one consideration, should never be the major consideration.

I will now talk a bit more about consultation. I refer to another quote, from the community group CPR—Canberrans for Power Station Relocation—which is still, I believe, in existence. They said:

Perhaps the biggest lesson the community has learned is that consultation is pointless, planning does not exist and the Government will have made its mind up long ago ...

I think that can only be described as a very sad and sorry indictment of how the community feel the government is listening or not listening to them. The government did say in its evidence that it had improved its consultation since then, and I actually think there is a degree of proof for that statement. Last night, along with my Assembly colleagues Mrs Dunne, Ms Porter and Mr Coe, I attended a consultation session run by the LDA about the fate of the Hawker shops. I would have to say that it was a vast step forward from what happened with the data centre. So I am hopeful that the government has taken these lessons to heart.

There are 18 recommendations from the committee and there are two basic themes to them: (1) you have got to do consultation better; (2) you have got to do strategic planning better. In the consultation one, we are saying that, as a minimum, the government should adhere to the current community engagement guidelines when consulting with the community on strategic projects.

In this case the government did not even adhere to their own guidelines. In this case, whether or not their guidelines were good enough does not even become the question because they did not even do what they said they were going to do, which is really regrettable. We have got a number of recommendations about how they can make the guidelines better, but the bottom line is to do what you committed to do in the first place.

We have recommended that the government report to the Assembly on or before the last sitting day in March 2011 about the effectiveness of the revised community engagement manual and the new criteria and process for consultation. We note that the government has been revising the community engagement manual for some time. During the process of this committee inquiry, we understood that the new manual was going to be released. But looking at the website, we still find there the 2005 version.

Another thing we looked at was the role of the strategic planning unit. This has changed, clearly, since the original inquiry because there is now a new department, the Department of Land and Property Services. We recommend a number of things in relation to this—that people be informed about what is happening with this, what the strategic planning criteria are, what the facilitation process is, and that the government listen to feedback about this.

It was also very obvious during this inquiry that there was a degree of confusion about the direct land sales, the direct grant of land process, in the government because we ended up with two departments claiming that they chaired the direct sales eligibility

assessment panel. The committee also spent some time trying to find on the government's websites the criteria for direct sales. So this is an area which needs to be tidied up and clarified. Again, it is one where all the rules need to be adhered to.

With respect to a particular one that is relevant to this process, when the plan was first put forward, it included a reasonably large gas-fired power station. Our understanding is that one of the reasons the government initially supported it, and supported it for a direct land sale, was the power station. The proposal was subsequently changed and that power station was significantly reduced but there was no relooking by government at whether or not it was still the right thing to do. We think that was one of the fundamental flaws and we want the criteria for the direct sales process to be significantly tightened up.

Thinking again about consultation, I have got another gem of a quote. We were talking to ActewAGL about consultation and about how much what the community said influenced them. I am afraid that Mr Costello said that, yes, they were listening to the community but they said it would go ahead anyway. He said:

If it got approval, of course. Sorry, would it not go ahead if it got approval, after following proper process?

I can understand that from a commercial point of view, but, from the point of view of the community of the ACT, this is really not the way to go about things.

One of the things that was also abundantly obvious as part of this process was that strategic planning in the ACT is lacking. Recommendation 15 states:

The Committee recommends that the Government create an ACT Planning Strategy as required by the *Planning and Development Act 2007*. The Strategy should be prepared by the Chief Minister's Department and should integrate infrastructure, transport, energy, land use, economic, population, environmental, and social issues. There should be significant community involvement in the strategy.

We were really concerned that the government is making these major decisions in a very ad hoc fashion. This is not the way in which the long-term future of the territory should be planned.

The other thing which was clearly concerning, and something which the government need to work on, not just from the point of view of planning and consultation but from the point of view of everything, was that the government seem very much to be in silos. Bits of the government are beavering away doing their thing—and that is all good—but whole-of-government cooperation seemed to be lacking in this case. We have a number of recommendations about this. I will read recommendation 18:

The Committee recommends that the Government consider making changes to the budget and accountability frameworks to support crossagency initiatives. In particular, where possible, agency performance measures should be amended to facilitate whole of government working. This should be done without undermining appropriate accountability and reporting measures for each agency.

The ACT is still a small jurisdiction. There are, I believe, 18,000 public servants. We are small enough that it is possible for the government to work as a whole, instead of having the silos that we saw during this process. Literally, one department did not know what the other department was doing.

I commend this report to the Assembly. I hope that it will go some small way towards addressing some of the pain that people, particularly in Tuggeranong, felt during the process and in some small way make a contribution to ensuring that the people of the ACT do not go through a process like this in the future.

MR HARGREAVES (Brindabella) (10.44): I draw members' attention to the first page of the committee's report. It talks about the membership of the committee. I was and indeed am a member of the PAC. I did not take part in this inquiry or in the deliberations or construct of the report. The report, however, does not say why that is so. For the purposes of the record I would like to indicate to members that I was a member of cabinet at the time of the original decision. I received a briefing as a cabinet member from ActewAGL on a number of occasions. It was totally inappropriate for me to take part in an examination of that particular process. Therefore, I withdrew from that exercise.

MR SMYTH (Brindabella) (10.45): I acknowledge Mr Hargreaves's statement. I guess the temptation, as an incoming member, to put your oar in the water must have been strong, but I think it is to Mr Hargreaves's credit that he took the position that he did.

The chair of the public accounts committee said there were two themes throughout the report—consultation and strategic planning. I would add a third, and that is simply process and accountability. Certainly, there were concerns from the community right from the start about accountability. Indeed, recommendation 5 dealt with that. ActewAGL seemed to be included in a lot of government emails as a matter of course, whereas community members were not. Recommendation 5 states:

The committee recommends that the government develop guidelines outlining clear processes for all dealings and communications with territory-owned businesses and their commercial partners such as ActewAGL. The issue of who it is appropriate to copy into emails should be addressed in the guidelines.

There was enormous concern in the community that in some instances ActewAGL seemed to be part of the government deliberation process. That, of course, would be inappropriate. Therefore, I think a third theme clearly emerges about processes and accountability. The recommendations were outlined by the chair. Recommendation 1 is very basic:

The Committee recommends that, in the case of strategic projects, a complete business case be prepared before the project is formally submitted to the ACT Government.

That is at the nub of all that I believe went wrong with this process. We have already had the revelation that the real reason ActewAGL were involved was the commercial killing that the chairman spoke about. But the problem is that the project was never

viable. It was quite stunning to find out during the discussion that AGL had not done their numbers before the project was submitted.

Going to the additional comments that I have placed at the rear of the report, I would like to read a couple of exchanges. I think it is quite amazing to be told that all of the angst, all of the pain and suffering that it caused and all of the cost to government and the community were over a project that did not make commercial sense. You have to ask the question: why was the Chief Minister an advocate of such a proposal? We spoke to Mr Costello and he said:

As I said, AGL felt that it was too small, that if it was going to build a gas-fired power station in the ACT it had to be much bigger to be an economic proposition, to fit into their plans.

I said:

So was 110 megawatts financially viable?

Mr Costello replied:

It was financially viable but it did not make commercial sense ...

It was financially viable. That means, as he later explained, that they could pay for it—so financially it was viable—but it did not make commercial sense to build it. The discussion continued and we steered away from it. I brought it back and said:

Can we go back to your statement that you could afford to pay for it but it was not commercially viable. Why wasn't that known before the DA was put in, the original DA?

Mr Costello replied:

We wanted to put the DA in to get the thing going. I must say, to be fair, AGL seemed to be more interested and later on they came to the view that it was a commercial thing: "We've looked at this again and we've finally come to the conclusion we don't think it'll work."

What sort of process led to the Chief Minister of the ACT throwing his weight behind a process that the proponent did not think would work and that the proponent did not think made commercial sense? Why did the community go through the angst that it went through when this occurred? It is not like the Chief Minister did not know. The Auditor-General points out in her report, at the beginning of paragraph 2.35:

ActewAGL prepared an economic impact statement for the initial CTC proposal. Treasury indicated its view that that this document was unreliable ...

So not only did we have a proposal that did not make commercial sense and that the proponent had not done the work on but also Treasury's own analysis was that the data presented was unreliable. In the next paragraph, 2.36, the Auditor-General says:

ActewAGL stated the value of the original CTC project to be around \$2 billion.

She goes on to say:

The Government quoted these figures in various forums without testing them.

The question truly has to be asked—and I say it in the next paragraph in my statement; I will just read it:

The question needs to be answered—

it is a shame that the Chief Minister, who was such a strong proponent of this project, has left the field and abandoned the house—

how a proposal that “did not make commercial sense,” where ACT Treasury had advised the Government that the information supplied in the economic impact statement was “unreliable” and used figures “without testing them” was given so much support from the Chief Minister.

This is at the heart of the angst in the community. This is the problem for people. We had a Chief Minister who was out scouring for a project that did not make sense. It could be funded because Actew or ActewAGL could borrow the money. It could be funded, but it did not make sense. It leads you to the conclusion that, should the project not have made commercial sense, in the end somebody had to pay for it. Who was going to subsidise this project that did not make commercial sense? The answer is the taxpayer. The taxpayer would have done it through additional assistance directly from the ACT government, or it would have paid for it through reduced dividends from ActewAGL to Actew and to the ACT taxpayer.

That was the problem with this proposal right from the start. The Chief Minister got all starry-eyed. You have to ask: why was he all starry-eyed? He was told by his own officials, “It doesn’t add up.” He never asked the proponent, “Will it work?” He can explain his part in this, but you have got to ask the question. What these extracts show quite clearly is that the support lent by the Chief Minister was not based on fact. It was based either on poor judgement on his part or some political objective. The Chief Minister needs to explain that to this place so the people of the ACT can have an understanding of how he does business. That is why I say we should add process as a third theme. Clearly, the process here is a strong example of poor governance and judgement, or it was simply a purely political decision. In either case the Chief Minister has to explain that. I hope his colleagues ask him and I hope those in cabinet at the time asked themselves what due diligence we really did. Did we ask the hard questions? Quite clearly, they did not. That is a problem because the people of the ACT have paid for it in more ways than one.

The Canberrans for Power Station Relocation group in their submission asked for an apology. I recommend in my additional comments that the Chief Minister does apologise. It is a good recommendation:

I recommend that the ACT Government, through the Chief Minister, issues an apology to the Canberra community and, particularly, to the residents of Tuggeranong, for the failure of the ACT Government to take fully into account public concerns about the proposal from CTC.

The submissions make the problem for the community quite clear. For instance, CPR said:

Consultation is meaningless unless those who are being consulted with are being listened to and have a rational chance of being heard. Consultation in the ACT is lip service.

The CPR submission was then summarised:

During this entire power station fiasco—this Government has never acknowledged the concerns of the community, never praised or supported the efforts the community put into responding and compiling researched and accurate responses to this development, attending meetings and engaging ...

Indeed many have said: “If you spoke up, you got vilified. If you spoke up, you got attacked.” If the basis of consultation is to be seen to be doing something, which it appears to be from this government, and that you attack anybody who dares to question you—and the Chief Minister is legend for attacking those that dare question him—then we are never going to get anywhere.

The problem for the government is that it does not seem to have learnt its lesson. We saw that recently with the fiasco of the purchase of Calvary hospital and the sale of Clare Holland House. It was a deal started in secret. The committee comments on this: the government has not learnt its lesson and lip-service is still only being paid. It is very important that the government gets it right. It is very important that the government understands that the community does care. Paragraph 6.15 of the report says:

Although the Government claims to have responded quite significantly to issues relating to consultation, the Committee notes concerns about the recent consultation concerning the purchase of Calvary Hospital and the sale of Clare Holland House. The Committee believes that the Government breached their own community engagement guidelines which state that major policy initiatives should be consulted over a twelve week period. However, the Government only consulted over six weeks and a day. The policy also states that consultation should avoid school holidays yet the October school holidays fell within the consultation period.

So for all of the noise and all of the press releases from the government it is quite apparent that, several years after the power station debacle, the government continues to make these mistakes. It hurts the community; it affects the community. The government must ensure that it gets it right. Proposals and the consideration of proposals should be bread and butter issues for government. Government should have processes in place to allow it to consider them accurately and expeditiously. Paragraph 3.5 of the committee’s report states:

The Auditor-General recommended that to enhance accountability and to provide clarity to the community and private sector about the requirements associated with a request for strategic project facilitation status, that the ACT Government, in consultation with relevant agencies, should develop and adopt criteria to define a strategic project and the strategic project facilitation process. The

criteria should identify when, how and what is required of proponents in relation to issues such as: a business case; financial analysis; a statement of financial and other risks, with appropriate risk allocation and mitigation measures; environmental and health impacts; planning approvals; a plan for appropriate consultation with the general community; and identifiable stakeholders; and coordination arrangements.

Going to paragraph 3.6 of the report, it states:

Almost all of these requirements were missing from the proposal that was submitted to the Government and which it strongly supported. The Committee is concerned that senior officials behaved in such a manner without having the factual basis to back up the claims. It is extremely poor process for the Government to support a project where no business case was received, the analysis provided was not accepted by Treasury, there was no clarity concerning the makeup of the consortium and the scope of the project continually changed.

That is a damning indictment of a government and how it does business. You did not get the data you required to make an informed decision. Treasury brought it to your attention that you did not have that data to make suggestions, which was ignored. A DA was submitted without the full financial backup analysis to clarify that it should proceed. It is only later in the process when the community and the opposition have held the government to account that the project is scaled down because it does not make commercial sense. That is a damning indictment of the government. That is why the recommendation says that you must have a complete business case before these projects go ahead.

There are 18 recommendations in all from the committee. I have added a few of my own. CPR made a very strong comment about the role of the Auditor-General in their submission. We now have a Chief Minister who is notorious, when he gets a bad report from the Auditor-General, for attacking that office and casting aspersions on that office and the use of resources. The final comment I would like to make relates to a quote from CPR:

CPR ... recommends that the Auditor-General be given greater funding and greater authority to audit, inspect and implement recommendations.

In my additional comments I say:

I endorse the conclusion reached by CPR that: "The importance of the Auditor-General and her role can not be under-estimated within the governance system Canberra currently labours under.

The second of my recommendations is that the Auditor-General receives extra resources as appropriate. My third recommendation is that a bill to make this place responsible for sending the budget to the Auditor-General should be passed when it comes back to this place for discussion.

This is a thorough and comprehensive report. I would like to thank those who made the effort to put it together for the committee. We had two committee secretaries at that time. One has gone on leave to do some study and I wish her well. Glenn, who has joined us in Andrea's place, has done a sterling job on a big report into a major

issue. I thank the chair for her leadership and I acknowledge the support that we have had from the secretariat.

Question resolved in the affirmative.

Health, Community and Social Services—Standing Committee Statement by chair

MR DOSZPOT (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Community and Social Services. At a private meeting on 20 January 2010, the committee resolved to conduct an inquiry into respite care services in the ACT. The following terms of reference were adopted at the private meeting on 27 January 2010: to inquire into and report on government and non-government respite care services in the ACT, with particular reference to:

- the Auditor-General's report No 3 of 2009, *Management of Respite Services in the ACT*;
- the needs of care recipients (including children, teenagers and adults with a disability, elderly people, people with mental health issues and people from culturally and linguistically diverse backgrounds) and their carers;
- the needs of staff who provide respite care, including working conditions and training;
- the range, availability and suitability of respite care services, including any unmet need;
- the interaction between government and non-government providers of respite care;
- the experience of service users who utilise government and non-government providers of respite care; and
- any other related matter.

The committee is expecting to report to the Legislative Assembly for the ACT before the end of 2010.

Planning, Public Works and Territory and Municipal Services—Standing Committee Paper and statement by chair

MS PORTER (Ginninderra): Pursuant to standing order 246A, on behalf of the Standing Committee on Planning, Public Works and Territory and Municipal Services, I present the following paper:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Inquiry into the RZ3 and RZ4 residential redevelopment policies in inner north Canberra—Discussion paper, dated 4 February 2010.

I seek leave to make a brief statement.

Leave granted.

MS PORTER: Mr Speaker, as you know, this inquiry was referred to this committee by the ACT Legislative Assembly on 25 June 2009 for inquiry and report. At that time the Minister for Planning, in speaking to his motion to refer the inquiry, said:

Cities of the future have to be more sustainable. They need to have a smaller carbon footprint. They need fewer cars, more cyclists and more pedestrians. People will need to live closer together, with more and better open spaces.

As part of the inquiry process the committee has decided to release a discussion paper to provide information to the public on current residential redevelopment policies that apply in inner north Canberra, including an overview of how and why they were implemented. This discussion paper also provides some discussion of the key issues of interest surrounding high density development along public transport corridors. The committee considers that such an approach will enhance and support the public submissions and hearing phase of the inquiry and has invited further submissions from interested parties and has extended the closing date for the receipt of these submissions to 26 February 2010. I would like to thank particularly the committee secretary, Nicola Derigo, for her assistance in preparing this paper.

Public Accounts—Standing Committee

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. On 18 June 2009 Auditor-General's report No 4 of 2009 was referred to the Standing Committee on Public Accounts for review. The report presented the results of a performance audit that reviewed the operations of the ACT Ambulance Service. The audit focused on the ACT Ambulance Service's ability to deliver ambulance services to the Canberra community and its operational performance.

The committee received a briefing from the Auditor-General in relation to the report on 8 September 2009 and a submission from the government on 8 December 2009. The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as practicable.

Public Accounts—Standing Committee

Conflict of interest issues

MS LE COUTEUR (Molonglo) (11.04), by leave: I move:

That this Assembly:

- (1) notes the provisions of section 15 of the Australian Capital Territory (Self-Government) Act 1988 relating to conflict of interest and those of standing order 156 which provide that the Assembly may decide how those provisions may be applied;
- (2) notes that all members have employment contracts with staff; and
- (3) decides that, notwithstanding these employment contracts, it is in the public interest to allow all members to participate in any future discussion of a matter, or vote on a question in relation to Auditor-General's Report No 5 of 2009, entitled *Administration of employment issues for staff of members of the Legislative Assembly*, either in the Assembly or the Standing Committee on Public Accounts.

I would like to take a moment to explain to the house why the public accounts committee is suggesting this change or this authorisation.

On 7 August 2009 the Auditor-General presented a performance audit entitled *Administration of employment issues for staff of members of the Legislative Assembly* to the Speaker. I imagine that all members have read that, but it was an audit that examined issues relating to the termination payments to MLA staff, the use of volunteers by MLAs and the management of attendance and leave records by MLA staff.

As you can imagine, when it came to PAC we were in something of a dilemma as to what to do with it. Clearly, every member of PAC being an MLA, we had employment contracts with staff, so we formed a view—we did not have to make a lot of effort to form the view—that there were clearly potential conflict of interest issues arising from the examination of the report, particularly given section 15 of the act and standing order 156. Standing order 156 states:

A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract. Any question concerning the application of this standing order shall be decided by the Assembly.

So the Assembly is in a position to make a decision on this. In looking at it, the committee felt that it was in fact in the public interest for someone, some part of the Assembly, to look at the Auditor-General's report rather than it simply being noted and not addressed. In considering that, we wondered whether there would be any committee other than PAC to deal with the matter. But every other committee had exactly the same conflict of interest issues as PAC, so we could not see that as being a solution to our problem.

We did take advice from the Clerk about the conflict of interest issues. After considering that and debating it amongst ourselves, we decided that moving the motion which I moved today was probably, all things considered, the best way forward. It is desirable that the Assembly consider the Auditor-General's report into the matters which relate to internal administration. PAC is the logical committee to do so, and the conflict of interest issues will be there regardless of which committee deals with the matter. So I seek the Assembly's agreement by passing this motion that, given the situation, this is the best way forward.

Question resolved in the affirmative.

Well Station Drive extension

Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing), by leave: On 11 November last year, the Assembly agreed to a motion put forward by

Mr Coe that was subsequently amended by Ms Le Couteur. The motion called on the government to abandon the current proposed alignment of Well Station Drive in favour of an eastern alignment.

In response to the motion, an alternative eastern alignment, adjacent to Sullivans Creek, was further investigated by the ACT Planning and Land Authority and the Department of Territory and Municipal Services. These investigations found that the suggested realignment would add significantly to the cost of the road and result in a less efficient traffic outcome. In short, to realign the road would cost ACT taxpayers an extra \$5 million and take about an extra 18 months to construct. This delay would severely compromise the government's residential land release in Gungahlin in the short to medium term.

The investigation found that there were a number of problems with the proposed realignment adjacent to Sullivans Creek. The ground next to the creek is considered by engineers to be not suitable for road construction. The alluvial soil would need to be removed and replaced. This, I am advised, is a lengthy and expensive procedure. Also, the road would need to be built at a higher level to prevent inundation from Sullivans Creek during flooding. The side of the road would also require protection against flood waters to prevent it from washing away. Finally, an alternative eastern alignment would require the relocation of the Well Station Drive and Horse Park Drive intersection. For this to occur, the existing bridge over Sullivans Creek would need to be widened to incorporate turning lanes into Throsby and Well Station Drive. There is also the possibility that the bridge is not structurally capable of being widened and would need to be replaced. All of these factors would add significant costs.

In light of this information, and following extensive discussions between my office and that of Ms Le Couteur, the Greens party have reached the same conclusion as the government—that such an investment in a realignment does not represent the best use of taxpayers' dollars.

I can assure the Assembly, as I have the Greens party, that the concerns of residents proposing this realignment have been listened to. ACTPLA has organised an information newsletter that was delivered to residents in Harrison. There has also been a dedicated feedback email address, where those who raised concerns received a personal response from ACTPLA's planning services branch director. ACTPLA staff also gave a presentation to the Gungahlin Community Council meeting on 11 November last year and responded to residents' concerns. Senior government officials, including the Director of Roads ACT, met with concerned Harrison residents on site. Those officials were able to confirm that all relevant design and construction standards for the new road would be met.

I can assure the Assembly that issues such as noise and traffic safety have received thorough attention in the road's design. I have been advised that an independent road safety audit has been undertaken on the road design and that the final design meets all required standards and specifications. I can also report that the government has brought forward the signalisation of the intersection of Well Station Drive and Horse Park Drive in response to the issues raised by residents.

In closing, let me say this: I stated in the Assembly last year that of course it would be the politically easy decision for the government to say yes to a realignment proposal. I recognise that some in the community will not be happy with the outcome I have announced this morning. But from time to time governments, and indeed crossbenchers, are required to make difficult decisions. This is one of those occasions.

Ms LE COUTEUR (Molonglo), by leave: I will very briefly respond to this, given that there will be a further opportunity to speak on the subject later today in the discussion of the matter of public importance.

The Greens are very pleased that Mr Barr has chosen to make a statement to the Assembly about this matter. The Assembly did make a determination late last year, and from an accountability point of view it is very important that executive government reports to the Assembly on the progress of any motions the Assembly passes, particularly in a case like this, where the executive government is choosing not to do what the Assembly wished.

I will very briefly go through why we have reluctantly come to the position that we understand—"support" may be too strong a word—why the government is making the decision it is making.

When we supported the motion in November, we thought that realigning the road could not cost a lot of money. The road, after all, had not been built, and the new road was going to be shorter. It did not occur to us for an instant that the realignment would cost the sort of money that Mr Barr is talking about, which I believe is in the order of \$5 million to \$6 million.

Mr Barr has already gone through some of the issues that make the road alignment more expensive than it would appear at the onset; I will not go over that again. I understand that the costings at this stage are still not totally detailed, but I do understand some of the dilemmas of ACTPLA and the government dilemmas here. I understand that it will cost probably \$800,000 to \$1 million to do enough work to know precisely, absolutely, what the cost of redoing the road is. That is about the sort of money that, when we started this debate, I thought it should cost to do the whole realignment. I can understand the government's reluctance to spend that money on an investigation to find out how much more money it has got to spend.

The \$5 million estimate includes, as Mr Barr said, the issues of the bridge and the replacement of the soil. While I agree that it is possible that the \$5 million could possibly be less, it is also possible that it could be more. I believe there is a reasonable amount of contingency in there, but given the recent history of projects like this—such as the Cotter Dam: it is slightly bigger, but we started off with \$140 million and I think we are up to \$365 million—it is hard for us to say that putting a contingency amount in is not reasonable.

One of the other concerns about the proposed rerouting which we did not appreciate at the time was that the eastern alignment would trigger an EIS. I am sure you would appreciate that the Greens in general do not wish to advocate things that would trigger an EIS, because basically the results of an EIS are always just about how to mitigate

environmental impacts; they are never about how to avoid them entirely. In this case, I guess the only way to avoid that particular lot of environmental impacts entirely is to not put the road on the eastern alignment but leave it on the original alignment.

One issue which is fairly central in our minds in saying that we understand the government's position is that the ACT is in a budget deficit position. I believe that the ACT government expects that this will be the case for the next seven years. We have to think very carefully about any additional expenditure when there are other things which are priorities which are not being funded. There is a standing order in the Assembly, standing order 200, which basically says that the Assembly cannot make the government spend money. It is about money proposals. I appreciate that this was not a money proposal: the motion was passed; clearly, otherwise it would have been ruled out of order. But I do appreciate the thought behind that standing order, and it is one of the problems in terms of the Greens standing up and proposing to spend the additional amount of money that it now appears that the road would require.

Another thing that has influenced our deliberations is that, as Mr Barr mentioned, if the road was realigned there would be substantial delay. There would be an EIS and a lot of studies to be done. That would mean that the Harrison 4 land release program would be delayed. I know that the Liberal Party has spoken a lot about housing affordability and is concerned about it, as are the Greens. An 18-month delay in this release will not make housing affordability any better. I must say, of course, that the Greens do not think that greenfield development is the only answer to housing affordability; we would welcome a broader debate on housing affordability. But in looking at a change which would put back this release, we have to look really carefully at all the implications of any potential change, and housing affordability is one of the issues. I am not sure that this has all been thought through.

Another issue is this: more than a year ago, when I went out to see the residents of Harrison, they said to me that their number one concern was safety. I could quite see their situation. Where the current alignment, the proposed alignment, is, there is not a huge amount of visibility on each side. That has been one of the major reasons that I have been very concerned about this road alignment. I have to say that I have been very pleased that, as a result of the Greens' pressure, TAMS have redone the traffic study for the road and, as Mr Barr said, the government has committed that the intersection will be signalised from day one. This will substantially reduce any safety concerns about the alignment. It was a combination of that and, partly, financial issues that caused us to re-evaluate the issue.

Another point was that wherever the road went it was going to have an impact on some residents. Clearly this is not the outcome that the residents of Carpentaria Street desired. In the government's defence, let me say that this road alignment has been in the territory plan since 2003; while clearly a large road is going to impact on residents, at least this was something that they knew about.

I have spoken earlier about one of our bigger issues being financial responsibility. Clearly if we are going to spend another \$5 million there are a lot of things to spend money on. Only about a quarter of an hour ago, in my role as chair of PAC, I mentioned that PAC is going to have an inquiry into ambulances. To give just one instance here, let me say that the current waiting response time for ambulances in

many areas of the ACT is above the Australian standard. This is something we need to spend money on.

There are many things that we need to spend money on. I am not going to spend an hour talking about this; I will just get back to more road-related expenditure. An extra \$5 million will not reduce road transport in the ACT or in Harrison. I would have to say that I would be vastly more positive if I thought that the road realignment would lead to a situation where we did not need to have as much road traffic. If we were not going to be as car dependent, I would be much more positive. I would also say that it is my hope, my very strong hope, that, to quite an extent as a result of the work all four Greens are doing here on trying to reduce Canberra's car dependence, there will never be a four-lane highway in front of Carpentaria Street and that, after the two-lane road—one lane in each direction—is built, the ACT's love affair with cars will cool and the road will never, ever need to be duplicated.

If we are talking about roads, of course there are many other road areas where residents are living next to very large, busy roads. The residents of north Canberra next to Northbourne Avenue, which is a six-lane highway, come to mind, as well as many residents in the inner north who moved into houses 20, 30 or 50 years ago in areas with what were very low volume roads and now are very high volume roads.

I was very surprised that in his statement Mr Barr left out his signature line about politics in planning. In the interests of continuity—

Mr Barr: Why don't you say it for me now?

MS LE COUTEUR: I will put that in.

Mr Barr interjecting—

MS LE COUTEUR: If you have a new line, I will have politics in planning. The Greens' view has always been clear: there is a role for politics in planning, but that role is in setting the strategic direction and the consultation frameworks, getting the territory plan right and all of those things. It is not desirable to have the Assembly trying to be traffic engineers and do the alignments of roads on the floor of the Assembly. I do not believe that there is anyone in the Assembly who actually thinks that is the best way of doing road alignments.

Clearly this is an example of community consultation which has not worked well. I do not think anybody could say that it is community consultation that has worked well. I quite understand why the residents are concerned. Clearly there will be a loss of open space and clearly there will be noise. As far as we are concerned, it has not been good consultation. In the future when roads are planned like this, one thing that would probably be very useful would be to put a sign up a lot earlier. I know that the government did that a number of years ago to mark future urban areas. You go past these signs and you think, "Mmm." It would be very useful if the signs also said "future major road" so that people would appreciate that the road actually is there. Some people buying houses do not actually read the territory plan first. I do appreciate Mr Barr's point that if they had read it they would have appreciated it, but not everybody does that.

I have to say that I am disappointed that we have ended up the way we have ended up, but given the competing priorities and given that the major safety impact issues have been addressed by the government, the crossbench will understand the government's position on this. I thank Mr Barr very much for coming and reporting to the Assembly on what the government plans to do as a result of the motion. That is really important.

MR COE (Ginninderra), by leave: I do not intend to speak for too long now, because I note that the matter of public importance today is on the realignment of Well Station Drive, but I do think it is important to reflect on the comments of Mr Barr and Ms Le Couteur today.

I have got to say that it is bitterly disappointing. It is bitterly disappointing how we have come to this point in time and how we have come to this decision. I would love to know how the Greens came to this decision and I would love to know what information came from the minister's office and when it came.

We heard Ms Le Couteur speak, just then, about the finances. The costs of this are still uncertain. She said herself that we still do not know a definitive amount as to how much it is going to cost. "Roughly \$5 million." That is a nice round figure, isn't it? I do not think that the information we have seen or heard from the minister is enough for us to go to the people of Harrison, look in all their eyes and say: "Sorry, you're not getting the road on the other side of the hill. You're not getting a safer road. You're not having your amenity improved."

All this is based on a back-of-an-envelope quote from Mr Barr. It is absolutely disgraceful that here we have the Greens subscribing to Labor Party ideology on this simply to satisfy Mr Barr's arrogance. There is a very clear trend developing in this place. If you speak to the Greens one on one, they tell you something, and quite often it is a very honest and sincere opinion. Then over time—over a few weeks, over a few months and over a few telephone calls from the Labor Party—their position changes. We see it time and time again. Their position changes. That is exactly what has happened here. Just a few weeks ago, and in the chamber a couple of months ago, Ms Le Couteur said, "We need to get all the figures." Ms Le Couteur said, "We haven't got all the information." She still does not have all the information, yet they have changed their line. It is bitterly disappointing.

It is all very well just to think of it as theatre in this place, but the fact is that this is all very real. This is all very real for dozens, if not hundreds, of people who live on Carpentaria Street in Harrison. This is very real. I challenge everyone here to go and have a look at that street and to have a look at where that road is going to be placed—where Well Station Drive extension is going to be placed. It is horrifying. It is horrifying to see it. How many people here have ever been to Harrison? Some of those opposite probably never have. I challenge people here to go and have a look at that road, doorknock those houses and speak to the people there. If you do go out there—

Mr Rattenbury: Have you done that?

MR COE: Yes, I have. I have been out there. I have knocked on the doors. I have spoken to the Carpentaria residents, Mr Rattenbury. Have you? You are a member for that area. You are a member for that area, and you have not. Have a long, hard look at how you are going about making your decisions in this place, because if you are going to make decisions based on the back-of-an-envelope quote you get from Andrew Barr, I do not think democracy is being served very well. Democracy in this place is in jeopardy if all it takes is a back-of-the-envelope quote given by Andrew Barr to a member of the Greens to satisfy their decision to side with the Labor Party.

What we have here is a coalition. We do not have two parties. We do not have two parties at all. We have Ms Le Couteur defending the Labor Party on a position which is really indefensible. There is no information; there are no costings. Yet here we have the Greens subscribing to Mr Barr's mantra about this road. I will go into this in a lot more detail during the matter of public importance, but I do not think we have seen the last of this. I think a lot of people in Harrison are going to take this a lot further, and I encourage them to do so.

It is also worth remembering that this government set up the community councils. The Gungahlin Community Council have been extremely thorough in looking into this issue, yet the government has totally rejected their comments, has totally rejected their consultation and is totally unwilling to act on what they said.

It is one thing to actually conduct a consultation. We saw that in Hawker; we saw that in Nicholls. It is one thing to conduct a consultation, but if you do not actually listen to the consultation and if you do not actually act on what you hear, it does not mean much at all. And that is what we are seeing here.

It is bitterly disappointing. It is bitterly disappointing for all in this Assembly and it is particularly disappointing for those in Harrison, who are getting a very raw deal because of a decision made by the Labor Party and the Greens.

National Multicultural Festival 2010

Statement by minister

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women), by leave: I rise today to inform the Assembly of the success of the 2010 National Multicultural Festival, which was held from Friday night, 5 February, through to Sunday, 7 February.

Having experienced the festival for the first time as minister, I would like to record how proud I am to be involved in such an event, an event that promotes the cultural, social and economic life of this city and an event, of course, that is also great fun.

As in previous years, the ACT government supported local community groups to participate in the festival as a way of building social capital and the capacity of local leaders, organisations and service providers from diverse backgrounds.

Those who participated in and attended this year's festival demonstrated that multiculturalism is indeed interwoven into the fabric of this city. The festival shines a light on the rights of individuals to preserve, express and enjoy their cultural heritage and traditions, upholding the values of respect and diversity. The festival also provides Canberrans with an opportunity to share cultures through food, song, dance and through the diplomatic corps.

I would also like to take the opportunity to highlight the efforts of volunteers in their wonderful community service, and I thank them for their support.

It is good to note that ACT Policing reported the event to be incident free. To me, this is another indicator that the ACT is a leader in multicultural affairs, and I congratulate the ACT community on making our event safe for everyone.

I also thank the business sector and diplomatic community for their leadership and for their support of the festival over a number of years. The key sponsors were Fyshwick Fresh Food Markets, ActewAGL, the Australian National University, ACTTAB and newcomers such as Barlens.

There were many highlights of the festival. On Friday, we had our marvellous "face of the festival", the Australian cricketer Lisa Sthalekar, arrive in the morning so that she could spend time meeting about 70 local primary schoolchildren and playing cricket with them. We had backyard cricket in Civic Square, so it was a fantastic morning and the children were quite happy. They were shy to begin with, to bowl against an international cricketer, but it did not take them too long to warm up and to want to participate.

Lisa was then honoured to be guest speaker at one of our citizenship ceremonies. During that, Lisa told the crowd of her story, her journey to be an Australian and how Australia afforded her the opportunities to chase her dream to represent Australia in the game of cricket. Lisa told the crowd at the Friday night official opening of the festival that being part of the citizenship ceremony was one of the most moving experiences of her life and she owned up to shedding a tear at being part of such an important event in the lives of people—becoming an Australian citizen and becoming part of our Canberra community.

Over the entire weekend, people of all ages and from all backgrounds got to know each other through interactive workshops—which were a first at this year's festival, I understand—to enjoy the glorious food and to admire the dancers, singers and artists. No-one can argue with the quality of the performances across the weekend. Having watched many of the acts, I could see that the spirit of the performers was uplifted by the level of crowd support and enthusiasm.

Without a doubt, one of the highlights of the festival on the opening night, Friday, was the Global Concert. Not even the rain could stop the fun of that evening. As you know, when the rain did stop, the crowd grew to around 4,000 people, according to the *Canberra Times*, and we were delighted by all the amazing performances, such as Sol Nation and the four divas, Deni Hines, Melinda Schneider, Paulini and Emma Donovan.

The Food and Dance Spectacular no doubt remains the favourite event—and who could resist the food that came through Civic that day? The Pacific Islanders Showcase also provided wonderful sounds, and I believe we were treated to a cameo performance by one of our own, Mr John Hargreaves.

Carnival in the City on Saturday night drew in crowds, me included, who danced the night away and listened to the fabulous Latin American music of Los Chavos, Salsa Kingz and Mi Tierra. Saturday drew in more than 70,000, with some saying there were 100,000 through the day.

On Sunday I was keen for more, as were another 20,000 to 30,000 people who participated through that day, as estimated by festival logistics staff and stallholders. We are still waiting for the final numbers to come through. Around 90 stalls and three stages of entertainment made for another great day.

We started out with the Chinese new year celebration, where I painted the nose of the Chinese dragon. I went on to India in the City, where I had my first Bollywood dancing lesson. I understand that other MLAs share my enthusiasm for Bollywood dancing, so I might come and ask for some private lessons at some point.

Little did I know, though, that, after that, when I went to open the Greek Glendi, I was to be doused with water and “baptised”. Whilst it may have been a somewhat inelegant baptism, with a bottle of water thrown over the back of my head, it was indeed a privilege to be baptised and given a name by the Greek community.

I am grateful to the people who transformed Canberra’s city centre into such a wonderful showcase of art, culture and tradition. The Civic triangle, with three main stages plus other workshop areas, was jam-packed with colour and energy for the whole weekend and it was a great use of our common space.

Sunday also saw the community and government services come out in force to provide information about their services at Contact Canberra, which is now in its sixth year. What an impressive array of services they are, and I thank the hundreds of staff and volunteers who gave their time on Sunday to engage with the community and let them know what a wonderful array of government and community sector services we have here.

I am pleased to be able to provide a preliminary report on the festival. On Saturday alone there were more than 100 performance groups and 250 food stalls. There have been various estimates of attendance, including from some very experienced crowd estimators such as the police, our own festival ground staff and, of course, the *Canberra Times*. Whilst we await more detailed information on participant demographics—this is sourced from festival surveys—we estimate that over 130,000 people attended over the three-day festival. This is a great indication of the popularity and esteem with which this festival is held by our community.

I understand that there may be interest in the cost of the festival, based on previous years’ experience, and I am pleased to say that my department advises me that, while we need to wait until all the bills come in, it certainly looks like we are on track and

we have met the challenges. We have delivered a three-day wonderful spectacular for the people of the ACT and we have delivered on our commitments. We were well able to accommodate full and rich community participation within a defined festival footprint within the heart of Civic. This has made for a vibrant event as well as having the benefit of containing infrastructure and associated costs.

I acknowledge that Canberra benefits from our National Multicultural Festival. Indeed, this year there was a focus on ensuring that older people, young people, women and refugees were especially engaged and supported to participate in the festival. On the number of times I passed by the sanctuary and dropped in, it was really well attended and supported, and it was good to see space for people who needed time out with young families or older Canberrans.

It can be just one encounter with a particular culture during an event such as this which can trigger significant and lifelong changes for families and individuals. This in turn helps to build a more inclusive society and can uncover a new level of understanding in each of us.

As we move forward from this thrilling experience, the future of the National Multicultural Festival in all its facets is very much at the centre of my thoughts. In this regard, I have asked the Office of Multicultural Affairs to draw on the discussions with stallholders, embassies, organisers, sponsors and the visitors who came and who were surveyed at the event. I have no doubt that this feedback will celebrate the progress we have made. It will reaffirm our commitment to the festival and provide a measure for future challenges.

When everybody is having so much fun, it is easy to forget that successful festivals like this do not organise themselves but are the coming together of many months of hard work behind the scenes by people working collaboratively across the ACT government and the community sector. So I would like to personally thank all of the staff within the Department of Disability, Housing and Community Services and the Office of Multicultural Affairs for their efforts; the 100-plus volunteers who made the festival and the three days work so successfully; the stallholders that again showed their commitment to the festival; and the embassies and the diplomatic corps for their support.

There is no doubt that the 2010 National Multicultural Festival was a success, thanks to the efforts of organisers, community groups, the diplomatic community and the sponsors. I would like to reiterate my praise for sponsors who through their financial support have shown such faith in our festival. Social and economic participation is often spoken of but rarely realised. The level of community engagement in the festival highlights that Canberra is truly a multicultural community—a cohesive, strong community with a great understanding of ourselves and each other.

Just before I finish I would like to read extracts from a couple of emails already received from performers. One says:

We had a fantastic time performing at the festival this year. It is a credit to you and your whole team who have put a wonderful festival. It was very well organised and all the volunteers and organisers were friendly, helped out with our needs on the day. Congratulations and well done.

Another says:

Isn't this a real success? Wishing you relaxed days while the counting of the numerous successes of the festival of 2010.

This is from a community group:

The location of the festival this year was great. It was good to see people from all groups and associations working together. We are looking forward to participating again at next year's festival.

Finally, I cannot resist saying to the naysayers opposite, who questioned the changes of the days, who questioned the participation policy, who tried their darnedest to take the air out of a celebration balloon last year: where were you over the weekend? How could you not be in the heart of the city and miss the atmosphere of inclusion and celebration? You talked down the weekend that showcases our multicultural community, and I am pleased to say that the community itself did not listen to you. They came out and supported the festival, showing the belief in and the commitment they have to not only their own communities but the ACT.

Finally, I would like to thank all those involved for their contribution to the success of the wonderful event that we know as the National Multicultural Festival.

Education Amendment Bill 2010

Mr Barr: I seek leave to present the Education Amendment Bill 2010.

Leave not granted.

Standing and temporary orders—suspension

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.47): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Barr from presenting the Education Amendment Bill 2010.

It is disappointing, Madam Deputy Speaker, that on executive business day the government is not able to have the support of the opposition to introduce an important bill, one that clearly has been the subject of some debate in this place before and one that it would appear all parties agree is an important matter to debate. So, in seeking leave this morning, I was hopeful that I would be able to introduce this bill on the first sitting day of the year, befitting of its importance. However, if the opposition parties are going to deny me that opportunity then, of course, I will take the opportunity that is presented on Thursday to introduce the bill.

It is disappointing—and it does cast in a certain light the position of those opposite on this matter—that this is something that they consider worthy enough to have brought

into the media and to have expressed a view on but they will not allow the government today to introduce this bill. I do not intend to bring this to a division; I do not think that there is a particular point in that given the position, as I understand it, of other parties. But I simply put on the record that the hypocrisy of those opposite in relation to this matter is there for all to see.

All they will be achieving this morning by denying me leave is delaying this matter by two days. That seems to be a very petty and small-minded way to start the year in the Assembly for 2010. But it is what we have come to expect from those opposite—opposition for opposition's sake, and they have started 2010 exactly as they finished 2009. It was interesting that a number of commentators over the summer indicated that the ascension of Mr Abbott to the leadership of the Liberal Party was all about opposition for opposition's sake, and it seems that they have borrowed the mantra at a federal level of the ACT Liberals.

Mrs Dunne: On a point of order, Madam Deputy Speaker, Mr Barr is supposed to be debating why standing orders should be suspended. The disposition of the opposition in relation to this bill is irrelevant. The disposition of Mr Abbott in relation to this bill is irrelevant. He is supposed to be debating why standing orders need to be suspended.

MADAM DEPUTY SPEAKER: Mr Barr, if you would just stay on the subject, please.

MR BARR: Thank you, Madam Deputy Speaker. In the time that remains I reiterate that this is an important bill. It is a bill that the Assembly considered last year and rejected. This is the first opportunity to reintroduce it, as per the standing orders. I am taking this opportunity—or seeking to—and it is petty and small minded of the Liberal opposition. It is classic opposition politics—opposition for opposition's sake. They have commenced 2010 as they finished 2009. They are an irrelevant rabble, and you see this again this morning.

MR DOSZPOT (Brindabella) (11.50): Madam Deputy Speaker, there is absolutely no case to suspend standing orders here today. Standing order 168 clearly states that notice of intention to present a bill shall be given by a member. "Notice" is the operative word here. The government is afforded plenty of time during a sitting week to present bills, so I wonder why Mr Barr is wanting to present this bill without the usual protocol being observed. Why, Mr Barr? Why?

Why this rush, Madam Deputy Speaker? Mr Barr should wait his turn and present his bill on Thursday and provide us with the appropriate notice, just as he does normally every other sitting week. Other than wanting to play a game of one-upmanship, political games, the minister does not have a logical reason to suspend standing orders in order to present his bill without notice today. All we hear is the usual spin for spin for spin.

In fact, if Mr Barr was in such a hurry to bring this bill forward, why did he not allow debate to occur late last year when the opportunity was presented to him? And why was he not able to discuss his intention and his proposed bill with the opposition and the Greens during the three months since we last discussed this issue? These are questions that Mr Barr cannot answer, because he only has one motive for this course

of action today. The minister could not take any reasonable course of action. His way or the highway.

The real shame of this is that, leaving aside the ACT Greens, with all due respect, two parties in this place—the opposition and the government—fundamentally agree on the basic premise of the bill that Mr Barr wants to present. We fundamentally agree on empowering principals, and we simply wish to give our ACT principals the same rights, the same decision-making capacity, that their counterparts in the independent school system and all the New South Wales schools already enjoy. But Mr Barr does not trust our principals. So, while Mr Barr is making statements publicly—

MADAM DEPUTY SPEAKER: Mr Doszpot, you must address the issue of the suspension of standing orders, not the actual subject of the bill.

MR DOSZPOT: I am now debating that point, too, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: No, you are not debating that; you are debating the suspension of standing orders.

MR DOSZPOT: Okay. So, while Mr Barr is making—

MADAM DEPUTY SPEAKER: Stick to the subject of the suspension of standing orders, please.

MR DOSZPOT: Thank you. So, while Mr Barr is making statements publicly about how much he is committed to engaging the opposition and the Greens in discussions in a bipartisan approach to this serious issue, it seems very strange and quite contradictory to be wanting to jump the queue with this current request which, again, was not brought to our attention—no notice. I believe that this new Assembly has shown that it can stand up—

Ms Gallagher: On a point of order, just going back to your previous ruling, Madam Deputy Speaker, as to relevance, Mr Doszpot continues to debate the subject of the bill; not the suspension of standing orders. I ask that you bring him back to the suspension of standing orders.

MR DOSZPOT: I disagree, Madam Deputy Speaker. I said he was jumping the queue regarding notice.

MADAM DEPUTY SPEAKER: Mr Doszpot, resume your seat.

Ms Gallagher: It is about whether we suspend standing orders.

MR DOSZPOT: Sure, and that is what I am talking about, too.

Mr Hanson: On the point of order about relevance, what Mr Doszpot is saying is entirely relevant; it is about the rationale for when Mr Barr is going to introduce his bill. The point that Mr Doszpot is making is that it does not need to be introduced today; it can be introduced on Thursday as it normally would be, and Mr Barr is trying to jump the queue. That is the substance of what Mr Doszpot is saying.

MADAM DEPUTY SPEAKER: Mr Doszpot, again you are straying from the standing orders, which are the subject of the debate. You must confine your remarks to the suspension of standing orders.

MR DOSZPOT: I believe I have, Madam Deputy Speaker, but I shall continue to try and observe your comments. I believe that this new Assembly has shown that it can stand up to the bully tactics and the spin tactics of this minister, and Mr Barr can wait his turn and present his bill on Thursday, with the correct notice, as required by the conventions of this place. Mr Barr cannot see the forest for the trees. His main aim today is to get there first, to be there first. They are very shallow reasons to suspend the standing orders of this place, and the opposition will certainly not support the suspension of standing orders for these reasons.

MR HARGREAVES (Brindabella) (11.55): Madam Deputy Speaker, today is executive business day; this is not private members' day. That is tomorrow. Mr Doszpot had already decided to deny Mr Barr leave to put forward a piece of executive business on executive business day. Now, ordinarily, when a member seeks leave and it is denied, usually it is a sort of reactionary thing. But I have to tell you, Madam Deputy Speaker, I do not know too many people whose instant reactions can produce a typed speech. It was a typed speech. That means, in fact, that those opposite were going to deny Mr Barr the opportunity to prosecute executive business on executive business day as early as this morning. So the whole hoary argument was probably concocted over cornflakes this morning.

Mrs Dunne: On a point of order, Madam Deputy Speaker, again, this is a question of relevance. The debate is whether or not standing orders should be suspended, and it is not relevant whether Mr Doszpot has a typed speech or not. That does not relate to the question.

MR HARGREAVES: Madam Deputy Speaker, on the point of order, what we are going to here is whether or not this is a genuine denial of an opportunity for the minister to prosecute executive business on executive business day or whether or not it is just a ploy.

Mr Hanson: On the point of order as to relevance, Mr Hargreaves needs to address the issue rather than try to second guess Mr Doszpot's motives.

MADAM DEPUTY SPEAKER: Mr Hargreaves, just stick to the question.

MR HARGREAVES: Yes, I will stick to the question. The question really is whether or not it is justified to deny the minister the opportunity to suspend standing orders to allow the minister to prosecute executive business on executive business day. So, there can only be, really, one motive in denying the minister the opportunity to prosecute executive business on the day set aside for just that purpose—that is, because they are worried. This is not a debate on the bill; this is just a presentation of it. I can only surmise that those opposite are frightened of what Mr Barr might very well put down and that this is, in fact, just a ploy to actually give voice to that fear that Mr Barr might be presenting a bill which makes some sense.

What they want to do is deny Mr Barr the opportunity to put executive business on the table so that they can, in fact, produce something at another time and place which is, in all probability, going to be illogical and inappropriate. This denial of suspension of standing orders, the denial of leave, is quite undemocratic.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.59): The Greens will not support the minister's request to seek the Assembly's permission to table the government's Education Amendment Bill 2010 and to suspend standing orders today. We have not heard a valid reason from the minister as to why the Assembly should not follow procedure by conducting today's business according to the notice paper.

It is convention within this Assembly to follow the notice paper unless a good reason can be shown as to why alternative business should require the urgent attention of the Assembly. The notice paper not only serves the Assembly but also allows constituents and interested groups to receive notice as to what issues are before the Assembly. I am sure that if proceedings are changed at the last minute, concerned constituents would be searching the *Hansard* for valid reasons as to why that change occurred. Therefore, I encourage the minister to bring the bill to the house on Thursday as is in accordance with the Assembly's normal procedures.

There is more than adequate provision and time for the minister to table this bill on that day. I remind the Assembly that we have not been given adequate reasons as to why Thursday is not an appropriate time to table the bill, and the Greens cannot commit to the record a sufficient explanation to support the suspension of standing orders on this matter today.

Question resolved in the negative.

Revenue Legislation Amendment Bill 2009

Debate resumed from 12 November 2009, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (12.01): The opposition will be supporting this bill. I thank the Treasurer for arranging a very useful briefing on this matter. As far as the opposition is concerned, an action that results in a simplification of regulation and administration is welcome, provided, of course, that there remain appropriate checks and balances on the use of public funds. The four matters that are included in this bill broadly deal with regulatory and administrative matters. Three of the matters concern the first home owner scheme.

The first of these matters relates to residency. It proposes to extend the period within which an applicant may apply for a variation of the six-monthly period of residency because of unforeseen circumstances. This appears to be a reasonable proposition. The situation that is envisaged relates to a person who has gained a grant under the first home owner scheme and who is faced with unforeseen circumstances that mean the person is unable to satisfy the requirement to live in the relevant property for a continuous period of at least six months.

Some examples of the type of situation that may arise for an applicant and, therefore, for the commissioner include a person who may not be able to live in their home due to health issues that require them to be hospitalised or to live in a rehabilitation or care facility; a home is rendered uninhabitable through no fault of the applicant—for instance, a home destroyed by bushfire, as we know so well in the ACT—or indeed a person who is a member of the defence force and is posted interstate or overseas unexpectedly. As an aside, I can say I know about that. My sister's husband has recently been moved to Perth at very short notice. Hence, I empathise with these issues.

In these types of situations, circumstances which were not known at the time of application or commencement of the eligible transaction have arisen to prevent the applicant meeting the residency requirement and the person is likely not to have had sufficient time in which to apply to the commissioner for the exercise of discretion relating to the residency period. This provision will provide the commissioner with discretion to exempt or extend the residency requirement for a first home owner grant.

The second of these matters also relates to residency. This concerns the situation where there have been two or more applicants for a first home owner grant and the circumstance of one or some of these applicants changes, such that they will no longer satisfy the residency requirements. Under this proposal, the commissioner will be able to provide an applicant with an automatic exemption from the residency requirements, provided that at least one other applicant complies with the residency requirement.

The third of the matters concerns the identification of reviewable decisions. There has been some confusion about which of the commissioner's decisions in relation to the administration of the first home owner scheme are able to be reviewed. The proposal in this bill will clarify that reviewable decisions are those decisions that are made by the commissioner under section 29 of the act. These amendments will provide benefits to applicants and to the commissioner. They will assist applicants by clarifying the process for objecting to decisions that have been made by the commissioner and they will provide the commissioner with greater flexibility to take account of unforeseen circumstances experienced by applicants.

I now turn to the fourth amendment. This applies to the Taxation Administration Act. Currently, taxpayers have an unlimited period within which to lodge applications for the refund of tax paid. The proposal in this bill is to place a limit of five years on the period within which taxpayers must apply for a refund of tax. This amendment will bring the ACT into line with all other jurisdictions, except Tasmania. Tasmania has a limit of three years. All other states have five-year limits.

The community will benefit from this provision as good governance dictates that there should be a finite time within which application for refunds of tax can be made. An open-ended arrangement is generally not good public policy. While some people may argue that a period of longer than five years should be maintained, I would argue that anyone who needs more than five years to make an application for a refund of tax is not managing their tax affairs efficiently.

The proposal appears quite sensible and realistic. I commend the bill to the house.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.05): The Greens will be supporting this amendment bill as we understand that these amendments will provide greater clarity for those who are eligible for the first home owner grant and for taxpayers in general regarding issues surrounding overpaid tax. I thank the Treasurer and the department for the briefing recently.

The first amendment to the First Home Owner Grant Act 2000 seeks to clarify that a reviewable decision by the Commissioner for ACT Revenue is, indeed, open to review and so removes any confusion regarding what course of action is available to those seeking to challenge a decision by the commissioner under the First Home Owner Grant Act.

The second amendment allows for a greater extension of time, from 12 months to 18 months, for applicants to apply to the commissioner for an extension or exemption from the six-month continuous residency requirement. This will allow a greater flexibility for those who, for unforeseen reasons, cannot meet the residency requirement.

The third amendment regarding the first home owner grant also allows greater flexibility in cases where a grant application is made by joint applicants and that not all those applicants are able to meet the residency requirements. This allows the commissioner to exempt the non-complying applicants, provided that at least one applicant can comply.

The last amendment in this bill relates to the Taxation Administration Act 1999. This change will cap the time limit in which a taxpayer may apply to the commissioner for a refund of tax paid. The time limit will now be set at five years, which is in line with other jurisdictions.

The Greens welcome these changes which will increase flexibility and clarify arrangements for first home owner grant recipients and taxpayers.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.07), in reply: I thank Mr Smyth and Ms Hunter for their support for this bill. As other members have discussed, the amendments contained in this bill are fairly straightforward amendments to the First Home Owner Grant Act and the Taxation Administration Act.

The first amendment to the First Home Owner Grant Act replaces the term “reviewable decision” in section 31 of the act with “a decision of the commissioner under section 29”. A reviewable decision is a decision by the Commissioner for ACT Revenue in relation to an objection by an applicant for the first home owner grant. This amendment points to section 29 of the act, which states that the commissioner must consider an objection and either disallow it or allow it in whole or in part. Any decision made under section 29 of the act is appealable in the ACT Civil and Administrative Tribunal.

Where first home owner grant applicants cannot meet the residency requirements, the First Home Owner Grant Act currently allows applicants a period of 12 months to apply to the commissioner for a shortened residency period, an exemption from the

residency period or a longer time to initially reside in the property. However, this rule seems unfair to those applicants who, due to unforeseen circumstances, simply cannot comply with these requirements.

The second amendment to the First Home Owner Grant Act fixes this. It extends the 12-month period to 18 months so that applicants who, for example, fall ill or are relocated for work or who, for some other good reason, are rendered incapable of seeing out the remainder of their residency, have a reasonable period of time to apply to the commissioner for an extension.

The third amendment also relates to first home owner grant residency and will provide a less cumbersome administrative process for the Revenue Office. Where a joint application is made by two or more people and one applicant for some reason, possibly work commitments, is unable to reside in the property but the other applicant can, the current arrangement requires the non-complying applicant to seek the commissioner's approval for exemption from this requirement. This has proven to be an administratively cumbersome task.

This amendment will provide an automatic exemption in such cases and will remove that burden on applicants and the commissioner. This change will remove the requirement for the commissioner to exercise his discretion to exempt the non-complying applicant where at least one of the other joint applicants complies.

The final amendment contained in this bill introduces into the Taxation Administration Act a five-year time limit in which a taxpayer may apply to the commissioner for a refund of tax paid. Five years is considered a reasonable period of time in which a taxpayer would know that they had overpaid an amount of tax. This time allows the taxpayer ample opportunity to apply for a refund of that overpaid amount. Six of the other states and territories impose a five-year time limit, while one imposes a three-year limit. This will bring ACT tax refunds into line with other jurisdictions in relation to time limits on refunds.

Consultation in relation to this bill was carried out with the ACT Law Society and I am pleased to advise that the society has indicated that they do not have any significant concerns with the bill's amendments. I thank other members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Health Legislation Amendment Bill 2009

Debate resumed from 12 November 2009, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (12.11): Mr Speaker, the opposition will be supporting the bill today. The bill contains some straightforward amendments to two pieces of health legislation. The first is the Drugs of Dependence Act 1989. The substantial amendment removes part 9 of the Drugs of Dependence Act 1989, which deals with the treatment orders handed down by the courts. It is intended that all treatment orders just be considered by the courts under section 93 of the Crimes (Sentencing) Act 2005, which deals with rehabilitation programs and good behaviour orders. The intention is to establish a single legislative framework to deal with persons that commit crime as a result of alcohol and/or drug dependence, and to avoid duplication in legislation.

Other changes to this act come about due to the omission of part 9. I have received an amendment from the minister, which is a further minor amendment to this legislation. I have had a brief look at it and it certainly seems that is a technical amendment to what is a technical amendment. We will be supporting that amendment.

I understand that there are about 20 individuals that this grandfather clause applies to. If these amendments streamline, and make simpler for all stakeholders, the range of tools courts have at their disposal to deal effectively with individuals who commit crime as a result of drug and alcohol dependence, then this is something that we do support.

The other aspect is the Health Records (Privacy and Access) Act 1997. The amendment to the Health Records (Privacy and Access) Act relates to electronic records. It states that an original, physical copy of health records can be destroyed if an electronic copy is created. It also makes clear that there is a reasonable expectation that an electronic record accurately reflects the original physical record in the event that the original record is destroyed. Of course, the strong need remains to ensure that the e-health records are adequately secured and protected.

In summary, we will be supporting these amendments today. They are technical in nature and will help clean up the drugs legislation. They will make records management of health records more streamlined and move us into the 21st century with the adoption of e-health records.

MS BRESNAN (Brindabella) (12.13): The Greens will be supporting the Health Legislation Amendment Bill. While the bill seeks to make only technical adjustments to existing legislation, it does deal with two important issues, they being the treatment of defendants with drug addiction and the management of people's health records.

Part 2 of the bill seeks to amend the Drugs of Dependence Act and is about the courts making treatment orders for defendants who committed crimes while under the influence of drugs. The removal of said clauses from the drugs act is necessary given the duplication of rehabilitation provisions in both the drugs act and the Crimes (Sentencing) Act.

The Greens were advised during a briefing with ACT Health officials that the Drugs of Dependence Act is infrequently used by the courts. There is great usage, however, of the court alcohol and drug assessment service as the program has greater flexibility. The court alcohol and drug assessment service is available to defendants who are in

the pre-sentencing and sentencing stages and includes defendants who misuse illicit drugs.

I would just like to acknowledge the treatment assessment panel's innovative way of addressing defendants with drug and alcohol addictions. It has, unfortunately, not been as timely and flexible as is often needed with these cases. The courts are currently drafting new practice directions for magistrates so that the court alcohol and drug assessment service program can be expanded and better utilised. The Greens believe that this is a wise move, given the significant number of defendants who suffer from drug and alcohol addictions.

The Health Legislation Amendment Bill also seeks to remove the requirement that the Minister for Health approve treatment centres. It is now the case that centres are approved by the government when they are awarded contracts for service provision. The bill also, at first glance, removes the ability of treatment centres to appeal to the ACT Civil and Administrative Tribunal if an unfair decision has been made about them by the government. The government has reassured us that the ACAT appeals process remains despite the legislative change. Under government contracts, if a non-government provider believes there has not been procedural fairness, they can appeal to ACAT. The Greens will be keeping a close watch on this particular and important aspect to make sure it remains a standard part of contracts.

Part 3 of the Health Legislation Amendment Bill allows health records to be destroyed when an electronic copy is created. The Greens support this provision and look forward to the day when e-health records are common practice. As has already been noted, the government will be moving an amendment to include transitional provisions. As has been noted also, this means that 20 or so people being treated under previous provisions can be grandfathered, and this is, of course, common practice when new program arrangements come into effect. We will be supporting this minor amendment also.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.16), in reply: Again, I thank members for their support for this bill. As I said when I introduced this bill in November, this is a short omnibus bill presenting relatively uncontentious amendments to the Drugs of Dependence Act and the Health Records (Privacy and Access) Act.

The bill repeals a scheme which we no longer need. It regulates the treatment of offenders who have drug and alcohol dependencies. The commencement of the Crimes (Sentencing) Act 2005 on 2 June 2006, in particular part 6.2 dealing with good behaviour orders and rehabilitation conditions, has led to the gradual phasing out of the use of treatment assessment panels under part 9 of the Drugs of Dependence Act. Treatment assessment panels were originally intended to recommend appropriate drug and alcohol programs for the treatments of offenders.

These treatment assessment panels were considered cumbersome and lacked sufficient court supervision to make them effective. Additionally, the issue of providing appropriate drug and alcohol programs with appropriate pre-conditions is now prescribed under regulation in accordance with section 93 of the Crimes (Sentencing)

Act. As such, it would be inefficient and ineffective to continue with a defunct treatment scheme as presently appears in the Drugs of Dependence Act when an alternative regime exists under separate legislation and also inappropriate to have two separate regimes regulating the same thing, thus creating unnecessary confusion and ambiguity.

Given these circumstances, there is no longer any need to continue with the treatment scheme as outlined under the Drugs of Dependence Act. However, the government will be bringing forward an amendment, which Mr Hanson and Ms Bresnan have talked about, that is essentially a transition clause to provide for those that are currently on a treatment order under part 9 of the Drugs of Dependence Act following that section's repeal. I will move that in the detail stage.

Regarding the second amendment to the Health Records (Privacy and Access) Act which allows for the destruction of a health record when an electronic copy has been created, this amendment creates a clarifying provision that is intended to enable, not limit, where a health record-keeper can, but does not have to, destroy a record if an electronic copy of the record has been created.

As members will be aware, last year in the Assembly I tabled a copy of the GP task force's final report. One of the recommendations made in that report was that there should be amending legislation to clarify the status of e-health records. On careful consideration of their recommendation, it was found that the confusion rests with a missing link between the Health Records (Privacy and Access) Act and the Electronic Transactions Act 2001.

The dictionary to the Health Records Act defines a health record to include part or parts of a record. Based on this definition, the destruction of any part of a health record, including the destruction of a copy, would be regarded as a destruction of the record, even where a complete copy of the record has been made and is intended to be retained. However, the Electronic Transactions Act provides that a requirement under territory law to retain a document in a particular form can be satisfied by the retention of the document in electronic form, provided the integrity of the document is maintained.

At present, there is a missing link which makes the necessary connection between those two acts. This gap has been shown to create undesirable ambiguity around whether it is permissible for a health record-keeper to destroy a health record once an electronic copy of the health record is made. By clearly drawing a link between the two pieces of legislation, ambiguities will be resolved and impediments to the proper and intended application of the Health Records Act will be removed. I commend the bill to the Assembly and I thank other members for their contribution.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

Proposed new clause 10A.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.20): Pursuant to standing order 182A, I seek leave to move amendment No 1 circulated in my name as it is minor and technical in nature.

Leave granted.

MS GALLAGHER: I move amendment No 1 which inserts a new clause 10A [*see schedule 1 at page 120*].

I will not take up any more time. Really, the need for this amendment arose when we were going through the bill. It became clear that we had omitted a transitional provision to ensure that existing treatment orders can continue to be in force post the repealing of this section of the Drugs of Dependence Act. This amendment addresses that and provides a transitional arrangement. I also table a supplementary explanatory statement along with that amendment, Mr Speaker.

Proposed new clause 10A agreed to.

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

Bill, as amended, agreed to.

Fair Trading (Motor Vehicle Repair Industry) Bill 2009

Debate resumed from 19 November 2009, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

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

Sitting suspended from 12.24 to 2 pm.

Questions without notice Hospitals—Calvary Public Hospital

MR SESELJA: My question is to the Minister for Health and it relates to comments made about the compulsory acquisition of Calvary hospital. Minister, at 10 am yesterday on 2CC radio you were reported as saying: “We are going to have to look at everything from compulsory acquisition to the status quo. You know, we’re going to have to look at seriously everything, every single option.” Minister, at 1.10 pm yesterday on the *Canberra Times* online you were reported as saying, in relation to compulsory acquisition:

I think it’s a crazy option. It would tie up 30 per cent of our public health system in the courts for the near future.

Minister, what changed from the time you stated that compulsory acquisition was something you were going to seriously look at to when you later referred to it as a crazy option?

MS GALLAGHER: I thank the Leader of the Opposition for the question. The comments I made around looking at all the options are correct. I think governments have to look at all options, even if a number of those options are not ones that we want to pursue.

Mr Hanson: Including crazy options.

MS GALLAGHER: Well, unlike the opposition, we do not just dig a hole, hop in it and cannot get out of it. What we do—

Opposition members interjecting—

MS GALLAGHER: Mr Hanson is still down that hole—and you are still trying to scabble out of it. But you cannot get out because you did not give yourself a lifeline to get out. But governments—and unlike this Assembly, which seems incapable of making tough decisions—this government will examine all options—

Mr Hanson: Except for the crazy ones.

MS GALLAGHER: in terms of the next step forward—

Mr Seselja: What about the crazy ones?

MR SPEAKER: Order!

MS GALLAGHER: including those that we do not think have any merit—and compulsory acquisition, we do not think, has any merit. But it is at one end of the spectrum. The other end of the spectrum is the status quo, and then there will be a number of options in between. This government will examine all of them, and we will look, now that this proposal is not going to proceed, at what is the next best way we can proceed.

This government maintain the view that the proposal we were out consulting on is the best way forward. Financially, it is the best way forward. That has now been supported by independent peer review of Treasury's analysis.

Mr Hanson interjecting—

MS GALLAGHER: Well, Mr Hanson, you find a mistake, mate, because that is something that you have not been able to do. Nobody has been able to dispute the financial analysis of this sale, of the proposed sale.

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: As uncomfortable as that may make the opposition, you have not been able to find a mistake or an error in the analysis that Treasury has done.

Mrs Dunne: I raise a point of order, Mr Speaker. The question that Mr Seselja asked was in relation to the government's views on compulsory acquisition. Do you think that we could get the Treasurer back to that issue?

MR SPEAKER: I draw to the Treasurer's attention that your colleagues have not helped by diverting the Treasurer's attention.

MS GALLAGHER: Thank you, Mr Speaker. The options that the government will consider will go right across the spectrum, from compulsory acquisition—

Mr Hanson: Crazy to crazy!

MS GALLAGHER: Yes, it is a crazy idea. It is a crazy idea. But we are left without the preferred option.

Mr Hanson: Well, we're going to seriously consider it.

MS GALLAGHER: Well, you know, it would be interesting to hear whether the opposition actually think compulsory acquisition is the preferred way forward. But compulsory acquisition, we do not believe, is the way forward. But it has to be—

Mr Seselja: We'll rule out the crazy options, Katy.

MS GALLAGHER: This is a sign of an opposition that has spent too long in opposition—and hopefully it will stay there. As a government, you put all options on the table. You then decide what the preferred option is. And some of those options will be options that the government does not support—and compulsory acquisition of Calvary is one of them.

Mr Smyth: You were pretty keen on it on Sunday night.

MS GALLAGHER: No, I have never been keen on compulsory acquisition, Mr Smyth. The government has not been keen on compulsory acquisition at all—for the problems that we all know would eventuate if we did follow that path. That path would involve tying up our public health system in the courts. It would bring on a very big blue between government and the church—and it would not deliver a new public hospital on the north side of Canberra, which is what this government is trying to deliver and is being continuously obstructed in by other members in this place.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Minister, don't these completely contradictory positions demonstrate a lack of reasonable contingency planning on your part?

MS GALLAGHER: No; they demonstrate a failure of the opposition to understand the difficult issues that are presented to the government in trying to build a new public

hospital—a new private hospital for the north side of Canberra. I cannot understand why you guys do not support that.

MS PORTER: Mr Speaker, a supplementary.

MR SPEAKER: Yes.

MS PORTER: Minister, what are your future plans for Calvary hospital now that negotiations on this proposal have ceased?

MS GALLAGHER: I thank Ms Porter for the question. The Chief Minister and I met with the chair of the board of the Little Company of Mary on Saturday morning.

Mrs Dunne: On a point of order, Mr Speaker: could I ask you to reflect on whether Ms Porter's question is in order, given the nature of the original question was about compulsory acquisition.

Ms Porter: It is about our options.

Mr Hanson: No, it was not. It was specifically about reconciling completely diametrically opposed statements about compulsory acquisition. It has nothing to do with the future plans.

MS GALLAGHER: So you're not interested. You don't care because you don't want a public hospital on the north side of Canberra.

Mrs Dunne: We want Mary to ask questions that are in order.

MS GALLAGHER: We notice it does not feature too largely in Jeremy's discussion paper. Thirty per cent of our public health system, you just forgot that.

MR SPEAKER: Order! You will have your chance, Ms Gallagher. There is no point of order, Mrs Dunne. I think the first question invited Ms Gallagher to talk about a range of options and the supplementary question related to that range of options.

MS GALLAGHER: Thank you, Mr Speaker. I cannot for the life of me think why the opposition would not be interested in the way forward on how we invest \$200 million on a north side hospital, but there you go. The Chief Minister and I met with the chair of the board of the Little Company of Mary on Saturday morning. It was a very cordial meeting. I think relations between the government and LCM are very strong. We committed to continue to work together. The chair of the board and, indeed, other board members expressed their frustration.

The letter from Mr Brennan to the government, which I received on Saturday, indicated the board still maintains the view that the proposal was the best way forward in terms of delivering the outcomes we wanted, which were a new, reinvigorated public hospital on the north side of Canberra, a new private hospital on the north side of Canberra and increased investment in palliative care services in the ACT. They were the three outcomes, I think, that both parties had been working on.

This proposal is not going to go ahead; so it does require the parties to reconvene and continue those discussions. That is something that I will be leading the work on. I know the goodwill that exists around the table and the understanding that LCM has. As opposed to supposed experts in this place who have failed to grasp the issues on the table, LCM understands the difficulties the government faces from a budgetary point of view. Despite the fact that they will be the beneficiaries of continued investment in Calvary Public Hospital, they understand the difficulties faced by the government.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, why are you going to continue to waste more of the government's time and money on considering an option that you have already discounted as crazy?

MS GALLAGHER: When we chose the path of consulting on this proposal we had already considered a number of other options. That is what governments do. Governments get advice on a number of options on the way forward and we have done so over a number of years with Calvary. We will continue to do so. We will not exclude options off the table, despite the fact that the government might not support them. This is how you make decisions. I know Mr Hanson is incapable of making a decision, but this is how you do it. You put all options on the table and then you go through the options and say, "Well, this one isn't going to work for whatever reason. This one isn't going to work for whatever reason. However, these options are ones which we will pursue."

That is how government makes decisions. It does not surprise me that you guys do not understand that. These are difficult decisions. None of the options we are now going to have to consider are the government's preferred option because the preferred option is over. So none of the options is the best option. Let us just understand that. This Assembly has been complicit with other players in ensuring that the preferred option does not go ahead. Every single member in this place has to take some responsibility for the fact that two-thirds of this place did not support—

Mr Stanhope: The best option.

MS GALLAGHER: The best option of a new public hospital on the north side of Canberra. As hard as it is to say that, that is the reality. The sisters did not get the support that they deserved from this ACT Assembly. All the sisters got from this Assembly were attacks on their reputation.

Schools—league tables

MS HUNTER: My question is to the Minister for Education and Training. Given that you declared in the Assembly in March 2009 that "I, like my state and territory education colleagues, have concerns in relation to the potential for data that is available through the national testing process to be utilised in simplistic league tables", what action did you take over the last 12 months to prevent the publication of what amounts to basic or simplistic league tables in the *Canberra Times* on 29 and 30 January this year?

MR BARR: I thank Ms Hunter for the most unexpected question in question time so far this year. I would invite members to have a look at what was published in the *Canberra Times*. This is anything but a simplistic league table. In fact, this is one of the most rich and important pieces of information that has been put into the public domain about education in this country. It is important in the context of this significant change in education policy and in this era-defining moment in ensuring that no longer do governments, schools, unions and those who are interested in education have excuses for inaction in relation to the performance of our schools.

There has been a lot of commentary in relation to the position that was taken by a number of newspapers around the country. Ms Hunter selectively quotes from an answer I gave in March to this question, ignores what I said in September, and ignores that there were protocols put in place throughout 2009 as education ministers from around the country met to consider these issues. Protocols on the reporting of student results were put in place. Individual students could not be identified and the My School website, in the presentation of data, moved away completely from a simplistic ranking of schools.

What the *Canberra Times* published was the 2009 NAPLAN test data. That is what they published, and that was what it was—the 2009 NAPLAN testing data. In contemplating this issue and the response of some of the stakeholders, I would like to quote from a particular article written in the *Age* by Shaun Carney. He is referring to the Australian Education Union in this context, but I think it equally applies to the Greens party. He says:

... the AEU has indulged in the worst sort of stakeholder behaviour—refusing to consider new policy approaches and simply sticking out its hand for more money.

If you set out to create a textbook example of an interest group destroying its own efforts at advancing a cause, and trying to get in the way of a Government that has a long-term reform objective, you could probably not come up with anything better than the AEU's performance over the My School site.

It equally applies to the Greens party. What were the front-page stories that were on newspapers around the country after the My School launch? The fact that some of the nation's richest private schools performed worse than comparable state schools. One would argue this is good PR for the state sector and the exact opposite of what the unions and the Greens had predicted.

We must move beyond this league tables debate. Whether you are for them or against them, they are a distraction from the real issues in education. We must move beyond it. The *Canberra Times* have published what they have published. In jurisdictions where there were some attempts to block the freedom of the press, information from the My School website was still published. So if the Greens have a particular concern and believe that there is some legislative path to prevent newspapers from publishing publicly available information, let them bring forward legislation.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Minister, given that you told the Assembly in November 2009 that it is not possible to create a simplistic league table for the information from the site, did you or your staff have discussions with the *Canberra Times* about the publication of data from the My School website that was printed in the paper on 29 and 30 January?

MR BARR: I had numerous conversations with reporters from the *Canberra Times* once their stories were published and at the press conference I held on the day that the website went live. In the lead-up to the announcement, a media release was issued advising that the information would be available online. But no, I did not seek to influence the editorial policy of the *Canberra Times*; nor will I ever seek to influence the editorial policy of the *Canberra Times*. I do not think I would have much success, Mr Speaker. And let me assure the Greens that I have no intention whatsoever of taking any travel trips to China or Burma to seek advice from those governments on how to manipulate freedom of the press.

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, has the government previously had access to detailed comparisons with interstate schools, and has the government previously had access to comparisons with other similar schools?

MR BARR: No. For the first time, information has been made available on the comparison of similar schools according to the index of community socio-educational advantage across the country. This paints a challenging picture for the ACT system, but it also presents some opportunities to learn from best practice.

What I was particularly pleased to see was that across the public, Catholic and independent sectors there were schools in the ACT system that were performing well above their interstate counterparts and that the education system in the ACT has a number of schools that are performing outstandingly. As I said on the day of this data release, though, the challenge within our very good education system is to ensure that all schools are achieving to the level that some of the schools across the sectors have demonstrated through the 2009 testing data.

It is worth noting, of course, that from 2008, when the NAPLAN testing began, to 2009, the ACT was one of only two or three jurisdictions in the country that showed a statistically significant improvement in a number of the NAPLAN testing domains, particularly in year 3 and year 5, from memory in the areas of grammar, punctuation and spelling. That was important—to see some improvement from 2008 to 2009.

This jurisdiction continues to be either equal first or second across the country in all of the domains except maybe one or two out of the 20 or so that are tested. We continue to be a top performing jurisdiction, but that does not mean that there is not more work that can be done. That is why the government has a five-year literacy and numeracy strategy that commenced last year, particularly in response to data that we got from the 2008 NAPLAN testing.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Ms Le Couteur.

MS LE COUTEUR: Minister, can you advise the Assembly whether, since the release of this data, schools in the ACT have been approached by parents wishing to take their children out of the so-called underperforming schools?

MR BARR: I have received no such advice from the education department. I understand that, at the beginning of the school year, there are some movements between schools. That occurs normally. Some students do not settle in to a new school immediately or they find that, once they have been there for a couple of weeks, it is not the school for them and they do move. That is a normal occurrence.

The insinuations that have been made by some, which would see a massive shift in enrolments in the ACT, certainly have not occurred in the first few weeks of school. I think we need only look at the experience in other Australian jurisdictions, most particularly Tasmania where this information has been publicly available for some time and did not lead to a massive change in enrolments.

What it does is provide very clear evidence for government, for education departments and for schools about where to direct resources. If there is one thing we can be absolutely certain of as a result of this information being publicly available, it is that the debate in this country about where resources in education should be delivered is now over. We know where the extra resources ought to go. Overwhelmingly, it is to the public and Catholic systems. In the context of the ACT, it is predominantly into the public system. That is why it is pleasing to see the commonwealth government, for the first time in quite some time, invest more money in ACT public schools through a range of national partnerships that I am sure we will be talking about more over the course of 2010.

Education—literacy and numeracy

MS PORTER: My question is to the Minister for Education and Training. Would the minister outline the steps the government is taking to improve literacy and numeracy outcomes for ACT students?

MR BARR: I am pleased that Ms Porter raised this matter and we did not have to wait too long to talk more about literacy and numeracy in this territory. Last year the government introduced a five-year literacy and numeracy strategy. This strategy recognises the expertise, commitment and professionalism of our teachers and our school leaders. It builds on the practices in literacy and numeracy that have led to the ACT's high national and international standing. It acknowledges the crucial role of principals and school leaders in improving school effectiveness. It recognises the challenges that schools face in meeting the diverse needs of all of their students and recognises that all schools identify and support students in need of specific attention. It recognises the importance of new technologies and their evolving role in assisting students to learn and to demonstrate their literacy and numeracy capabilities.

The new strategy is based on an understanding that all teachers are teachers of literacy and numeracy and that a combination of literacy and numeracy strategies and

interventions is needed to ensure that all students reach their full potential. Finally, and perhaps most significantly, the strategy also values the critical importance of partnerships between home and school.

So what targets does this strategy set? By 2013 we will aim to increase the mean score in the NAPLAN tests in years 3, 5, 7 and 9 by eight points in reading, writing and numeracy. We aim to reduce the achievement gap for Indigenous students in reading, writing and numeracy by 25 per cent. We intend to go about this by ensuring that all ACT public schools include literacy and numeracy targets and strategies in their school plans and that these targets and plans will be based on NAPLAN data. Principals and teachers will use the SMART measurement assessment reporting toolkit. It is a computer tool to analyse NAPLAN results and to help develop school-based targets and strategies.

The My School website and all of the information that has become available as a result of its publication has shown that all of our schools can improve. Some need to improve across the board; others just in particular areas. What it does identify is that we need targeted strategies that work. Evidence and needs-based solutions are what we need and the government intends to implement those. It is my view that across the ACT education system in public, Catholic and independent schools we can set high expectations and we can achieve these goals.

We need to set high expectations of students, of teachers and of principals. As part of our literacy and numeracy strategy and a revamping of the education and training department, a new network school director model is being implemented to support and coach individual schools and principals. School leadership teams will establish a shared vision for literacy and numeracy teaching and learning in the school context. They will model and promote a professional learning community and promote common understandings of literacy and numeracy standards. They will develop teachers' professional knowledge, teachers' skills and teachers' capacity to use research-based practices to improve their teaching of literacy and numeracy. Programs such as first steps and count me in too that have proved very successful in the ACT system will be rolled out. It is important that we have a detailed and considered response to the information that is available, but let us recognise the importance of this information being publicly available. It is crucial to reforming education.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Could the minister provide details of the national literacy and numeracy partnership with the federal Labor government?

MR BARR: The literacy and numeracy national partnership aims to put in place the infrastructure and practices that will deliver sustained improvement in outcomes for all students, especially those who are falling behind. The national partnership supports reforms in schools that focus on effective and evidence-based teaching, strong school leadership and the effective use of student performance information to identify where support is needed.

In Canberra, 12 public schools, seven Catholic schools and six independent schools have been identified to receive support in the first two years of the national

partnership. This is further proof that the old public versus private debate in education is over.

Under this partnership, government and Catholic schools have identified the count me in too and first steps programs as system-based teaching initiatives. Count me in too is a school-based model where facilitators work with teams of teachers in their schools. School facilitators are supported through training and follow-up meetings with specialist literacy and numeracy officers. Professional learning focuses on understanding how students learn about numbers and maths and using assessment to guide future practice.

First steps delivers specialist training in teaching either reading or writing to all specialist literacy and numeracy officers. These facilitators will train teachers in identified schools in the implementation of first steps. It provides teachers with a comprehensive map of development to help them to assess and monitor student needs. First steps includes detailed support material that will help teachers to build effective literacy classrooms. Under the national partnership, five Indigenous literacy and numeracy officers will work with Indigenous students in kindergarten up to year 4.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. Could the minister provide details of other national education partnerships with the federal Labor government?

MR BARR: We are investing \$8 million under the teacher quality national partnership. This will see us establish the ACT teacher quality institute and school-based centres of teacher education excellence. The institute will have initial responsibilities for pre-service teacher accreditation, teacher registration and certification of teachers against the national standards. It will also see the establishment of a teacher education committee. This committee will formalise our strategic partnerships with the University of Canberra, the Australian Catholic University, the Catholic Education Office, independent schools, principals and education unions. Under this partnership, the ACT will implement nationally agreed teacher standards and certification processes in line with the national teacher professional standards framework.

We will enhance strategies to support whole-of-career continual improvement for classroom teachers in public and Catholic schools. We will increase school-based decision making in staffing processes. Principals and senior staff will have greater responsibility in staffing and recruitment. This will include increased involvement in teacher transfer and exchange and increased flexibility to determine the school's staffing mix.

In all aspects of education, nothing is more important than the quality of the teaching. This is one area where the government is especially pleased to be working in a national partnership with the commonwealth. But we are also investing \$3 million under the low socioeconomic status national partnership. That is because a student's SES status also has a major impact on his or her success in education. This partnership will see extra help for four ACT schools—Kingsford Smith, Florey, Charnwood-Dunlop and Richardson. Under this partnership, we will develop

individual learning plans for Indigenous students and back this with placing accomplished and leading teachers in these schools.

These are comprehensive plans to improve the education of every student in the ACT. They deserve the unanimous support of this Assembly.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: The minister for education has just outlined a whole lot of programs that really go to the heart of literacy and numeracy—

MR SPEAKER: No preamble, thank you.

MS HUNTER: What I would like to know is: from what you have outlined, are you encouraging teachers to teach to the NAPLAN test or are you actually looking at the whole of a child's education and the need to have a rich education that, of course, includes literacy and numeracy?

MR BARR: Literacy and numeracy are the fundamental building blocks of a quality education. It is very difficult to succeed in other areas of education whenever you do not have those basic building blocks. So they are critical, absolutely critical, to achieving success in education. That said, national testing is not the be-all and end-all of the government's approach to improving literacy and numeracy outcomes and, indeed, to improving educational outcomes; nor will it become the total focus of education in the ACT.

But it is important that we do focus on those basic elements of education. I believe it is fundamental to the success of students in so many other areas of education and so many other areas of life. If you cannot read, if you cannot write, if you cannot spell, you will struggle to do well in so many other areas of life.

Hospitals—Calvary Public Hospital

MRS DUNNE: My question is to the Treasurer. Treasurer, you proposed to spend \$77 million of taxpayers' funds to purchase Calvary hospital to achieve—to use your own words—the return of a significant asset “to our balance sheet as an asset for the ACT community”. Treasurer, what advice did you ask for, and from whom, on what options are available to the ACT government to invest additional funds in Calvary hospital?

MS GALLAGHER: What advice did I ask for, and from whom, around how to invest additional funds in Calvary?

Mrs Dunne: Yes.

MS GALLAGHER: In addition to the purchase of the hospital?

Mr Seselja: As an alternative.

MS GALLAGHER: As an alternative. Well, there have been a number of options canvassed over the years. Minister Corbell sought to acquire operations at the hospital that pre-dated my time. That was rejected by Little Company of Mary. As a result of the functional review decisions, we investigated taking more of an arm's-length approach to the management and contract arrangements at Calvary, giving them more control over the management of the hospital. That was not agreed to by the parties. We looked at investing the money under the current arrangements, and that is outlined in the financial analysis that no doubt Mrs Dunne has read. We examined building a third hospital, and we examined the proposal that we have been consulting on for some time.

They were the options that were investigated. We could not, and did not, pursue options which were going to be resisted by Little Company of Mary. We felt that, having regard to the outcome of the discussions that Minister Corbell had led, in order to navigate a way through this arrangement it needed to be done with the full support of the current owner and operator. Those are the options that we considered. We believe that all of those, under any analysis, have shown that the option to buy would have had, from a financial point of view and also from an integrated health system point of view, the best long-term outcomes for this city—and as is shared by Little Company of Mary, who is a larger health provider than the territory.

They are the options that we looked at. I think we have to again look at those options of the third hospital, compulsory acquisition, the status quo and any other options that the government considers worth pursuing, along with Little Company of Mary, and we are going to do just that over the next few months.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Thank you. Minister, what are the other options that the government might consider worth pursuing in the next few months?

MS GALLAGHER: I am not in a position to inform the Assembly of what those are at this stage. I will, though—

Mr Hanson interjecting—

MS GALLAGHER: I will, and I have no problem with them. I have been written to by the chair of the Little Company of Mary on Saturday, outlining the recent decision they have made. The government will respond to that letter and seek to reopen negotiations with LCM about a way forward.

The reality is, despite the head-in-the-sand approach from the Liberals, we need to build a north side hospital. We need to have it built within the next six years. We would prefer to do it at Calvary. We do not want to build a third hospital. We want to do it with the agreement of the Little Company of Mary.

Mr Hanson: Well, you botched it, didn't you?

MS GALLAGHER: We had a way forward. We had a way forward that had a beneficial outcome to our budget—

Mr Hanson interjecting—

MS GALLAGHER: that had a beneficial outcome to the people of the ACT—

Mr Hanson interjecting—

Mrs Dunne interjecting—

MR SPEAKER: Order!

MS GALLAGHER: and had a beneficial outcome to the Little Company of Mary.

Mr Hargreaves: I raise a point of order, Mr Speaker. Mrs Dunne asked a supplementary and has not got the courtesy to listen. Could you please ask them to be quiet.

MR SPEAKER: Members, let us hear the answer from Ms Gallagher. Ms Gallagher, you might choose to answer the question and not attack the Liberal Party.

MS GALLAGHER: Thank you, Mr Speaker. But the reality is we need to have a fully functioning, modern, north side hospital, preferably within six years, with currently increased capacity by at least another 50 per cent, and we would prefer to do it with the support of Little Company of Mary.

They are, I guess, the directions of the discussions that we will have. That will not stop what we have already done. As Mr Hanson knows, there have been new operating theatres built there. There is a new intensive care theatre there. *(Time expired.)*

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Treasurer, did the advice that you received—or did you request any advice—include the accounting practices in other states, the requirements of the relevant accounting standard or the requirements of the Auditor-General on the reporting of this proposed sale?

MS GALLAGHER: Yes, I sought advice against all those things a number of times, including repeatedly when I received correspondence from people such as Terence Dwyer who wrote with a view on things. Yes, I have received all that advice. The advice from Treasury is that it cannot be dealt with in any other way in terms of how we manage our budget, including little footnotes: “By the way, yes, this has come off our bottom line for an asset that we don’t own. Sorry about that, because we don’t own the asset.” We cannot do footnotes to the financial statements, which are some of the recommendations that have come on this.

Obviously Mr Smyth does not agree that is one of the financial challenges now presented to the government. You do not agree with the Treasury advice to the government that the best way forward is for the government to own an asset when it is going to invest in excess of \$200 million in it. Treasury advice, unsurprisingly, to the government—I do not know why you would be doubting this—is: “If you are going to spend upwards of \$200 million upgrading a facility, we reckon it is in the territory’s best interests that you own it.” What a surprise that would be!

Mr Hanson: \$160 million over 20 years?

MS GALLAGHER: Do you think Treasury might say, “Actually, we think you should invest \$200 million, but just hand it over as a grant to a third party. That is the best way forward for our budget”? What a ridiculous situation! It is very clear that the most beneficial way for our budget is for us to own the asset, for us to invest in it and for us to deliver the services. Nobody has been able to find fault with that advice. You can raise questions on it but you have not been able to find fault with it.

MR SPEAKER: A supplementary question, Ms Porter?

MS PORTER: Thank you, Mr Speaker.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, it is a bad start to the year from you. You have been interjecting all afternoon and it is starting to become tiresome. It is only day one of the season. Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, can you advise of the difficulties in funding a \$200-million rebuild of the Calvary hospital site?

MS GALLAGHER: As members have heard me say a number of times in this place, the challenge presented to the government is: how do we manage an upgrade of this size, of this order, essentially doubling your public hospital capacity on that site for an asset that we do not own? If I could give you the example of the intensive care unit. That is a unit that is costing around \$11 million to build. It is almost complete. Anyone who drives by Calvary will see that construction on the side of the hospital as you enter Mary Potter Avenue. That asset has been completely funded by the people of the ACT up to the tune of \$11 million, straight from our bottom line, as has always been the way in terms of upgrading facilities at Calvary under any government that has made those decisions.

This is where I am interested that Mr Smyth thinks there is a magic remedy to this when it has not been one that has been uncovered by any other government when it has made an investment. You can manage small pieces of investment: \$10 million hits our bottom line, but you can manage it for one year. It does not drive the budget into continued deficit year after year after year. If Mr Smyth can support the allegation that he raises with me, which is that we have starved Calvary of funds, indeed he can go back and have a look at the facts.

Mr Smyth: No, they're little bits, little breadcrumbs. You throw them out.

MS GALLAGHER: No, they are not little breadcrumbs at all. It is millions and millions and millions of dollars, including every budget overrun that has been funded. Every budget that has been sought from the public hospital has been funded. Capital upgrades have been funded.

Mr Smyth: The same for Canberra Hospital?

MS GALLAGHER: Of course it is the same as Canberra Hospital, Mr Smyth.

Mr Smyth: Oh, so it's the same?

MS GALLAGHER: Yes.

Mr Smyth: You're funding public operations.

MR SPEAKER: Order!

MS GALLAGHER: The allegation—I am sorry; I know it is not parliamentary for me to respond to—

Mr Smyth: You're funding public operations.

MR SPEAKER: Your time is up, Ms Gallagher. It is only going to save you from unparliamentary behaviour.

MS GALLAGHER: I am sure I will get the chance to come back.

Environment—Green Square, Kingston

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and concerns his decision not to water the lawns of Green Square. I see that in December last year the government contracted a firm to undertake changes to Green Square. Minister, what changes did you make to the plans as a result of the community consultation, and had you already made up your mind on the lawns of Green Square?

MR STANHOPE: Of course, I was not personally involved in any changes that were made to any plans. Those are issues that are handled quite specifically by the department—in this case, by landscape architects employed by the department. Ms Le Couteur, I am more than happy to take advice on what changes may have been made to the landscape plans through the various emanations of the very detailed consultation that was part and parcel of the proposed upgrade of Green Square.

There has been extended, extensive consultation over a period of 18 months now. Certainly, the consultation has been at times fraught. There was not unanimity with respect to the different groups, or groups that might be identified. The interested parties can be divided between those retailers who are shop owners in Green Square

and those other Kingston retailers outside Green Square, and there was a very different view and approach to this particular issue by shopkeepers, owners and operators in Kingston, depending on whether or not they were located in Green Square or outside Green Square. There was a particular Green Square specific view; there was a view more widely held by those not located within Green Square; and there was a view by some within the community.

At the end of the day, the government had applied and determined a budget for this particular upgrade and consulted on an upgrade consistent with the budget that was provided. It was not, and never was, in the context of the budget, and in relation to the upgrade, the government's intention that potable water would be applied through an inground irrigation system to irrigate grass in Green Square. The government entered negotiations for consultation and discussion on that basis. It was a decision made for two reasons. One was budgetary and the other, and more interestingly, particularly in relation to the Greens party attitude on this issue, was around the sustained and appropriate use of a very rare and valuable resource—water—and an equity issue.

It is interesting to me—I have not done a late count—that there are in excess of 80 shopping centres in the ACT. Except for patches of grass that are watered, I think two or three shopping centres additionally or historically have irrigation. That irrigation, as I have explained previously, is now being maintained simply to keep alive trees that have become dependent over the decades on a ready supply of water. One such place is Ainslie Avenue, across the road from the Assembly. That grass is irrigated. That grass is irrigated on the basis of horticultural advice that if we do not water the grass, the trees will not be watered and each of the London plane trees in Ainslie Avenue would die. Similarly, with the Lawns at Manuka, we water the grass for the sole purpose of keeping the plane trees alive, not to keep the grass irrigated or alive.

We have changed our attitude and philosophy in the eighth year of this drought, and being mindful of climate change and the rarity and value of water, and around a straight, I believe, and simple issue of equity. If we, today, put inground irrigation into Green Square and used potable water to keep the grass growing in Green Square, on what basis would the government then, on representations from active members of this Assembly, deny that same facility to the other 80 shopping centres that have no irrigated grass?

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Mr Stanhope, what communication did you have with ACTPLA regarding the Kingston master planning process, and were residents informed as part of that consultation process that Green Square would not in fact have a lawn, for the reasons you have just outlined?

MR STANHOPE: I do not think I have had any contact with ACTPLA in relation to the master plan. The master plan process has not been completed. It is a statutory process. The responsible minister is the Minister for Planning. But even in that event I am not sure that the Minister for Planning—I do not know; I do not speak for the Minister for Planning.

I must say that I have adopted the attitude in government that when a statutory office is pursuing a function I tend not to become involved in the pursuit of that function prior to the completion of the work that the statutory office or officer is pursuing. I would have a very active interest or role once, say, a draft is prepared, but I do not believe that a draft master plan has yet been concluded for Kingston. I am not aware that it has; the minister may know. The minister indicates that ACTPLA has not yet produced a draft. I will be very interested in looking at the draft when the first draft is available, and I am sure there will be an opportunity for broad community consultation on that.

I have had no discussions with ACTPLA about any aspect of its intentions in relation to the drafting of a draft master plan for Kingston.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, given the now inevitable removal of the grass, have you considered changing the name of Green Square to something more appropriate?

MR STANHOPE: I would be more than happy to take submissions from you on that, Ms Hunter. I can just imagine, I think, the depth and the wit that the Greens would bring to the subject. I look forward to your submissions.

Hospitals—Calvary Public Hospital

MR HANSON: My question is to the Minister for Health. Minister, you have consistently stated that the government is not making the necessary investments in Calvary whilst it is owned by a third party. However, on ABC 666 radio yesterday morning, the Archbishop of Canberra advised listeners that it was possible to make the necessary investments in Calvary hospital. I will quote from that:

I'm dependent upon advice from some fairly high powered financial advisers, and the advice I have received consistently from them and which I have passed on to the Government is that they can in fact invest if they wish ...

Minister, can you confirm that you have in fact received this advice referred to by the archbishop, what did the advice contain and who authored the advice?

MS GALLAGHER: I do sense—a little part of me thinks—that Mr Hanson might already know the answer to that question he has just asked me. I received quite a lot of advice from the archbishop, a lot of letters, over a number of months and, indeed, a number of meetings. At one of the meetings he raised a number of times the belief that it was an easy thing for us, the government, to just invest this money, that we were just making it all up and that we really did not need to own an asset; we just needed to grant—

Mr Seselja: He didn't trust you.

MS GALLAGHER: Mr Seselja, this is obviously something you are very comfortable with. As a government, the archbishop put to me, "Really all you need to

do is grant \$200 million to the Little Company of Mary and it can all be managed.” Yes, of course it can. But let us have a look at that: \$200 million of taxpayers’ money gifted to a third party and no asset retained by the people of the ACT. A very generous arrangement that is and not one that the government wanted to pursue.

I am very happy to table the letter from the archbishop and the advice. I think, from memory, it was Tony Harris. I sent that off. Therefore, it must be right. I can hear Brendan’s excitement at that. What, you did not know that, Brendan? You did not know it was from Tony Harris? He is very good. It does not mean you agree with someone all the time. I sent that advice off to Treasury, including Tony Harris’s opinion in this matter.

The advice I received back from Treasury was that it fundamentally did not deal with the issue of the government wanting to own an asset it had to invest in. Guilty as charged, Mr Smyth! The government wants to own an investment it invests in. What a shock that is to everybody! I think I have made it clear that, since this consultation on Calvary started, the government’s view was that, if we are to provide the level of hospital services that we need to the people on the north side of Canberra in a way that our budget can sustain and in a way that delivers the outcomes that we want for the people of the ACT, then the people of the ACT should own that asset.

That is something that the Liberals do not agree with. You do not stand up for the people of Canberra. You do not care about the future of the health system. You guys have sold out big time. We can see that in all the positions you have taken to obstruct and to complicate what is essentially a very simple transaction.

The government wants to invest in a hospital and—surprise, surprise—in a public hospital it wants to own that asset. Yes, that makes the financial investments a lot easier for our budget but it also delivers the outcomes that we want for the people of the ACT.

The outrageous thing about what has occurred over the last few days is that the people of the ACT are being denied even the opportunity to have a say about that. We do not even get a say about it because the church has refused to allow the people of the ACT and their representative in this place the ability to have even a vote on it. I do not know how that sits and whether that sits very well with any of you over there but it does not sit well with us. We have not even been allowed to decide the future of our public hospital. Does not that slightly irk any of you? We have had that decision taken away from us. The glee which I can see on the opposition’s faces, how happy are they that a proposal has failed, which they never supported—(*Time expired.*)

MR HANSON: Minister, will you table the advice that you received from Tony Harris by the close of business today, please?

MS GALLAGHER: I have already said I will, Mr Hanson—

Mr Hanson: By close of business today.

MS GALLAGHER: Yes, yes. I could not care less when it is tabled. And, Mr Hanson, you stand up in the adjournment debate and tell me you do not have a copy of it.

Mr Hanson: I will have by close of business.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thanks very much, Mr Speaker. My supplementary is this: minister, do you support the status quo in Calvary arrangements continuing?

MS GALLAGHER: I thank Mr Hargreaves for the question. No, the government does not support the status quo arrangements continuing. Indeed, no-one does that I can recall—apart from the Liberals. The Liberals are the only supporters of the status quo arrangements.

Mr Hanson: Sinclair Davidson, Terry Dwyer, Andrew Podger, RS Gilbert.

MS GALLAGHER: Even the strongest opponents—

Mr Hanson: Wait to see what Tony Harris has to say.

MS GALLAGHER: Even the strongest opponents—

Mr Hanson: If Tony Harris supports it, you will just—

MS GALLAGHER: Even the strongest opponent of the proposal proceeding, the archbishop in this instance, does not support the status quo continuing. The Liberals again are in that hole that they have dug for themselves. It is a very lonely old hole; there is only them down there. When they were digging their hole, they did not put in little steps for a ladder to get out with, which most people do because they do not—

Mr Seselja: You're looking like you're in a hole, Katy.

MS GALLAGHER: Most people, when they are getting into the hole, do have the foresight to think about getting out of the hole. Even the archbishop does not support the status quo. The little Liberal think-tank, the little boys club, need to go away and have another little strategy session: "Oops, we got that wrong; we'll need to have another think about what our position on Calvary actually is."

There is no support for the status quo continuing. We do not support it, and the status quo will not continue. But guess what: the arrangements have been in place for 40 years. The events over the weekend ensured that they will be in place for the next 61 years. So we have a little bit of time to work our way through the issues.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Given it was acknowledged that the Vatican processes could lead to the sale of Calvary not going ahead, were other options considered or developed?

MS GALLAGHER: As I said in response to Mrs Dunne's question, yes, a whole range of other options have been considered over a number of years and there has not

been agreement between the parties. We cannot do anything on the north side of Canberra on that site, on the Calvary site, without the agreement of the Little Company of Mary.

Mr Seselja: So whose fault is that? Who do you blame, Katy? You're throwing the blame everywhere.

MR SPEAKER: Order!

MS GALLAGHER: I do not know that there needs to be any blame.

Mr Seselja: Is it LCM? Is it the Vatican? Is it the palliative care society? The Liberals? The Greens?

MR SPEAKER: Order, Mr Seselja!

MS GALLAGHER: Those rights are clearly outlined in the contracts and arrangements that have originated since Little Company of Mary took over the hospital. Yes, they were given a tremendous contract and a tremendous lease. They would not be given those things today, under the conditions that they have been granted. There is no get-out without their agreement; there is no capacity for the government to act unilaterally. The only way forward, and this has been closely scrutinised by our legal team, is to work with the Little Company of Mary to reach agreement around a way forward for the future. We had done that, and we were proceeding with that. Other options have not received agreement from the Little Company of Mary or, indeed, in some instances, from the government, for different reasons. So now we are back to the drawing board.

In terms of the opposition trying to manoeuvre and trying to get out of that hole that they dug for themselves, I do sense this little campaign being run that perhaps we have not been preparing for the future whilst we have been doing all of this. Can I just put that to bed now. We have been improving services at Calvary over a number of years. We have invested more resources in Calvary than any other government has. Indeed, we have invested more in capital infrastructure. So work continues on.

Budget—savings

MR DOSZPOT: My question is to the Treasurer. I refer to reports in today's *Canberra Times* that the ACT government will be spending up to \$4.5 million on consultants to find savings. Why aren't you capable of finding savings in the budget without paying millions of dollars to consultants?

MS GALLAGHER: I thank Mr Doszpot for the question and I note the continuing theme of the Liberals. At some point they are going to have to give up, I think, around my failures as Treasurer, because, 18 months on and the sky has not fallen in—and, lo and behold, the ACT is the best performing economy in the world.

Opposition members interjecting—

MS GALLAGHER: There we go! Surely, when the economy falters or there is a technical recession, it is all my fault.

Opposition members interjecting—

MR SPEAKER: Ms Gallagher, the question.

Mr Smyth interjecting—

MS GALLAGHER: Surely, Mr Smyth, the ACT enjoys top economy, leading the country—some kudos has to be given to the Treasurer that is responsible for everything, of course, in this jurisdiction. I think all of the hopes and desires of the Liberals that the economy would falter, that the budget would struggle, not actually coming through again will require that little strategic male think-tank to go back and have another little look at that.

MR SPEAKER: Ms Gallagher!

MS GALLAGHER: In relation to the Expenditure Review and Evaluation Committee, the \$4½ million is the top limit of arrangements that are being put in place. There is no expectation that that limit will be reached. A panel of consultants has been put together, if it is needed. Not one cent of that expenditure has been spent or approved. If it is needed over the next couple of years as we work through the budget plan to look at savings to our budget—

Opposition members interjecting—

MS GALLAGHER: We have a huge task ahead of us. Again Mr Smyth is smiling. I am sure he is enjoying the fact that this government has to find savings in the order of \$122 million. We still need to find those savings. It is a big task. It is more than we delivered through the functional review, from memory. We have a big task ahead of us and, yes, at times we are going to rely on expert consultants from outside to have a look and examine our internal structures to make sure they are efficient and effective. Every government does it. In terms of rolling through the plan, you will see, Mr Speaker, when I table the budget review just how correct the budget strategy was—just how correct our strategy was—to implement a longer term recovery, to take time to look at savings to the budget.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MS GALLAGHER: Those savings are real; they have to be made—as opposed to Mr Smyth's slash and burn, which you were recommending last year. Well, won't you have egg on your face on Thursday when those budget review documents are tabled!

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: My question is to the Treasurer once again. Why has the ACT government run out of ideas on how to improve its performance?

MS GALLAGHER: I love this. After being beaten up for a couple of years on failing to consult, talk and do all the rest of it, here we have a situation where we are going to take time, we are going to talk, we are going to consult—

Mr Doszpot: And a lot of money. You are going to spend money.

MS GALLAGHER: Not a cent has been spent, Mr Doszpot. Again—

Mr Seselja: You are not going to spend money?

MS GALLAGHER: An opposition that has been in opposition for so long and is clearly destined to stay in opposition—if you try and understand what we have done here, you will see that we have not spent a cent. We have a restructure fund and we have put in place a panel of approved providers, a number of consultants. If the expenditure review committee wants to commission work, it will go and commission work from them. It has a lower limit of \$200,000 and an upper limit of \$4½ million. No expenditure has been made, and EREC has been working for almost 12 months now. You have no idea what the government's ideas are in terms of this budget.

Mr Smyth: And clearly you don't either.

MS GALLAGHER: Those discussions are being had around the budget cabinet table, which is somewhere you guys will never sit.

Mr Smyth: Crazy ideas; consultants' ideas.

MS GALLAGHER: These are difficult discussions. I note that the opposition have failed to engage completely in the budget. I have not received a submission or any ideas from them about their savings.

Mr Hanson: How many did Labor put in when you were in opposition?

MS GALLAGHER: I know they always say, "Go back to the savings we identified in the election." They have not actually moved on from losing the election in 2008. Those savings you identified were to pay for your election commitments; they were not to deal with the structural problems facing our budget post the global financial crisis.

Mr Smyth: We offered to sit down with you.

Mr Seselja: It was not hard to find savings, though, was it?

MS GALLAGHER: You had no ideas at all. We are working through—

Mr Seselja: It was not hard. We could do it from opposition and you need to pay someone \$4½ million to tell you.

MR SPEAKER: Mr Seselja!

MS GALLAGHER: We are working through all of the issues around savings for our budget. We are doing it carefully, methodically. Yes, from time to time we will seek external views on that.

Mr Seselja: Eight years you have been there and you still have no idea.

MR SPEAKER: Order! Members, resume your seats. Members of the opposition, the continual badgering on questions is not appropriate conduct in question time. A question is asked; let us hear some of the answers from the ministers before you badger with a whole range of further questions.

MR SMYTH: Thank you, Mr Speaker. Treasurer, how does the cost compare for having the external consultants with the conducting of Mr Costello's functional review of the ACT budget?

MS GALLAGHER: There has been no cost spent, so I cannot compare it. There is nothing—nothing being spent.

MR SPEAKER: Mr Smyth, a further supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister why doesn't this government have the capacity to manage its budget process without spending millions of dollars on consultants?

MS GALLAGHER: Oops, there is that little group that has got to get back together! I have not spent any money on consultants yet and, yes, we do manage our budget. We have managed our budget every year since coming to government. We have a AAA credit rating and when the budget review is tabled on Thursday you will see just how our strategy of last year has paid off.

Children and young people—protection

MR HARGREAVES: Mr Speaker—

Mr Hanson interjecting—

MR SPEAKER: For heaven's sake, Mr Hanson.

Mr Stanhope interjecting—

MR SPEAKER: Mr Stanhope, stop encouraging him. Mr Hargreaves, you have the floor.

MR HARGREAVES: Thank you very much, Mr Speaker. My question is to the Minister for Children and Young People. What is the government doing to invest in our child protection system?

MS BURCH: I thank Mr Hargreaves for his question. The ACT Labor government have significantly increased investment in childcare and protection since it came to office. In 2004-05 we boosted funds significantly to support the much-needed reforms to the carer protection system, such as the development of the carer protection data systems, wage supplementation, priority policy and program projects and the centralisation of care and protection services, in addition to a number of one-off individual support packages. By 2008-09 the ACT budget papers showed at output class 4.2, which related to carer protection, that \$40.019 million was directed at carer protection. The government provided a further \$11 million for child protection in care in the 2009-10 budget. I am pleased to say that this has brought the budget for 2009-10 to \$44.7 million.

The recent report on government services does not contain the latest available budget figures or our significant investments in early intervention and prevention or our support for out-of-home carers. What the report does show is that the ACT posts the best results in terms of response times for investigations completed within two months, at 86.3 per cent complete, and within three months, at 95 per cent complete. The ACT has the third highest response time for investigations completed within one month, which is well above the national average of what is reported. It also has the lowest rate of investigations which take longer than 90 days, down at five per cent. This shows that the ACT is working in a timely and responsive way to address the needs of children at risk in our community.

Mr Speaker, I would just like to share with those here that in the 2001-02 budget the investment in care and protection by the Liberal government was \$15.1 million, compared to this government's investment of \$44.7 million. The ACT Labor government is committed to continuing to work with our children to keep our children as safe as possible. I thank Mr Hargreaves for his question.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, how is the government investing in early intervention to support the care and protection system?

MS BURCH: Thank you, Mr Hargreaves, for the question. I remind those opposite that even Mrs Dunne had to step away from ownership of the \$15 million when she was asked about a few things on radio. She said, "No, it wasn't me; I wasn't there at the time."

But coming back to your question, Mr Hargreaves, this government has been investing in early intervention and prevention to assist in diverting families and children from the statutory care and protection system. The research tells us that early intervention is the key to protecting our children. Early intervention is not only the right thing to do for our families but it makes economic sense. Early intervention saves us financially down the track, but, more importantly, it produces stronger families and stronger communities.

This government's funding for early intervention and prevention was not included in the recent report on government services but it is a large part of this government's

investment in keeping our children safe. Through the 2009-10 budget, we directed \$20.770 million to early intervention initiatives, which includes the highly successful child and family centres. This Labor government has invested in early intervention by opening two child and family centres, in Tuggeranong and Gungahlin. They provide a range of services, including maternal and child health clinics, giving advice on child health, parenting issues, providing immunisations and speech therapy, physiotherapy, drop-in services, parenting programs and play groups. I am pleased to say that the government will open a third centre, at west Belconnen, later this year, which will further complement the work of the other two successful centres.

In addition, we provide significant funds to key government partners providing family support and youth services to vulnerable families, children and young people through my department. This government is delivering on its commitment to working across our community and with families to keep our children as safe as possible.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Thank you, Mr Speaker. Minister, why is it the case that the Productivity Commission's review of government services shows that over the reporting period of the 2008-09 report real terms spending on care and protection fell from \$39 million to \$31 million and that per child expenditure fell from \$514 to \$396?

MS BURCH: Thank you, Mrs Dunne, for the opportunity to again talk about the investment of this government in childcare and protection. I am not quite sure what Mrs Dunne has not heard, but the budget that we are putting into child protection includes online childhood protection, support to community groups and investment in early intervention and prevention. We are sitting on an investment of over \$44 million. In regard to the ROGS report, I just want to remind those here, and perhaps Mrs Dunne if she cares to read, that the accounting rules associated—this is from the report—with the inclusion in the report on government services are complex. That is perhaps why you have not got there. It is noted in the report itself, for example, on page 1513, that:

In the area of child protection there are differences across jurisdictions in the calculation of expenditure

And, further:

The scope of child protection systems also varies across jurisdictions and expenditure on services may be included for some jurisdictions whilst not others.

This—I will join the dots for you—can lead to some variations in comparison. This government does not step away from its need, its desire and the priority of caring for the children and vulnerable in our community, which is why we have significant investments in the child protection system.

MR SPEAKER: A supplementary question, Ms Porter?

MS PORTER: Minister, how is the government supporting our foster and kinship carers, which plays such an important role in keeping our children safe?

Mrs Dunne: On a point of order, Mr Speaker: I ask for your ruling, again, about the relevance of Ms Porter's question about foster and kinship in relation to the review of government services, which was the original question.

Mr Hargreaves: On the point of order, Mr Speaker: mine was the original question and I did not mention the report on government services anywhere. I was talking about the child protection service, of which foster carers are an essential part.

MR SPEAKER: There is no point of order. Ms Porter, can you repeat the question, for the minister's benefit?

MS PORTER: Minister, how is the government supporting our foster and kinship carers, which plays such an important role in keeping our children safe?

MS BURCH: I thank Ms Porter for her question. Before I respond, can I just say a large thankyou to all the foster and kinship carers out there that do such a tremendous job across the system. As part of this government's commitment to keeping our children safe, we have also substantially increased the level of support provided to our foster and kinship carers, providing an additional \$800,000 in the last budget over four years. These funds go towards training, skills development, community education, advocacy and networking and other specialist support. Our foster and kinship carers play a remarkable role in assisting our vulnerable children in their time of need.

The report on government services showed that the ACT provides amongst the highest subsidies in the whole country. The subsidies are on track to increase again this year. This is just another example of the ACT Labor government investing in our vulnerable and through our child protection system.

Hospitals—birthing centre

MS BRESNAN: My question is to the Minister for Health and it is about the new birthing centre being constructed as part of the women's and children's hospital. Minister, can you please advise if the new birthing centre is intended to be the permanent home of the Canberra midwifery program and, if not, why not?

MS GALLAGHER: Is the question about whether the birth centre is going to be the permanent location?

Ms Bresnan: Yes.

MS GALLAGHER: I noticed, since I returned to work from leave, that I have received a letter from the convenor of the Friends of the Birth Centre, who were concerned about some of the early design work that they had seen around the new birth centre. From my briefing—I had a very short discussion with the department of health around this yesterday—there seems to have been a misunderstanding about the

level of detail that was provided in the plans. Hopefully, we will be able to work through these issues. I think that the concerns that have been raised by the Friends of the Birth Centre will be able to be dealt with within the final sketch plans when they are completed by May 2010. I have asked Health to work very closely with the Friends of the Birth Centre in finalising that. But, yes, the final location of the birth centre, if I heard your question correctly, is inside the women's and children's hospital.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, given the skeleton plans for the birthing centre have been signed off, what advice have the department and architects taken on from midwives and the Friends of the Birth Centre and what suggestions have been discounted?

MS GALLAGHER: I think what has been signed off are some preliminary sketch plans, but the final sketch plans have not been signed off. They are due for completion in May. From my point of view, we have been talking with the Friends of the Birth Centre for a long period of time—since the announcement of the women's and children's hospital was made—around trying to accommodate everything that they were after within the confines of the building. It has been fraught. This started with the Friends of the Birth Centre not wanting to be within areas where more traditional or other delivery areas were. From all the discussions I have had with the architects and Health—and if we put aside the fact that the Friends of the Birth Centre did not want to be where they are going to be—we are able to accommodate all of their design desires. That is my understanding. We will continue to work. I will check whether the preliminary sketch plans have been signed off. They may have been signed off. They are due for signing off in February. The final detailed design is due to be completed in May. I will continue to work with the Friends of the Birth Centre to make sure that they are as happy as they can be.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, did the architects have expertise in designing specialty wards, in particular birthing centres? If not, were the architects required by the government to subcontract out the design to people with the appropriate expertise?

MS GALLAGHER: Bligh Voller Nield are the architects for the women's and children's hospital. I will have to check whether they have subcontracted any work; I am just not sure. They are the lead architect and my understanding is that they have a very long history of designing healthcare facilities. Again, I will check about whether they have had experience in designing a women's and children's hospital, but they were selected after a fairly intensive procurement process where I guess experience was one of the criteria being examined. I will come back to the Assembly with that further information.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: A supplementary. Minister, have these design changes caused any delay in the women's and children's hospital, and when do you expect the hospital, and the birth centre in particular, to be operational?

MS GALLAGHER: With respect to the current timetable for the women's and children's hospital, I have not been advised of any delays. I know that Health are working hard to make sure that there are not any delays, but it is a big project. I have not been advised of any delays. With respect to the current date, and the last date that I recall for completion of the new part—because the women's and children's involves a new building but it also involves a substantial refurbishment of the current building—my understanding is that the new building is due for completion in June-July 2011 and the refurbished part is due for completion in, I think, mid-2012, and currently is on the timetable for that.

Budget—savings

MR SMYTH: My question is to the Treasurer. Treasurer, during the hearings of the estimates committee for the 2009-10 budget, I asked you about the rollover of funds that was set out in the 2009-10 budget papers. I particularly asked about rollovers in your department, which included a \$6 million rollover in the restructure fund. You took the question on notice and answered that these moneys were to be issued for other issues with the implementation of the budget plan. Treasurer, why did you not tell the estimates committee or provide an answer in the question taken on notice that \$4.5 million of these funds was to be used to engage consultants to assist you to find budget savings?

MS GALLAGHER: Because that was not a decision that had been taken at that point in time. The restructure fund has been rolled over, from memory, over a number of years. It has been there to allow flexibility for government to meet challenges as we work through budgets.

I think it came out of the functional review that a restructure fund be established. Where we do not use it, we roll it over. I do not know what date you are referring to but it must be some time in May last year. A decision on potentially using that, because we have not used it yet, to support the work of the expenditure review committee had not been taken.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, when was the decision taken to use these funds to engage consultants to do the work to assist in finding the savings required to balance the budget?

MS GALLAGHER: I will come back to the Assembly with a date. I believe it was in a report to cabinet from the expenditure review committee which detailed the work that they had done to date, the work that was being done across agencies, and sought agreement for use of the restructure fund, should it be required.

Hospitals—waiting times

MR COE: My question is to the health minister. Minister, I refer you to chapters 10 and 11 of the Productivity Commission's *Report on government services 2010*, which was published in January this year. The report indicates in chapter 10 that elective

surgery patients in the ACT have a longer wait in the ACT for surgery than they would have in any other jurisdiction. Treasurer, why do patients wait so long?

MS GALLAGHER: If you look at the results published in the ROGS data, I think all of us here in the ACT can be very pleased with the results, including a whole range of indicators which show that it is the healthiest place to live and that we live the longest of anywhere in the country. But there are areas of pressure.

Mr Hanson: That is to do with our high socioeconomic status, minister.

MS GALLAGHER: Mr Hanson continues to interject, Mr Speaker; I just draw that to your attention in case you are blocking him out. There are areas of continued pressure that we have been working on. One of those is around elective surgery. The ability of the government to determine progress in elective surgery really is about increasing throughput. We cannot control additions to the list. What we do is control exits from the list.

Any measure or any analysis shows that we have been increasing our elective surgery work every single year; indeed, we exceeded 10,000 operations—the fifth year in a row where we have had record levels of access to elective surgery. That is the focus of the government. Over 11,000 people joined the elective surgery list last year. Over 10,000 of them were removed, but demand for surgery continues to grow.

Part of the challenge is the limitations of the private system in the ACT.

Mr Coe: Which you are about to rip into.

MS GALLAGHER: There are limitations in the private sector.

Mr Seselja: So not your fault, again!

MS GALLAGHER: I know that the opposition think that all these matters are very easy and you just go out and shop around and buy services from the private system, but the reality is that you cannot do that. We have tried. We have tried to put more work out to the private system, and there are barriers to that being done.

Other issues include the fact that we are a major tertiary referral centre for the region and that six of our 12 operating theatres at Canberra Hospital are tied up doing emergency work every day. This is not something that larger jurisdictions have to endure; they can have elective surgery centres in their jurisdictions which help them get through their elective work: there are no cancellations and things can be managed through these elective surgery centres. That is what larger jurisdictions are able to do.

We have been improving our performance in elective surgery. Demand continues to grow. I am very confident that we will see levels of elective surgery continue to be in the high 9,000s, possibly 10,000, for this financial year. That is the responsibility of the government—to continue to grow our service, continue to work with our providers. I am going to continue to put pressure on the doctors to see what work can be done in the private system. They are a barrier to putting work out to the private system. We have tried it, and in a number of specialties it has been resisted.

I know that Mr Hanson thinks, in his ideas paper or discussion paper, that that is clearly something that can easily be done. It is not. Nothing in health is easy to just do. You just change something and do that? That is not the way forward.

In terms of elective surgery, we will continue to look at where we can improve our service. We will continue to do it. We have seen continued improvement; we have seen long waits on the lists reduced. We get almost 100 per cent of our emergency work and almost 100 per cent of our category 1s through the door in the time that is required. That is a really good result for a system that is under pressure.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Thank you, Mr Speaker. Minister, the report indicates that 10.3 per cent of patients wait longer than 365 days for surgery, which is the highest proportion of any jurisdiction. Why does the ACT perform so poorly against this measure?

MS GALLAGHER: If you look at the work coming through the hospital you will see that the category 1 patients continue to grow. The emergency work continues to grow. What that means is that when you have urgent and emergency work coming through, people who have less urgent conditions that require surgery within 12 months have to wait. There is not an easy solution to that in a jurisdiction where there are only two public hospitals, where our utilisation of the public system is the highest in the country, the lowest utilisation of private health insurance, despite the highest coverage. You are not going to change that easily. What it means to me is that the most urgent cases, where we have seen significant rises in those categories of patients, are being seen and are being seen on time but, unfortunately, that means less urgent patients have to wait. That is where that indicator comes from. If you did a snapshot of a two-hospital town of a jurisdiction this size, my guess is that you would find the same result within any other jurisdiction.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, why is it that, after eight years of this ACT Labor government, the median waiting time for elective surgery has deteriorated from what was 40 days when you took office to 72 days now, the longest wait in Australia?

MS GALLAGHER: I thank Mr Hanson for the question. I think I have outlined the reasons why. The reason the opposition fail to grasp the answer is that 11,337 people were added to the elective surgery waiting list in 2007-08 and almost all of them were removed. They keep coming back because, Mr Smyth, demand continues to grow. For someone who says they understand these things—

Mr Hanson: Why are we the worst in Australia?

MS GALLAGHER: Because what you were dealing with back in 1999 is history. We have seen massive growth in demand for elective surgery, growth that in your system, under your control, would have meant that the system crumbled. If you, in government, had seen the growth that we have seen, your system would have collapsed.

We have built operating theatres. We have invested money. Back in 2001, we were delivering around 6,000 procedures a year. We are almost at 10,000 procedures a year, Mr Smyth. The numbers of throughput continue to rise. We will continue to focus on this. It is an area of pressure within our system. We will do what we can. Part of it is around working with the private system to help us with the demand that we are continuing to see grow.

MR SPEAKER: Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, in developing your strategy around improving health services, particularly tackling long waiting lists, have you considered the Liberal Party's previous strategy of reducing hospital beds, reducing health services to prisoners and reducing health services out there in the community as a way of funding it?

MR SPEAKER: Mr Hargreaves, the question is out of order. You are asking Ms Gallagher to answer a question about Liberal Party policy, for which she is not responsible.

Mr Corbell: On a point of order, Mr Speaker, that is not the question. The question was: had the government considered those policies? It is an entirely appropriate question to ask the minister: has the government considered the policies put in place by previous governments? It is an entirely reasonable question to ask the minister whether or not the government has given consideration to policy formulations of previous governments.

Mr Hanson: If the minister were to consider the results during those times for emergency departments, for example, and elective surgery—

MR SPEAKER: Let us not debate the issue, Mr Hanson.

Mr Hanson: then I would be more than happy for her to table those in her consideration.

MR SPEAKER: Thank you, Mr Hanson. We are not debating the issue. I think you make a fair point, Mr Corbell. The question stands. Ms Gallagher?

Mr Smyth: On a point of order, Mr Speaker, the original question, though, is about the Productivity Commission report. There is no mention of Liberal Party policy or other policies in the Productivity Commission report. It is quite an exact question. I think your original decision—

MR SPEAKER: Mr Smyth, the nature of the debate has broadened in the sense that we are now talking about the general approach to addressing waiting lists.

Mr Smyth: Mr Speaker, in your ruling, in your decision on this new technique, you said supplementaries have—

Members interjecting—

MR SPEAKER: Order! Mr Smyth has the floor, whether you like his views or not.

Mr Smyth: to be in the context of the original question. The original question is about the Productivity Commission report. I just bring it to your attention.

MR SPEAKER: Thank you, Mr Smyth. Ms Gallagher?

MS GALLAGHER: Thank you, Mr Speaker. No, the government has not considered the strategies that were outlined by Mr Hargreaves. With the closing of 114 beds, it has taken five or six years to return to a level where I think we are on the national average now, after being the lowest in the country, thanks to the opposition.

The issues around elective surgery are real. We are focusing on them. Part of the result is due to the government's commitment to removing those who have been waiting too long for care from our lists. Whilst I have explained this a number of times in this place, the opposition fails to understand the strategy that has been implemented, which is that we could improve our statistics and be in the national results. We could do that very easily. The way you do it is by removing category 2 patients and category 1 only, and leaving category 3. That is a measure of people leaving the list; it is not a measure of people on the list. You could do that, and other jurisdictions may well do that. Their category 3s may be very long, but they are not part of the statistics that are counted. That is an easy way to do it. We could do it; we could fix it in one year. We could say to category 3 patients: "You just don't get surgery because guess what? We're going to get a difficult result in the ROGS data and the government does not want to be embarrassed by that ROGS data." So category 3 patients, or people that have been on the list for too long, could be told, "You don't actually get your surgery because we're going to remove people that have been on the list for a short amount of time and that will improve our statistics."

Yes, we could do that, but that would be flawed public policy. It would be wrong, and it would create a problem for governments of the future. So we have determined that we have a long wait list that we remove, and that affects our data, and it will affect it for some years to come. But it is the right thing to do, not the easy thing to do.

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

Answers to questions on notice

Question No 346

MR SESELJA: Under standing order 118A, I ask for an explanation from the Treasurer in relation to unanswered question 346.

MS GALLAGHER: I am sorry, it might be in the pile of briefs that I have upstairs that have been waiting for me upon my return from leave. I will check and, if it is, I will sign it off as soon as I can. I am sorry, Mr Seselja, it is not something that I usually do. I am a bit late.

Question No 404

MR SESELJA: I seek an explanation under 118A from the Minister for Health in relation to unanswered question 404.

MS GALLAGHER: Again, I will get some advice from my office. I have only been back in the door a day from leave, but I will check where that question is up to and provide the Assembly with an explanation if I am unable to provide it today.

Question No 411

MR SESELJA: I seek an explanation under 118A from the Minister for Planning in relation to unanswered question 411.

MR BARR: I understand Mr Seselja asked this as a generic question of all ministers. I certainly recall signing a response on at least three occasions in my other portfolios. I will double-check. I am pretty sure I have signed off the planning one as well. It may be that there was some delay within ACTPLA in collating all of that information. It was quite a detailed question on electricity consumption going back over four years, greenhouse gas emissions, estimated costs for the department over a four-year period, spending on communication services and fixed-line phones and mobile phones. I imagine it would take some time to collate that data.

But I am certainly aware that Mr Seselja asked this of all ministers in all portfolios and I know I have signed off at least three responses to him with my various other ministerial hats on. So I will check as to why the planning authority's response has not been provided, although I have a feeling I have signed it off. It may have been lost in the system. I will double-check.

Question No 495

MR SESELJA: I ask for an explanation from the Minister for Health in relation to 495.

MS GALLAGHER: I will check today on outstanding questions that I have. I do apologise to the Assembly for them.

Question No 513

MR SESELJA: I ask the Chief Minister for an explanation in relation to question 513.

MR STANHOPE: I will have to make inquiries. I must say I am not aware but I do know that some of the questions that have been asked are taking days, lots of time, to answer, costing tens of thousands of dollars. An explanation might be that there are higher and more important priorities being pursued by hard-worked officers within the public service.

MR SPEAKER: My advice from the Clerk, Mr Seselja, is that question 513 is actually directed to the Treasurer, according to the notice paper.

Mr Seselja: My list says it was to the Chief Minister.

MR SPEAKER: We will have to compare lists then.

Papers

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Government Agencies (Campaign Advertising) Bill 2008, dated 16 December 2009.

Justice and Community Safety Legislation Amendment Bill 2009 (No 4), dated 14 and 15 December 2009.

Workers Compensation Amendment Bill 2009, dated 14 and 15 December 2009.

Auditor-General Act—Auditor-General's Report No 8/2009—2008-09 Financial Audits, dated 18 December 2009.

Executive contracts

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): For the information of members, I present the following papers:

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

Short-term contracts:

Adrian Scott, dated 9 December 2009.

Alan Traves, dated 4 January 2010.

Alison Purvis, dated 14 December 2009.

Andrew Taylor, dated 14 December 2009.

Anne Thomas, dated 10 December 2009.

Anthony Graham, dated 23 November 2009.

Caroline Hughes, dated 15 December 2009.

Conrad Barr (2), dated 6 and 23 November 2009.

David Collett, dated 24 December 2009.

David Dawes, dated 27 November 2009.

David Dutton, dated 30 November 2009.

David Evans, dated 21 December 2009.

David Metcalf, dated 8 January 2010.
Douglas Gillespie, dated 14 December 2009.
Elizabeth Clarke, dated 10 December 2009.
Elizabeth Sharpe, dated 4 December 2009.
Glenn Bain, dated 15 December 2009.
Greg Kent, dated 23 November 2009.
Greg Newton, dated 23 November 2009.
Gregory Kent, dated 15 December 2009.
Ian Turnbull, dated 17 December 2009.
Kenneth Douglas, dated 30 November 2009.
Kristen Connell, dated 24 December 2009.
Lisa McGlynn, dated 11 January 2010.
Marjorie McGrath, dated 11 December 2009.
Megan Brighton, dated 21 December 2009.
Meredith Whitten (2), dated 11 December 2009 and 4 January 2010.
Michelle Callen, dated 12 January 2010.
Philip Canham, dated 15 December 2009.
Susanne Dever, dated 23 December 2009.
Tania Dufty, dated 4 December 2009.
Tracey Cappie-Wood, dated 9 December 2009.
Vera Van De Velde, dated 13 January 2010.
Yvonne McCann, dated 4 December 2009.

Contract variations:

Alan Traves, dated 16 December 2009.
Anne Thomas, dated 21 December 2009.
Carol Logan, dated 21 December 2009.
Catriona Vigor, dated 12 January 2010.
Daniel Walters, dated 14 December 2009.
David Dutton, dated 15 and 18 December 2009.
David Evans, dated 11 December 2009.
David Foot (2), dated 30 November and 15 December 2009.
David Read, dated 18 December 2009.
Frank Duggan, dated 11 December 2009.
Glenn Lacey, dated 11 December 2009.
Greg Kent, dated 23 November 2009.
Kaaren Blom, dated 23 December 2009.

Marsha Guthrie, dated 15 December 2009.
Michael Trushell, dated 6 January 2010.
Paul Wyles, dated 11 December 2009.
Phil Canham, dated 23 November 2009.
Robert Neil, dated 21 December 2009.
Rowena Barrell, dated 21 December 2009.
Stuart Friend, dated 15 December 2009.
Susan Morrell, dated 21 and 22 December 2009.
Thomas Elliott, dated 21 December 2009.
Tim Swift, dated 25 November 2009.

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled reports under sections 31A and 79 of the Public Sector Management Act which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 8 December 2009. Today I present 36 short-term contracts and 24 contract variations. The details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Chief Justice of the Supreme Court—Determination 8 of 2009, dated 7 December 2009.

Chief Magistrates, Magistrates and Special Magistrates—Determination 10 of 2009, dated 7 December 2009.

Children and Young People Official Visitor—Determination 15 of 2009, dated 7 December 2009.

Full-Time Holder of Public Office—Public Advocate—Determination 16 of 2009, dated 7 December 2009.

Full-Time Holders of Public Offices—General President and Appeals President, ACT Civil and Administrative Tribunal—Determination 12 of 2009, dated 7 December 2009.

Master of the Supreme Court—Determination 11 of 2009.

Part-Time Holder of Public Office—Part-Time Presidential Member, ACT Civil and Administrative Tribunal—Determination 13 of 2009, dated 7 December 2009.

Part-Time Holders of Public Office—

Determination 14 of 2009, dated 7 December 2009.

Determination 17 of 2009, dated 23 December 2009.

President of the Court of Appeal—Determination 9 of 2009, dated 7 December 2009.

Legislation program—autumn 2010 Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): For the information of members, I present the following paper:

Legislation Program—Autumn 2010.

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

Leave granted.

MR STANHOPE: I am pleased to present the government's legislation program for the autumn 2010 sitting. Throughout the course of 2010, the government will continue to take the ACT forward with energy and purpose, seeking to make Canberra a more sustainable, safe and inclusive city. During the autumn sitting, a range of legislation will be proposed responding to emerging issues, including new national agreements, instigating additional reforms and further implementing the policies and commitments that underpinned our re-election in 2008.

The state of the environment and the sustainability of our city remain prime concerns for everyone in light of climate change. As part of the national water initiative, the government will be introducing the Water Resources Amendment Bill 2010. The national water initiative builds on Council of Australian Government agreements to achieve a nationally compatible market, regulatory and planning-based systems of managing surface and groundwater resources for rural and urban use that optimise economic, social and environmental outcomes. These amendments will facilitate control of commonwealth water in the ACT and interstate water trading.

The government's policy agenda on climate change is to be advanced this year by the introduction of the Greenhouse Gas Reduction Targets Bill 2010 in response to the final report of the inquiry into this matter.

The government will also introduce other bills that will implement national agreements, including the Personal Property Securities Amendment Bill and the Animal Welfare Amendment Bill 2010. The first of these is part of the COAG reform agenda. It will amend the ACT's personal property security laws to be consistent with the new national scheme and register, giving a single, harmonised legal framework for lenders using personal property as security. The second will make amendments to the Animal Welfare Act 1992 to enable the responsible minister to make animal welfare codes of practice mandatory, as agreed by the primary industries ministerial council.

Ongoing reform and improved accountability and transparency continue to be a high priority for the government. For financial management, the Appropriation Bill 2010-2011 will be central to the legislative and financial agenda for the upcoming financial year. This is to be presented in May, providing appropriation to administrative units for the 2010-11 financial year.

Amendments are to be made to the Duties Act 1999, the Rates Act 2004 and the Payroll Tax Act 1987 by the Revenue Legislation Amendment Bill 2010. The proposed changes to the Duties Act provide an exemption from duty on the purchase of a residential property by a special disability trust, where the property will be the principal place of residence for the beneficiary. The changes to be sought to the Rates Act will provide a rebate of rates if the beneficiary of a special disability trust is an eligible pensioner as defined under the Rates Act. The amendment to the Payroll Tax Act will introduce an exemption from payroll tax on wages paid to employees engaged in voluntary bushfire and emergency services work.

The Road Transport (Third Party Insurance) Amendment Bill 2010 will establish a mechanism for the compulsory third party regulator to report annually on the compulsory third party scheme in the ACT. It will provide a reporting structure for the regulator that will enable scheme statistics for the ACT to be transparent and accessible by the public.

Mechanisms for reallocation of gaming machines in the ACT will be addressed by the Gaming Machine Amendment Bill 2010. The proposed scheme provides for the reallocation of gaming machines to areas of the ACT where there is growing demand both for gaming machines and for access to a local club and the community services the club provides. This will be done without an increase in the overall number of gaming machines and without creating a predatory environment that would lead to the swallowing of small clubs by larger ones.

Resolving of planning issues is also a priority, with several proposals to be progressed in the planning portfolio to clarify aspects of the Planning and Development Act and the Construction Occupations (Licensing) Act. The proposed Planning and Development (Concessional Leases) Amendment Bill will remove uncertainty in the definition of “concessional lease” which currently makes it difficult for lawyers to advise clients seeking to purchase a lease, noting that a concessional lease cannot be transferred without ACT Planning and Land Authority approval.

Amendments to the Construction Occupations (Licensing) Act will introduce a head of power that will facilitate licensing for building-energy-efficiency assessors. The amendments will also allow ACTPLA to more effectively enforce its disciplinary powers under the act. This includes working with other agencies in exchanging information for public safety reasons.

Changes are to be sought to the Building Act to create a greater mechanism whereby second and subsequent unit owners in multi-unit residential buildings can have access to adequate and timely compensation when breaches of warranty are discovered after the period of statutory warranty has ended.

Continued improvement to the ACT workers compensation scheme is a high priority. The ACT is the second largest privately underwritten scheme in the country, but the scheme is not performing well when measured against a number of important criteria. It is also one of the more expensive in Australia. The Workers Compensation Amendment Bill will propose amendments foreshadowed in the Assembly in 2009 that build upon the earlier successful 2002 reform. When combined with further planned improvements, it will deliver an affordable scheme for employers, improve the outcome for workers, improve performance of scheme providers and provide an effective governance and management regime for the scheme.

Mr Acting Speaker, what is your title?

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Assistant Speaker.

MR STANHOPE: Sorry, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: That is okay. No offence taken at all. I have got a thick hide, Chief Minister.

MR STANHOPE: Thank you, Mr Assistant Speaker. A suite of legislation is presented to fight crime and to protect and support the community. The government report to the Assembly, *Serious organised crime groups and activities*, which was tabled last year, foreshadowed a number of legislative amendments to strengthen the territory's ability to combat serious organised crime. The Crimes (Serious Organised Crime) Amendment Bill will create offences for affray, participation in criminal groups and recruitment for the purposes of criminal activity. Concepts to be covered include joint criminal enterprise, being knowingly concerned in a criminal enterprise and will extend the offence of intimidation of witnesses in criminal investigations.

These amendments form phase 1 of the government's legislative response to the issue of serious organised crime highlighted in the report. Phase 2 of the government's response will involve the introduction of unexplained wealth provisions to allow for a process of civil forfeiture of assets where a person's total wealth exceeds their lawfully acquired wealth.

The government will also introduce the Crimes (Surveillance Devices) Bill 2010 as part of its continuing commitment to providing ACT Policing with the modern tools to detect and dismantle organised crime by providing a legal framework for the use of surveillance devices. The bill provides for a local and cross-border scheme for the issue and accountability of warrants relating to the use of a range of surveillance devices in the investigation of criminal offences. The bill will also make provision for the mutual recognition of these warrants when investigations cross into other jurisdictions.

The Criminal Code (Offences Against the Person) Bill is also to be introduced, which will codify fatal and non-fatal criminal offences as well as sexual assault offences. These offences will be based upon the model legislation proposed by the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General.

Sentencing arrangements will also be addressed through the Crimes (Sentence Administration) Amendment Bill, which will improve the enforcement of court-imposed fines by giving the courts the power to assess a person's income and assets and to redirect earnings in accordance with relevant legislation, seize and sell property, report bad debtors to credit providers and impose voluntary community work orders in which the defaulter agrees to perform community service to discharge the fine. The new scheme will retain imprisonment for defaulters but this will be the absolute last resort.

Victims of crime have not been forgotten. A Victims of Crime Amendment Bill will clearly define and articulate the rights of victims of crime through a victims charter, define and clarify the role and functions of the Victims of Crime Coordinator and strengthen the role of the Victims Advisory Board.

The government is also, as members know, committed to road safety. This will be improved by the Road Transport (Alcohol and Drugs) Amendment Bill, which will bring the ACT's drink-driving laws more into line with those of other Australian jurisdictions. The changes are expected to provide a greater deterrent to drink driving and to reduce the Magistrates Court's workload in relation to drink-driving matters.

Community protection is also to be enhanced by a rewrite of the Liquor Act to incorporate a number of key reforms. These include strengthening the liquor licensing regime to better reflect harm minimisation and community safety principles, the introduction of a risk-based liquor licensing system, stronger enforcement of ACT liquor laws and improved streamlining of licensing and regulatory procedures.

In conclusion, the Working with Vulnerable People Checks Bill will establish a centralised background checking and risk assessment system for people working with children or vulnerable adults in the ACT. Mandatory background checking will reduce the risk of harm or neglect of vulnerable people by identifying and prohibiting people who may pose an unacceptable risk from certain types of contact with vulnerable people.

I commend the autumn legislation program to the Assembly.

Financial Management Act—instruments Papers and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following papers:

Financial Management Act—

Pursuant to section 14—Instruments, including statements of reasons, directing a transfer of funds within:

Department of Disability, Housing and Community Services dated 8 December 2009.

Department of Education and Training, dated 20 January 2010.

Pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation:

ACT Health, dated 21 December 2009.

ACT Planning and Land Authority, dated 8 December 2009.

Department of Justice and Community Safety, dated 23 December 2009.

Shared Services Centre, dated 10 December 2009.

Superannuation Provision Account, dated 18 December 2009.

Pursuant to section 17—Instruments, including statements of reasons, varying appropriations relating to Commonwealth funding to:

Department of Treasury, dated 10 December 2009.

Department of Treasury, dated 12 January 2010.

Pursuant to section 18A—Authorisations of expenditure from the Treasurer's Advance, including statements of reasons, to:

ACT Planning and Land Authority, dated 18 January 2010.

Chief Minister's Department, dated 18 January 2010.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act, I table a number of instruments issued under sections 14, 16B, 17 and 18A of the act. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Section 14 of the act allows for existing appropriations to be varied by transfer of funds between appropriations. This variation must be authorised by the Treasurer and signed by another minister.

The transfer must also not reduce the appropriation of the losing agency by more than three per cent. This package includes two instruments signed under section 14: an appropriation of \$305,000 has been transferred from the Department of Disability, Housing and Community Services to government payments of outputs to capital injection, reflecting the proposed capitalisation of minor works associated with the provision of working space for additional speech pathologists as part of the 2009-10 budget initiative addressing the speech pathology waiting list; and for the Department of Education and Training 100 per cent has been transferred from GPO to expenses on behalf of the territory to facilitate payments to the non-government schools in relation to the administration of the carbon neutral schools, and \$106,000 has been transferred from expenses on behalf of the territory to GPO to enable the departmental management of the national partnership agreement—improving teacher quality.

Section 16B of the act, rollover of undisbursed appropriations, allows for underspent appropriations to be preserved from one financial year to the next as outlined in instruments signed by me. As required by the act, I table a copy of recent authorisations made for the rollover of appropriation from 2008-09 to 2009-10. This

package includes five instruments signed under section 16B. The appropriation being rolled over was not disbursed during 2008-09 and is still required in 2009-10 for the completion of several projects identified in the instruments.

To save the Assembly's time, I draw members' attention to the more detailed statement of reasons included with each of the section 16B instruments provided. These instruments authorise appropriation rollovers of \$744,000 for the Shared Services Centre, \$14.259 million for ACT Health, \$13.339 million for the Department of Justice and Community Safety, \$1.155 million for the ACT Planning and Land Authority and \$1.722 million for the superannuation provision account.

Section 16 of the act enables appropriations to be varied for any increase in existing commonwealth payments by direction of the Treasurer. This package includes two instruments authorised under section 17 of the act to increase appropriation available to the Department of Treasury by a total of \$8.02 million. This reflects additional funds received from the commonwealth for the first home owner boost due to the extension of the scheme to 31 December 2009.

Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. The first instrument I table under this section facilitated the Chief Minister's Department to make a \$50,000 donation on behalf of the ACT community to assist in relief efforts following the earthquake in Haiti. The second TA instrument provides for an increase of \$228,500 in appropriation for ACTPLA to facilitate the payment of compensation for lessee-owned improvements to the leases of block 154 district of Jerrabomberra and block 622 district of Woden Valley, withdrawn for inclusion in Canberra nature park reserve system, block 177 district of Belconnen withdrawn for the development of Macgregor West, and block 1 section 3 Casey, withdrawn for additional work required as a result of developing the Casey 1 estate.

Additional detail regarding all the instruments is provided in the statements of reasons accompanying each instrument and I commend the instruments to the Assembly.

Paper

Ms Gallagher presented the following paper:

Human Cloning and Embryo Research Act, pursuant to section 50—National Health and Medical Research Council—Embryo Research Licensing Committee—Report to the Parliament of Australia for the period 1 April to 31 August 2009, dated December 2009.

Justice and Community Safety—Standing Committee Report 3—government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.54): For the information of members, I present the following papers:

Justice and Community Safety—Standing Committee—Report 3—Inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre—

Government response, dated February 2010.

Tabling statement.

I seek leave to move a motion authorising publication of the government response and the tabling statement.

Leave granted.

MR CORBELL: I move:

That the papers be authorised for publication.

Mrs Dunne: I raise a point of order, Mr Assistant Speaker. I seek your guidance. The tabling statement has not been made available to the opposition and we are not entirely sure that the contents should be published at this stage.

MR CORBELL: It has been circulated along with the response.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, there is a motion before the chamber.

Mrs Dunne: What I am seeking your guidance on, Mr Assistant Speaker, is this: can we divide that so that we can vote on whether the government response be published and then on the tabling statement, perhaps after the minister has made his tabling statement, because at this stage we do not know the contents, although I have been apprised of what the contents may be, and it may be inappropriate for them—

MR CORBELL: Mrs Dunne does not know what the response says either, so her position is quite illogical.

MR ASSISTANT SPEAKER: Mrs Dunne, I think we need to proceed with the motion before the chamber at the moment and then—

MRS DUNNE (Ginninderra) (3.55): I move:

That the question be divided.

I propose that the matter be divided because there are two separate matters here. It has come to the attention of the opposition that Mr Corbell has lined up the media because he proposes to make statements in his tabling statement that he is not prepared to make outside the chamber and I am not sure that it is appropriate for the Assembly, sight unseen, on the basis of that information that has come to the attention of the opposition, that we authorise for publication the minister's statement, which, on the basis of the information provided, will include defamatory material. That is why I think that the question should be divided and that we vote separately on the publication of both the report and the tabling statement.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.56): Well, it is interesting that the opposition are prepared to have carte blanche to criticise the government when it comes to issues around the administration of corrections in the territory but are not prepared to allow the government to respond appropriately. This very simple request is that the tabling statement and the government response be authorised for publication. Mrs Dunne stood up in this place and said: “We haven’t seen what the tabling statement is going to say. Therefore, we can’t agree to it being authorised for publication.”

Mrs Dunne: If there’s nothing in it, we can authorise it after you have made the—

Mr ASSISTANT SPEAKER: Mrs Dunne, the Attorney-General heard you in silence.

MR CORBELL: The opposition have not seen the government response either but they are quite happy to authorise that for publication. Their position is inconsistent and illogical. The simple fact is that the government has a tabling statement and the response, and that is before members now. I am seeking authorisation for that. It is quite clear what is in that, and I reject any assertion that I am going to make any defamatory comments whatsoever. I certainly am not.

MR ASSISTANT SPEAKER: The question is that the motion be divided.

Question resolved in the negative.

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

Question resolved in the affirmative.

MR CORBELL: I move:

That the Assembly takes note of the papers.

When the Legislative Assembly Standing Committee on Justice and Community Safety announced its inquiry into prison delays in January 2009, it was at a time when there was considerable media and public scrutiny of the new prison and why it was still not operational. The government welcomed the inquiry at that time. We saw it as an opportunity to clear the air, and we gave the committee our full cooperation.

The construction of a prison in the ACT was a brave decision for this government, and we did not go in half-heartedly. We looked to build a facility which would cater for the ACT needs into the future and which would set high and human rights compliant standards for prison and prisoner management within Australia. This government determined that the ACT prison would be built and operated in accordance with human rights principles and best correctional practice. It would systematically pursue the rehabilitation of our sentenced prisoners and substantial reductions in reoffending. It would do this through comprehensive therapeutic, criminogenic and educational programs and sound, humane prisoner management. I was proud to have been a party to such a cutting edge policy, and I remain proud of

the implementation of that policy in the form of the Alexander Maconochie Centre and its associated services.

It was with great frustration to me—and I am sure to you, Mr Assistant Speaker, as the responsible minister in November 2008 until quite recently—that the prison was not ready to commence operations as expected, and there was continuing frustration as those delays dragged on through to the end of the year and then into 2009. It was frustrating because it was beyond the control of the government and ACT Corrections.

The inquiry, when called, was welcomed by the government. It was an opportunity for the complexities of the project to be examined without the evaluation being reduced to electronic media sound grabs or misleading newspaper headlines. The government could put its position and concerns about the performance of the builder to the committee. It could do this in detail and trust that the weight of evidence would be properly assessed and, in doing so, establish clearly that the responsibility and control for the delays was not that of the government.

Notwithstanding the terms of reference of the committee, which included overtly political elements, such as an examination of the official opening ceremony in December 2008—which had nothing to do with the delays—I had faith that a committee process would deliver some positive outcomes. I was wrong. Seven long months after its final public hearing—seven months—and almost eight months after the prison had become operational, the committee brought down its report.

One would have thought that with all that time the report would have been of the finest quality, that the committee's recommendations would have been based on findings which focused on the issue at hand—the reason for construction delays—and that those recommendations would be sharp and honed by the many reworkings that must have occurred to warrant a seven-month delay in the provision of the report.

One would have thought that the recommendations would have provided invaluable insight and potential improvements to the operation of government business. Sadly, this was not the case. Instead, we received a politically charged piece of rhetoric featuring unsound judgements, naive observations and a series of ineffectual recommendations. I was shocked at the time and let my feelings be known to the Assembly, and I am no less pleased now.

The report revealed that the committee had learned very little about the operation of building contracts or the building industry more generally. The failure to distinguish between, on the one hand, legitimate extensions or variations in contract completion date provided for under the contract and, on the other hand, the protracted delays beyond that agreed date, lumping all of these matters under the simple term “delays”, highlights this lack of understanding.

The naivety of such findings as finding 2—which says that when the committee visited the site on 4 February 2009, the AMC was not ready for handover—would be amusing if it did not reflect the ignorance of the committee's considerations, which clearly lacked an understanding of the fundamentals required in examining any construction project. No, Mr Assistant Speaker, the AMC was not ready on 4 February when the committee visited the site. It would not be ready for another six

weeks, and that was why the government was not prepared to accept the site until 20 March 2009, when it was—

Mr Seselja: You could open it!

Mrs Dunne: You said that for all intents and purposes it was ready on opening day.

MR ASSISTANT SPEAKER: Order, Mrs Dunne, Mr Seselja, please! If you want to have a discussion, go outside and do it. Mr Corbell.

MR CORBELL: Thank you, Mr Assistant Speaker. The committee's findings in regard to human rights compliance also reflect a naivety and terrible shortcoming in the committee's deliberations. In a jurisdiction where human rights compliance is to the fore, such examination was certainly a legitimate course of action. The government considers it totally appropriate for the committee to examine human rights issues in the remand centres which related to the delay in the delivery of the AMC.

However, it is one thing to examine issues and quite another to make findings—findings in regard to matters of law, findings in regard to matters of human rights law. What qualification, utilising what evidence-based analysis and what principles of proportionality, did the committee use to come to a conclusion that the delays had further contributed to the ACT's remand facilities not being human rights compliant?

Over and above all, I was offended by the committee's first finding that strongly implied that the government and its agencies had not properly complied with the inquiry's requests. I know that government and staff of its agencies bent over backwards to make themselves available for hearings and to provide thousands of pages of documents to the committee.

With these concerns, it should not have been a surprise to the government and me that the committee would get wrong the very issue at the heart of this inquiry—the issue for which the inquiry was called—the delay in the commencement of operation of the AMC and the impact of that delay. Despite all the information provided, the committee found that the delays in the commencement of operations were not solely due to the security system but to a range of other factors as well. This is not the case. This finding is wrong.

As the government has repeatedly said, and continues to say, the delays in the commencement of operations at the AMC were due to a failure by the builder, Bovis Lend Lease, and its security subcontractor, Chubb, to complete the security system. This is not just the opinion of the government. I can now advise that in a decision handed down in July last year, an independent expert contracted under the dispute resolution provisions of the contract found in favour of the territory in regard to the issue of delays.

Bovis Lend Lease had disputed the imposition of liquidated damages due to delays in the completion of the security system, claiming that other problems that had been outside its control had contributed to the delay in finalisation of the project, and it sought an extension of the agreed contract completion date on this basis. The

independent expert found that this was not the case and that the delays in the finalisation of the project were due to the delay in the completion of the security system.

I cannot leave unsaid what the expert arbitrator determined in his decision. He said:

... the security services installation commission and testing activities were causing a delay in reaching completion and that this delay was within the control of BLL.

Bovis Lend Lease has not challenged the expert's determination.

While acknowledging the committee was not privy to this decision, because its active inquiry work preceded this decision by some months, I draw to the attention of the Assembly the fact that the findings of the expert and the findings of the committee are at odds, even though the committee had access to the same sources of information as the expert arbiter.

What also amazes me is that in not one of the committee's findings is the builder, Bovis Lend Lease, or its security subcontractor, Chubb, mentioned. They were the two organisations at the heart of this project and at the heart of the problems that developed, and yet, based upon the wording of the committee's findings, they are of no import at all. I acknowledge that those companies are not subject to the recommendations of the committee, but how and why were they so completely ignored in the findings?

The independent expert has found that the government was not responsible for delays in opening the AMC post September 2008, instead ruling that contractor Bovis Lend Lease and subcontractor Chubb did not satisfy their contractual obligations for installing the AMC's internal security system. This is indicated in the government response that I table today. The claim made by Bovis Lend Lease that other factors were the cause of the delays is incorrect.

Other matters operated concurrently, but the finding by the committee that there were delays other than the delay in the security system that affected the commencement of operations of the AMC is completely unsubstantiated. The contractor's failure to properly install the security system is the reason for delays past September 2008. That is the position I have always maintained, and it has now been upheld by the independent expert appointed to arbitrate these disputes. As a result of this finding by the independent arbiter, the territory will pursue liquidated damages, which is still being negotiated and is subject to other processes.

The committee, chaired by Mrs Dunne, failed to objectively consider the circumstances surrounding the delay in the prison project. Its report is inconsistent with the findings of the independent expert. The government was not responsible for delays from September 2008 onward. The decision by the independent expert confirms that the government position was correct throughout and that the committee inquiry has fundamentally proven to be a complete waste of time.

The committee made 25 findings; the government is challenging 19 of these. The committee made findings in the absence of supporting evidence. It made findings that appear to be politically motivated and that were incorrect and critical of the government.

The committee made 11 recommendations. When it came to recommending improvements in government operation, the committee had little to offer. The recommendations relate primarily to contract management improvements and to briefing the Assembly in regard to outstanding contractual matters. These 11 recommendations are far from inspiring and far from contentious. They offer little in the way of improvement; they claim, nonetheless, to target improvement.

The government has agreed to or noted nine of these and rejected just two of the 11 recommendations. The two rejected recommendations, Nos 5 and 7, relate to the briefing of this Assembly in regard to unresolved contract matters. The government has rejected these, because to comply with them at this time will potentially undermine the territory's capacity to finally resolve this contract. However, I add that, when these matters are resolved, the government stands ready to advise members of this place on the outcome.

The government has prepared a detailed response to the committee report. The response addresses every finding and every recommendation. It documents the government's considerable concerns in regard to the findings of the committee, and it addresses the recommendations and notes the government's responses. I commend the responses to the Assembly.

MR HANSON (Molonglo) (4.12): The first point I would like to make is that the committee report was delivered by a tripartisan committee of this Assembly. It was chaired by Mrs Dunne but had two other members: Mary Porter from the Labor Party and Meredith Hunter from the ACT Greens. It is important to note that the attacks that have been made by Mr Corbell are being aimed at a committee of this Assembly, are being aimed equally at Mrs Dunne, Ms Hunter and Mary Porter.

The story here today—I know that Mr Corbell has called on the media for his dramatic response, but I hope they are not too let down by it—

Mr Coe: Anticlimactic.

MR HANSON: It certainly was, Mr Coe—very anticlimactic. The story out of today is that Mr Corbell has turned on his own ACT Labor member. This report says that it appears to be politically motivated. So the report is politically motivated. Simon Corbell is essentially alleging that his own ACT Labor member has assisted in drafting, has agreed to and has signed off on a politically motivated report.

There are two options here: either that is simply not true and Simon Corbell is trying to deny, spin and get himself out of what is a troubling situation, a damning report, or—the alternative—Mary Porter has deliberately signed off on a politically motivated report. Either of the two are somewhat damning of Simon Corbell.

The reality of the matter is that there has been an abject failure in this government's management of this whole project. The report that has been written by the committee, the tripartisan committee, is fair, balanced and not politically motivated. Having sat on committees and having been involved in committees with Ms Porter and with Ms Hunter, I know that they would not allow that sort of thing to go through. To cast aspersions on the motives of Mrs Dunne, Ms Hunter and Ms Porter is disgraceful. It is the act of a coward, Mr Hargreaves.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Hanson, I have to ask you to withdraw that. That is a little unparliamentary.

MR HANSON: I will withdraw it.

It is the act of someone who, as a minister, has lost control of his department, has lost control of his ability to respond objectively and is simply attacking a tripartisan committee as his only form of defence for what has been a dreadful report.

Mr Corbell: Deal with the substance of the response.

MR HANSON: I think that the—

Mr Coe: Yours was so good, Simon. Yours was just chockers with good content.

MR ASSISTANT SPEAKER: Members, order! Mr Hanson is quite capable of looking after himself.

MR HANSON: Thank you, Mr Assistant Speaker. I will go through it in more detail, but the comments that describe the committee response as ignorant, politically motivated and failing in objectivity are the substance of the matter and go to the heart of why this minister has simply been unable to manage the portfolio. I can go through the committee findings and look at some of the findings which were damning. Quite reasonable assessments are made by the committee. The report states:

... when the Committee undertook a site visit, the AMC was clearly not ready for handover and it was apparent to the Committee Members that considerable work still needed to be done.

That did prove to be the case. The committee was entirely correct in that assessment that it made. That is indisputable. That was on 4 February; that was several months before the AMC was actually ready to be opened. So it was an accurate assessment of what had occurred. The report also made the following comment:

While the ACT's remand facilities have ... given rise to serious human rights concerns, these concerns were exacerbated during the period between the official opening of the AMC ... and the ... transfer of remandees ...

We know that that is the case. From my conversations with Mr Hargreaves at the time, we know that the delays at the AMC—because we had to have the overcrowding at the BRC because of the additional prisoners that we could not release to New South Wales, for example—exacerbated the human rights concerns and the overcrowding

that we had at the Belconnen Remand Centre. That is a matter of record. I do not see why that can be a politically motivated or a less than objective finding. The committee also made the following statement:

At the time of the official opening, the Minister for Corrective Services was not well briefed on delays in completing the AMC and the impact that this would have on the transfer of prisoners.

I remember that in the committee that was a concern—that the minister may not have been as well briefed as he should have been. That is an objective finding. My assessment of that is that he failed in his responsibility as the minister to make sure that he was properly briefed. But the committee do not actually say that. They just identify, based on the evidence—and I remember listening to that evidence—that he was not, indeed, properly briefed.

The report states that the minister decided to proceed with the official opening despite at least eight changes over the previous six months. That is true. He was the one that made his decision to proceed; he was the one that had seen and experienced eight delays in the lead-up. The assessment from that is this: if there were serious delays leading up to it, he should have made sure he was correctly briefed—made sure that, on the eve of an election, he fully understood the implications of what he was doing.

I would suggest that the implications have been quite damaging to the government. If they had delayed the opening of the prison, I think people would have understood that that is something that can occur through the course of any major project. For them to try and say that we were going to have an opening on the eve of an election despite the fact that there had been a series of delays—that is the heart of the matter.

The report states that the RFID system was not fully functional. That is a correct statement. The government is in denial about all of this. It is saying, “Oh well, it is not critical to the operations.” The fact is that it was meant to be delivered; it was meant to be there at the opening of the jail and—

Mr Corbell: It was not. It was never going to be commissioned until the jail commenced operation.

MR HANSON: No, it was not, minister. The point is that it was meant to be part of the opening. It was delayed throughout the process, and the decision was made, subsequent to the contract being signed, that it would be delivered by a separate contractor later in the process. You know that as well as I do.

The report mentions the fact that there was no uninterrupted power supply and that there were problems with the security system. I can go on and on, Mr Assistant Speaker, but the point is that the report is objective. It highlights a lot of the errors. Rather than accepting the report from the committee for what it is and saying, “Yes, this is something that we did not get right; there were mistakes made; there is no question that there were mistakes made,” there is a government denial—a government that is spinning and then attacking.

I think that it is now clear to everybody in the ACT community that this is a project that has been poorly handled. There were the delays of about 18 months in the opening that caused the human rights breaches or exacerbated the human rights breaches at the Belconnen Remand Centre; the sham opening on the eve of the election; and the fact that the prison was delayed—was delivered under scope. People will recall that the gym that was meant to be in the prison was not there, the chapel that was meant to be in the prison was not there, and the outer perimeter fence that they wanted was not there. There were meant to be 375 beds, but there were only 300. There were meant to be 60 transition beds, but there were only 15. There was meant to be artwork, but it was a problem and had to be redone.

I will continue with some of the failures. The RFID was delivered late, and we have already had three of the items lost. Sadly, we have already had a death in custody, and that is the subject of a coronial inquest. We have had problems with the administration of medication. We have had razor blades, drugs and needles already found within the Alexander Maconochie Centre. We have had problems with internet access, with breaches of the internet system where media outlets were sent emails. We have remandees on child sex offence cases being given access to the web.

And we have cost blow-outs. We know that the prison is now costing us \$504 a day per prisoner, yet the Chief Minister, a few years prior to the jail being opened, guaranteed the people of Canberra that it would not cost us any more. That simply was not true. We are now paying for our prisoners almost double the amount we did prior to the jail being open.

There are two things that the Labor government is doing. One is saying, “Well, it’s all human rights.” It’s human rights this; it’s human rights that. We obviously all want to make sure that we rehabilitate our prisoners. We want to make sure that they come back integrated into normal life. You and I, Mr Assistant Speaker Hargreaves, have had many conversations about this over our time. But hiding behind human rights is not an excuse for poor management; it is not an excuse for failing to deliver a project on time, on scope, on budget. Human rights is something that we would want to see addressed in the jail, but when we have razor blades there, when we have drugs inside there and when we have the failure of management that we see, that does not necessarily make this a human rights compliant facility.

The second point that the government makes is: “You know, the Liberals didn’t want this jail; they never supported it.” If you track back in history—Mr Corbell was in this place back in 2001 when the Labor government took office—you will know that the concept for a jail in the ACT was being led at that stage by the ACT Liberal government, and the concerns that were being raised by the then Labor opposition were ones around the costs, to make sure that, if a jail were delivered, it would be done in a cost-effective manner. The rhetoric of Labor in opposition demanding that the costs to be met be no more than the current price of sending prisoners to New South Wales has been abandoned by this government, which is now delivering a prison that is well over cost.

In summary, let me say that I am very disappointed by Mr Corbell’s response. I fail to see why he demanded so much media attention for his speech. It was a limp response.

It is the sort of thing that we have come to expect from Mr Corbell. Rather than dealing with the substance of the issue, it is simply attack, attack, attack. In this case he is attacking the chair of the committee, a Greens member of the committee and a Labor member of the committee. The minister stands condemned not only for his appalling management of his portfolio but for his disgraceful attack on the committee members here and when the report was tabled.

MRS DUNNE (Ginninderra) (4.24): It is interesting today to see the response brought down by the government. It is interesting to note that, of the recommendations, after all the bluster, outrage and anger—the pure, white-hot anger from the Attorney-General when this report was tabled—most of the recommendations of this committee have in fact been agreed to. That needs to be taken into account; that needs to be reflected on.

This committee, which I chair and where I worked with my colleagues Ms Hunter and, at the time, Ms Porter, made a number of recommendations. All but two, by the minister's own admission, have been agreed. In fact, in his concluding words, the minister says that he agrees with the other two recommendations. Those recommendations were just about the minister reporting to the Assembly on those matters. We can have a debate about whether he should report regularly or whether he should report at the conclusion, but, as things boiled down, the minister and the government have agreed or noted all the recommendations. Some of the recommendations do not relate to the government but relate to committee activities, so they can do nothing more than note those.

It is interesting that the minister at the time took exception to the committee making findings in relation to our investigations. He was in high dudgeon: "How dare they make findings!" He has spent a lot of time in his response and in his remarks commenting on those findings. It is interesting, when you go through the remarks, to see that there is very little substance in the rejection of those findings. Most of the findings he rejects, but it is basically, "We disagree; we're the government and I'm Simon Corbell, and I'm right and you're wrong," which is not a very edifying way to behave.

Mr Corbell: Do you stand by finding 22?

MRS DUNNE: I would like to put on the record that I do stand by the work done by the committee, which I am proud to chair.

I would like to make some comments on some of the findings, but I would also like the opportunity to absorb some of these findings, and I may at a later stage seek the leave of the Assembly to comment further. I will draw members' attention to finding 19, which says:

Only one Factory Acceptance Test (FAT) was undertaken, in February 2008, on the security system despite some concerns that more work was needed. The FAT was not repeated because of concerns about slipping deadlines.

The government comes back and says:

The Government disagrees with the finding. There were two FATs.

I need to draw members' attention to the evidence. The evidence before us in the committee was that there was in fact one factory acceptance test. There were two scheduled factory acceptance tests. The first one did not take place. The first factory acceptance test did not take place. I am happy to share with the minister, with the agreement of the committee, the evidence that was provided to the committee that the first factory acceptance test—this evidence was provided by the government's own contractor—did not take place.

When the government's own contractors discussed whether they needed to have subsequent factory acceptance tests, it was agreed that they should not, even though there were concerns, because they were concerned about the time frames. So there we are. That is the first and most obvious error made by the government. On the advice of its own employees, its own contractors, the first factory acceptance test did not take place. There was only one factory acceptance test. The minister might like to consider his response to that finding. He might also like to consider his response to other findings.

Mr Corbell: Tell us about findings 18 and 22, Vicki.

MRS DUNNE: Finding 22 is the one that gets under Mr Corbell's skin. Finding 22 says:

While there were significant delays in installing the AMC security system not all the delays to the commencement of the AMC were due to the security system as the Attorney-General has contended.

The Attorney-General comes in here today and says this. He has quoted, and it is obvious that this is a selective quote from page 5 of his documents, because there is an ellipsis at the beginning. If the minister thinks that he has got a knock-down, drag-out argument to prove that we were wrong, I ask, first, that the attorney table the entirety of that advice for the benefit of members and, secondly, if the attorney has had this information since July 2009, say why it is coming to light only today.

During the time when the Assembly committee was deliberating on this matter, this minister had information that was relevant to the process—was absolutely relevant to the process. Remember that the first finding was that not all the documents that the committee desired or needed were forthcoming. The minister himself took exception to that today and said, "We bent over backwards." In fact, there were a number of occasions when the committee, in hearings and followed up by the committee secretary, asked for documents that did not come. By the minister's own admission here today, he has what he claims is an absolutely lay-down misere that shows that the committee got it wrong from go to whoa and he has been sitting on it since July last year. The minister had that, by his own admission, since July last year.

Mr Corbell: I wasn't the responsible minister in July last year.

Mr Seselja: Are you blaming your mate Hargreaves?

MRS DUNNE: He is out there blaming you, Mr Hargreaves. I ask you, Mr Assistant Speaker, why the government did not bring that matter to the attention of the

Assembly at the time. As the chairman of the committee and a member of the committee, I stand by the finding—

Mr Seselja: There is a lot of blame to go around. He is going to share it with everyone.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! Mrs Dunne is quite capable of doing this all by herself.

MRS DUNNE: I stand by the finding that not all the delays were caused by the security system. There is no doubt that the security system caused a huge number of problems, and the installation was fraught. That would be an understatement. But they were not the only delays. The clear evidence with the eyes of the committee when we visited the AMC on 4 February was that the building workers were still sweeping the site for undetected metal. The minister, in his evidence before the committee, said that on 12 September, when they opened the prison, for all intents and purposes it was ready. If this was a building that was ready for operation, then why in February, five months later, were they still sweeping the ground for undetected metal—if, on 12 September, for all intents and purposes, this building was ready for operation? It was clear from the evidence of our eyes; it was clear from the evidence provided to us in camera. Evidence was provided to us in camera that there were other factors. They were not all as grave as the security system, but there were other factors.

The minister has hung his hat on it. I would like the minister to provide for the Assembly the information that he relies upon. Really what it boils down to is that we do not know the extent to which the information that my committee relied upon is exactly the same as the information provided to the independent adviser. We do not know whether the independent adviser was given exactly the same documentation—whether the independent adviser, when he asked for extra information, was provided with it as courtesy would require. Certainly this committee did not receive all the information that it asked for.

There are many questions that are still unanswered about this matter. The performance of the attorney, both back in November and today, demonstrates his sensitivity on this matter. Mr Hanson has amply highlighted all the reasons why this attorney and this minister for corrections would be sensitive on this matter. With all the fanfare that we saw in September 2008 with the sham opening, we have an expensive prison which has blown the budget in a range of areas and which has been cut back in a range of areas. Even in the early days of its operation, there have been substantial failings. (*Time expired.*)

Question resolved in the affirmative.

Papers

Mr Corbell presented the following paper:

Australian Crime Commission (ACT) Act, pursuant to subsection 51(5)—annual report 2008-09—Australian Crime Commission, dated 12 November 2009.

Mr Barr presented the following paper:

Education, Training and Youth Affairs—Standing Committee—Report 2—*School closures and reform of the ACT education system 2006*—Government response.

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

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.35): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedule of leases granted for the period 1 October to 31 December 2009.

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

Leave granted.

MR BARR: Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct sale. Section 458 of the Planning and Development Act, as amended by the Planning and Development Regulation 2008, also provides transitional arrangements for all direct grant applications made under the Land (Planning and Environment) Act 1991, now repealed, to be decided under the repealed act. The schedule I have tabled covers 12 leases granted for the period 1 October 2009 to 31 December 2009. In addition, 107 single dwelling house leases, 13 of which were land rent leases, were granted by direct sale for the quarter.

Papers

Mr Corbell presented the following papers:

Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2009, for the following departments or agencies:

ACT Health.

ACT Planning and Land Authority.

Chief Minister's Department, dated January 2010.

Department of Disability, Housing and Community Services, dated January 2010.

Department of Education and Training, dated January 2010.

Department of Justice and Community Safety.

Department of Treasury, dated January 2010.

Environment, Climate Change, Energy and Water Portfolio.

Territory and Municipal Services Portfolio (2).

Performance report—December 2008

Attorney-General (within Department of Justice and Community Safety)—
Amendment.

The reports, including the amended report, were circulated to members when the Assembly was not sitting, with the exception of the ACT Health report.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Architects Act—Architects Board Appointment 2010 (No 1)—Disallowable Instrument DI2010-6 (LR, 19 January 2010).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 3)—Disallowable Instrument DI2009-236 (LR, 3 December 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 4)—Disallowable Instrument DI2009-237 (LR, 3 December 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 5)—Disallowable Instrument DI2009-238 (LR, 3 December 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 6)—Disallowable Instrument DI2009-239 (LR, 3 December 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 7)—Disallowable Instrument DI2009-240 (LR, 10 December 2009).

Canberra Institute of Technology (Advisory Council) Appointment 2009 (No 8)—Disallowable Instrument DI2009-254 (LR, 21 December 2009).

Children and Young People Act—Children and Young People (Employment) Standards 2009 (No 1)—Disallowable Instrument DI2009-251 (LR, 17 December 2009).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Australian Computer Society (NSW) Scheme 2009 (No 1)—Disallowable Instrument DI2009-268 (LR, 23 December 2009).

Civil Partnerships Act—Attorney General (Fees) Amendment Determination 2009 (No 5)—Disallowable Instrument DI2009-235 (without explanatory statement) (LR, 18 November 2009).

Environment Protection Regulation—Environment Protection (Noise Measurement Manual) Approval 2009 (No 1)—Disallowable Instrument DI2009-234 (LR, 30 November 2009).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2009 (No 2)—Disallowable Instrument DI2009-250 (LR, 17 December 2009).

Health Act—Health (Fees) Determination 2009 (No 3)—Disallowable Instrument DI2009-265 (LR, 24 December 2009).

Legal Aid Act—Legal Aid (Commission President) Appointment 2009—Disallowable Instrument DI2009-248 (LR, 14 December 2009).

Long Service Leave (Portable Schemes) Act—

Long Service Leave (Portable Schemes) Contractors Levy Determination 2009—Disallowable Instrument DI2009-257 (LR, 22 December 2009).

Long Service Leave (Portable Schemes) Employers Levy Determination 2009—Disallowable Instrument DI2009-256 (LR, 22 December 2009).

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

Long Service Leave (Portable Schemes) Governing Board Appointment 2009 (No 1)—Disallowable Instrument DI2009-258 (LR, 22 December 2009).

Long Service Leave (Portable Schemes) Governing Board Appointment 2009 (No 2)—Disallowable Instrument DI2009-259 (LR, 22 December 2009).

Long Service Leave (Portable Schemes) Governing Board Appointment 2009 (No 3)—Disallowable Instrument DI2009-260 (LR, 22 December 2009).

Long Service Leave (Portable Schemes) Governing Board Appointment 2009 (No 4)—Disallowable Instrument DI2009-261 (LR, 22 December 2009).

Long Service Leave (Portable Schemes) Governing Board Appointment 2009 (No 5)—Disallowable Instrument DI2009-262 (LR, 22 December 2009).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) (Official Visitors) Appointment 2010 (No 1)—Disallowable Instrument DI2010-3 (LR, 14 January 2010).

Nature Conservation Act—Nature Conservation (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-8 (LR, 22 January 2010).

Planning and Development Act and Financial Management Act—Planning and Development (Land Development Agency Board) Appointment 2010 (No 1)—Disallowable Instrument DI2010-4 (LR, 18 January 2010).

Public Place Names Act—

Public Place Names (Barton) Determination 2010 (No 1)—Disallowable Instrument DI2010-1 (LR, 11 January 2010).

Public Place Names (Bonner) Determination 2009 (No 2)—Disallowable Instrument DI2009-232 (LR, 19 November 2009).

Public Place Names (Casey) Determination 2009 (No 4)—Disallowable Instrument DI2009-230 (LR, 18 November 2009).

Public Place Names (Franklin) Determination 2009 (No 1)—Disallowable Instrument DI2009-231 (LR, 19 November 2009).

Public Place Names (Gordon) Determination 2010 (No 1)—Disallowable Instrument DI2010-7 (LR, 21 January 2010).

Public Place Names (Kingston) Determination 2009 (No 1)—Disallowable Instrument DI2009-233 (LR, 19 November 2009).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2009 (No 1)—Disallowable Instrument DI2009-267 (LR, 23 December 2009).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2009 (No 1)—Disallowable Instrument DI2009-266 (LR, 23 December 2009).

Racing Act—Racing (Race Field Information Charge) Determination 2010 (No 1)—Disallowable Instrument DI2010-5 (LR, 21 January 2010).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) (Summernats 2010) Declarations 2009 (No 1)—Disallowable Instrument DI2009-255 (LR, 21 December 2009).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No 5)—Disallowable Instrument DI2009-229 (LR, 19 November 2009).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No 6)—Disallowable Instrument DI2009-242 (LR, 3 December 2009).

Road Transport (General) (Australian Road Rules—Nightlink Taxis) Exemption Revocation 2009 (No 1)—Disallowable Instrument DI2009-249 (LR, 17 December 2009).

Road Transport (Offences) Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-52 (LR, 1 December 2009).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2010 (No 1)—Disallowable Instrument DI2010-2 (LR, 14 January 2010).

Scaffolding and Lifts Act—Attorney General (Fees) Amendment Determination 2009 (No 6)—Disallowable Instrument DI2009-269 (LR, 23 December 2009).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2009 (No 1)—Disallowable Instrument DI2009-241 (LR, 3 December 2009).

Taxation Administration (Amounts Payable—Eligibility—Home Buyer Concession Scheme) Determination 2009 (No 2)—Disallowable Instrument DI2009-244 (LR, 14 December 2009).

Taxation Administration (Amounts Payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2009 (No 2)—Disallowable Instrument DI2009-246 (LR, 14 December 2009).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2009 (No 2)—Disallowable Instrument DI2009-247 (LR, 14 December 2009).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2009 (No 2)—Disallowable Instrument DI2009-245 (LR, 14 December 2009).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No 4)—Disallowable Instrument DI2009-252 (LR, 21 December 2009).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2009 (No 5)—Disallowable Instrument DI2009-253 (LR, 21 December 2009).

University of Canberra Act—

University of Canberra Council Appointment 2009 (No 1)—Disallowable Instrument DI2009-263 (LR, 22 December 2009).

University of Canberra Council Appointment 2009 (No 2)—Disallowable Instrument DI2009-264 (LR, 22 December 2009).

National Multicultural Festival Paper

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.37): On behalf of the Minister for Multicultural Affairs, for the information of members I shall present a statement made by Ms Burch this morning regarding the 2010 Multicultural Festival. I present the following paper:

2010 National Multicultural Festival.

I move:

That the Assembly takes note of the paper.

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

Schools—closures

MR DOSZPOT (Brindabella): I seek leave to comment on Mr Barr's statement on the government's response to the school closures report.

Leave granted.

MR DOSZPOT: The government's response to the inquiry into school closures was, sadly, not unexpected. In fact, it would have been totally out of character for the government to ever agree that they had made a mistake of any kind. To this day the minister repeats the misrepresentations he made then. The minister, despite evidence to the contrary, still maintains that the consultation process was genuine and adequate and that the social, educational and financial impacts of closing school were adequately considered.

However, based on his own recently released information, we can put paid to his claims at the time relating to improved educational outcomes. Results recently made public show that, despite the pain and angst caused to many school communities,

there has been no significant educational improvement for those communities that had their schools replaced by a super school. The processes adopted by the Stanhope government at the time of the school closures were flawed. What the government did manage to do was effectively undermine community confidence in the government's ability to follow due process. Even up to the time of the committee hearings evidence was still coming to light about the way in which research was skewed to suit the argument used by the government that small schools were educationally less effective.

The minister was chastised by the committee for using the research findings of Professor Brian Caldwell on small schools to justify school closures. The misuse was even confirmed by Professor Caldwell himself. Others in the community have gone so far as to call for the minister's resignation over this misrepresentation. I will now quote from the media release issued by Save Our Schools in September 2009:

The Committee's report concludes:

The Committee has concluded that Professor Caldwell's research had been used to support a particular policy conclusion when ... it supports the provision of quality education services in school settings of various sizes including in small schools. The Committee also observed that this interpretation has been used to support a decision-making process without significant contact or verification of the interpretation from the author.

That was on page 47 of the report. It continues:

What this tortuous language means is that the Minister has misled the Assembly—

and I am still quoting from the press release—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Doszpot, I would ask you to withdraw the statement that the minister has misled the Assembly. That is not acceptable. That can be the subject of a substantive motion. Mr Doszpot, you said that the minister had misled the Assembly.

Mr Seselja: Just on the point, Mr Assistant Speaker—

MR ASSISTANT SPEAKER: It is okay, Mr Seselja. Continue, Mr Doszpot.

MR DOSZPOT: The press release continues:

and the public about the research on small schools. It says that he also failed to take proper steps to ensure that he was using the research correctly in making his decisions to close schools.

The Minister has even been effectively condemned by his own ALP colleague on the Education Committee, Joy Burch. She made no dissent on the Committee's conclusion, despite dissenting from many others.

This government and this minister have developed a reputation for misrepresentation at many levels. As I mentioned before, there are many in our community who believe that Minister Barr has no choice but to resign following the Assembly report on

school closures. The report highlights that he misused research in his decisions, in particular, his decision to close 11 primary schools.

Unfortunately, this is not the first time that such allegations have been levelled at this minister. When the committee process began in relation to school closures, they had an unprecedented response to their call for submissions—a total of 78 written submissions—and a good number of these community members appeared before the public hearing. This amazing response from the community clearly highlighted that the hurt and frustration and feeling of injustice surrounding the school closures continues to this day.

However, putting aside the typical response of the government, it must be said that the response of the ACT Greens is also quite disappointing. When push came to shove, the Greens caved in to the wishes of their ACT Labor partners in government. We did have an indication of this prospect when they failed to allow debate in the chamber on the merits of opening Tharwa, Hall, Flynn and Cook schools. It effectively gagged debate on a topic that the community wanted and had every expectation that the Greens would have supported. The ACT Greens must take some responsibility for falsely raising the hopes of the community devastated by the closure of their schools by the Stanhope government in 2006.

There is no doubt the Greens gave the community the distinct impression they would act on school closures. When the inquiry into school closures concluded, Ms Bresnan was asked in a televised interview how far the Greens were willing to go on these recommendations and she replied, “All the way.” Prior to being elected, Ms Hunter distributed a flyer in Ginninderra that said, “Our public transport has deteriorated. Our schools have closed. The Greens will work hard in the Assembly to solve these problems.” They made a start on that promise, but the follow-through action was just not up to the expectations of many in the community.

The committee’s inquiry into the school closures validated the long-held policy of the Canberra Liberals to reopen schools at Tharwa, Hall, Flynn and Cook. The Greens would have us believe that they had a similar policy and that they were committed to healing and rebuilding these communities, but it is now clear that their commitment lacked substance. It is a sad indictment on this place that, despite the overwhelming evidence to the contrary, the viable school communities of Tharwa, Hall, Flynn and Cook will not see a reopening of their schools. It is a sad indictment indeed.

Well Station Drive extension

Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Hargreaves): Members, Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Seselja be submitted to the Assembly, namely:

The realignment of the Well Station Drive extension.

MR SESELJA (Molonglo—Leader of the Opposition) (4.47): I am very pleased that we are able to bring this matter to the attention of the Assembly today. It is worth, Mr Assistant Speaker, going through where we have got to in relation to Well Station Drive. I would like to acknowledge the very hard work of my colleague Alistair Coe on this issue. I think that he has very much been leading the way in his shadow ministerial portfolio responsibilities. We as a party have been working hard to listen to the residents of Harrison to hear their concerns, to bring their concerns to the Assembly and to seek resolution.

In November last year, the Assembly passed a motion brought forward by Mr Coe which called on the ACT government to realign the Well Station Drive extension to the east of a small hill opposite Carpentaria Street. It is worth looking at what that motion actually was, because it was passed in the Assembly. Indeed, the motion that was brought by Mr Coe was only amended with a couple of words by the Greens and then passed.

The motion that was passed was as follows:

That this Assembly:

(1) recognises that:

- (a) the current proposed alignment of Wells Station Drive Extension will create problems of noise pollution, road safety and loss of urban amenity for residents in Harrison;
- (b) the consultation that preceded residents living in the vicinity of the Wells Station Drive Extension was inadequate; and
- (c) after a recent round of consultation the Government did not respond to Harrison residents' concerns; and

(2) calls on the Government to:

- (a) abandon the current proposed alignment of Wells Station Drive Extension; and
- (b) redesign the Wells Station Drive Extension to an eastern alignment in consultation with the local community.

That was passed with the support of the Greens. The Liberal Party and the Greens in this place supported that motion on behalf of residents of Harrison, and Gungahlin more broadly. The Assembly passed this motion because of the significant concern expressed by residents of Harrison and the Gungahlin Community Council.

The current alignment has 20,000 cars per day just 20 metres from a residential street. The realignment would address significant issues for the community. It would reduce noise for residents and ensure that their quality of life is maintained. The extension would also mean that Well Station Drive has a safer intersection with Horse Park Drive.

In the typical style of this government, they conducted consultation on the road, received feedback that the residents wanted it changed and then ignored that consultation anyway. For nine out of the 10-day consultation, the wrong email address was given, but despite this, significant feedback was received by the department. We then saw a consultation. There was consultation on the development of a territory plan, but this was before residents lived there.

Now we have come to a situation where the will of the Assembly, as expressed in that motion—a position that we still support—was rejected by the government. That was where we got to. Indeed, we saw the report in the *Canberra Times* on 12 January this year. It reads:

Harrison residents, the ACT Opposition and the Greens all say the Government is relying on a “back-of-an-envelope” estimate to suggest it will cost an extra \$5 million to build a planned new road so that it is further away from homes.

Planning Minister Andrew Barr has ignored a resolution by the Assembly in November to abandon the planned extension of Well Station Drive and instead redesign the road on a more easterly alignment.

It goes on to say Mr Barr’s spokesman said:

“The Government’s view is that this alternative route is not viable,” the statement from his office said.

The article goes on to state:

Gungahlin Community Council president Alan Kerlin said the present route meant the new road, initially two lanes but planned to become four lanes, would take up to 20,000 vehicles a day within 20m of homes in Carpentaria Street ... Mr Kerlin and Carpentaria Street resident Uday Kaza believed there were savings to be made in the alternative route, which would go through less steep land, but the Government refused to engage with the community in debate.

Interestingly, Mr Kerlin went on to say:

They are showing disdain towards the direction of the Assembly ... It’s not a majority government any more and I think the ALP needs to remember that.

I think perhaps the Greens need to remember that also, given their change in position on this issue so dramatically since supporting this motion put forward by Alastair Coe and since making those statements in the paper on 12 January. Since then it would appear that the government has been in their ear and in one form or another forced them to sell-out the people of Harrison.

It is worth looking at some of the issues here because it is a broader issue about the treatment of the people of Gungahlin. We have got the issue of Well Station Drive, which is a serious issue. I will go to some of the correspondence that we have received from members of the community on this issue. I believe that most MLAs have received certainly much of this correspondence. It goes to their genuine and real concerns and it goes to the broader concern of the Gungahlin community. I think that

that is part of the reason the Gungahlin Community Council has been outspoken on this issue.

The Gungahlin residents are treated as second-class citizens by the ACT Labor government. There is no doubt about it. We have seen the emails coming in and they list some of the ways in which they have been mistreated or the planning outcomes have been less than optimal for the people of Gungahlin. It is worth reflecting on an email that I received and I know a number of members, including Mr Barr, received. I think all members received this. This resident wrote to Assembly members in quite a detailed email, talking about the cases in point of how Gungahlin is treated poorly by this government.

It is interesting that the first dot point is “Gungahlin Drive extension—I don’t believe I need to comment on this.” He does not, because Gungahlin Drive extension has become synonymous with the mistreatment of the people of Gungahlin and, indeed, large parts of Belconnen by this ACT Labor government. It has become synonymous with poor planning. It has become synonymous with short-term decision making aimed at saving a few bucks in the short term and costing taxpayers tens of millions of dollars in the long term.

The list goes on. The GDE is I believe the iconic example of how the ACT Labor government views Gungahlin, how it treats the residents of Gungahlin. This debacle and its treatment of the issue of Well Station Drive are simply the latest in a long line of failures in relation to Gungahlin. We have seen the pattern of disdain; we have seen it on the GDE; we have seen it in relation to the swimming pool that gets promised every election by the Labor Party; we have seen it in relation to government offices; we have seen it in relation to sporting facilities; we have seen it in relation to the shopfront.

This is an ACT Labor government that sees that it does not need to deliver the level of services to the people of Gungahlin that they deserve. It simply has not delivered and continues not to deliver the level of services that we would expect for all Canberrans, but we are not seeing them in so many cases delivered to the people of Gungahlin.

It is also worth commenting on the way that the Greens have treated the community on this issue. I think they gave the impression that they were all gung-ho on this issue, that they were going to stand up for the residents in Gungahlin. It is interesting, I suppose, to note the difference in approach, depending on where the road is. We saw the absolute desperation from the Greens in relation to things like Monash Drive, to get that out of the national capital plan lest there be a road going near residents.

But when it comes to residents in Gungahlin, the Greens do not have the same view. That has become very apparent through this process. They have sold them out. It is worth putting on the record some of what Alan Kerlin has had to say on the issue and some of the other correspondence we have had in relation to it. Mr Kerlin says:

Residents at the south-eastern section of Harrison, in the Well Station development, have been lobbying for more than a year and a half to have the eastern end of the planned road realigned to skirt around to the east of a small hill rather than to the west of it, as ACTPLA currently plans to do.

He goes on:

The current alignment would put what is planned to be a four-lane road carrying 20,000 cars per day just 20 metres away from a residential street.

He goes on in some detail. It is worth looking at a couple of aspects of real concern that he highlights. He says:

But now Andrew Barr is telling us and the Assembly ‘nope—we’re not going to do it’.

That was his position until a little while ago. Andrew Barr was simply thumbing his nose at the Assembly until he got the Greens on board, until the Greens backflipped from their stated position to realign this road, The Greens ended up backing the minister, having before backed the community. They did back the community initially, but then they backflipped and they sold the community out.

Mr Kerlin goes on:

The original cost estimate for the entire road—some two kilometres long—was \$7 million. Minister Mr Barr is now saying this realignment of some 500 metres of it would add another \$5 million to the cost! Yet his office has refused to provide us or any MLAs that we are aware of with any substantiation of that costing.

And he goes on in relation to the work that Alastair Coe has been doing with the FOI work where there are no detailed costings given. There have been no detailed costings done. I have another e-mail that was circulated to a number of members. It says:

Dear MLA

On Sunday, 7 February, Alan Kerlin, President Gungahlin Community Council, sent an email to yourself and other MLA’s regarding the realignment of Well Station Drive extension.

It goes on:

My wife and I, as well as my parents, each own a house in Harrison and would like to express our concerns over Mr Andrew Barr, MLA ... failing to heed the Assembly’s request of November 2009, to realign the road as per our community’s request. We further have strong concerns over the method by which a costing was achieved, and request your support in urging Minister Barr to disclose the costing analysis and address the issues posed by Mr Kerlin in his email.

Your support on this issue, which you are undoubtedly aware has such a simple and obvious solution as described in Mr Kerlin’s email, would be greatly appreciated, as failure for the road to be realigned would significantly and detrimentally affected many homes in our suburb.

There has been a significant amount of email traffic and correspondence in relation to this issue. What the Greens have said is: “We did support you, but now we do not. We supported you in November but not any more, because we have had our behind-the-scenes negotiations with the Labor Party. We have had the conversation with the minister. The minister has told us that this is how it is going to be and we have accepted it.” This is becoming the pattern. We have seen it on school closures; we have seen it in a number of areas. When it comes to actually standing up for the interests of those people who elected them, the Greens are found wanting.

When it comes to actually standing up to their alliance partners, they refuse to do it. Sometimes they try. We saw it in this case. They tried for a little while. They said, “Yes, we will stand up to them.” They said it in November; they said it in January. In January, they were saying that Andrew Barr was thumbing his nose but at the first opportunity back here to push the point, we actually see the Greens selling out, the Greens not honouring their commitment; the Greens doing a major backflip. No doubt they will respond to each of those emails in some detail and say, “Well, this is why we sold you out. This is why we have now changed our position. This is why we believe that you as Gungahlin residents—

Mr Coe: And they will show the evidence.

MR SESELJA: Without detailed evidence, but the Greens have accepted what the minister has had to say. They have accepted his word on it. But they are saying, essentially, that you, as Gungahlin residents, are not as important to them as other residents of the ACT. Other residents might fight against a road. They might fight even to have certain long-term planned roads taken off forward plans. But when it comes to a concrete example in Gungahlin, the Greens see them differently and the Labor Party sees them differently. They do not see their amenity as being important. They do not see their concerns as being worth listening to, and they will not act to stand up to a minister who did thumb this nose, again, at a resolution of this Assembly.

That is a resolution that stands. That resolution is still there. So no doubt at some point the Greens will bring back a motion which recants the previous resolution, which says, “No, we got it wrong.” No doubt they will bring it back. But at this stage the Assembly is saying to the minister that until there is a contrary motion, you need to realign this road. You should realign this road. As it stands, Andrew Barr is thumbing his nose at the Assembly.

He is now doing it, of course, with the support of the Greens through their public statements. It reflects poorly on this alliance. It reflects poorly on how they treat the residents of Gungahlin and it is the latest in a long line of decisions, particularly by the ACT Labor government, that shows absolute disdain for the residents of Gungahlin. We will not support it and we will continue to fight on their behalf. (*Time expired.*)

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.02): We have obviously already canvassed this matter this morning. I will just repeat what I said this morning. In November last year, as Mr Seselja indicated,

the Assembly agreed to a motion that was put forward by Mr Coe and amended by Ms Le Couteur.

That motion did call on the government to abandon the current proposed alignment of the road in favour of a new eastern alignment. In response to that motion, the alternative eastern alignment adjacent to Sullivans Creek was further investigated by the ACT Planning and Land Authority and by the Department of Territory and Municipal Services. These investigations found that the suggested realignment would add significantly to the cost of the road and result in a less efficient traffic outcome. As I said this morning, Madam Deputy Speaker, to realign the road would cost ACT taxpayers about an extra \$5 million and take an extra 18 months to construct. This delay would severely compromise the government's residential land release in Gungahlin in the short to medium term.

The investigation by the departments found that there were a number of problems with the proposed realignment adjacent to Sullivans Creek. The ground next to the creek has been considered by road engineers, people whose job it is to be making these sorts of recommendations—not members of the Assembly. With the greatest of respect to all of us, I do not think there is a road engineer amongst us. The ground next to the creek is considered by engineers as not suitable for road construction.

The alluvial soil would need to be removed and be replaced. I am advised, Madam Deputy Speaker, that this would be a lengthy and expensive procedure. Further, the road would also need to be built at a higher level to prevent inundation from Sullivans Creek during flooding. The side of the road would also require protection against flood waters to prevent it from washing away. Finally, an alternative eastern alignment would require the relocation of the intersection of Well Station Drive and Horse Park Drive.

For this to occur, the existing bridge over Sullivans Creek would need to be widened to incorporate turning lanes into Throsby and into Well Station Drive. There is also the possibility, I am advised, that if the bridge is not structurally capable of being widened, it would need to be replaced. All of these factors combine to add significantly to the costs.

In light of this information and following extensive discussions between my office and that of Ms Le Couteur, the Greens party reached the same conclusion as the government—that such an investment in a realignment does not represent the best use of taxpayer dollars. As I said this morning—and I repeat now—the concerns of residents opposed to the realignment have been listened to. ACTPLA have organised information newsletters. They have attended the Gungahlin Community Council on 11 November last year and responded to residents' concerns. Senior government officials, including the Director of Roads ACT, met with residents on the site.

These officials were able to confirm that all the relevant design and construction standards for the new road would be met and that issues such as noise and traffic safety will receive thorough attention and have received thorough attention in the road design. An independent road safety audit has been undertaken on the road design, and the final design meets all required standards and specifications.

What has escaped some attention in this debate is that the government has responded to another of the specific concerns of the Gungahlin Community Council and of residents, and as raised by the Greens party, around the signalisation of the intersection of Well Station Drive and Horse Park Drive. That will go ahead from the commencement of this particular project. Again, I reiterate, perhaps for the third or fourth time, that it would have been politically easy to have just said yes to the realignment proposal.

Again, I recognise that some in the community, particularly those residents in that street in Harrison, will not be happy with this outcome. But, from time to time, governments have to make difficult decisions. This is one of those occasions. We will not be pursuing the cheap political opportunism that the Liberal Party proposes. We have looked at the evidence.

We have done what the motion suggested—to look at the alternate route—and found it to have considerable issues. We have gone back to the Greens party. They have agreed with us in relation to those issues. We have responded to the other concerns raised by residents. That is, I think, a fair and balanced outcome. There are many, many projects, Madam Deputy Speaker, that can now go ahead in Gungahlin and elsewhere in the city as a result of not having to commit up to around \$5 million and possibly more towards this realignment.

MS LE COUTEUR (Molonglo) (5.07): I would like to take the opportunity now to outline in more detail the Greens' position on this. I guess the first thing to say is that, yes, we did vote for the motion in November. It is now February, and some things have changed in that time. The Greens, being an evidence-based party, will try to consider our position on things on the basis of the evidence in front of us.

There are two substantial things which have changed between November and now. Firstly, there is the safety issue. This was the first issue which the residents brought up with us when I went to see them last year. They said they were really concerned that the traffic was going to be such that they would be living next to a death trap, there would be accidents there all the time and they would become ambulance chasers. I am very pleased that, as a result of the pressure of the Assembly and the Greens in particular, the government redid the traffic studies. As Mr Barr has said and as I will say again, the intersection will be signalised from the date of its construction so that the number one concern of the residents, safety, has been addressed. That is a positive result.

The second thing that has changed between November and now is our knowledge of the costing of the alternative route. When the Greens voted for Mr Coe's motion last year, in November, it did not occur to us—I imagine it did not occur to Mr Coe—that it could possibly cost a lot more to change the route. After all, the road had not been built, and it was going to be shorter. Both of those things are abundantly true. So I figured it would cost \$1 million or something. It came as a great surprise to me and my Greens colleagues to learn that it was going to be in the order of \$5 million.

Mr Coe: How did you learn that?

MS LE COUTEUR: We actually talked to the government, Mr Coe. That is how we learnt that. I am not quite sure how else we were going to learn it, Mr Coe. Apart from the government, I am not sure who else you think would have been—

Mr Coe: Is it in writing?

MS LE COUTEUR: We do have information in writing from the government, yes. But I am not sure who else was going to give us information on the engineering costings if you did not think it was going to be the government.

I will admit that one of my skills is not road construction or traffic engineering, but the government have said to us things which seem quite reasonable. First, they went back to the engineers who were doing the existing work and the engineers said no, with the information they have at present, they think it would cost in the order of \$5 million or \$6 million more. And they went through the reasons for this. They talked about the bridge and the need for strengthening for that. They talked about the alluvial soil and they talked about the fact that to get really detailed costings, unfortunately, it was going to cost significant amounts of money. It was going to cost in the order of \$800,000. I can quite understand the government's reluctance to spend \$800,000 on something when it is not clear that it should be proceeded with.

Talking about money, I would like to note again standing order 200, which basically says the government has the role of making appropriations, money bills. I appreciate that the motion in November was not a money bill but it in effect had some of that in it when it became obvious that it was going to cost quite an amount of money. So on that basis we felt it was appropriate that the minister should report back to the Assembly as a whole about the cost of the Assembly's proposal and the government's response to this. Mr Barr did so this morning and I think that was the appropriate thing for him to do. The Assembly did pass a motion and it is now the duty of the executive, where possible, to fulfil the desire of the Assembly. And it was appropriate to report back.

Getting to this in more detail, yes, the reason we have not pushed for more detailed engineering reports is that it does not seem clear to us that that is the best way of spending an additional million dollars. It would seem that there are some real issues with the alternative route and that, while the costing may not be \$5 million, it is clear that it will be a considerable amount of money. And there is no real evidence to suggest that it will be substantially less. It could be more, for all we know. Look at the Cotter Dam. That blew out in cost.

Mr Seselja: Another reason not to trust them on costings, isn't it?

MS LE COUTEUR: Exactly. It is a reason for us to feel that things go up rather than down, I am afraid, in these sorts of costings.

Another major issue that we were not aware of at the time was that the alternative route would trigger an EIS. As you would appreciate, the Greens do not lightly agree to things which are going to trigger EISs, because EISs, as I said this morning, always lead to mitigation of environmental impacts. They never lead to a situation of avoiding the impact entirely. To do that, we have to keep the original road alignment.

Fiscal responsibility is one of our major issues here. The ACT government are in a situation of a budget deficit and I believe they think they are going to be in a budget deficit for seven years or so. I had thought previously that the Liberal Party were concerned about budget deficits and that they would think that it was a bad thing to increase the government's expenditure. Clearly, obviously I was wrong.

I spoke earlier today about the impacts of delaying this on the government's land release program. While I do not think that all land releases should be in greenfields and it would be great if we had a larger debate about housing affordability, I think that we really need to look at plan B if we are adopting a policy which is going to significantly slow down the land release program. Unfortunately, I think these are issues which the Liberal Party has not really looked at.

We have considered these road issues very seriously. I guess, if we were spending an extra \$5 million, we would be looking at spending the money, from a transport point of view, more on things which would reduce road traffic. We would be looking at spending the money on cycle ways, on bus infrastructure in Gungahlin. We would be spending the money in a way, we would hope, that would mean that the two-carriage road that will be constructed will never turn into four lanes of traffic.

We believe that is an achievable objective and, if that happens, that will substantially reduce any negative impacts from this road. That is what I would really prefer to see the Assembly working towards rather than spending our time saying the government should have done this, the government did not consult well enough, blah, blah, blah. We need to look at reducing our car dependence, at changing how our transport system works.

I have spoken a bit about the safety improvements. Something else I would like to talk about which the Liberal Party does not seem to have recognised is this: wherever the road goes, it will have an impact on residents. One of the things that we have spent a lot of time talking to ACTPLA about is the plans for that part of Harrison where there is going to be residential development. We have been advised by ACTPLA that the proposed new alignment would still have houses close to it. Again, that is something which we did not appreciate in November.

It is coming down to a question of which bunch of residents should be closest to the road. It would be nice if no-one was going to be close to a large road but, given that it is the case that that will be so, then I have to agree with Mr Barr's point that he made in the earlier debate that this current alignment has been in the territory plan since 2003. So there is some justification for it. It was very hard for us to feel that we should move it to another group of residents. I say very briefly that I think politics and planning should be for the large issues like whether we are reducing our car dependence, not the actual alignments of roads.

The Liberal Party has accused us of backflipping. I suppose what I would first say is that I have got a bit old to be able to backflip. I wish I could backflip. That is really the typical way that the Liberals would describe things that they do not agree with. As I said, the reason we have changed our minds is that we have new evidence. (*Time expired.*)

MR COE (Ginninderra) (5.17): I rise this afternoon to speak on the matter of public importance raised by the leader of the Canberra Liberals, Zed Seselja. The people of Gungahlin are consistently treated shabbily by this government. In this instance it is not only the people of Harrison that are hard done by but in fact all the people who use the Well Station Drive extension.

This issue compounds the follies of this government when it comes to Gungahlin, whether it be the Gungahlin Drive extension, the pool, public transport, sporting facilities, the missing Gungahlin shopfront, the lack of presence of a government department and more. The people of Gungahlin deserve better.

In November last year the Assembly passed a motion I moved which called on the ACT government to realign the Well Station Road extension to the east of a small hill opposite Carpentaria Street. The Assembly passed this motion because of the significant concern expressed by residents of Harrison and the Gungahlin Community Council.

The current alignment will put 20,000 cars per day just 20 metres from a residential street. It would also mean an arterial road would not follow the boundary of a suburb, as they usually do, but divide parts of the suburb. The intersection of this alignment is also more dangerous than the one in the realignment. It would be a tragedy if there were accidents at this intersection that could have been avoided had a safer alignment or eastern alignment been adopted.

The proposed realignment would address significant issues for the community. It would reduce the noise for residents and ensure that their quality of life is maintained. The extension would also mean that Well Station Road had a safer intersection with Horse Park Drive.

The state of play was described by Alan Kerlin of the Gungahlin Community Council in an email to all MLAs on 7 February, just a couple of days ago. He said:

The current alignment would put what is planned to be a four-lane road carrying 20,000 cars per day just 20 metres away from a residential street. At the junction with Horse Park Drive, the existing noise abatement embankment would be breached, allowing extensive road noise from Horse Park Drive to that entire end of Harrison. And the four metre difference in elevation between the two roads would require significant fill, creating a massive wall in front of the houses. We are assured that effective noise buffering would be provided, but to achieve this would require at least another metre added to an already major embankment. We are yet to see plans as to how this can be achieved.

He went on to say:

The realignment residents are seeking would take a more direct route. It would use the hill to provide a natural noise and view buffer for the residents of Carpentaria Street, and for people in many other homes behind them who will be adversely affected by increased noise from the road. Where the two roads would meet, there is much less difference in elevation, off-setting some of the filling required by this route being close to an existing ephemeral creek.

In the typical style of this government, they did not listen to the views given through the consultation period. For nine days of the 10-day consultation, the wrong email address was given but, despite this, significant feedback was received by the department. The government also conducted consultation in the development of the territory plan but this was before residents even lived there.

Now this government has decided to ignore the will of the Assembly and has bullied the Greens into submission. This whole debacle highlights both the arrogance of the government and the gutlessness of the Greens. In spite of Ms Le Couteur admitting they did not have final or thorough costings, she and her colleagues went back on their word and have turned their back on the people of Harrison. There can be no excuse for what the Greens have done. They have let down the people of Gungahlin, and I hope all remember this sad day.

This is what Ms Le Couteur said in the chamber on 11 November:

... we think there is merit in re-evaluating the current proposed alignment of the Wells Station Drive extension and, in particular, consulting the community to redesign this to most likely an eastern alignment. As it is an arterial road, it should not be through the suburb. While Harrison 4 is currently in the design phase, this is the time to sort out the problem. While we have got the bit of Harrison which is next to it still to be sorted out, it would seem an ideal time to finally fix this problem.

I agree with her comments. She went on to say:

This is a \$7 million project; so it is really important to ensure that we get it right rather than have to try to tinker with it afterwards.

Ms Le Couteur, they are wise words. She hit the nail on the head when she said:

Mr Coe would not be moving this motion and the Greens would not be supporting it if the government was prepared to listen more to local communities.

Yet Ms Le Couteur has sold out, ignored her previous statement and is suddenly satisfied with the road.

In December last year, I was told by the minister's office that the realignment of the extension would cost several million dollars. The "throw-away line" justification for this was the reconstructing of a bridge and the alluvial soil in the area. What the minister's office gave us were essentially back-of-the-envelope estimates. When I and my colleagues from the Canberra Liberals make a decision as important as the placement of an arterial road, we are not satisfied with such shabby information.

Due to the lack of information given to me by the minister, I submitted a freedom of information request, which was returned in January. Of the few hundred pages in that FOI, there is no more substantiation of the cost estimate. Nothing in the documents relies on more than verbal discussions of what the cost would be.

In addition, there is no recognition of any of the savings that would be made in the realignment. And there would be savings if the eastern alignment was chosen. Such savings would include: there would be no need for a noise abatement wall; the new location for the intersection would mean that it should be a different design to the current location and, therefore, the new bridge would be unnecessary; there would now also be an increased area of land available for the Wells Station 4 estate.

Only one thing has changed since November, and that is a result of another flip-flop by the Greens. The Greens are clearly more beholden to the Labor Party than some of their public rhetoric would have us believe. Far from being a third force in ACT politics, they are a mere appendage to ACT Labor. The Greens have breached the trust placed in them by Harrison residents. In the words of Harrison resident Uday Kaza:

When ACT was granted Self Governance status, all Canberrans got ecstatic and thought their own people will make decisions in their best interest and decide the future of Canberra, but little did they imagine that in a matter of just 20 years that their people will turn blind towards them nor did they dream that their own people will ignore their legitimate concerns.

This whole debacle is of great concern to the Canberra Liberals, and it is bad for democracy in this place. It is bad, because either the Greens have more information available to them than the opposition to make this decision or the Greens have the same information but are willing to allow themselves to be bullied into a position by the Australian Labor Party.

Members, it is not too late to solve this problem. There is still time to right this wrong and to protect the Harrison residents' livelihood, the safety of motorists and the correct process for decision making. I urge all members to visit the site, to chat with the residents, to attend the Gungahlin Community Council meetings and to research the proposal for the eastern alignment.

MR HANSON (Molonglo) (5.25): I will be brief in my words, because this has been covered in some detail last year when we spoke about the substance of the issue in, I think, a motion raised by Mr Coe—I commend him for that—and Mr Seselja has again gone through the detail in his opening speech.

The issue today and why we have come to this point is that the Greens have sold out the community of Harrison. It is a great disappointment—I remember sitting here and listening to some very strong words from the ACT Greens, in particular Ms Le Couteur—and the people of Harrison can feel rightly let down that they have indeed been sold out.

It just seems that the Greens are so willing to change their position in accordance with the latest whims that they get, or the influence that is brought to bear on them by the Labor Party, whether it be through the planning minister or on other issues through the health minister. A comment was made to me last week that the Greens simply have more positions on issues than the *Kama Sutra*, and that is indeed the case. I will just reflect on some that we have dealt with recently.

Mr Barr: That is a very bold statement from family values Canberra Liberals, isn't it, really?

MR HANSON: Well, I will leave that one with you, Mr Barr. You are probably more conversant with the document than I. As I said, this was repeated to me by a third party, and I think that it was apt. It certainly draws colour and light and it is a good example of what the problem is with the ACT Greens: they simply move from one position—they seem to stand vehemently behind and they will argue their position—

Ms Gallagher: Is that a *Kama Sutra* position—standing vehemently behind?

MR HANSON: Can we ensure that that one is in the *Hansard*?

Ms Gallagher: Well, I do not know—

MR HANSON: Well, I do not know. I confess I have not read the document in question. I will—

Mr Barr: That is a bold statement to be making.

MR HANSON: It is, isn't it? But I have not.

Mr Barr: So you are accusing someone of being something that you have not read.

MR HANSON: I am repeating a third party, minister, who may be more conversant with the document than I, but I think the inference is that the Greens seem to take numerous juxtapositions on issues, and I thought it was apt.

At this time of the day, it is good to have a bit of levity here, but it is a very serious issue. If we reflect on some of the issues that the Greens have moved positions on, schools were a very serious issue. The position the Greens took to the election was one of reopening schools—indeed, they chaired the committee inquiry that supported the reopening of two of the schools, those of the village communities of Hall and Tharwa—and then they backed away from that position, most disappointingly for the community. So the rhetoric certainly did not match the reality, once they had had the influence of Mr Barr imposed on them.

With Clare Holland House, we had the Greens initially supporting the government's position on the whole Calvary deal. Then they did not know. Then they said, no, they would block it; they would not support it. And then, as late as last week, they were calling for an inquiry into palliative care in the ACT and were saying, "We will have to wait for that before we make a decision on what is going to happen with Clare Holland House." So they went from supporting it to did not know, would not, and then again to: "We do not know. We will try and get a review."

What we see today in the Assembly is the Greens again selling out. They had a position that they would back the community and support them. But, disappointingly, when it comes to the crunch, when it comes to the influence of the big brothers or sisters in the Labor Party, they change their position to one that is consistent with that line, and that is disappointing.

I have added a bit of levity and humour to this speech, but it is certainly a serious issue and one that I think reflects poorly on the character of the ACT Greens, who cannot keep their word to the community.

MADAM DEPUTY SPEAKER: The discussion is concluded.

Paper

Ms Gallagher tabled the following paper:

Proposed purchase of Calvary Hospital—Advice provided to the Archbishop of Canberra and Goulburn, Mark Coleridge, by Tony Harris, dated 26 November 2009.

Adjournment

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

That the Assembly do now adjourn.

Palmerville Heritage Park

MR COE (Ginninderra) (5.30): On 20 January 2010, I had the great privilege of attending the unveiling of new signage at the Palmerville Heritage Park on Owen Dixon Drive in Evatt, opposite the Belconnen Soccer Club in McKellar. Five new signs now recount the history and heritage of the area.

The location of the park today was the site of one of the earliest rural settlements in the region that has become the national capital. Palmerville was first settled as early as 1829 and the last resident left in 1959. The site once featured a general store, post office, dwellings and a woolshed, amongst other things. In 1841, some 68 people lived at the settlement, including 15 convicts and six ticket-of-leave holders.

The area is named after Lieutenant George Thomas Palmer, an early pioneer and landowner. Other noted families involved with Palmerville included the Crace family and the Harcourt family.

In my maiden speech on 9 December 2008, I said:

The first pioneer owner of the area of Ginninginderra, as it was originally known, was Lieutenant George Thomas Palmer. The area was later known as Palmerville, and Palmer's grants totalled 5,300 acres. Before coming to Australia, Palmer had served in the British forces against Napoleon. In 1806, he travelled to New South Wales on the *Albion* and settled as a free immigrant. By 1828, he ran almost 2,000 head of cattle and 6,000 sheep in the region. It was the determination of settlers such as Palmer which brought development to the region and, unknowingly, helped to lay the stones for a future capital city ...

It is extremely important we acknowledge the many people who have contributed to the early development of our great city. The signs tell stories of the area which are not widely known. Visitors to the park will now be able to read stories about the history,

early settlers, the archaeology of the area, social festivities, the 1892 drowning incident and the “Ginninderra Eleven” cricket team.

Palmerville also features some of the oldest plantings of English oak in the ACT. Lombardy poplars, English elms and a bay laurel feature throughout Palmerville.

I would like to acknowledge those who were involved in the preparation of this signage. The master of ceremonies at the event was Marilyn Folger, who is from the Canberra and District Historical Society and Canberra Archaeological Society and also is a descendant of one of the convicts who worked at Palmerville. The Chief Minister unveiled the signs.

Often it is said that Australian history is boring compared to the history of other countries. It is true that we have not had the wars and conflicts that define so much of the history of other countries. However, what we have had are pioneers, the silent achievers and battlers that have made Australia the great country it is today. And we must continue to study their achievements. George Palmer is one such person and we in Canberra should do more to acknowledge the contribution those like George Palmer have made to both the region and Australia.

The Canberra Liberals support publishing the history of the region so that all current and future generations will be aware of the heritage of our city.

Brindabella Motor Sport Club

MR SESELJA (Molonglo—Leader of the Opposition) (5.34): Late last year I had the pleasure of meeting some of the members of the Brindabella Motor Sport Club. They included the President, John Stilling, Adrian Dudok, Martin Holberton and Kim Martin. We spoke of the difficulties they are experiencing with continuing to run the Rally of Canberra, a much anticipated event each year.

The ACT government has failed to provide the required funding that will permit the Rally of Canberra to continue. Chiefly a rally-oriented club, the Brindabella Motor Sport Club conducts several special staged rallies each year, including the Rally of Canberra, the National Capital Rally and the Australian Rally Championship.

Since the 1970s the Brindabella Motor Sport Club have been behind many rallies held in Canberra, including international and Asia-Pacific events, with competitors coming from the United Kingdom, New Zealand and India, amongst others.

There is significant concern in the motor sports community about the ACT government’s attitude to the sport. There is no doubt that we have seen in recent years—whether it is the Rally of Canberra, the V8s, the broken promise on the dragway—a real attitude by the ACT Labor government of hostility towards the motor sports community. They are a significant part of our community. They contribute significantly, both economically and in other ways.

Also, like any other sport, it brings a lot of enjoyment to those who participate in it and those who watch it. We know that motor sports fans are particularly passionate

about engaging in motor sport and about watching motor sport. There is no doubt that under the ACT Labor government over the last few years they have been neglected and they have been treated as second-class citizens. The representations that we have had from Brindabella Motor Sport Club simply highlight one group that is in that category.

I would like to put on the record my admiration for them and for the work that they do. They are a vibrant and passionate group of people. They have a lot to contribute and they should have a government that is prepared to work with them to find ways of allowing them to engage in their sport and in their hobby. They very much understand the challenges and the limitations on government. But, unfortunately, in recent years we have very much seen that the ACT Labor government has an attitude of hostility towards motor sport; you can list any number of examples of that.

We take a different view. We believe that it is a legitimate sport, that it is an important sport and that those many thousands of Canberrans who enjoy it should get more support from their government than they do at the moment.

Professor Patrick McGorry
Mr Michael Firestone

MS BRESNAN (Brindabella) (5.36): I would just like to acknowledge today the Australian of the Year, Patrick McGorry. It is wonderful that his dedication and innovative work in mental health, particularly with young people through Orygen and Headspace, have been given this due recognition with him being honoured as Australian of the Year.

Patrick has been recognised not just here in Australia but around the world through the innovative model he has used with young people in mental health, in adopting a very much holistic and integrated model of care, looking at not just the mental health and the health of the person but also at issues like housing and employment and all those other issues that actually impact greatly on the mental health of someone and enable them to get better. Obviously, the work he has done has very much looked at that community-based model, working in the community at the grassroots and providing that trusting environment for people with mental illness.

I did have the honour of working with him on a number of occasions on a number of committees and he is a very humble person. So it is wonderful that he has received this award because he is not someone who has big-noted himself over the years.

I would also like to take a moment to pay a special tribute to Michael Firestone, who passed away just a week ago. Michael was an incredibly intelligent and caring young man. He was a delight to spend time with and a friend to many. In most recent times some of you may have known Michael as the information officer for the Mental Health Consumer Network. Pretty much every email from the network came from him. He also contributed as a consumer to the development of mental health policy, including the Greens' recent discussion paper, and he also spent some time with my staffer Kate, nervously operating 2XX equipment during the show *Opening Minds*.

The Mental Health Consumer Network centres on a very close-knit team and my heart really does go out to them at this time. My condolences, and those of the Greens, are also extended to his family at this time.

Question resolved in the affirmative.

The Assembly adjourned at 5.39 pm.

Schedule of amendments

Schedule 1

Health Legislation Amendment Bill 2009

Amendments moved by the Minister for Health

1

Proposed new clause 10A

Page 4, line 18—

insert

10A New part 20

insert

Part 20 Transitional—treatment orders

300 Definitions—pt 20

In this part:

commencement day means the day the *Health Legislation Amendment Act 2009*, part 2 commences.

old provisions means those provisions, and parts of provisions, of this Act that were omitted by the *Health Legislation Amendment Act 2009*, part 2.

301 Transitional

If, immediately before the commencement day, a treatment order is in force under part 9 in relation to a person, the old provisions that are necessary for the treatment order to be given effect continue in force in relation to the treatment order.

302 Expiry—pt 20

- (1) This part expires 2 years after the day it commences.
- (2) This part is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.