



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY I

Legislative Assembly for the ACT

~~ACT LEGISLATIVE ASSEMBLY~~ AT 05/2016

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Tuesday, 4 May 2010

Standing and temporary orders—suspension.....	1637
Attorney-General (Motion of censure)	1637
Justice and Community Safety—Standing Committee.....	1673
Privileges—Select Committee	1674
Emergencies Amendment Bill 2010	1676
Questions without notice:	
Alexander Maconochie Centre—lockdowns.....	1681
Education—NAPLAN testing	1681
Capital works—projects	1683
Visitor	1686
Questions without notice:	
Hospitals—funding.....	1686
ACT Health—alleged bullying.....	1689
Appropriation Bill 2010-2011.....	1690
Papers.....	1705
Executive contracts	1705
Papers.....	1707
Adjournment	1707

Tuesday, 4 May 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.

Standing and temporary orders—suspension

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

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

- (1) any business before the Assembly at 2.30 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2010-2011;
- (2) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2010-2011 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;
- (3) at 2.30 p.m. on Thursday, 6 May 2010, the order of the day for resumption of debate on the question that the Appropriation Bill 2010-2011 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the ACT Greens Parliamentary Convenor be equivalent to the time taken by the Treasurer in moving the motion—That this bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

Attorney-General Motion of censure

MR HANSON (Molonglo) (10.03), by leave: I move:

That this Assembly:

- (1) censure the Attorney-General for his inability to provide effective ministerial oversight of ACT Corrective Services;
- (2) notes that:

- (a) as a result of ongoing mismanagement of Corrective Services by the Attorney-General, Simon Corbell, a motion was tabled in the Assembly in February 2010 and noted:
 - (i) that, in late 2008 and early 2009, there were ongoing human rights breaches at the Belconnen Remand Centre (BRC) that were exacerbated by the late opening of the ACT's new prison, the Alexander Maconochie Centre (AMC);
 - (ii) there were numerous security incidents in late 2008 and early 2009 at the BRC, including violence that resulted in corrections officers being treated in hospital;
 - (iii) the prison was delivered over 12 months late;
 - (iv) that the prison was officially opened on the eve of the ACT election five months prior to receiving prisoners;
 - (iv) that the prison was delivered under scope and \$3.5 million over budget;
 - (v) that the prison has defects remaining in the security system;
 - (vi) that drugs, needles and razor blades were found in the prison shortly after the first prisoners arrived;
 - (vii) that the RFID system is not yet operational and recently a number of ID bracelets were lost;
 - (ix) that there have been breaches of the Corrections Management (Email/Internet for Prisoners) Policy 2009; and
 - (x) that the prison is costing ACT taxpayers \$504 per prisoner per day;
- (b) the Attorney-General, Simon Corbell, refused to accept the unanimous findings of the Standing Committee on Justice and Community Safety's Report No. 3, Inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre, that were critical of his management of the AMC project;
- (c) Simon Corbell made serious allegations in the Assembly against the three committee members of the Standing Committee on Justice and Community Safety by accusing them of having conducted a "sham inquiry to achieve a political end";
- (d) in the three months since the motion was debated in February 2010, further serious management, safety and security breaches have occurred at the AMC, including:
 - (i) wrongful release of a prisoner by ACT Corrective Services who stated that "anyone else could have, murderers, bad armed robbers, they all could have got out, it was that easy";

- (ii) allegations of a breach of procedures and falsification of documents relating to a death in custody;
 - (iii) the alleged rape and abuse of a detainee at the prison, leading an ACT Supreme Court Justice to warn the ACT Government that “if the community cannot protect someone who is detained then the community cannot expect to retain that detention”;
 - (iv) lockdowns of prisoners for 20 hours a day due to staff shortages;
 - (v) a lengthy protest by 13 prisoners on the roof of a prison building as a result of the lockdowns;
 - (vi) tacit approval and support by corrections officers for the illegal protest, a result of their own frustration with staffing shortages;
 - (vii) delay and disruption to rehabilitation programs due to staff shortages and lockdowns; and
 - (viii) community organisations contracted to run rehabilitation programs at the AMC being “turned away” from the AMC due to short staffing shortfalls;
- (e) in providing details of the events surrounding the prisoners’ rooftop protest, Simon Corbell misled:
- (i) the media and the public about the frequency of lockdowns at the jail and then made further mistakes in explaining the commencement date of the “twelve month review into prison operations”; and
 - (ii) the public when he denied that lockdowns were as a result of staffing shortfalls and characterised the protest as simply “an opportunity for prisoners to get a bit of drama and excitement in their lives”, although subsequently it become apparent that staff shortages were the cause of lockdowns;
- (f) by giving tacit approval and support for the prisoners’ protest and by wilfully failing to prevent the prisoners from protesting on the roof of the jail, corrections officers have demonstrated a loss of confidence in the Attorney-General, Simon Corbell; and
- (g) the Assembly previously expressed its “serious concern” with Simon Corbell’s conduct as a Minister on 10 February 2009 when, as acting Corrections Minister, he made potentially prejudicial comments to the media regarding two prisoners who conducted a rooftop protest on the BRC; and
- (3) calls on the Chief Minister to remove all responsibility for ACT Corrective Services from Simon Corbell immediately.

Mr Speaker, I have introduced this motion this morning out of a sense of responsibility to ensure that the community’s confidence can be restored in corrections in the ACT—in particular, the AMC.

There is a high level of exasperation in the community about Simon Corbell's mismanagement of corrections and his failure to provide ministerial oversight. His excuse of teething problems has expired, and the minister must now be held to account. Ministerial responsibility does not mean that every mistake that occurs is for the minister to account for, but such protracted, extensive and serious failure in the one portfolio area reaches a point where the minister is, indeed, responsible and accountable.

The Assembly must act to ensure that the Chief Minister removes responsibility for corrections from him. If we have an Assembly that fails to act here today then we will have failed in our duty to hold the ministers and the government to account. Likewise, the Chief Minister must hold his ministers to account. The community expects it of him, and a failure by the Chief Minister to act today would be an admission by him that he in no way holds his ministers accountable or responsible.

I introduced a motion in February into this place that outlined what had been a litany of mistakes and blunders in corrections, and the minister was at that time directed by the Assembly to conduct an external review into the AMC. That review will not start for some time, and it is unclear when any findings will be made. What is clear, however, is that the community, in particular the prisoners incarcerated in the ACT and corrections officers who are on the front line, cannot wait any longer for their bungling minister to act.

It is quite clear that, despite the efforts of this Assembly to direct Simon Corbell to rectify the ongoing problems in corrections, it is simply beyond his level of competence to do so. Since the long list of failures contained in the motion in February, we have seen another extraordinary three months in corrections under Simon Corbell. It has been a further three months of abject failure.

The real concern is that the situation at the AMC appears to be worsening, not improving. Let me turn firstly to the wrongful release of a prisoner by ACT Corrective Services. This was a prisoner who was openly laughing at the situation when interviewed on WIN news, and who stated that, in relation to his wrongful release:

Anyone else could have, murderers, bad armed robbers, they all could have got out, it was that easy.

What went wrong, Mr Speaker? Is it the case that it was that easy? Could this happen again, and has it happened previously? These are all questions we need answers to. But all we see is a departmental official being wheeled out and saying that they will be looking into it. And Simon Corbell, the minister responsible, is conspicuous by his absence.

We have also seen allegations of breach of procedures and falsification of documents relating to a death in custody. Of course, a death in custody is a matter that is before the coroner, and I believe that he is due to report shortly. But what has been reported is that corrections officers falsified documents after the death to cover up their actions

or their inaction. If this is the case then I think the minister needs to clarify what occurred and what action has been taken in this case.

We have also seen the case of the alleged rape and abuse of a detainee at the prison that led to an ACT Supreme Court judge warning the ACT government:

If the community cannot protect someone who is detained then the community cannot expect to retain that detention.

It is very concerning that the impact of mismanagement at the jail is so extensive that it is now reaching a point where it may affect sentencing decisions made by the judiciary. We may now see accused criminals who would otherwise be detained being released into the community. That is the implication of Simon Corbell's mismanagement of corrections. Indeed, if the allegations are proven true, that a man found guilty of raping a prisoner at the Belconnen Remand Centre has reoffended at the Alexander Maconochie Centre, Simon Corbell will have failed in his duty of care to prisoners, and any pretence of a human rights compliant prison would have been discredited.

Mr Corbell: How puerile is that? Prisoners reoffend. Oh my goodness!

Mr Smyth: Go on, laugh about it.

MR SPEAKER: Thank you, members.

MR HANSON: So you are laughing at the rape of a prisoner, are you? You think that is funny, do you, minister?

Mr Corbell: Shock, horror! And the minister is responsible because the prisoner reoffends!

MR SPEAKER: Order! Mr Hanson will be heard in silence, thank you.

MR HANSON: You think that a prisoner reoffending by raping another prisoner is a matter for you to laugh at and to dismiss. That is absolutely disgraceful. If it is true that this man has been used as an ashtray and burned with cigarettes then I think we can rightly be appalled.

Let us turn to the issue of the lockdown of prisoners for 20 hours a day due to staff shortages and the resulting rooftop protest by prisoners that was supported by a number of corrections officers. For an understanding of how badly Simon Corbell has failed his own measure of success, in the context of 20-hour lockdowns, let me read from a speech by Simon Corbell that he made in Canberra on 19 March 2008 at a forum conducted by Christians for an Ethical Society. This is what Simon Corbell had to say at that time:

It is well documented that boredom and inactivity in the correctional setting encourages drug use, undermines rehabilitation objectives and threatens security and safety. So, central to the operating philosophy of the AMC is the concept of the structured day which aims to eliminate boredom and inactivity by providing each prisoner with a daily routine that encompasses a variety of activities.

The operation of the AMC will ... maximise the time prisoners spend out of cells and foster their involvement in appropriate and constructive pro-social activities. Prisoners will be expected to participate in a range of programs and activities aimed at repairing the damage caused by their offences, minimising the risks to the community and promoting positive reintegration upon release.

An essential aim is the establishment of a “busy day” whereby each prisoner will be engaged in a balance of work, programs, educational and recreational activities.

That was the aspiration, that was the spin and that was the rhetoric. If that was Simon Corbell’s intent then he has failed. The demonstration of that failure was the lockdown that resulted in prisoners protesting on rooftops and corrections officers who supported them.

If he wanted the prisoners to have a busy day and to stay active then why did he build a jail without a gym? I think the role of a gym in a prison is well understood in providing prisoners with an outlet for their frustration and their boredom. So when Simon Corbell was lecturing everyone who would listen on how boredom and inactivity in the correctional setting encourage drug use, undermine rehabilitation objectives and threaten security and safety, he has certainly reaped what he has sowed by his own incompetence. As we so often see from Simon Corbell, his actions did not match his rhetoric. Reality does not match his spin. He was, again, unable to deliver on the promise.

This is also affecting the real need for rehabilitation programs to be delivered at the jail. I hope the Greens are paying attention to this. There is a delay and disruption to rehabilitation programs due to staff shortages and lockdowns. We do not know to what extent, but we do know that community organisations contracted to run rehabilitation programs at the AMC, such as DIRECTIONS ACT, have been turned away on several occasions from the AMC due to staffing shortfalls and the lockdowns.

Given the sensitivity of this issue, it was entirely negligent or wilfully deceitful when Simon Corbell gave misleading information to the media and misled the public when he denied that the lockdowns were the result of a staffing shortfall. He characterised this process as “an opportunity for prisoners to get a bit of drama and excitement in their lives”. He was dismissive. But it has been shown subsequently that the reason for that—and it was supported by the staff—was because of the extensive lockdowns, something that he criticised prior to becoming the minister responsible for this jail.

Simon Corbell also misled the media and the public about the frequency of lockdowns at the jail and then made further mistakes in explaining the commencement date of the 12-month review into prison operations. Maybe these were errors and mistakes rather than deceit, but if anyone is left wondering why so many mistakes are made in corrections then they have only to look to Simon Corbell’s inept handling of the prisoners’ protest. He, indeed, leads by example when it comes to misleads, mistakes and incompetence.

It is also damning that corrections officers gave tacit approval and support for the prisoners’ protest and deliberately failed to prevent the prisoners from protesting on

the roof of the jail. This has demonstrated a gross loss of confidence by corrections staff and a level of desperation in that they should consider supporting such a protest by prisoners.

This is not the first time that the Assembly has had cause to raise its concerns with Simon Corbell. In fact, the Assembly passed a motion expressing its serious concern with Simon Corbell's conduct as a minister on 10 February 2009 when, as acting corrections minister, he made potentially prejudicial comments to the media regarding two prisoners who conducted a rooftop protest at the Belconnen Remand Centre. I think that, given what has occurred since February 2009, when the Assembly expressed its serious concerns about Simon Corbell, and since February this year, when the Assembly saw fit to direct that an external review of the jail be conducted, the situation has clearly reached a point where more serious action needs to be taken.

I am not calling on Simon Corbell to be stripped of all of his ministerial responsibilities. I am not calling on him to discontinue his responsibilities as a minister. But I am calling on the Chief Minister to remove all responsibility for ACT corrections from Simon Corbell immediately.

I will go through some of what has occurred in this portfolio under Simon Corbell's watch, from the delays in the opening of the Alexander Maconochie Centre, which were extensive, and the effect that that had on exacerbating human rights conditions and breaches at the Belconnen Remand Centre. So much of what we saw in the brief period when Mr Hargreaves was the minister responsible was actually as a consequence of the delays in opening the Alexander Maconochie Centre. Mr Corbell flicked Mr Hargreaves a hospital pass and there was an impossible situation with the overcrowding at the Belconnen Remand Centre, because of the delays at the jail. That is something that the human rights commissioner has confirmed; they are her words, that those human rights breaches were exacerbated, and that was confirmed in the JACS report that was tabled in this place some months ago.

We saw a lot of violent events. We saw prison officers being treated in hospital. We saw a lot of problems at the Belconnen Remand Centre. Indeed, much of that, with respect to the problems that Mr Hargreaves had to deal with, led to his stepping down or being removed as a minister. I think it is fair to say that much of the blame for that, much of the impossible situation that Mr Hargreaves inherited, was delivered to him by his great mate Mr Corbell.

We know that the project was not delivered on scope. He did not provide a gym or a chapel, and to lecture the community on the need for busy days and structured activities and then not provide a gym, I think, speaks volumes about this minister's incompetence. We have seen cost blow-outs. We had the sham opening of the AMC. On the eve of the ACT election, Simon Corbell and the Chief Minister went out to the AMC and said: "This thing's open. It's ready to go, ready to receive prisoners." It was not true. We did not see prisoners go to the Alexander Maconochie Centre for at least six months after that date, and it is clear from what has happened thus far that even that date was too early. So in their desperation to open that project, to open the jail on the eve of the ACT election, they have caused many of the problems that we are experiencing now. Their expediency for a political whim, on the eve of an election,

has caused many of the problems that prisoners and corrections staff are experiencing right now.

We have seen ongoing security defects in the security system. We have seen security breaches and safety breaches. There was the damning unanimous report of the JACS committee, the minister's refusal to accept the findings and then his extraordinary attack on the committee members—his attack on Mrs Dunne, Ms Hunter and Ms Porter. There was a unanimous and apolitical report delivered, and he characterised it simply as “a sham inquiry to achieve a political end”. In saying that, he is saying that Ms Porter was deliberately writing a report and signing off on a report that was a political sham. If that is true, Mr Corbell, you have some serious problems sitting on the backbench behind you—or, probably more to the point, the reality was that the report was an accurate and correct reflection of your mismanagement.

We have seen the maladministration of medications in the AMC, resulting in methadone overdoses. We saw the loss of three RFID bracelets when prisoners walked out of the jail with the bracelets still attached. These are meant to detect where prisoners are, and we had three prisoners walk out with those bracelets still attached to them. There were breaches in internet policy. A prisoner on remand for child pornography offences was given access to the internet, and another was allowed to send illegal messages to the media. Jon Stanhope's reaction at that point was to characterise this as a simple doodle sent by a prisoner. Some of you may have seen that on the news—this “simple doodle”. It was absolutely disgraceful. He then turned on the *Canberra Times* journalist who had reported this story, calling them “wilting violets”. I think that is absolutely remarkable, and it speaks volumes on how dismissive they are.

We have seen Mr Corbell and Mr Stanhope say: “Oh well, he was raped. Of course, prisoners get raped in jail.” That is the way they characterised it: “Who'd have thought that was a surprise?” I think it is disgraceful, if that is the attitude that they have.

Mr Stanhope: A point of order, Mr Speaker.

MR SPEAKER: Clerk, stop the clock, please.

Mr Stanhope: Mr Speaker, on a point of order on your ruling in relation to issues under investigation and subject to the sub judice rule, Mr Hanson has just alleged, as a matter of fact, that a prisoner was raped at the Alexander Maconochie Centre. That matter, I understand, is under investigation. I believe that for a member of this place, the shadow corrections spokesperson, to allege as a fact that a matter under investigation has in fact occurred offends all sense of propriety, fairness, natural justice and offends against the sub judice rule. He has stated as a fact something—

Mr Smyth: No, he hasn't.

Mr Stanhope: He just did it. He said a rape has occurred at Alexander Maconochie Centre.

MR HANSON: Allegations.

Mr Stanhope: You did not say that, Mr Hanson. Don't gild the lily and deny you said what you said.

Mr Smyth: Gilding the lily!

Mr Stanhope: Don't lie, in other words; don't lie about what you just said.

Mr Smyth: On a point of order, Mr Speaker, he cannot say, "Don't lie." If he believes that, he should move a substantive motion. He must withdraw.

Mrs Dunne: Twice he used the word "lie", Mr Speaker.

Mr Stanhope: I will withdraw the word "lie", but I would like your ruling on whether or not the claim just made by Mr Hanson that a rape had occurred at the Alexander Maconochie Centre is appropriate and whether or not it offends against the sub judice rule.

MR SPEAKER: Thank you, Mr Stanhope. I will have to go back and review the transcript. I was listening to Mr Hanson but not that closely. I would ask, Mr Hanson, that you be mindful of your language as you continue, and I will review the transcript at a later time.

MR HANSON: Mr Speaker, I have referred to it as an alleged rape successively throughout this.

MR SPEAKER: You have got 18 seconds to finish.

MR HANSON: In closing, what we have seen is an utter failure by Simon Corbell, and Mr Stanhope on the attack to try and deflect from his own minister's incompetence. He deserves to be censured and he deserves to be sacked.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.20): Mr Speaker, Mr Hanson must wake up in the morning, and while he is brushing his teeth he is thinking, "What am I going to do today?"

Mr Coe: I think you have been thinking about this for a while, haven't you, Simon?

MR SPEAKER: Mr Coe!

MR CORBELL: "I know. I'll move another censure motion today."

Mr Stanhope: Another day, another censure motion.

MR CORBELL: While he is putting the Colgate on the toothbrush, he has got to think of something to justify his existence day to day. Once again, we have from the Liberal opposition another day, yet another censure motion.

Mr Hanson: Stop cocking up, mate.

Mr Stanhope: It means they don't have to do any real work.

MR SPEAKER: Order, members!

MR CORBELL: Mr Speaker, what the Liberal opposition have failed to appreciate and to recognise in this whole discussion about the prison is that the operation of this facility is a complex and demanding undertaking.

Mrs Dunne: Too complex for you, sunshine! Far too complex for you.

Mr Seselja: It's complex to keep the prisoners in, isn't it! Very complex.

MR SPEAKER: Order! Stop the clocks. Members, Mr Hanson was heard in relative quiet. I expect Mr Corbell to be able to make his case without constant interjection. Mr Corbell.

MR CORBELL: Thank you, Mr Speaker. It is a complex and demanding undertaking, and it was inevitable that there would be problems and that there would be incidents following the commencement of this facility. No-one should be surprised at that. Where things have gone wrong, they need to be investigated and they need to be addressed. But let us not forget for a moment that the establishment of this facility is a significant and major step forward in the housing, the rehabilitation and the incarceration of our own prisoners here in the ACT. Let us contrast that with what was put in place and left in place by those opposite for all the time that they were in government. They felt that it was acceptable—

Mrs Dunne: On a point of order, Mr Speaker, about relevance, this is a censure of the—

MR CORBELL: You are asking me to be sacked, Mrs Dunne. I am entitled to defend myself.

MR SPEAKER: Order! Stop the clocks. Mr Corbell, you will have a chance in a minute. Mrs Dunne.

Mrs Dunne: This is a matter of relevance. This is about the performance of the current minister for corrections. To go back and say what may or may not have been done by a previous government is not relevant to the performance of this minister.

Mr Stanhope: Of course it is. A comparative analysis is more than relevant.

MR SPEAKER: Yes, there is no point of order, Mrs Dunne. I think Mr Corbell has some latitude to contrast the positions, given the extensive commentary on his performance.

Mr Stanhope: Absolutely.

Mr Hanson: Remember it was a Liberal Party initiative—

MR SPEAKER: Order! Mr Corbell has the floor.

MR CORBELL: That is particularly the case, Mr Speaker, when, of course, it is those opposite who are pointing the finger and saying how terrible it is. Let us contrast it with the circumstances that were left to this government to rectify—that is, an ageing and dilapidated remand centre, a human rights incompliant remand centre. They left the place with no substantive change all the time that they were in government.

Let us not forget the hypocrisy of the Liberal Party where they went to an election with a corrections minister, Mr Moore, who said there was a need to build a prison. At the end of the Carnell government, that was the policy of the Carnell government—to build a prison. That was quickly and promptly jettisoned when they realised that it might involve actually doing some hard work that was not politically favourable. We have shouldered that burden, and the result is a facility with services and facilities far in excess of that which were available at the Belconnen Remand Centre and, indeed, far in excess of those facilities available in the New South Wales prison system—that shining example of rehabilitation. Let us just put that in some context.

I will now address the range of issues that the Liberal Party have raised. First of all, Mr Hanson criticises me for refusing to accept the unanimous findings of the report of the inquiry by the Standing Committee on Justice and Community Safety into the commencement of operations at the AMC. Mr Speaker, let us just remind Mr Hanson—

Mr Seselja: That's not the first thing he does. That's a fair way down.

MR SPEAKER: Order! One moment, Mr Corbell. Stop the clocks, thank you. Members, Mr Corbell has now been speaking for 4½ minutes, and there has been near constant interjection from members of the opposition. It is not acceptable. As I said, Mr Hanson was heard in relative quiet. He was quite controversial and was not constantly interjected on, and I expect the same behaviour to be observed for Mr Corbell. Thank you. Mr Corbell.

MR CORBELL: Thank you, Mr Speaker. Let us not forget the one thing that Mr Hanson has omitted from his motion—that is, the finding of the independent arbitrator established under the contract for the delivery of the AMC, who has concluded that the failure to complete the AMC on time was not the fault of the government or any specification put in place by the government; it was the fault of the contractor. Where is that mentioned in Mr Hanson's motion? It is not. It is one of those inconvenient truths that Mr Hanson does not want to draw attention to.

Of course I was going to reject that conclusion, because there was an independent process to determine who was responsible for the delay and who should pay for that delay. That process determined that it was not the government and it was the prime contractor who had failed in their responsibilities under the contract, and it had been

arbitrated as such according to the legal mechanisms that are in place. So, of course, I rejected that, and, of course, Mr Hanson has ignored that finding, because it is not convenient for his argument.

Mr Hanson goes on to raise concerns about the wrongful release of a prisoner by ACT Corrective Services. This is, of course, of significant concern to me as well. The procedures and the circumstances surrounding that incident are currently under investigation. As minister, I have taken the appropriate steps to ensure that that matter is being investigated. If Mr Hanson is suggesting that I should be down in the court cells personally checking off and making sure that prisoners are released appropriately, he has a strange notion of what a minister should do here in the ACT. What I have done is to make sure that the matter is being fully investigated. Appropriate action will be taken if there is any disciplinary action required as a result of that.

In relation to allegations of a breach of procedures and falsification of documents relating to a death in custody, that matter has been investigated. As a result of that, a number of staff have been demoted. A number of other staff resigned before disciplinary action could be taken against them. But in all of those circumstances, appropriate action has been taken. As the responsible minister, it has been my obligation to ensure that action is taken in relation to those matters, and it has been.

In relation to the allegations of rape and abuse of a detainee at a prison, of course these are circumstances which will be of concern. But it is an interesting allegation that Mr Hanson makes. He seeks to suggest that, if a rape occurs in a prison—as unlawful and as hideous as that type of crime is—a minister has to bear personal and direct responsibility for that rape. That would seem to be a most extraordinary standard to set in this place.

Mr Hanson: This is alleged against someone previously convicted of rape at the BRC.

MR SPEAKER: Order, members!

MR CORBELL: Mr Speaker, do you ever hear the New South Wales opposition or the South Australian opposition or the Victorian opposition asking for the head of the minister because there has been a rape in a prison? Do you ever hear that? Can anyone seriously suggest that a minister should be held personally accountable for an alleged criminal act in a correctional facility? It is an absurd standard for those opposite to establish, and it simply has no credibility whatsoever.

The broader range of issues that Mr Hanson raises in his motion are all matters that I would like to address in the context of the review which I have established as the responsible minister into the operations of the AMC. The government has always acknowledged that it will be necessary to review the operations of the AMC after its first 12 months or so of operation.

I have announced that Mr Keith Hamburger, a previous director-general of corrections in Queensland, a previous public service commissioner in Queensland and a nationally well-respected consultant in the area of corrections management, will conduct that review. That review will be conducted by him and an extensive team of

personnel with significant experience in the broad scope of operations corrections, including programs, including security, including health, including food and hygiene, including all the elements that you would expect in the context of the operation of a prison.

I have released draft terms of reference for public comment before the inquiry terms of reference are settled. Is this the action of a minister who is not interested in engaging in this debate and who has something to hide in this debate? Not at all. These are draft terms of reference. I have asked the independent reviewer to consult with the AMC reference group which represents the broad range of non-government organisations which are delivering services into the prison. I have asked him to consult with the human rights commissioner on those terms of reference. I have asked for him to consult with the Ombudsman on those terms of reference, and I have also asked the independent reviewer to brief the Auditor-General on the process that he has been asked to undertake. These are not the actions, I would put to you, Mr Speaker, of a minister who is unprepared to have scrutiny of this very important review process.

Once those draft terms of reference are concluded following that consultation process that the reviewer will undertake, he will commence his review. The review will be comprehensive. Anyone who has looked at the 2½ pages of the terms of reference that I have proposed would know that they are extremely comprehensive terms of reference. This review will enable us to properly identify what is working well in the operations of the AMC and where there are issues that need to be addressed.

I will respond to a couple of the other matters that Mr Hanson has raised in his motion. He has alleged that there have been security breaches at the prison. There has been no failure of security systems at the prison. If Mr Hanson believes that one of the things that I should hang for is the presence of contraband in a corrections facility, there would be no prisons minister anywhere in this country who would still have their job. It just shows the absurdity of the Liberal Party's mission. Here is Mr Hanson saying, "Mr Corbell should hang because there might be drugs in the prison." Well, what an absurd standard for the Liberal Party to set. It just shows their complete failure to engage in any sophisticated and considered way on this difficult and challenging area of policy and service delivery for this government. It just shows how absurd they are.

He has also made allegations about the SOTA scanning equipment and also the RFID technology that is in place at the prison. Both of these pieces of technology are over and above the basic levels of security that are required to maintain safe custody of prisoners in this facility. The SOTA and the RFID technologies are up and operating and continue to be rolled out. Their capacity is enhanced as we continue down the process of operating this facility.

I get regular reports on the discoveries of contraband in this facility. Not surprisingly, it goes up and it goes down. In some instances there is no contraband seized for a month. At other times there is. But what is quite clear is that we have a robust and a leading edge security system in place at this facility, one that is being watched closely by corrective services in other jurisdictions because it does give us an enhanced capacity that is not available in many other prisons around the country.

The government remains committed to the delivery of a best practice, human rights compliant corrections facility. It was always going to present problems and challenges. Moving such a diverse range of prisoners—sentenced and remand, high security, low security, men and women—was always going to present a challenge. But the government is committed to facing that challenge; the government is committed to delivering on the challenge that presents.

We did not pretend that it would be perfect from day one. We have never pretended that that would be the case. We have always recognised that there will be challenges and processes. But the government have put in place mechanisms to address and tackle these issues and to remain open and consistent in our engagement with the community about the operations of this facility. I reject absolutely the suggestions put by those opposite today. They are absurd, they are unsophisticated and they fail to understand the circumstances in which we operate.

MS BRESNAN (Brindabella) (10.36): I would first like to note, in relation to the 20-hour lockdown, that we received a briefing from the minister's office and a departmental official on the happenings in regard to the rooftop protest, about some of the problems the minister had in receiving accurate information from his department and the steps he took to correct the record. We are satisfied that, upon hearing that he had provided inaccurate information to the press, he moved swiftly to provide a more accurate account. We accept that investigations into the failure of the department to follow proper procedures in reporting lockdowns are currently underway and we expect that any appropriate disciplinary measures will be taken where necessary. Furthermore, we expect and call upon the minister to provide a full and accurate accounting of the duration, number of and reasons for all security lockdowns once verifiable information is available.

With regard to other concerns that the opposition have regarding the operations of the AMC, we believe that such problems are better addressed in the independent review of the first 12 months of operations, a motion brought forward by Mr Hanson, which we supported. It should also be noted that we supported his call in the media for an Auditor-General's report on the AMC, either as part of the independent review or as a separate process. We are additionally concerned with the fact that a significant number of the issues attributed to the current minister occurred when he did not have responsibility for the portfolio. For all the reasons I have outlined, the Greens will not support the censure of the minister for corrections.

I must briefly comment on the problems we see in the lack of communication between the government and the opposition. The crossbench is constantly frustrated at acting as a go-between for the two parties in this place or being the only party fully briefed on issues, whichever side brings them forward. The conversations and debates we have in this place would be far more productive and better for the constituents we are expected to serve in an environment of discussion and disclosure of the facts.

In particular, it is problematic for a minister to receive little or no notice of a long and detailed censure motion that contains some very serious allegations the night before he is expected to respond. It is instructive that, rather than sit down with the Greens to

work out a considered response with constructive measures for improvement, Mr Hanson let us know of the censure on the same night he sent it through to the media. This shows a disappointing concentration on scoring points rather than securing positive outcomes. I would like to refer to an email the ACT Greens received from a constituent.

Mr Seselja: You spent two minutes addressing the facts, Amanda, and now all you've got is rhetoric and process—two minutes addressing the facts.

MR SPEAKER: Mr Seselja, thank you.

Mr Seselja: You couldn't have even read it in that time.

MR SPEAKER: Mr Seselja!

MS BRESNAN: Thank you, Mr Speaker. The ACT Greens received an email from a constituent on 13 April—that is, three weeks ago—which states:

I am writing to you to voice my concerns about the greens supporting the governments mismanagement of the Alexander Maconochie Centre and your refusal to censure Corrections Minister Simon Corbell for his continued blatant lies to the public regarding the AMC and the management and cost of inmates.

I remind people that that was on 13 April. Further, the email states:

I ask that you both consider backing Shadow Minister for Corrections Jeremy Hanson's call for a full Auditor General's review of AMC Management—

which we did, in fact, support—

and support the Liberals in censuring Minister Corbell for misleading the public in regards to his comments of prisoners not being locked down over 20 hours a day.

Again, I remind people that that was three weeks ago, give or take a few days—13 April. It is my understanding that it has not normally been the practice for parties in this place to advise constituents of possible censure motions—

Mr Hanson: Mr Speaker, on a point of order—

MR SPEAKER: Stop the clocks, thank you.

Mr Hanson: If Ms Bresnan is alleging that I have advised anybody in the community of an attempt to censure, that I have misled the community or misled this place, she needs to make that very clear because I can assure you that that is not the case. If she is alleging something, she needs to put it on the table and be very clear about what she is alleging.

MR SPEAKER: What breach of the standing orders are you alleging?

Mr Hanson: The imputation of motive, Mr Speaker. It is an imputation. It is standing order 55, isn't it?

MR SPEAKER: Mr Hanson, there is no point of order. If you wish to make a personal explanation under standing order 46, you are free to do so at the end of Ms Bresnan's speech. Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. As I was saying, it is my understanding that it is not normally common practice for constituents to be advised of possible censure motions before members of the Assembly are. Typically, we find out in the media about censure motions from the Liberal Party, although Mr Hanson, I think, did give us about a 10-minute heads up yesterday before he told the media about the censure motion currently before us.

This motion does, however, highlight a number of issues of concern within the AMC. Whilst we recognise the unique and important security requirements of a prison facility, the operations of the AMC and its focus on rehabilitation should be compromised by staff and budgetary issues as little as possible. The role of prisons within our society is one that is often beset by rhetoric, by the claims of hotel-like conditions on one side and brutality on the other. We believe a more nuanced view is needed. We believe that effective prisons and corrections systems can reduce crime.

The interests of broader society are best served by prisons which effectively rehabilitate individuals within them. This means providing effectively for their health, in particular treating mental health issues, providing avenues to employment upon their release and giving them support to engage with social services during and after their imprisonment. This requires a change in culture in our prison system that puts rehabilitation at the core of the system. This is not a matter of whether or not offenders deserve support, although we believe that they too have rights that must be respected, but what is in the broader interests of our society. Let this not be confused with having a prison being something which is pleasant, for even in the best-equipped prison deprivation of liberty acts as a deterrent and punishment.

Cultural change is difficult, particularly in an institution such as corrections, where views and approaches can often be entrenched. It requires leadership and an active commitment to change. It means not just putting policies in place to be implemented but winning a commitment to the ideals behind the policies from those who have to implement them. A corrections department instructed to do things the new way whilst having attitudes corresponding to the old way of doing things will not achieve change in the outcomes of prisons.

We believe that the culture that currently exists within corrections in the ACT is likely to be a contributing factor to the problems that have occurred within the AMC. A number of issues raised by Mr Hanson, whilst the manner in which they are raised in this motion is lacking context, are indicative of problems with the attitude and culture of Corrective Services. These are issues that urgently need to be addressed, both by quickly conducting and implementing the recommendations of the independent review and by taking immediate measures to investigate and correct the most pressing issues.

We ask this of the government: turn the statements of intent for a human rights compliant, rehabilitation-focused prison into action. Lead the corrections department; do not simply instruct it. Use the opportunity of the 12-month review to correct what deficiencies there have been in the implementation of the ideals of a new prison.

Mr Hanson: No-one is responsible or accountable. What did you get in the budget for this, Amanda? What little treats did you get in the budget to keep Simon Corbell in his job?

MS BRESNAN: I would like to repeat for the *Hansard* that Mr Hanson just said, “What little treats are the Greens getting in the budget in return for not supporting this censure?”

Mr Hanson: That’s exactly what I said.

MS BRESNAN: I just thought that, as Mr Hanson often makes such wonderful statements, it needed to be recorded for posterity in the *Hansard*—for all eternity.

Mr Hanson: Happy to. I’m happy to repeat it.

MS BRESNAN: The ACT Greens have a number of serious concerns that we believe need to be promptly addressed. We have been very open in our views on these concerns. We do not believe that a censure of the minister is an appropriate means of achieving better goals in the corrections department.

We have consistently demonstrated support for measures which provide constructive opportunities for improvement of oversight and operations at the AMC. It should be especially noted that in this and other motions the opposition have not provided substantive or constructive suggestions on how the culture and operations of the AMC could be improved, which is repeated again in this censure motion. The motion today does nothing to improve the outcomes of the prison. In fact, forcing a minister to resign in the current situation would have a negative impact. We should be allowing the independent review process to proceed and for the ACT government to act accordingly on the outcomes and recommendations from the review.

It is my understanding that the Auditor-General and the human rights commissioner are satisfied with the terms of reference of the review, the reviewer who has been commissioned by the government and the process which is being undertaken. We also know that they have been in contact with community groups with an interest in the review and they are also satisfied with the terms of reference and hope to see good recommendations come out of this process.

We should be listening to people who have the greatest understanding of and interest in the operations of the prison. Continuing to use the prison as some sort of political football will do nothing to create a human rights compliant prison and assist the community at large. We are willing to work together with either party to seek constructive outcomes in corrections or any other measure that improves outcomes for the people of Canberra. This censure does not provide an avenue for constructive

solutions to the problems it raises. I would reiterate that this is doubly concerning when there is already an independent process examining the problems and issues within the AMC. Upon completion of that review, we expect the minister to implement all relevant recommendations, and we are willing to work with the Canberra Liberals within the Assembly to adopt the necessary recommendations.

MR SMYTH (Brindabella) (10.47): Mr Speaker, it would appear that the Greens-Labor alliance is well and truly alive in this place when we have a Greens member with responsibility for this portfolio who speaks for almost 15 minutes but does not actually address a single point in the motion. The Greens say they are third-party insurance. It is third-party insurance fraud when you actually do not even look at a single point in the motion and say, “Well, that is bad; we would like to see it improved,” or, “We are concerned about the litany of failure since 10 February. We were concerned in February. We are concerned even more now and we want something to happen.”

But, no, we do not hear that. We get a little bit of rhetoric about, “We do not like the way things work in the Assembly.” We get trotted out a minute and an email from a constituent that I have never heard of or know nothing about. The member might like to table the email so that we know that it exists, so that we know what is actually in the email. But at the end of the day what Ms Bresnan does not say is what is the bar that is set for accountability in this place. That is our job. She wants to outsource the job of the MLAs to other people because the Greens are afraid to stand up for anything. They are afraid to set a standard and hold a minister accountable to a standard. And what we have seen since 10 February—the deterioration in the standard of service, of accountability, from the minister—is appalling.

We have got, supposedly, the human rights prison. We have got the prison that was going to be different. We have got a prison in which Mr Corbell was going to make sure that the culture was different from everywhere else. But what Mr Corbell has allowed to happen is for the culture to be imported from everywhere else. That is the problem. Mr Corbell is long on the spin and long on the rhetoric but will not be held accountable for anything.

This is the record of the human rights prison: lockdowns; cover-ups; unlawful release; alleged rape and abuse; rooftop protests; low morale in the staff, leading to discipline and resignations; service providers locked out; drugs and other contraband in the prison; needle sharing—and the list goes on. That is our human rights compliant prison. And that is the standard of leadership that Ms Bresnan and the Greens are happy with. So it is no wonder when you are part of the Greens-Labor alliance that you would not even read some of the motion before you dismiss it and you say, “Oh, we didn’t know three, four, five weeks ago that this was going to happen.”

Well, we did not know either. When was the report on the unlawful release of the prisoner? That was not in mid-April. That would have been—ooh, last Friday. These incidences are occurring, recurring and continuing to occur because of a lack of leadership. Leadership starts at the top. It does not start at the grassroots; it starts with the leader of the organisation, the person responsible—in this case, the minister—saying, “This is what will happen; this is what I want to happen,” and then providing

the tools for the staff to make that happen. But I suspect, given the level of morale in the Alexander Maconochie Centre and the actions that have not been occurring, that what we do not have is a human rights compliant prison.

And what we do not have from the Greens is any sense of accountability. I am yet to hear from the Greens spokesperson for prisons what is the accepted level of responsibility. What is the level that is accepted? What is the bar? This is about an opportunity that has now been squandered. The opportunity has gone to set up a human rights compliant prison, if such a thing could ever exist. What we have got is a minister who we know faked the opening—nobody in their right mind thought the prison was ready to open—and from there on it has been downhill. We moved prisoners in when we could not scan their belongings. We moved prisoners in when the place was not adequately staffed. We moved prisoners in when we really were not ready for it. Why? Because this government is more about spin than substance: it talks the talk, but it does not deliver.

Mr Corbell's first attack—he spent about five minutes before he got to the motion—was to go back to 2000. Well, if you have got to seriously go back a decade and say, “Well, there you go; you were wrong a decade ago,” you are seriously grappling at straws. The problem here is that what we get from the minister is nothing but spin, spin, spin, and what we get from the Greens is nothing but compliance with the wishes of their masters, the Labor Party. That is what happens when you are in alliance with the Labor Party—it is their way or the highway.

Look at the issues. We did have a committee report and Simon's answer is: “The contractor made me do it. The contractor made me open the prison early. That is the fault. The contractor did it.” The contractor probably made the prisoners climb up on the roof. The contractor probably leads to alleged rape and abuse. The contractor probably did everything. But what we saw, as late as last Friday, was the issue of wrongful release. What steps had been taken to ensure that that did not happen and what steps have been taken to ensure that it does not happen again?

Unfortunately, we saw the death of an inmate. What has happened to make sure that it does not happen again? We have seen the allegations of rape and abuse. I have to say that I am quite appalled. We have had many serious debates in this place in all the time that I have been here, and on many serious issues, but I have never seen a minister laugh about allegations of rape and abuse. I have never seen that happen—laughing it off and saying, “Oh, well, he'd done it once, he'll do it again. That's what happens in prison”—the chuckle from the minister, just the laughter.

Mr Hanson: And the Chief Minister also.

MR SMYTH: And the Chief Minister joining in to say: “This is a joke. That's what prisoners do.” Well, that is not what prisoners are meant to do. And this is the standard that the Greens think is acceptable—the laughing minister, the minister who laughed about allegations of rape and abuse.

This is a really serious issue. But we have had no holding to account from the Greens. We get dismissive laughter and spin from the minister and we have no answer to the

problems that face those that are incarcerated in the prison, those that seek to help modify their behaviour, those that provide services and the families of those inmates.

Then we get the issue of the minister who turns up for the good news but will not turn up and face the music when something goes wrong. He is looking more and more like Kevin Rudd every day. He is the minister who will be there when there is something meaningful to announce. He will turn up for the good stories. But he trots out the public servants—he hides behind the public servants—when it is time to be held to account. That is not leadership. Is it any wonder that the corrections staff have no respect for their minister; any wonder that morale is so poor; any wonder there are resignations; any wonder there are protests from the prisoners? It comes back to one thing—it comes back to this minister.

If the Greens had bothered to look at the notice of motion, point (2) details what happened in February 2010. So there we have, in (a) through to (j), the failings of the Labor Party, the government, and in particular this minister. But then, if you go from (iii) through to (x), it details what happened, particularly in (v), that in the three months since the motion was debated, what else has gone wrong? What further serious management, safety and security breaches have occurred at the AMC?

We heard nothing of this from Ms Bresnan because her speech was written somewhere else; she just reads from the script. We saw the wrongful release of a prisoner. We saw allegations of breach of procedure and falsification of documents relating to a death in custody. We have seen the allegations of rape and abuse of a detainee at the prison leading to an ACT Supreme Court justice to warn the ACT government that:

If the community cannot protect someone who is detained then the community cannot expect to retain that detention.

We saw the lockdown of prisoners for 20 hours a day due to staff shortages. We have seen a lengthy protest by 13 prisoners on the roof of the prison building as a result of the lockdowns. We have seen the tacit approval and support of the corrections officers—because they have no respect for their minister—for that protest. We have seen delay and disruption to rehabilitation because of the lockdowns and staff shortages. I know one organisation that did not get in for weeks to deliver rehabilitation programs. It told me it was locked out for at least two weeks. And we have seen, of course, other organisations turned away.

That is what has happened in the last three months. But the Greens blithely ignore that. They say: “Well, we’ve had a secret briefing. We’re in bed with the government. We’re part of the alliance. It’s all okay.” What Ms Bresnan and what the Greens—

Ms Hunter: Ha, ha!

MR SMYTH: Perhaps Ms Hunter will do it. Perhaps Ms Hunter will stand and tell us exactly what the standard of accountability for a minister is. Perhaps the Greens will let us know what is the threshold question when it comes to dealing with ministers taking responsibility for their portfolios and remaining in place in those portfolios to deliver the programs that they are meant to do.

Unfortunately, from this minister all we got was laughter at this very serious motion. All we got was rhetoric. All we got was a further attack on the committee that had the temerity to hold him to account. In fact, what we got from the minister was no shouldering of the blame, no acceptance of his responsibility, certainly no apology, and certainly no clear rebuttal of the statements in the motion. The minister should be censured.

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) (10.58): This is a blatantly political motion on a very significant day in the life of any parliament and of this Assembly—namely, the day in which the budget is being delivered. It is quite clearly a motion that was designed and constructed out of thin air for a political purpose.

It is a pity, I think, and a reflection on the Liberal Party, that their attempts at diverting attention from their lack of commitment to this place, their lack of view or vision or of any idea about the future of the ACT, is reflected increasingly in constant motions of censure. The minister actually opened his response to the motion essentially with, “Another day, another censure motion,” and that is what it has become.

This particular censure motion, of course, reaches a very new low point in relation to the sort of opaque stunt making by an opposition completely bereft of any idea—or any work ethic. You never see any of them around the place. None of them are working. I must say I cannot recall an opposition of less energy or of less commitment to work or to the community than this opposition.

To the substance: there are some questions that a motion such as this begs in relation to the attitude and the response of the movers of the motion, the proponents. It is fair and it is appropriate to ask, “What would you have done? What was your solution? What was your attitude? What was your policy? What is your policy?”

Mrs Dunne: It’s not about policy. It’s actually about the performance of the minister.

MR STANHOPE: It is. It is important in the context of a motion such as this—a censure motion, a motion that calls on a minister, the responsible minister, to be removed from a portfolio—to benchmark, to have some understanding of what the other side would do, those that are making this extraordinary claim.

So what was the attitude—what is and has been the attitude—of this opposition over the last decade? Their policy position, which they have taken to a number of elections, was to not build a prison in the ACT. Their policy, their position, is one of opposition to the Alexander Maconochie Centre. Their policy position was to maintain the Belconnen Remand Centre, a centre which the human rights commissioner has ruled on as completely lacking in human rights compliance, completely, totally unfit for purpose.

We recognised, on inheriting government in 2001, that the Belconnen Remand Centre was simply unacceptable on a number of bases—not just as a government institution that was not fit for purpose, that was scandalous, that was an embarrassment, but which we inherited from the Liberal Party as not fit for purpose, as completely human rights deficient. But that was only half of the equation. Of course, the other half of the equation was that sentenced prisoners were transported to New South Wales, away from the ACT, away from ACT services, away from families. That is the Liberal Party's preferred position in relation to corrections. The position in relation to corrections of this mob sitting over there today, puffing their chests, is that we should have retained the Belconnen Remand Centre with all its deficiencies. We should have continued to transport our sentenced prisoners to New South Wales, to Goulburn—

Mr Hanson: Show me a quote where I've said that, Jon. Show me a quote.

MADAM DEPUTY SPEAKER: Mr Hanson!

MR STANHOPE: I could get out every *Hansard* and every press release and every election portfolio since we took government. I still recall Mr Smyth most particularly standing on the site of the AMC, before construction commenced, in a demonstration against its construction. That was prior to the election before last. There is not and has not been a single election since 2000 in which the Liberal Party did not oppose the construction of the Alexander Maconochie Centre. The Liberal Party were totally opposed—not to the construction of an international best practice, human rights compliant prison, with all the philosophies that underpin that, but to the construction of any prison.

Not only that; I think perhaps, if there is a positive to be taken from this newfound interest of the Liberal Party in corrections or in prisoner welfare, the positive is that the Liberal Party have now embraced wholeheartedly the notion of human rights. Having opposed the Human Rights Act, having opposed the need for a bill of rights, at every step along the path of the passage and acceptance of human rights and of a bill of rights in the ACT, the Liberal Party now, late to the game, of course—and this is the great positive; I think we all said this in relation to the conversation around bills of rights and human rights and a conversation around the centrality of human rights in a civilised society—embrace human rights. It is the Liberal Party, the opposition in this place, that are the first always now to stand and demand greater attention to the human rights of prisoners at the AMC. It is ironic, of course, but it is the great positive, and something that actually gives me quite a sense of achievement, that, having been opposed completely and utterly by the Liberal Party in relation to my embracing of a bill of rights and of the Human Rights Act, and having stood opposed by the Liberal Party, it is now the Liberal Party that have become the great defenders of human rights.

I think it is a great case study of a political party that opposed absolutely, root and branch, any notion of a human rights act or of a bill of rights that the Liberal Party are now the first to demand utter adherence to principles of human rights—

Mr Doszpot: So it is just your domain, is it, Jon?

MR STANHOPE: It is very ironic, but I find it warming.

Mr Doszpot: You've got a monopoly on human rights, Jon, have you?

MR STANHOPE: It warms me, given our commitment to human rights and our determination to carry through with the construction of the Alexander Maconochie Centre in the first place. I see the construction of the Alexander Maconochie Centre as one of the great achievements of this government. It was something that our opponents did not have the guts to do. They did not have the guts to build a prison, let alone a human rights compliant, world's best practice prison. They did not have the courage, the capacity or the will—because they know they are the great dog whistle blowers. They know there is always cheap politics to be had in getting the dog whistle out on corrections and prisoners.

Mr Smyth: You've been going for 12½ minutes and you haven't defended the minister once.

MR STANHOPE: At its most fundamental and at its most base, that is the subliminal message here in this motion.

Mr Smyth: You haven't defended the minister once. Go on—defend Simon. Say something positive about the minister.

MADAM DEPUTY SPEAKER: Order, members!

MR STANHOPE: This is a sort of subliminal dog whistle, because prisoners are always fair game. As they stand and beat their chests and pretend to be standing up for prisoners and prisoner rights at Alexander Maconochie Centre, they are actually doing no such thing.

MADAM DEPUTY SPEAKER: Mr Stanhope, could you resume your seat for a moment, please. I have called opposition members to order several times and they are ignoring my request to keep order. The next time somebody yells across the chamber at Mr Stanhope and does not allow him to speak in silence, I will warn you. Okay? So I am telling you that the next time someone speaks in that manner I will warn you.

MR STANHOPE: As Mr Corbell said, this is a new venture for governments in the ACT. We have never had a prison before. This is the first time there has been a prison in the ACT. It is a most complex undertaking. Rather than being censured and condemned, Simon Corbell deserves to be congratulated and commended on the work that he has done in leading the establishment, the institution and the running of a prison within the territory. We always knew it was going to be difficult. We have never done it before. Nobody in this place has done it. No minister in any previous government has done it. It is a difficult, complex, fraught area of government, and it has been done by the minister to an exceedingly high level.

Of course there are going to be issues. As the minister just said now, there is not a prison in Australia where there is not contraband. We do what we can. We look for

best practice. That is why we have always said we would review issues in relation to the availability of drugs and the use of drugs and needle injecting—and we look forward to the Liberal Party's continuing support on this issue when that matter comes up for further conversation.

There will always be issues with staff. There will always be issues around discipline and the response of those that manage prisoners to breaches of discipline, like prisoners behaving badly. Prisoners are the most difficult and problematic people in our society in relation to their behaviours. We are talking here about the most difficult people that a community has to deal with and manage—people convicted and sentenced for breaches against our laws, our mores and society's expectations—and they are hard to manage. To expect that they are going to behave beautifully from the outset is just nonsense. We all know it is nonsense. There are going to be problems.

To move this motion today really is an insult, a joke, a waste of this Assembly's time and really demeaning of our commitment to corrections, to prisoner reform and to human rights.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.08), by leave: Mr Smyth, in his speech earlier today, suggested that I was laughing that there had been an allegation of rape at the prison. That is not what I said, and it is not what I did. I was laughing at the fact that Mr Smyth would attempt to hold a minister accountable for a criminal act in the prison.

MR SESELJA (Molonglo—Leader of the Opposition) (11.09): We get the interesting take on it from the Chief Minister as he walks out the door. We get the interesting take. He will not defend Mr Corbell, because he cannot defend the indefensible. We have seen this before. Instead, he does two things. He says, "We're proud of the fact that we've got a human rights compliant prison" and he congratulates Mr Corbell for his performance. Let us look at that. Let us look at what the Greens and Mr Stanhope are congratulating Mr Corbell for, and let us look at this issue around the human rights compliant prison.

This is the most expensive prison in the country. This is a prison that cost us over \$130 million to build, despite the fact that it was downsized to 300 beds, with no gym and no chapel and all of the things that we have seen. There was enough space in the budget for some artwork. But \$130 million! We are now paying \$500 per prisoner per day—\$500 per prisoner per day. This government said to us, "What we get for that is a human rights compliant prison." We are going to pay much, much more than we were paying to New South Wales—more than double what we were paying to New South Wales. We are going to pay much more than anyone else spends on their prisons. And look at the outcomes. Look at the outcomes we will get—prisoners locked down for 20 hours a day. We are getting a human rights price tag without the human rights prison. We are getting Australia's most expensive prison, with all the problems—more, it would seem—that we see in other prisons.

This is what the Chief Minister and the Greens are combining to congratulate Minister Corbell for today. They are combined to congratulate on the ongoing human rights

breaches at the Belconnen Remand Centre that were exacerbated by the late opening of the ACT's new prison—the numerous security incidents in late 2008 and early 2009 at the BRC, including violence that resulted in corrections officers being treated in hospital. The prison was delivered over 12 months late. Congratulations! The prison was officially opened on the eve of the ACT election, five months prior to receiving prisoners. Congratulations, Simon, on the sham opening.

But the prison was delivered under scope. Congratulations. You got it down from 374 beds to 300 beds. The only problem is that you managed to spend more than you initially started with: a \$110 million budget became a \$128 million budget, which became a \$131 million budget. Congratulations that the prison has defects remaining in the security system. Congratulations, minister, that drugs, needles and razor blades were found in the prison shortly after the first prisoners arrived.

The list goes on. The RFID system is not yet operational, and recently a number of ID bracelets were lost. There have been breaches of the 2009 corrections management policy. And, as mentioned, congratulations that the prison is costing ACT taxpayers \$504 per prisoner per day.

Canberrans would expect that when they spend so much money, so much above what is spent in other states, they would get not only a human rights compliant prison but a prison where we did not see these kinds of problems constantly surfacing, where we did not see prisoners being locked down for 20 hours a day. What part of human rights compliant is that? Lock them up for 20 hours a day! I reckon that for hundreds and hundreds of years prisons have been able to deliver that kind of service—locking down prisoners. That would be about the easiest way of managing a prison population. That would be one of the cheapest ways of managing a prison population. Lock them in their cells for 20 hours a day—a good way to save money. But this government manages to spend more than anyone else and yet deliver what is fast becoming a debacle.

The motion goes on, and it goes to some of the failings. But those of us who saw WIN news on Friday night saw this former prisoner who was essentially laughing at the fact that he was able to walk out of the prison when he was not meant to. He was able to walk out of this prison. And, as he said, anyone else could have. Murderers, bad armed robbers—they all could have got out; it was that easy. Indeed, it could have been. I do not know what this man's criminal history is. I do not know the details of why he was incarcerated. But it could have been someone who was violent. It could have been someone who was a danger to the community. I do not know whether this man is a danger to the community or not, but that is the point. That is the point: when you lose control of the prison in the way that this government has, under the leadership of this minister, these are the kinds of outcomes we get. Canberrans who saw that would be embarrassed—embarrassed that we have a government that oversees such a shambles. It is an embarrassment to us. It is an absolute embarrassment that someone would be able to simply walk free—walk free from the prison when they are not lawfully supposed to walk free.

Mr Hanson has laid out a detailed case. It is rare that you see such a litany that underpins a motion, whether it be a censure motion or any other motion. This is a long

and damning litany of failure. This prison has not been open very long. It is not as though we are talking about many years since this prison opened. This prison has not been open for long, yet we see this litany. We see those protests. We see the allegations in relation to procedures and falsification of documents relating to a death in custody. These are serious matters. These are matters that show that the minister has lost control. These are matters that show that we are not getting what we pay for. We are not getting the rolled gold standard of prison that we are paying for. We are certainly paying for it. We are certainly forking out the cash every day—\$500 per prisoner per day. People would not expect that we would get these kinds of outcomes.

You have to ask what a minister has to do to get censured these days. What does a minister have to do under the Greens-Labor alliance to get censured? It reminds me of the days of majority government. It does have that feel about it. No matter how inept, how incompetent or how poor performing a minister is, this Assembly will not take the appropriate action to hold them accountable, whether it be through a motion of no confidence, censure or grave concern.

Some months ago, we had the situation where the Assembly had to express its serious concern about Mr Corbell's conduct as a minister, when he made potentially prejudicial comments to the media regarding two prisoners who conducted a rooftop protest. This is the Attorney-General of the ACT. He went out there and made prejudicial comments in relation to a case, in relation to something that was likely to come before the courts. In this Assembly, the Greens had to invent something. They had to invent serious concern, instead of censure or grave concern, as has been expressed before, or no confidence. They had to invent serious concern, because they could not quite bring themselves to say it was grave concern or censure, which is the ordinary way of holding ministers to account.

The question is this: when the litany of mistakes and stuff-ups gets longer and longer and longer, where do you go? It seems that the Greens have now come from a position of serious concern to somewhere below that—some concern, a little bit of concern. We are concerned in one way or another, Madam Deputy Speaker. That is what we are now faced with. The Assembly, through the Greens-Labor alliance, will not censure the minister for making prejudicial comments in relation to a case, will not censure him for making misleading comments in relation to insulation, and now will not censure him for what must be one of the longest litanies of failure and maladministration by a minister that we have seen in the history of territory government. I have not had time to read through all of them. I have not had time to actually read them all. If I was to simply read out all the failures, that would be the speech. That would be the entirety of the speech.

We have not even touched on the fact that Mr Corbell misled the community when he was pinged on this. When he was pinged on the rooftop protest, his first instinct was to not tell the truth. That is how he handled this portfolio. He does not tell the truth. He does not handle it well; he does not get to the bottom of these issues. The issues keep going. Prisoners walk free. And who pays? The people of the ACT. Taxpayers in the ACT are paying for a rolled gold standard of prison and getting nothing but an incompetent minister in Simon Corbell. He deserves to be censured.

MRS DUNNE (Ginninderra) (11.19): Mr Hargreaves is going to defend the indefensible. I would like to see that. I am looking forward to it.

Madam Deputy Speaker, this is an important matter here today. Mr Seselja is absolutely correct. When before have we seen in this place such a litany of failure and maladministration as we see here today, that brings Mr Hanson here today calling on this Assembly to censure a clearly incompetent minister?

What was the defence? The minister stood up and spoke for close to four minutes, not about his record but about the records of previous Liberal governments. Nine years down the track, the only thing he could do was look backwards. He wanted to look a long way back, because he did not want to look in the near past to what happened last week, last month or in the last year, 18 months or two years under his poor administration.

The only highlights that we have seen in the administration of prisons in this territory were under the supervision of Mr Hargreaves, who, as Mr Hanson rightly said, received a hospital pass. We had a prison that was not open, and clearly was not ready to be opened; Mr Hargreaves, to his credit, pulled out all the stops. He put aside the nonsense and he did what he could to get the prison open. He did have a sow's ear to work with. He did a commendable job of trying to convert that into a silk purse, but there are still many failures.

We have to remember that Mr Corbell said that running a prison was a very complex thing. It is a complex thing. What we have seen here today with this litany of failures is that the complexity of it is such that Simon Corbell is not up to the job. He should be censured. He said about the Alexander Maconochie Centre that it had more facilities than most other prisons. It does not have a gym. It does not have a chapel or quiet reflective place. It has been substantially downsized. It does, to Mr Corbell's credit, have some really funky artwork. And it has very good access to the roof. They are the sorts of facilities that Mr Corbell thinks are important. Good roof access? Sunbathing is very good, in April very important. But it does not have a gym and there are many programs which are not being implemented because of the downsizing of the prison and because of the staffing structures in the prison.

What does that lead to? It leads to bored prisoners; it leads to malcontented prisoners; it leads to instances of violence in the prison; it leads to drug abuse in the prison; it leads to low morale amongst prison staff. And what do we have? We have this litany of failures—this litany of failures which is Simon Corbell's litany. There was a small interregnum from Mr Hargreaves when he tried to get it back on track.

Mr Hanson: It was colourful.

MRS DUNNE: It was colourful. But what we have is a litany of failures by Mr Corbell. We have to go back to the inquiry into the delay in the commencement of operation of the Alexander Maconochie Centre and see what some of the findings were. The findings were along the lines that the AMC, months after it was officially opened, was not ready for occupation. Finding 2 says:

On 4 February 2009 when the Committee undertook a ... 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.

You remember that, Madam Deputy Speaker. You signed off on that. You were there on the day when you saw people on the roofs pulling out electrical cabling and reinstalling electrical cabling. You were there when we could not get through doors that did not work. You were there on the day when, we subsequently discovered, there was a catastrophic breakdown in the security system. You were there; you experienced it; you signed off on it—as did Ms Hunter.

There was a range of other recommendations and findings that I will come back to later in my speech. What we had from Mr Corbell was an absolutely splenetic attack upon the committee for making such findings. He said it was politically motivated.

Mr Hargreaves: It was wrong.

MRS DUNNE: It was not wrong that on 4 February there was a catastrophic breakdown in the security system. There was a catastrophic breakdown in the security system. It was not wrong that there were people on the roof trying to fix the cabling when the committee was being shown through the prison, when they were trying to show that everything was all right. That is not wrong. It is not wrong that the minister was badly briefed, that the minister did not understand what was going on.

I will go onto this, because we have seen that again in the case of the rooftop protest. Findings 11, 12 and 14 of the AMC inquiry by my committee point to the fact that the minister was badly briefed in relation to the opening of the AMC. We see the same thing happening in relation to the rooftop protests, where the best possible explanation is a breakdown in communications between the minister and Corrective Services about what was going on. That is the very best interpretation. It could have been that Mr Corbell just went out and made it up—did not actually ask for information—and then had to correct the record. The very best interpretation was that there was a breakdown in communication.

It is interesting that the Greens are now satisfied, because they have had a briefing, that it will not happen again. It has happened in the past. It was repeated in April. Why won't it happen again? Ms Bresnan really does need to answer the question about what commitments were given to them that this will not happen again. This minister has a track record of not being briefed—of making it up as he goes along and shooting off his mouth without thinking. That is why we had the instance where he was sort of censured in this place, when grave concern was expressed about the prejudicial statements that he made.

Let us have a look at this record. He talks about a human rights compliant prison. For years before the opening of this human rights compliant prison, this minister told us that there would be a different culture in this prison. What does it say about the culture of a prison that we now know, by the minister's own admission, in his own defence, that there was falsification of prison records relating to a death and that some

prison officers have been punished and demoted and other prison officers avoided that by resigning beforehand? What does it say about the culture that Simon Corbell wanted to establish? He was not going to have a culture like the New South Wales prison system. We were going to have a better culture than that. At the very first hurdle, we find prison officers who have been punished or who have resigned to avoid punishment because they falsified records about the death of a prisoner.

This minister has overseen that. He has overseen all of these failures. He has overseen the extraordinary rooftop protest. That is the sort of thing that you see in Third World countries, not in the capital of a First World country with, as Mr Seselja called it, a rolled gold human rights compliant prison. That is what you will see in Third World countries. We now have Third World standards in the administration of prisons here in the ACT. We have the continual lockdown and the absolute disgrace.

This human rights compliant prison was going to provide an environment where people would be gotten off drugs, where there would be drug programs. I think every member of this opposition has had briefings from agencies who are attempting to provide drug programs in the prison. We have been told over and over again that there are drugs in the prison, that there is needle sharing in the prison, that there are clear breaches of security. At the same time, they are not able to get in on a continuous basis and implement proper programs because of the failure of the system to have enough staff on board to allow them to run the programs. We all know that drugs are one of the reasons that people end up in prisons and that the first thing we should be doing is getting people off drugs. But no. Mr Corbell just shrugs his shoulder and says that there is always going to be contraband in prison and he is not responsible for that.

This minister has failed. It is clear. The Greens are in denial because they are in an alliance with the government. They cannot bring themselves to vote down this appalling minister for his failures in this case. They are a disgrace as much as this minister is.

MR HARGREAVES (Brindabella) (11.29): I would like to thank Mrs Dunne profusely for saying nice things about me because I can probably not contest the next election now; I have just about done it all. That is great. I thank her very much for that. I also thank her for the entertainment because she did look like something out of the *Muppet Show*. She was shaking and she was really going nuts. She was throwing her hands around and really not making a lot of sense. It was a bit like Dickie Knee on that Saturday night show who waves himself around in mock outrage. She also—

Mr Doszpot: You're sounding very much the same, actually.

MR HARGREAVES: Thanks, Mr Doszpot. Your contribution is absolutely noteworthy—noteworthy for the absence of any real contribution. Mrs Dunne just went on a tirade. She was guilty of the very thing that Mr Seselja was accusing this side of the chamber of, and that is not actually addressing the motion. All that she really did was to yell out and scream out, repeatedly, that Mr Corbell was a terrible minister.

If you have a look at this motion, Madam Deputy Speaker, you will see that we have been there before. This is a little bit like Groundhog Day. If you have a look at the

first part, we have been there before. With the second part, yes, we have been there before. No 3, yes. Well, this is a lot of news, isn't it? As we can see, there is not really much extra in here, although I did do something which Mr Seselja admitted that he had not done. He said at the tail end of his speech that he had not actually read all of the motion.

Mr Smyth: No, he said he could not read it all because it was so long.

MR HARGREAVES: Mr Smyth corrects me and says that Mr Seselja could not read it. A remedial reading class might be an appropriate way to go. Maybe that is the way to go. When I had a look at it, I thought to myself: "I can see an *Underbelly* vendetta here. I can see a full-on vendetta." They say that we have done all these horrible things in the past, and Mr Corbell has been the subject of—blah, blah, blah. Then they say, "In the three months since the motion was debated in February 2010." That means that, every couple of months, they will run a censure motion against Mr Corbell. So regular are they with it that Mr Corbell can actually schedule his family holidays around those particular events. In fact, we can do the same because they are as predictable as night will follow day.

The thing is, of course, that this is a one-sided argument. When you look at the contribution of a minister, you have to see whether or not there was any positive contribution as well, and whether the positive contributions outweigh the accusations—and I say "accusations"—of negative contribution. Let us have a bit of a look at this AMC, noting that it was in fact the Liberal opposition that wanted to take, if my memory serves me correctly, all of the medical services out of the thing. Mr Smyth was famous for saying that he would take the \$100 million that we are going to use to do that and he was going to fix the hospital woes. He was going to take capital funds and fix the recurrent problem in hospitals. Even a year 12 student—Ms Hunter was there at the time—at Lake Tuggeranong college debunked that idea pretty smartly, and embarrassingly for Mr Smyth.

Mr Seselja did not want the prison; nobody wanted a prison. Now, all of a sudden, there is this high moral ground about its efficacy. I would like to know how many of those opposite can tell me how many prisons there are in Australia which are human rights compliant. I do not think they could tell me that. How many of them have the range of services and characteristics that this prison has? For example, it has all types—remand, sentenced, both genders, all categories of classifications in it. And it has an economies of scale problem, particularly in relation to the female prisoners contained therein.

It has a transitional release program, it has programs aimed at recidivism, and reduction of recidivism in terms of employment opportunities, and has engaged with the commercial sector to try and arrange for jobs for people when they leave. We have housing projects that the minister for housing has delivered for these people on exit.

We have family support. We actually have drug and alcohol services going on in there. And the thing is still not 18 months old. That is incredible, actually. We have a full-on community health centre in there. These are the same people that were screaming their little lungs out about the lack of health services, and yet we have a full-on community medical centre in there.

It started under whose watch? All of this progression forward started under whose watch? Mr Corbell's. Do we see any credit being given for the vision that was there? No, none. What we have seen is a constant barrage of criticism from the moment that the prison was conceived through to the current date.

When we look at whether or not this minister has delivered for the people of the ACT, I think we have to conclude that he has. He has delivered a first-rate service. I hear these people bleating about a \$500 a day exercise, but they do not say what it is compared with. Are we talking about \$500 a day compared with Goulburn? They have got a great recidivism rate. That is a great training ground for people who want to be lawbreakers. This particular centre is all about restoration of people into the community. The whole philosophy is different. It does not come cheaply.

Can we just canvass the alternative from these people over here. Mr Corbell on this hand is saying, "We will accept responsibility for our own offenders, try to restore them to the community and make them not do it again." With these guys, on the other hand, their original proposal, and I presume the current one, because they are bleating about the \$500 a day cost, is to say, "The alternative is to put them back in New South Wales." Putting them back in New South Wales is a good idea—it worked in 1788; it can work this year! There is no change in their approach to corrections—no change since 1788, just the warehousing model.

Madam Deputy Speaker, if you look back at all of the contributions that those opposite have made in trying to prevent recidivism, in trying to support families, the forgotten victims of crime, in trying to come up with processes to stop it and then, once it has occurred, to stop it happening again, you will not find much, actually.

I was in this place when the original thought about a prison was mooted. To his credit, now Senator Gary Humphries—I think he was Attorney-General at the time; I think Mrs Dunne actually worked with him then—had this idea that we should accept responsibility for our own offenders. And I applaud that. The problem was, though, he wanted to have it privately owned and operated. The Labor Party does not agree with that. We need to take community responsibility for a community problem, and come up with a community solution for it. Where did we deliver this? We delivered this through Mr Corbell. Was it his fault that the contractors could not deliver on time? No. Is Mr Corbell an expert in the intricacies, the technical intricacies, of an up-to-date, state-of-the-art electronic prison? No, of course he is not; he cannot be expected to. He put out a contract and expected it to be delivered. Now, it has been delivered, and we are still going through the odd teething phase. And you would expect that, in something which is not 18 months old, particularly with the delivery of programs within it.

At the end of the day, you can rabbit on as much as you like about electrical wires and brickwork, but it is the hearts and the souls of those people who are living in the AMC which are the important part, and this minister is delivering constantly those programs to make sure that they do not go back into the AMC. Have a look at some of the programs. Have a look at some of the training in employment that we have given for the women and the blokes.

Quite apart from trying to censure Mr Corbell for an episode at the beginning of a life of a particularly difficult facility to manage, we should be congratulating Mr Corbell on leading not only this community but the Australian community in the way forward, in addressing aberrant behaviour in our corrective institutions. I think we should vote this motion down.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.39): As my colleague Ms Bresnan has already stated this morning, the Greens will not be supporting this censure motion. One of the things that have been raised by the opposition was around where is the bar set on these issues. It is really important that we are able to tease out what are policy and operational issues versus gross misconduct and, in this case, gross misconduct of a minister.

There are obviously a number of teething problems that are going on with the opening of the first prison in the Australian Capital Territory. Of course, the Greens are very supportive of having a prison in the territory and we are pleased that the building was designed to be human rights compliant. Just because you have a human rights compliant building it does not naturally follow that what happens inside that building will be always in the spirit of human rights. That is why it is important to build a culture, a workforce, that truly understands the approach that is expected in the running of our prison—that is, at the heart of all of this there must be the understanding that the punishment for prisoners is taking away their liberty. While they are in that facility it is about providing polices, programs and options for prisoners to rehabilitate. It is also about improving health and having opportunities around education, training and employment.

At the end of the day, our aim and what we want to achieve is to make our community safer. The way to do that is to ensure that we have the policies, programs and opportunities in place so that, when those prisoners are released, they are going to be able to get a job or continue in some sort of education and training. The hope there—and I would say the goal—has to be to reduce the recidivism of our prisoners. We must all work towards the achievement of these important aims. That is why it is important that we have a workforce within the prison that understands that that is the philosophy the prison is built on. It is important that they be supported through human rights training, ongoing training, and also by having the right complement of staff on each shift.

People have mentioned this morning the concerns that certain community organisations have raised. They have been turned away because there have not been enough staff on shift to enable them to deliver their programs. We know how important these programs are. These are organisations that deliver drug and alcohol programs. We know that a significant number of our prisoners have a drug and alcohol problem. We know there are mental health issues and that there are comorbidity issues going on. That is why it is important to ensure that we have well-trained, supported staff with a full complement on each shift so that these things can be delivered.

Turning to the motion, it is interesting that we have seen quite a bit of what is in this censure motion before and, in fact, not too long ago. I think Mr Hargreaves pointed

this out. All but two parts of this motion were in a motion brought forward by Mr Hanson a little while ago. The wording is exactly the same; it is a cut and paste. We have seen paragraph (3) before. There are a number of things in this censure motion that we have seen before. When Mr Hanson brought forward the last motion we sat down and said, “We can’t support it in its current form.” We put forward a number of amendments, but one thing that we did retain, which we thought that Mr Hanson had got right, was the importance of having an independent review. Mr Corbell has noted that Mr Hamburger has been engaged to conduct that review.

Our understanding from the Auditor-General and the human rights commissioner is that they are happy with this process. Organisations like ADFACT and DIRECTIONS ACT, which are two community-based drug and alcohol services, are happy with the process as well. I know that a number of individuals and organisations are engaging in the process by commenting on the draft terms of reference. No doubt this independent review will come back with a series of findings and a series of recommendations. It is incumbent upon all members of the Assembly to look closely at those findings and ensure that the recommendations are implemented.

I guess this picks up on Mrs Dunne’s comment about looking backwards—that one of the Labor speakers had gone back to the previous Liberal government. I would also be urging people not to go backwards. Today’s censure motion is a cut and paste from a previous motion. We need to move forward. We need to ensure that we do not just have a human rights compliant building but that the delivery of that prison is human rights compliant. These things are incredibly important. Obviously we need to look at the problems. We need to investigate those problems and then we need to look at the solutions and move forward from there.

I want to pick up on a couple of things in the motion. It is a rather a long motion. On page 2 it goes to the events of Mr Corbell speaking with the media and making some comments—disagreeing that lockdowns of 20 hours over seven days was the problem with the rooftop protest. Ms Bresnan said that she received a briefing. She said she was satisfied that the minister had not been provided with the right information and that he went out to correct the public record as soon as he was aware of the correct circumstances. Ms Bresnan was satisfied that the right thing was done on that occasion.

I think this brings up the issue that was thrown around by members of the opposition about secret briefings. There are no secret briefings. I would like to ask the opposition why they do not ask for briefings. Briefings, we find, are a good way to quickly get in and get the information—to find out the facts and the circumstances. It can be very useful, when you have constituent inquiries or a matter that is running in the community, to get that information. That is what we are here for—to be representatives of the community. Therefore, we should be using all the opportunities we have to seek information. I know that the opposition do a lot of FOI requests, which is a legitimate way of seeking information. Another way is to ring up a minister’s office and also to seek a briefing. There is nothing secret about it. It is another legitimate way of gathering information. Those may be ways of seeking information that the opposition may choose to use more of in the future.

It is important that we scrutinise what is going on in our prison. These people are vulnerable in the sense that they need advocates. The Official Visitor is another person who is there to ensure that their welfare is monitored. We believe that this independent reviewer is an important step forward. As I said, we know that there are a number of community organisations, as well as the Auditor-General and the human rights commissioner, that are pleased that this is going ahead. They have said that they are happy with the process. I would urge members of the Assembly to also engage in that process. At the end of the day we are going to have to look clearly at those recommendations.

MS BRESNAN (Brindabella) (11.49): I seek leave to table the email that I referred to in my speech earlier today.

Leave granted.

MS BRESNAN: I table the following paper:

Alexander Maconochie Centre—Copy of email to Mr Rattenbury and Ms Le Couteur from a constituent, dated 13 April 2010.

MR HANSON (Molonglo) (11.50), in reply: I look forward to reading that email. Firstly, I will just turn to the Greens' approach to this. Thank you for your advice to seek a briefing, Ms Hunter. In fact, I had one on Monday from the head of ACT corrections. So while you are sitting there on your moral high horse telling me that I should have had a briefing and telling me about the process to get a briefing, I indeed had a briefing on Monday from the head of ACT corrections and ministerial staff. It is something that I do regularly. If you think that you are on your own in getting ministerial briefings, then you are out there even further than I thought you were.

What we have seen from the Greens again, though, is support for their political masters. I am happy to ask it on the record in *Hansard*: what are you getting for your continued support of Simon Corbell? What little tidbits are you getting in the budget? What extra ministerial staffing did you receive when you did your Greens-Labor agreement? It is quite clear—everybody in the community knows—that you get things from the government for giving them ongoing support. That is the way it works. The Greens-Labor agreement actually writes that in black and white and says that is the way it works.

The ongoing support of Minister Corbell by you is at a cost to the community. You get your benefits from supporting this government; there is no question. You get the Speaker's chair, you get extra staff allowances, you get your Greens' projects, you get extra bubblers in Civic, whatever it might be. There is no question that you are getting extra little things for supporting the government. One of those bits of support, quite clearly, is refusing to hold ministers to account. We have repeatedly brought forward concerns—whether it be through motions of censure or some other forum—when Minister Corbell is misleading, and again and again we see the Greens supporting him.

It is quite clear that there is one party holding this government to account, and that is the ACT Liberals. The Canberra Liberals are holding the government to account, and

the Greens have given up on that task. In fact, they spent most of their time not covering the litany of problems going on at the ACT jail—

Ms Bresnan: What happened at privileges? No-one was in the building.

Ms Hunter: You were on holiday.

MR HANSON: Madam Deputy Speaker, you ought to warn them like you warn us. They did not cover the problems that are occurring in the jail and the mismanagement and the failure to introduce proper rehabilitation programs and so on. What you see is the Greens doing the bidding of their political masters. They spent most of their time—just as they are doing now—interjecting and heckling and attacking the Liberals. Mark this day: 4 May 2010 is the day that any pretence that the Greens have that they are going to attempt to hold this government to account can be gone. Anyone listening to this speech now—the media up there, whoever it may be—this is a day to mark in your diary. All the Greens are interested in is getting everything they can out of this government and giving them their continued support. They did not even make a pretence about being interested in any of the concerns.

I did list the previous issues that have been covered previously, but Ms Hunter pretended this is not a new motion. She ignored the fact that there was a wrongful release of a prisoner—she did not even mention that. She ignored the falsification of documents over the death in custody; the allegations of rape and abuse; the fact that the judiciary is now warning the government that continuation will lead to an effect on sentencing decisions; the lockdown of prisoners; the fact that there are staff problems—the union is concerned and the staff are concerned to the extent that they supported the protest on the roof; and the delay and the disruption to rehabilitation programs. The Greens are ignoring all of that and just say, “We’ve heard it all before.” We have not heard that before; this is entirely new.

I have been provided this email from someone saying—in fact, I will not even bother dealing with that. How the Greens can think that I am getting my information either from the committee or from someone in a random email that is not even signed—we do not have the information of who it is—is just a bizarre allegation. I will not deal with it any further. I am happy to offline, though. If you want to make further allegations either in this place or outside, I am very happy to deal with it. If you are trying to allege something, let me assure you that I am very happy to deal with that.

Turning back to the government, though, what we have seen is the dismissive approach to what the opposition is doing. The opposition are holding a minister to account. That is our job; that is our responsibility in this Assembly. Mr Stanhope and Mr Corbell are dismissive about it. They are not taking it seriously. It is quite clear that Mr Stanhope has given up on any pretence of holding his ministers to account and making sure that they adhere to any semblance of ministerial responsibility. In fact, they sat there and laughed and they thought it was a big joke that we should be concerned that there are allegations about a prisoner being raped.

The real concern is that the allegations are against someone who has previously raped a prisoner at the Belconnen Remand Centre. It is someone who has been convicted of

rape whilst under custody of the ACT government. The allegation is that he has been allowed to rape some young remandee again. If Mr Corbell and Mr Stanhope think that is a joke, it is quite clear why we have so many problems occurring in our corrections system. If that is what we set as our leadership, if that is the ministerial tone that is being set—we laugh at things or we are just simply dismissive and say, “Well, that happens in jails; you can’t hold us to account for that”—then that is an absolute disgrace—

Mr Smyth: Total abrogation.

MR HANSON: Yes, it is an abrogation of responsibility.

The only thing we have heard from the government is to go back 10 years and to say, “We had a different policy to you back then.” It was a Liberal-inspired idea to have a jail here in the ACT, and there was a difference in approach. It was certainly Liberal Party policy to go forward to have a jail here in the ACT, and it would have been run by a private organisation. There was a difference of approach, and by 2004 we had said, “Let’s put that money into hospitals, because we don’t trust the ability of the ACT government, the Labor government, to run this prison.” If you went out there into the community, Madam Deputy Speaker, and said, “Would you like \$130 million put into our hospital system? Would you like the vast amounts of money being spent on our prisoners to maintain them here in the ACT—\$500 a day—spent on our health system or would you like it spent on a jail that is providing none of what is promised?” you would get a very clear answer from the community.

We have heard a lot of promises and we have heard a lot of the rhetoric coming forward from the government about how good it is going to be, how great it is going to be. If it is so good, why are the prisoners protesting on the roof? If it is such a human rights compliant prison, if it is delivering all the programs that they want, if they are having such a good time in there about being rehabilitated, why are they protesting on the roof? I do not get it. If the corrections staff are so happy with the way it is being run, why is it that they are supporting those protesters? Why are they going to their union?

Let me assure you, Madam Deputy Speaker, that what we have heard here today is just the tip of the iceberg. I have had prison officers, corrections officers, come to me and sit in my office and tell me about the problems out there, in desperation at the failure of this government to do anything. I have had prisoners’ families come to me in desperation about what is going on there. If you think that these are isolated incidents, teething problems, they are not. What you have here is systemic failure, and you have a government, a Chief Minister, who is refusing to make sure his minister does the right job. You have a minister in Simon Corbell who has been proven to be absolutely incapable of running this jail.

As much as the government like to skew it that way, this is not a policy debate. The policy is set. We have a jail. It is now about running it effectively and efficiently and managing the jail so that rehabilitation occurs and so that recidivism rates in the ACT are reduced. It is about making sure it is not costing ACT taxpayers a fortune—money that they could otherwise be spending on their families or money we could otherwise

be spending on the health system. That is what this debate is about today, as much as the government try to skew it, and that is something that the minister, Simon Corbell, has utterly failed to achieve.

We have been through a long list of problems. They are contained in the motion, but they are not all of the issues. The reason I put them there is that when you look at the cumulative issues—the litany of disasters from the delay, the sham openings, the exacerbation of human rights concerns at the Belconnen Remand Centre, all the way through to the wrongful release of a prisoner just last week—what you see is a government that have failed and a minister who has failed. The minister deserves to be censured, and he is a minister who deserves and needs to have his ministerial responsibilities for corrections removed from him before issues arise that could cause death or injury. (*Time expired.*)

Question put:

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

The Assembly voted—

Ayes 6

Noes 11

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

Justice and Community Safety—Standing Committee Scrutiny report 22

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

Scrutiny Report 22 of the Standing Committee on Justice and Community Safety performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

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

Privileges—Select Committee Statement by member

MRS DUNNE (Ginninderra), by leave: I refer to my letter to the Speaker of 30 March, and I now advise the Assembly as follows: on 23 February last, the Assembly established a Select Committee on Privileges to inquire into certain statements made by the Managing Director of Actew Corporation, Mr Mark Sullivan, in hearings of the Select Committee on Estimates 2009-2010 on 18 May 2009.

Members will recall that, prior to the debate on that matter, the Speaker tabled a letter dated 23 February that Mr Sullivan had written. In that letter, Mr Sullivan stated:

Mrs Dunne advised the committee that I had informed shareholders in writing that I had been authorised to spend \$149m and that the TOC was \$149.8m.

He went on to say:

That statement is incorrect. I advised the shareholders of the approval by the board of the total budget of \$149.8m. Documents which Mrs Dunne tabled at the Committee hearing will confirm this. The TOC is \$116.7m.

During the debate, I undertook to check *Hansard* of my use of the various terminologies during the hearing of the Standing Committee on Public Accounts on 18 February at which Mr Sullivan gave evidence. I reviewed the *Hansard* transcript of the committee hearing of 18 February, and I wrote to you, Madam Assistant Speaker, to advise you of my findings, and I advised as follows: as transcribed on page 324, I asked Mr Sullivan:

...why did you tell the committee that the TOC was only in final form ...

The word “final” should have been “draft”, and that was a slip of the tongue, a misspeaking on my part. That is what the role of a member is—if the member makes a mistake, he or she comes into this place and corrects it. Also on page 324, I stated:

... the TOC was \$149.8 million.

The word “TOC” should have read “total project cost”. I note that I described the figure as such on page 233 of the transcript. I also note on page 253 that, during the hearing, I tabled a number of documents. I left it as a matter for the committee as to whether those documents should be published. Those documents made it clear as to the various terminologies and their associated costs. I apologised to the committee in my letter to you, Madam Assistant Speaker, for any confusion that was caused by my misuse of the terminologies, and I do so now before the Assembly.

What it boils down to is the fact that my use of the word “TOC” instead of the phrase “total project cost” was a slip of the tongue. No doubt, a slip of the tongue, too, was behind Mr Sullivan’s use of the word “TOC” instead of the phrase “total project cost” during an interview on 2CC on 19 February. He said:

We had agreed at our end to a TOC of \$150 million.

Perhaps there was another slip of his tongue when he gave a similar impression during an interview on ABC Radio the same morning. He said:

We had taken the total out turn cost for the Murrumbidgee pipeline to the board a few days earlier than the hearing, the board had approved it and given me the delegation to spend the money.

In fact, Mr Sullivan took the total project budget of \$149,793,000 to the board. That cost included the TOC of \$116.7 million and a number of other cost components, such as the owner's costs. The board approved the total project budget of \$149.79 million. It also delegated and authorised Mr Sullivan to approve expenditure to an upper limit of \$149.8 million for the Murrumbidgee to Googong project.

It is important to clarify these matters for the public record, and I thank the Assembly for allowing me to do so. However, it is also important to recognise that this misuse of technical terms was little more than a slip that anyone can make, even experts such as Mr Sullivan himself, who I thought would not make such slips. Indeed, it is nothing more than a diversion from the facts of the case, and these are as follows.

On 13 May 2009, the Actew board approved a total project budget of \$149.8 million for the Murrumbidgee to Googong pipeline. It also authorised and delegated Mr Sullivan to approve expenditure on the project to that total project budget. The board decision paper that was dated 6 May and which records the board's decisions noted:

The TOC has been approved by the BWA Alliance Project Management Team and the Alliance Leadership Group.

The board approved the total project budget, which included the TOC. In turn, the TOC included provisional sums of two items totalling \$9.3 million. Nonetheless, the Actew board approved the total project budget, including the provisional sums. It authorised and delegated Mr Sullivan to approve expenditure, including provisional sums.

Five days later, on 18 May, knowing that his board had made the decision that I have just outlined, Mr Sullivan appeared before the estimates committee. He told the estimates committee:

The Murrumbidgee to Googong pipeline is currently under consideration by the board. While we have got a draft TOC, it has got some process to go through before it is an agreed TOC.

Madam Assistant Speaker, the statement is simply incorrect. It is false and it is misleading, and Mr Sullivan knew it was incorrect, false and misleading when he made it. There can be no mistake of semantics in that conclusion, and I await with interest the report of the privileges committee on this matter.

Emergencies Amendment Bill 2010

Debate resumed from 18 March 2010, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (12.11): The opposition will be supporting this bill, although I will mention some of the concerns we have in a moment. This bill makes an important change to the way in which emergencies are considered in the ACT. The bill proposes a more generic approach to determining an emergency.

It is interesting that much of the focus of public policy in Australia has been on bushfires as the cause of many of our significant emergencies. Of course, emergencies can be caused by a range of natural events and also by human actions. The focus on bushfires is important, but our public policy approach should be to acknowledge emergencies in general and to devise policies and programs that are appropriate to all types of emergencies.

As this bill proposes, there can then be a scale, or a spectrum, of emergencies established. There can be a very localised emergency, perhaps a chemical spill or something similar. Then there can be a major, all-encompassing catastrophe such as the bushfire disaster we experienced in January 2003. Moreover, with the increasing emphasis on security matters and the potential for security emergencies, the extension of the notion of an emergency, which is implicit in this bill, to incorporate security issues is sound. Overall, this all-hazards approach is a most appropriate amendment to make to the emergency management regime in the ACT.

As an aside, I note that the bill encompasses the whole range of activities associated with emergency management. The proposed amendment to section 3(b) includes preparation, prevention, response and recovery. These are critical responsibilities, dealing with emergency management, that are placed on the government of the day by legislation.

This bill decouples the appointment of an emergency controller from the need to declare a state of emergency. In adopting this approach, the bill recognises the spectrum of possible emergencies, ranging from those emergencies which are relatively minor to those emergencies that might require the appointment of an emergency controller and to a state of emergency, when an emergency controller must be appointed. This provides a reasonable hierarchy of stages in recognising and responding to emergencies.

I want to thank the minister for arranging a briefing on this bill. The bill contains some matters that are rather complex, and this briefing was particularly helpful.

I need now to make some comments on the way in which the minister presented this bill. I was surprised by the approach adopted by the minister when he presented this bill. Some of the minister's comments seemed to be somewhat intemperate and even contradicted other information. The minister said:

... the overall governance structure under the act—
the 2004 act—

has remained the same.

This is quite obviously not the case. When the Emergencies Act was passed in 2004, it established a statutory authority to manage the emergency services in the ACT. In 2006, as part of the response to the still-secret Costello report, this authority was abolished and was replaced by the Emergency Services Agency, located within the Department of Justice and Community Safety and with four specialist agency chief officers replaced by two deputy commissioners. Then, in mid-2009, the senior structure was changed again to revert to a commissioner with four specialist agency chief officers. It is clearly evident that the structure of emergency services management has been anything but stable over the past six years.

The minister then says that, according to a review, or what he calls a refresh, the act is outdated. I find this rather surprising, as the act to which he refers was put in place only in 2004. This is a very short period in which to conclude that the act is already outdated.

As if these criticisms are not enough, we read in the explanatory memorandum that the proposed amendments in this bill “build on a sound foundation of settled arrangements” in the act. On one hand, we have an act that is outdated and an organisation that has undergone substantial change over the past six years; on the other hand, we apparently have a settled organisation. Minister, you cannot have it both ways. In developing public policy, an essential ingredient should be an agreed analysis of the issues that are the focus of the public policy. The contradiction between your presentation speech and the explanatory statement does not provide any confidence that there is agreement within your government about even the state of affairs in emergency management, let alone determining what the appropriate response should be.

The minister then refers to such matters as inadequacies, inconsistencies, duplication and ambiguity in the emergency management governance arrangements. These words make things sound as though they are a real mess. But are they? The changes proposed by the minister in response to this mess are relatively minor. They establish a hierarchy of emergencies; they change the process for appointing an emergency controller, and they change the Emergency Management Committee to the Security and Emergency Management Senior Officials Group.

I have no problem with the first and second of these changes. As I noted earlier, there can be a spectrum of emergencies to which a response is required. It is quite appropriate, therefore, for an appropriate person to be appointed to manage that emergency event. And if the event becomes more substantial and a state of emergency is declared, a controller needs to be appointed to manage that event. Indeed, it may be the same person. I also support changing the title of this person from territory controller to emergency controller. I think that adds a certain clarity.

But what about the third change? As far as I can tell, all that is happening is that the Emergency Management Committee is being replaced by the new group titled the Security and Emergency Management Senior Officials Group. The overall reporting structure for emergency management remains the same: we will still have cabinet; we will still have the Security and Emergency Management Committee of cabinet; we will still have the Security and Emergency Management Branch. If there were inadequacies, inconsistencies, duplication and ambiguity in the emergency management governance arrangements before, then—surprise, surprise—these problems clearly will remain after these amendments have been put in place. In my judgement, and based on what I know about the emergency management arrangements in the ACT, I consider that the minister’s rhetoric on this matter has been extreme. Given the significance of the presentation speeches and associated material, I suggest that the minister should be far more careful with the words that he chooses.

I also am intrigued by the title of the body that is intended to replace the Emergency Management Committee. We will now have the Security and Emergency Management Senior Officials Group, SEMSOG. What a mouthful, and what a silly and pretentious title. This title tells me that someone is trying to make something sound important. I see no need, for instance, for the words “senior officials” to be included in this title—unless there is another motive. Why are they there? Is it to distinguish this body from a meeting of junior officials? Recently we have seen what this minister thinks of junior officials when dealing with issues to do with insulation. I believe that we would not lose any of the sense of what is being sought by describing such a grouping as the security and emergency management group. It is simple; it is effective; it is precise. Indeed, a junior officer with a particular expertise may well be included in such a group, as would be appropriate.

I raised some matters with the minister’s advisers during our briefing on this bill. I have received advice from the minister about those, and I thank him for that advice, which turned up, I think, late yesterday.

I need to comment on my concerns on two of these matters. The first concerns the wording of proposed new section 150A(5) where I question the reason for this convoluted wording and why this section is needed in any event. Given the requirement established in proposed section 150A(1), I consider that paragraph (5) is superfluous. I will read the paragraph for members; it is quite an interesting paragraph. Paragraph 150A(5) says:

The Chief Minister may be satisfied that an emergency is likely to happen if the Chief Minister is satisfied that an event that has happened or is happening, or a circumstance that exists, gives rise to the likelihood of an emergency.

If anyone can work out what that actually means, I would be grateful for assistance. If you read, for instance, section 150A(1), you will see that it seems to make paragraph (5) superfluous. Section 150A(1) simply says:

This section applies if the Chief Minister is satisfied that—

(a) an emergency has happened, is happening or is likely to happen ...

I am not sure what the extra words add. I am always concerned that at times of emergency you may have too much legislation. I note that the same wording is in the current act in sections 151(4) and 156(4). That does not necessarily mean that these words are necessarily correct or required. I will be moving an amendment to delete paragraph 150A(5) in the detail debate.

The second matter that I raise concerns proposed section 162(2). Again, I am not convinced that we need to put into legislation a requirement that an emergency controller cannot act in a particular way. This particular section says:

The emergency controller may not direct the person to undertake an operation in a particular way.

I am not convinced by the explanation given by the minister. There may be a reason for such a direction to occur. It might be a rare occurrence, but I do not think we should be ruling it out. I am not convinced that we need to put into legislation a requirement that the emergency controller cannot act in a particular way. I understand the logic underpinning the section: it is not acceptable for a controller who, for instance, may have a fire brigade background to direct an ambulance officer how to perform a specialised medical task. But you have to ask how likely that is to happen. At the same time, we are considering legislation dealing with emergencies—not what would be considered perhaps normal situations, but emergencies—where circumstances may change very quickly, where very quick responses may be required and where someone may be required to act outside their area of specialisation. The minister has not provided any justification for this limitation in his further advice. The whole point of having legislation dealing with emergencies is to provide a framework within which emergency services people can act. A limitation such as this does not seem appropriate.

A further issue is raised by comments the minister made in his presentation speech. The minister said that it is inappropriate for people who are not ACT government officials to provide advice to the Security and Emergency Management Committee of cabinet or to a territory controller. I find it hard to accept these limitations. There may be emergencies where very specialist knowledge and expertise are required. This expertise may not be available in the ACT government. For the minister to suggest this limitation on advice flowing to the relevant authorities during an emergency could well make a situation worse. This certainly would not be a good public policy outcome. Fortunately, this restriction is not in the act or this bill; I find it strange that the minister mentioned it at all.

In concluding, let me say that I also note that there are some minor errors in the explanatory statement, but I assume that the minister has found these and has had them corrected. With these comments, I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (12.24): The Greens will be supporting this Emergencies Amendment Bill. It is a bill that updates the existing act to introduce into the legislation what the minister has described as intuitive simplicity. Given that the Emergencies Act is a piece of legislation that will be turned to in times of immense

stress and uncertainty, any simplification of the act is well worth while. The Greens support the amendments on that basis.

The bill follows on from a review into emergency management governance arrangements. We are told that the amendments for debate today address a number of deficiencies that the review identified. However, the review has not been made publicly available. Because of this, we have read the bill as it stands and without the benefit of all the supporting documentation. When a document is directly related to amendments, debate would be enhanced if that document were made publicly available.

Having said that, I am pleased that this bill will require another review in five years time. Emergency management requires constant vigilance and we must ensure that the legislation is kept up to date so that it can be quickly and easily put into effect when required. I am particularly pleased, however, that the bill also requires that that review be tabled in the Assembly. This is a good move from the government. It adds openness and accountability into the process and I welcome that inclusion.

A key amendment made by the bill is to allow the emergency controller to act as a potential emergency is developing but before a state of emergency needs to be formally declared. This series of amendments will free up the controller to take preventive action that will save life and property. Currently, the operation of the act creates some uncertainty about what action can be taken in the lead-up to an emergency.

There are key examples of where a controller may need to act but where a state of emergency has not been declared. These illustrate the need for these amendments well. For example, on days of a catastrophic fire danger warning, the interests of Canberrans will be best served if the controller can act instead of waiting for a bushfire to actually arrive on our doorstep. That is the uncertain situation that the current legislation potentially creates. The amendment is a responsible one that allows for preventive action to take place.

The powers of an emergency controller are necessarily broad. They are able to order movement of people and take control of property and essential infrastructure. Clearly, these are all practical actions that the controller must be free to undertake during a developing emergency. They must not be retarded by unnecessary processes that take up valuable time.

As the scrutiny of bills committee has picked up, human rights would be engaged where a controller is required to use their emergency powers. For example, where a controller orders an evacuation, the right to freedom of movement is engaged. The committee requested that the minister respond and justify the human rights interference.

At this point, it is helpful to return to the words the minister used to describe this bill. He said that the amendments help to achieve “intuitive simplicity”. It certainly is intuitive that at times of emergency people need to be ordered about. People will respond well to a clear direction from someone in a position of authority. It is also intuitive that where an emergency—

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

Sitting suspended from 12.28 to 2 pm.

Questions without notice

Alexander Maconochie Centre—lockdowns

MR SESELJA: My question is to the Attorney-General. On 12 April you told the media that the longest lockdown at the Alexander Maconochie Centre was five hours. Your office later corrected the record, stating that there had been two occasions where prisoners had been locked down for 20 hours. Why did you provide misleading information to the media about this matter?

MR CORBELL: I provided that advice based on the advice I had received from my department. My department subsequently corrected the advice they had provided to me and I subsequently advised the media accordingly.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. How often have prisoners been locked down over the past year?

MR CORBELL: I will take the question on notice, Mr Speaker.

MR SPEAKER: Supplementary, Mr Hanson?

MR HANSON: Minister, how is it that regular lockdowns at the AMC are consistent with a human rights compliant facility?

MR CORBELL: The exercise of lockdowns is a standard procedure to maintain safe custody in all correctional facilities across the country. The way that is conducted here in the ACT does differ from other correctional facilities interstate, and it differs in one very important and I believe appropriate respect. That is that in other jurisdictions the lockdown is regularly applied across all categories of prisoner in all of the facilities within the existing prison at the same time.

In the ACT, we endeavour, where it is necessary for operational reasons to lock prisoners in cells for longer than the regular period, for that to be on a rolling basis. So it does not apply uniformly across the prison but instead applies at different times in different parts of the prison. That allows prisoners to still achieve a reasonable period of time out of the cells—obviously not as long a period as we would prefer, but it does allow some reasonable period of time out of cells. That is in stark contrast to the practice in most prisons in New South Wales.

Education—NAPLAN testing

MS HUNTER: My question is to the Minister for Education and Training, and it concerns the NAPLAN testing. Minister, the NAPLAN testing is scheduled for next

week or the week after, if needed. The Australian Education Union have stated that they do not support teachers supervising the tests. What contingency plans have you put in place if some or all teachers are not willing to supervise the tests?

MR BARR: At this stage, it is hypothetical to suggest that teachers will not be supervising the tests. We, like all other Australian governments, have sought an order through the various industrial relations commissions to have what is, in fact, unprotected industrial action deemed to be that. I can advise the Assembly that Fair Work Australia, through Commissioner Deegan, has indeed made that ruling in relation to the ACT, the Northern Territory and, I understand, Victoria, and that the various state industrial relations commissions elsewhere in the country have also made similar rulings.

It is the government's advice at this stage that the vast majority of schools are fully prepared for NAPLAN testing next week. In the context of the ACT, it is worth noting that we have a very small number of test sites as opposed to larger jurisdictions, in that our early childhood schools and our colleges do not participate in NAPLAN testing, so that reduces the number of test sites in the territory to around 70. We believe that, through the combination of preparation within schools and available staff within the Department of Education and Training and our team of exam supervisors, we will be able to comfortably conduct the NAPLAN testing in ACT public schools.

It is, of course, noting that this issue does not arise in Catholic and independent schools, as the unions in that particular sector have taken a more responsible approach than the Australian Education Union. But there is still time for the Australian Education Union to withdraw their threat of a boycott of the national testing. Testing is important for students. It is highly valued by parents and it will provide essential data for schools.

This testing in 2010 will be the first time that we will be able to accurately measure value-add, as in the difference a school makes to a student in transition from year 3 to year 5, for example, and year 5 on to year 7, and to see the growth in student performance. That is critical. Parents support this test; schools need this test; the ACT government are determined—I repeat, determined—to do everything within our power to ensure that these tests go ahead over the next two weeks.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, if the tests are conducted over two weeks, how can you ensure that the test questions will not be known before the second round of testing is done?

MR BARR: The testing being conducted over two weeks has been standard practice for NAPLAN over the past two years; so there would be no difference in arrangements for 2010 from what has applied in 2008 and 2009.

However, it of course remains the government's preferred position for the testing to be conducted next week. But there has always been the option and the potential for students who are absent during that week to sit the test in the following week and

there is very little evidence—in fact, there is no evidence—to suggest that there has been any cheating in relation to NAPLAN testing in the ACT.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, have you met with the union to listen to the concerns of teachers who are not opposed to NAPLAN testing but rather the fall-out when results are converted into league tables naming and shaming schools?

MR BARR: Yes, I have met with the Australian Education Union. I am aware of their views. I fundamentally disagree with them, as we have discussed in this chamber. The federal education minister has met with the Australian Education Union at a national level, including, obviously, representatives of the ACT branch, who were in that meeting with the AEU national executive. My state and territory education colleagues have met with the Australian Education Union.

I must make one thing absolutely clear, though. This is not a negotiation with the AEU over what will be published on the My School website. All education ministers have agreed that this is not a negotiation with the AEU over the content of the My School website. Nothing will be taken off that site under the threat of industrial action by a rogue union. Let me make that absolutely clear. We are, of course, happy to discuss with the Australian Education Union, together with all other education stakeholders, what new information can be added to the My School website in the future.

Let me be very clear about this: it is the resolve of this government and every Australian government that we will not be held to ransom by the Australian Education Union. These tests are critical for students. Parents support them. I have been inundated with emails, phone calls and correspondence from parents demanding that these tests go ahead. We support parents; we support students; we support good outcomes for our schools. This data enables that. If the Australian Education Union have a problem with the media's coverage of the My School website, they can take that up directly with the media. This government and no other Australian government will be party to censoring the media in that way.

Capital works—projects

MR SMYTH: My question is to the Treasurer. Treasurer, in answering question on notice No 696 you provided a table of projects completed by your government in January and February 2010. The table shows that over one-third of the projects were completed 12 months or more later than first anticipated. Further, you failed to provide the actual costs of the completed projects. Treasurer, why does your government continue to fail on infrastructure and capital works delivery in the ACT?

MS GALLAGHER: I fundamentally disagree with the last sentence—that we fail on infrastructure. In fact, in future years when we look back I think this government will

be rewarded—or certainly our actions seen very favourably—for what we have done to invest in infrastructure. You can see it just based on the numbers, where we have come from to where we are now. At the end of this financial year we expect to spend over \$600 million in one financial year—almost double; indeed double—

Mr Hanson: How much of that is on the dam?

MS GALLAGHER: That is not including the dam, Mr Hanson. I will check the record but I am pretty sure it does not include the dam in that figure. We delivered \$300 million last year. We are expecting to exceed \$600 million in infrastructure alone. When you look at some of the indicators coming out about the level of government spending in terms of supporting our local economy in the past 12 months, and the fact that the ACT government and our agencies look to have spent in excess of \$600 million, we can very honestly put our hand on our hearts and say that we have played a very important role in our economy's recovery from the global financial crisis.

I do not remember—unlike Mr Smyth who has a particular skill around memorising data, sometimes correctly, sometimes incorrectly, but memorising it nonetheless—what question on notice 696 and the table in that actually said. But we have also been working to improve on our capital works reporting in terms of reports that I provide in updates to the Assembly, in terms of transparency, and if you indeed go through the budget papers and our budget update you will see the transparency around that and around the cash flow of those particular projects.

I do not accept Mr Smyth's propositions. I do not think anyone in industry accepts the proposition that he just put that we have been a failure. Indeed, I think he is probably on his own on that one—again.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what inquiries have you made, and what changes have you made, to cater for these failures of delivery?

MS GALLAGHER: It is like a dorothy dixer. Thanks, Mr Smyth. I have done a lot, actually, in terms of managing the capital program.

Mr Hanson: On a point of order, Mr Speaker.

MR SPEAKER: Stop the clocks.

Mr Hanson: Could you ask the gallery on the government side to stop giggling, please?

MR SPEAKER: Mr Hanson, there are quite clear provisions in the standing orders for frivolous points of order. You have come very close to a warning—

Mr Coe interjecting—

MR SPEAKER: Order, Mr Coe!

Mr Hanson interjecting—

MR SPEAKER: Order! The Speaker is making a ruling. I do not expect to be interrupted when I am doing so. As I was saying, Mr Hanson, you came very close to being warned for making a frivolous point of order. Members of the gallery of course are allowed to be amused by any member of this place, if they happen to be.

Mrs Dunne: On the point of order, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

Mrs Dunne: There is a difference between amused and audibly laughing and I think that is what Mr Hanson objected to.

MR SPEAKER: Can you stop the clocks, please, Clerk. The Speaker is not going to rule or require the gallery to laugh in particular ways.

MS GALLAGHER: Thank you, Mr Speaker. The question was: what have I done, essentially, to manage the capital program? We accepted that in terms of some of the rollovers and underspends we needed to tighten up our processes and over the last 12 months we have been doing exactly that. We have been tightening up our processes, looking at where there are bottlenecks and looking at our reporting regimes. I meet with chief financial officers almost every month to work through all the programs they have in front of them—whether they are delayed and what the reasons behind those delays are. We have, I think, worked very hard in the last 12 months to improve our processes. I think you will see that in the terms of the final capital spend for this financial year.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Minister, could you tell us about any records you have in relation to infrastructure spend by governments in the past?

MS GALLAGHER: I thank Ms Porter for the question. It is not surprising that our capital works projects and our capital works budgets have increased since self-government, but every year you will see from this government that we have built upon the previous year's spend. Indeed, in the budget that I am about to introduce, you will see a further commitment and strengthening around our capital works program. Indeed, I think when you compare it to the last year of the Liberal government, what was their capital spend there?

Mr Stanhope: About \$60 million.

MS GALLAGHER: It was about \$60 million that was delivered. We are delivering a program of \$600 million this year. We accept that our infrastructure needs are growing, that our city is growing and that we have to meet those needs. Part of that is through very good, responsible investment in high quality public assets. That is something that we have been working on since our term in government. You will see

it in every budget that we have handed down, and you will see it in the budget that I am about to hand down in the next quarter of an hour. I think it is an approach and an attitude that has been welcomed by everybody other than the Liberal opposition in this place.

Visitor

MR SPEAKER: I take this opportunity to point out to members that Mick Gentleman, a former member of the Assembly, is in the gallery today, and I welcome him back to the Assembly.

Questions without notice

Hospitals—funding

MS PORTER: My question is to the Chief Minister. Can the minister update the Assembly on the national health and hospital network agreement agreed to by first ministers at last month's COAG meeting?

MR STANHOPE: I thank Ms Porter for the question. Indeed, it is a very important question on a very important issue. The deal struck between first ministers and treasurers at COAG last month ushers in a new era of certainty for states and territories when it comes to the commonwealth's share of funding of public hospitals. Throughout the decade of Liberal Party rule nationally under John Howard, the commonwealth's share of funding for our public hospitals headed in one direction, as we all know, and one direction only—that is, down.

Ms Gallagher: Down!

MR STANHOPE: Down, down, down. That meant that the ACT government, determined to meet the growth in demand for hospital services for the people of Canberra, has funded an ever-increasing share of hospital funding. Our share at the moment is around about 70 per cent on a split with the commonwealth, the commonwealth providing around 30 per cent. That split has to be acknowledged in the context of an increasing share from the commonwealth since the change of government federally just two years ago. So you can imagine how bad it was for 10 years of Liberal Party rule.

I think it is fair to say that at the time John Howard left the position of Prime Minister the commonwealth was funding growth at around about five per cent when states and territories, averaged across the nation, were funding growth at around about nine per cent. Last month at the COAG meeting for the first time the commonwealth locked in its share of funding of our public hospitals. It is the first time that this has happened and that is why this agreement is so important and so historic.

Over time, the commonwealth will fund 60 per cent of the efficient price of all public hospital services delivered to public patients, and it is locked in. From 2014, it will pick up 60 per cent of the growth in the cost of hospitals too. The commonwealth has also formally assumed funding and policy responsibility for GPs and other forms of primary health care as well as aged care. The reforms that make up the agreement

respond to the big challenges facing our health and hospital systems across the country—gaps in the provision of primary healthcare services, population growth and ageing, increasing rates of chronic disease, hospital waiting times and overlapping responsibilities and lack of coordination and integration of service systems.

In other words, the deal that we have signed up to reaches beyond the public hospitals and treats the health system as the thing that it is—an organic and independent whole. That is why it clarifies the roles of each of the tiers of government and addresses the genuine pressure points that each of these levels of government confronts in relation to primary care, acute care and aged care.

For the first time, I think probably since federation, it is fair to say that it means the states and territories can confidently fund growth in their hospitals systems. We have been doing it but it is a point of great pressure for all of the states and territories, including this one. We can now do it knowing that in the commonwealth there is a financial partner in relation to the meeting of the ever-increasing cost or growth in demand for health services here in the ACT and around Australia.

It really is a very significant change. It is the first time that the commonwealth has willingly accepted a place as a partner with the states and territories in meeting the demand in public hospital or public health service that each of the states and territories now provides to their communities.

It was a privilege to be involved in the negotiations. It was a tremendous outcome for the ACT. The Prime Minister specifically—

Mr Seselja: He was negotiating hard, wasn't he?

MR STANHOPE: We did negotiate hard and we got some tremendous concessions for the ACT as a result of the negotiations that we undertook. (*Time expired.*)

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Minister, what are the implications of this agreement for health funding in the ACT?

MR STANHOPE: Again, I thank Ms Porter for the question. In addition to the overarching new philosophical approach represented in the heart of the agreement that was struck at COAG, there are, of course, specific and quite definable benefits, both financially and operationally, for the ACT. For instance, financially there will be an immediate injection of funding to the ACT's public health system of around \$90 million over the next four years.

That \$90 million is comprised of \$16 million to ensure that most people attending an emergency department will be made to wait no more than four hours to be seen, assessed and either admitted or discharged; \$10 million for additional elective surgery procedures, amounting to, we hope, around 1,300 additional elective surgeries over four years; \$26 million for additional subacute beds; \$6.8 million in capital over two years for operating theatre equipment and infrastructure; and \$7 million in flexible

funding over four years which could be used for or be allocated to emergency department care, subacute care or elective surgery. The ACT will also receive an additional \$23 million for services such as diabetes care, training of doctors and allied health professionals, and aged care.

Those are essentially the transitional arrangements that will be in place between now and 2014-15. In 2014-15, the new funding formula takes effect fully. From that financial year, the commonwealth can pick up, as I said, 60 per cent of the growth in the cost of hospital care throughout Australia and will accept full responsibility for primary care.

For the first time, from 1 July 2014, there will be automatic increases in commonwealth funding for health in the ACT which will be linked directly to growth in health costs. This is the first time ever that a commonwealth government has been prepared to make that commitment.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. Chief Minister, in what way are the special circumstances of the ACT taken into account in the agreement?

MR STANHOPE: I thank Mr Hargreaves for the question. It is important, as a result of some of the historical issues that the ACT has had to deal with in the delivery of health care, and we all know what they are—every health minister, most particularly, in every government essentially has had to struggle with a number of inherited or historical facts. They have impacted on things like accident and emergency waiting times and the waiting list. Of course, that goes to the fact that here in the ACT, at our public hospitals, traditionally, and it is averaged out, 26 per cent of occasions of service are provided to residents of New South Wales. Indeed, 30 per cent of all the people on our waiting lists do not live in the ACT. The average across Australia is two per cent.

That is why this is such a significant issue for us. The Queensland and New South Wales premiers talk about Coolangatta-Tweed. The New South Wales and Victorian premiers talk about Albury-Wodonga. But it is here, Canberra-Queanbeyan. The cross-border shift in those jurisdictions at those places on those borders is about two per cent. Here it is 26 per cent of occasions of service and 30 per cent in relation to waiting times. You can imagine the impact of that on us and on services delivered here, and on infrastructure needs and workforce needs, exacerbated of course by the fact that we also have traditionally the lowest number of GPs pro rata.

We also have some embedded historical costs inherited from the commonwealth pre self-government in relation to the costs of staffing in hospitals as a result of issues like superannuation.

In relation to all these historical issues of enormous concern for our capacity to meet waiting times and imposed or agreed times in relation to accident and emergency waiting times, those things need to be taken account of or we will not meet the needs. The Prime Minister, with enormous understanding of our particular situation—(*Time expired.*)

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Chief Minister, how will these new arrangements actually address cross-border and regional issues so that the ACT does not have to take New South Wales to arbitration to recover funds?

MR STANHOPE: I thank Ms Bresnan for the question. Ms Bresnan goes to the heart of one of the issues that the Minister for Health and I did address with the Prime Minister and with the federal minister for health—that is, how do we avoid the disputation in relation to cross-border issues, accepting the implications for us? The Prime Minister and the federal minister for health agreed that there will be special arrangements that apply specifically to the ACT in relation to the cost of services here, taking account of the historic embedded costs. That was an enormous concession for us.

The efficient price mechanism that is part of the new arrangements in relation to the determination of levels of activity will be adjusted according to the nature of the cross-border arrangement and the level of services provided for New South Wales. So there will be a mechanism, agreed by the Prime Minister, specifically in relation to the ACT to allow issues like the embedded, historic costs, the level of cross-border service and the determination of the efficient cost by an independent body to determine the nature of those arrangements.

As a result of this agreement and as a result of the negotiations which we held bilaterally, those issues were dealt with. I do hope that we will never again be forced into the position of having to arbitrate independently with New South Wales in relation to the real cost of cross-border services.

So those are some of the particular benefits achieved by the nature of our relationship with the Prime Minister and the federal minister for health and the nature of the bilateral negotiations which we conducted, negotiations which were so successful that led us to engage as proactively and constructively with the Prime Minister as we did and which, at the end of the day, produced an excellent outcome for Canberra and for the people of the ACT.

ACT Health—alleged bullying

MR HANSON: My question is to the Minister for Health. Minister, have you closely reviewed the processes used to investigate allegations of bullying that arise within your department?

MS GALLAGHER: Could you repeat the question? I want to get it right—what you were talking about.

MR HANSON: The question is, minister, have you closely reviewed the processes used by your department to investigate allegations of bullying that may arise within your department?

MS GALLAGHER: There are a range of different processes. I am not sure whether Mr Hanson is directly referring to the public interest disclosure process which is underway in relation to a particular incident. But there are a range of different ways that can be used by staff, patients or community members through ACT Health, and I am very confident that those processes work. And, yes, I have looked at them. I have looked at them a number of times when I have been health minister, particularly in choosing what is the appropriate avenue to pursue different types of complaints.

MR SPEAKER: Mr Hanson?

MR HANSON: Minister, can I confirm then that you do endorse those processes entirely and consider them to be at arm's length, fair and transparent?

MS GALLAGHER: I am not sure what you have got under your hat there, Mr Hanson, in relation to where you are leading. There are a range of different processes that people can use. There are internal complaints processes, external complaints processes. There is the Health Services Commissioner. There is legislation around public interest disclosure. There are arrangements under the certified agreement. I have absolutely no reason to believe that those processes as they are established under different policies and procedures and legislation, and different authorities, do not work. There is the Medical Board, for example. There is the Nursing and Midwifery Board. There is the Health Services Commissioner. There are so many different ways to make a complaint in health, and what I can say is that I have absolutely no reason to believe that those processes do not work.

If Mr Hanson is sitting on something that he thinks is a smoking gun or something, I suggest he show me what it is so that I can pursue it further.

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

Appropriation Bill 2010-2011

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (2.30): I present the Appropriation Bill 2010-2011 and the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 4 May 2010.

Budget 2010-2011—Financial Management Act, pursuant to section 10—

Speech (Budget paper No 1).

A budget for our growing city (Budget paper No 2).

Budget overview (Budget paper No 3).

Budget estimates (Budget paper No 4).

Reader's guide to the budget.

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

2010-2011—

ACT Building and Construction Industry Training Fund Authority, dated 28 April 2010.

ACT Gambling and Racing Commission, dated 20 and 29 April 2010.

ACT Insurance Authority, dated 30 April 2010.

ACT Long Service Leave Authority, dated 30 April and 3 May 2010.

ACT Public Cemeteries Authority, dated 23 and 28 April 2010.

Canberra Institute of Technology, dated 29 and 30 April 2010.

Cultural Facilities Corporation, dated 20 and 28 April 2010.

Exhibition Park Corporation, dated 20 and 29 April 2010.

Independent Competition and Regulatory Commission, dated 28 April 2010.

Land Development Agency, dated 28 April 2010.

Legal Aid Commission (ACT), dated 28 April 2010.

Public Trustee for the ACT, dated 28 April 2010.

2009-2010—ACT Long Service Leave Authority (for the period 1 January to 30 June 2010), dated 30 April and 3 May 2010.

Title read by Clerk.

MS GALLAGHER: I move:

That this bill be agreed to in principle.

A Budget for Our Growing City

Mr Speaker, the 2010-11 ACT Budget is a Budget about the growth of Canberra.

It is about meeting our community's needs and preparing our city for the future.

This is a responsible Budget that seeks to balance the growth in demand for our services with the restraint necessary to return our Budget to surplus.

In every Budget the Government faces the challenge of meeting competing pressures and this Budget seeks to strike the right balance.

Since self-Government we have been becoming increasingly self-sufficient and the Government continues to take decisive action to ensure that we keep the ACT on a strong financial footing.

In this Budget the ACT Labor Government's investments will support sustainable growth for our community and continue to invest in what our community really needs: better schools and health care, support for the most vulnerable, promoting positive

action on climate change, protecting our environment and developing valuable community infrastructure.

We are taking bold and forward-thinking action on developing our city for the future through our focus on infrastructure development, transport innovation, land supply programs and investments in our health and education systems.

Our capital program remains at record highs, to support growth in services, the economy and invest in the growth of the city.

Mr Speaker, this Government has listened to the community and is responding to the needs of local business to support their growth.

We commenced early our consultation process for the 2010-11 Budget and have continued to engage with the community, stakeholders and representatives of industry in confirming our priorities and developing our Budget. In response to feedback from industry we will continue to drive our capital works program to provide certainty to the sector.

We are a Government that is not afraid of making tough decisions and will look to drive future improvements in the way we fund Government services for our growing city.

Mr Speaker, the ACT Budget was dealt a blow with the global financial crisis, and now we have to grapple with the outcomes of the GST carve-up from the Commonwealth Grants Commission and its adjustments to the ACT's relativities.

The Government took the right decision last year to support jobs and investment through the worst of the financial crisis, rather than slash and burn funding and services. In an uncertain economic environment, we took deliberate steps to stabilise the economy. We avoided sharp adjustments in order to preserve services and support consumer and business confidence.

We did not take knee-jerk actions and our approach has been vindicated.

Mr Speaker, we have seen the positive effects of cyclical recovery and our local economy has performed strongly over the past 12 months in part through the Commonwealth's stimulus measures and the local initiatives in which the ACT Government invested.

Despite the recovery in our economy, the losses sustained by our Budget will take longer to remedy. The origins of this structural deficit were in the fiscal shock of the global financial crisis and deficits were accepted on a temporary basis. The Budget's underlying deficit is forecast to peak in 2010-11.

The net operating balance for 2010-11 is a deficit of \$83.9 million. By the last of the out-years we expect the deficit to have reduced to \$50.3 million.

Mr Speaker, there remain risks going forward. Trends in Commonwealth Government investment in the Territory will play a key role in our economic performance in the

medium term. In 2010-11, when we expect the Commonwealth to start to restore its own budget position, moderation in the growth of the ACT's State Final Demand is expected.

However, with the global and national recoveries happening earlier than previously expected, the ACT economy is expected to benefit, through a recovery in household wealth as well as in consumer and business confidence.

The forecast for State Final Demand (SFD) in 2009-10 has improved considerably to 3¾ per cent compared to the original budget forecast of 2 per cent. The forecast for Gross State Product (GSP) for 2009-10 now is growth of 1 per cent, compared to the budget forecast of ½ per cent.

Unemployment is currently at 3.8 per cent, a figure that has remained more or less static through the 18 month downturn period. This is among the lowest in the country.

Combined with solid population growth in Canberra, and the targeted investment of the ACT Government, we expect to sustain the momentum of our local economy.

Budget Plan

Mr Speaker, in the 2009-10 Budget, the Government adopted a Budget Plan to return the budget to surplus over a period of seven years.

Towards the aims of the Budget Plan we readjusted our spending and achieved savings.

However, Mr Speaker, we did not make sharp adjustments and we maintained our investment in vital community services and infrastructure and supported business confidence, a strategy also employed by the Commonwealth and most other Australian jurisdictions. This approach was broadly endorsed across our community and allowed us to support our local economy and our growing city through a strong and targeted capital investment program.

This approach has paid dividends to our local economy and has assisted us in achieving the small surplus of \$54.2 million expected for 2009-10.

Mr Speaker, our Budget Plan was designed to be flexible and to be able to respond to changing circumstances and adjust to external factors.

The revenue outlook has improved since the last Budget, with the increase in the GST pool, housing market revenue and income from financial assets. The underlying revenue, however, will remain flat over the three years from 2007-08 to 2010-11.

Mr Speaker, in this Budget we are continuing our response to the effects of the global financial crisis. Our savings strategy going forward will continue our Budget discipline and produce efficiencies. These are essential to our plan to return to surplus.

The Expenditure Review and Evaluation Committee provided advice to the Government and we will continue its function in reviewing our budget processes going forward.

Mr Speaker, I would like to take this opportunity to thank those ACT Public Servants in our agencies and departments who worked on the savings task and assisted the Expenditure Review and Evaluation Committee.

The public service has shown great leadership and innovation in approaching the savings task with the community front-and-centre in mind. Through their creativity and engagement in the process, we have been able to ensure minimal impact on services as a result of the savings task.

Mr Speaker, in this Budget we have set new targets to reflect our changed circumstances.

We are bringing forward our return to surplus target by two years to 2013-14. We have done this because our economy is recovering, our revenues are increasing and we are exercising strong budget management to drive efficiencies in Government spending.

Over the past 12 months we have driven our savings task and achieved \$48 million worth of savings towards our target.

We have now reset our targets and incorporated revised savings over the forward estimates that have a reduced impact on the community and the services we deliver. Around two thirds of the savings required to return the budget to surplus are incorporated in this Budget. The remaining savings will be achieved in future budgets.

Savings will be achieved through a number of targeted actions including the application of an efficiency dividend across government, wages restraint, reduction in the provision for unforeseen expenditure (Treasurer's advance) which has been mitigated through our substantial investment in services growth, and the deferral of the street tree planting program.

We are introducing some limited increases to fees and charges in this Budget. Parking fees will increase, in line with our objectives to encourage a shift to alternative modes of transport. We are also increasing some of our regulatory activities and corresponding fees to cover these costs. Additional revenue is expected through improved compliance with the Change of Use Charge.

In returning the Budget to surplus, the Government remains committed to preserving and enhancing priority services to the community.

Mr Speaker, this is a Budget that provides for modest new spending to meet the needs of our growing community. However, our budget maintains fiscal restraint in an environment of flat underlying revenue.

We remain committed to the vision for Canberra we set out before the 2008 General Election. We will press ahead with our agenda to build a better city and a stronger community but will do so in the context of our budgetary position and will prioritise our new initiatives based on areas of greatest need.

Similarly, we will continue our productive relationship with the ACT Greens Party on implementing the progressive agenda set out through the Parliamentary Agreement and will continue our engagement with our colleagues on priority setting for new initiatives.

Mr Speaker, through this Budget we are investing in vital infrastructure to support a growing city, with a strong residential land release program, improved municipal services and facilities and better transport options.

The Government has been working closely with industry and business to respond to their needs in relation to local capital investment. A series of roundtables have been held on topics such as land release, planning, transport and capital works.

Mr Speaker, Canberra businesses have weathered the slowdown and face the future with optimism. Business investment, housing finance and dwelling commencements continue to be among the highest in the country.

The strategy we put in place last year has improved the timely delivery of vital community infrastructure. As Treasurer, I have led this process and over the past year have met monthly with Chief Financial Officers from our departments to review progress, address delays and ensure our capital program is on track. This discipline will continue as we drive our community investment and support our growing city into the future.

Borrowings of up to \$450 million are included in the Budget to partially fund the infrastructure program. Although the Budget Update projected potential new borrowings of up to \$550 million, this figure has been revised down across the forward estimates period.

Mr Speaker, this level of debt is prudent and affordable. The Territory's balance sheet remains strong, as a result of responsible financial management.

We have budgeted for affordable pay increases for our workforce. We will continue to exercise wage restraint.

Mr Speaker, through this budget we are investing in the growth of Canberra, through delivering quality services and building valuable infrastructure so our city is ready for the future.

Mr Speaker, the Government is investing in those services essential to our community. New expenditure initiatives total around \$238 million over four years. Around two thirds of this expenditure is targeted towards meeting the growth needs of our city.

I now turn to the particulars of the key initiatives contained in the 2010-11 Budget.

Our Community's Health

Mr Speaker, in the 2010-11 Budget the ACT health budget will exceed one billion dollars for the first time.

Based on current growth projections, expenditure on health services could equate to the total ACT Budget by 2042. This is a nation-wide challenge and has been recognised by the Commonwealth in the development of its health and hospitals reforms.

The national health and hospitals reforms place health funding in the Territory on a more sustainable footing. They reduce the pressure of health cost growth on the ACT Budget over the medium term.

From 2014-15 to 2019-20, the reforms are estimated to provide at least \$248 million in benefits to the ACT. Over the next four years, the Territory health system will be enhanced through Commonwealth investment of around \$90 million.

The future of cooperative federalism is positive and has the potential to build on these kinds of new arrangements where funding and responsibility is more fairly shared between the Commonwealth and the Territory and where the outcomes are positive for the ACT.

Mr Speaker, these reforms are a long term commitment to sustainable health funding.

However, the ACT Government in this Budget is responding to the health needs of Canberrans now.

This Budget allocates an additional \$177 million over four years in recurrent funding to health services.

This includes an investment of \$41.5 million for increased activity. The Government is responding to increasing demand for critical care and acute care services in our public hospitals and will deliver more elective surgery, enhanced health services for older Canberrans, better support for mental health and improved services for cancer patients.

We are funding the operating costs of the \$13 million, 16-bed Surgical Assessment and Planning Unit at Canberra Hospital.

800 additional elective surgery operations will be performed in 2010-11 with our \$14.7 million injection into these services.

An additional \$10.5 million is provided in 2010-11 to increase capacity within the Intensive Care Unit at the Canberra Hospital. This will allow the service to provide up to 20 beds and improve care for patients. Two new High Dependency beds at Calvary Hospital are also being funded through \$11.4 million over four years.

An additional 22 sub-acute beds will be opened over the next four years through a \$26 million Commonwealth investment, under the national health reforms. This will significantly expand sub-acute services.

To continue to meet the growth in demand for ongoing cancer care, additional funding of \$4.2 million over the next four years has been allocated. This funding will enable the Capital Region Cancer Service to meet growth in demand in 2010–11.

The Budget also includes Commonwealth funding of \$27.9 million over three years for a new Integrated Cancer Centre. The Centre will improve cancer services by integrating care into a patient centred facility.

Mental health remains a priority for the Government. Mental health services in the ACT will receive an extra \$4.2 million over the next four years to help meet demand for services and support the mental health workforce. This funding will go towards promotion, prevention and early intervention, high quality community based clinical and psychosocial support services, community sector recovery and rehabilitation services, additional out of hours support and improve services for young Aboriginal and Torres Strait Islander people.

A further \$4.2 million over four years is allocated to measures aimed at preventing or reducing risk factors for chronic disease such as diabetes.

Home and Community Care is receiving additional funding of \$9.5 million to assist frail older people and younger people with a disability to remain at home rather than entering an aged care or other residential facility. Additional funding of \$4.2 million over four years is also provided for the Aged Care and Rehabilitation Service.

A number of new infrastructure projects support this Government's commitment to rebuild our healthcare system to support our growing community.

In addition to the Integrated Cancer Centre, \$14 million will fund the expansion and refurbishment of the Tuggeranong Health Centre.

The Capital Asset Development Plan is a blueprint for the redevelopment of the ACT health system. This Budget provides \$19.1 million to further support the construction program needed to redevelop clinical services.

Education and Training

Mr Speaker, the education and training initiatives in this Budget further strengthen our schools, support students and teachers and provide additional opportunities to develop Canberrans' skills. More funding is allocated for students with a disability, teachers, colleges and to support new schools.

In this Budget we are providing \$1.1 million over four years to increase the participation of young people in education and training.

Students with disabilities will receive additional support, with \$1.6 million over four years to address a number of the recommendations contained in the Shaddock Review of Special Education.

The Swimming and Water Survival Skills initiative provides additional funding of \$300,000 over four years for swimming lessons for primary school children who would not normally be able to participate because their parents are unable to afford the cost.

To support students and staff in the new Harrison High, Kambah Preschool to Year 10 and Gungahlin College, recurrent funding of \$14.5 million over four years has been allocated.

Mr Speaker, new schools are needed as our population grows. Forward design will be undertaken for Franklin Early Childhood, Molonglo Primary and Bonner Primary Schools, with funding of \$5.2 million. Funding of \$5.3 million is also allocated to expand the Red Hill Primary School. A second gymnasium court is being funded at Harrison High School, with \$2 million in 2011-12. To increase traffic safety around schools, \$1.3 million has been also been provided.

An independent, statutory ACT Teacher Quality Institute is being established with \$3.9 million in funding over four years. The Institute will oversee teacher registration and accreditation against nationally recognised standards.

Building on the ACT's high standard of vocational education and training, further funding of \$9.1 million over three years provides for 4,839 additional worker training places. This initiative is funded under the Productivity Places Program National Partnership.

The provision of publicly delivered vocational education and training programs through the CIT at Gungahlin has been strengthened, with funding of \$3.3 million over four years. Funding of \$250,000 has also been provided to investigate expanding CIT training services at Tuggeranong.

Transport for Canberra

Mr Speaker, an efficient and sustainable transport system is the cornerstone of any well functioning and connected city.

The 2010-11 ACT Budget provides a massive down-payment on the future of the Territory's transport system through a comprehensive \$97 million funding package for all modes of transport.

The Transport package outlines the Government's vision for a sustainable transport system. It invests in new roads, transit ways, bus frequency and bus stations, road safety, new pedestrian and cycle paths, real-time passenger information, and park/bike-and-ride facilities for an efficient, reliable and integrated transport network to respond to the needs of our growing community.

Our new initiatives will reduce congestion, allow people to move around the city easily and safely and encourage sustainable transport choices. New roads, cycle ways, walking paths and pedestrian crossings, improvements to the bus system, and modelling for future transport needs are funded as part of the *Transport for Canberra Plan* with capital investment of \$86.3 million over four years.

Significant investment is made in public transport to better connect our growing city. Network 10 will commence in October 2010 and Network 11 in July 2011, with \$6.1 million over four years in funding. The REDEX pilot service is being incorporated into the permanent ACTION network.

This Budget includes funding of \$2 million to improve bus services and facilities in the City. Three new major bus stations are also funded, including around \$1.7 million for Gungahlin, \$3.2 million for Erindale and \$100,000 for a Barton bus station feasibility study.

An investment of \$1 million is made for the installation of up to 50 bus shelters, and \$1.8 million over three years for the Major Stops Program. New *Park and Ride* facilities will also be introduced at EPIC and Erindale with funding of \$4.1 million over four years. *Bike and Ride* facilities are being established in Belconnen, Harrison, Phillip, Tuggeranong and Gungahlin, with funding of \$700,000.

This Budget includes \$12.5 million in funding for a *Real Time Passenger Information System*. An additional \$600,000 over four years recurrent funding has been provided to operate the system which monitors the location of buses and displays this information at major stations.

Bus priority lanes will be introduced on Canberra Avenue with funding of \$8.2 million over four years and on Northbourne Avenue, with a major bus station in Dickson through funding of \$4.3 million over two years. This option is also being explored for Flemington Road with \$750,000 over two years.

Funding of \$7.3 million over two years also provides for Stage 1 of a transit way between the City and the ANU and minor bus priority works at the intersection of Haydon Drive and College Street.

The *Transport for Canberra* plan also includes an investment of \$1 million for walking and cycling infrastructure and \$3.5 million for path lighting in the city.

To meet growing demand on the Canberra road network, this Budget includes funding to increase the capacity and condition of roads. Funding of \$1 million will upgrade the intersection at Phillip and Majura Avenue in Hackett, \$7.2 million is provided to upgrade the Cotter Road between Tuggeranong Parkway and Yarra Glen and \$7 million to upgrade the intersection at Barry Drive and Clunies Ross Street, along with a number of critical intersection upgrades.

A further \$205,000 is being provided to undertake transport modelling for Woden and future Molonglo road developments. To improve safety on our roads, funding of \$2.4 million over three years has also been provided for variable message signs.

Community Services for a Growing City

Mr Speaker, this Budget provides further support for older Canberrans, the homeless, those with mental illness or a disability, young people in the justice system, children who need care and protection and families in need of assistance.

The Government is providing additional funding of \$2.4 million over two years to better support people with profound or severe disabilities. Support of \$425,000 over four years is also being provided for families with autistic children.

The Government has honoured its commitment to reduce red tape and minimise administration for carers accessing support. Funding of \$424,000 over four years is provided to the Carers Advocacy Service to streamline access to services for carers in the community. This Budget also provides greater access to respite services for older carers, with funding of \$1.7 million over four years.

The Government is implementing a working with children and vulnerable people checking system. The ACT will be the first jurisdiction to require people working with children and vulnerable people to be checked for criminal and other offences every three years.

Over four years, \$1.8 million is allocated to increase the Energy Concession by \$20, raising the maximum household concession to \$214.87 per annum. This measure will assist low income and other disadvantaged households meet the increases in the costs of living.

Funding of \$2 million over four years further supports implementation of the Sexual Assault Reform Program and the Family Violence Intervention Program. This will enhance the community support available for women and children experiencing violence.

The Government recognises that it is essential to provide children in the care and protection system with a safe home. An additional \$5.7 million over four years has been provided to support the increasing number of children who need to be provided with out of home care. In 2009, there were 494 Canberra children in out of home care.

To meet the complex needs of young people in the justice system and ensure their safe care and rehabilitation, the Government has provided additional funding of \$7.1 million over four years for the ongoing operations of the Bimberi Youth Detention Centre.

Services for young children and their families are being enhanced, including coordinated services and intensive case management for vulnerable families. The Government is also working with the Commonwealth to implement national reforms in the early learning and childcare sector, with funding of \$1.5 million over four years.

Additional funding of \$208,000 over four years supports emerging multicultural communities with language grants and activities for young people and refugees, at risk of social isolation.

Working with the Indigenous community, the Government is providing \$100,000 over two years to research and compile the genealogies and family histories for each of the acknowledged traditional Aboriginal clans in the Territory.

Mr Speaker, we are continuing our investment in community facilities in this Budget, with \$3.2 million over two years for parking upgrades at the eight Regional Community Facility Hubs. The former Flynn school site is being redeveloped as a childcare centre, accommodating up to 120 places at a cost of \$4 million.

This Budget also builds on the homelessness and affordable accommodation initiatives funded under the ACT Affordable Housing Action Plan Phase 1 and 2. A further \$391,000 over two years is provided for outreach support to sustain tenancies for low income families in the private rental market. An additional \$2.5 million in capital funding is also allocated for ten new houses under the A Place to Call Home initiative.

Supporting Jobs and our Local Economy: Infrastructure, Land Development and Capital Works

Canberra needs new infrastructure to meet the needs of a growing city. As indicated earlier, strategic capital investments are being made in health, education, transport and to support other government services.

The Government continues its unprecedented investment in capital works with more than \$394 million in new capital initiatives over four years. The total capital program over four years is just over one and a half billion dollars.

There is over \$317 million for new capital works, \$45 million for capital upgrades, around \$24 million for Information and Communication Technology and almost \$7 million for plant and equipment.

A growing city needs more land for housing, business and to support its community. The Government has a comprehensive and long-term land supply and release strategy in place to meet current demand for housing and respond to changing needs.

This budget provides \$8 million over four years to increase the supply of land ready for release. Funding of \$3.6 million over four years has been provided to accelerate land development, with an additional \$1.7 million provided for coordination of the capital program to support the land release program.

Planning for land development in Molonglo Valley is well underway. Funding of \$17 million is provided to construct two ponds in the new suburb of Coombs. The north-south arterial road, John Gorton Drive, is provided with a further \$11 million. Funding of around \$1.8 million will be provided for a number of road infrastructure and stormwater management feasibility studies.

Funding of \$400,000 over two years is provided to undertake planning and design studies for the Erindale Group Centre, Tuggeranong Town Centre and Pialligo.

To improve the amenity and safety of our city, more than \$22 million over four years has been allocated for additional repairs and maintenance. Improvements will also be made to Lake Ginninderra facilities including playground and picnic areas and path lighting with \$1.3 million in funding.

The new Gungahlin Library will be established with funding of \$2.9 million over four years for new stock and improved provision of Internet access.

Mr Speaker, through this Budget the ACT Government is continuing its approach of maintaining an environment that supports local jobs and businesses.

To support future industrial land release, this Budget provides \$130,000 for technical investigations into commercial and industrial land supply options, including in the Eastern Broadacre area.

Funding of \$403,000 over four years is provided to streamline development and environmental assessment and approvals processes, national licensing of tradespeople and development of a National Construction Code. This work is being undertaken as part of the COAG national seamless economy reforms.

Mr Speaker, supporting local jobs continues to be a priority, with additional funding of \$210,000 over two years provided to help promote information sharing, and collaborative approaches to skills and future workforce issues in the Territory.

This Budget also includes \$1.8 million to support Canberra's growing digital media, film and television production industry through an ACT Film Industry Fund.

Community Safety and Justice

As Canberra's population continues to grow, so too does the need for enhanced law enforcement and justice services.

Mr Speaker, in this Budget we are investing \$5.1 million over four years to provide an additional 10 police officers to strengthen enforcement of liquor licensing, and also introducing a risk-based approach and mandatory Responsible Service of Alcohol training. These initiatives support law and order reforms and will make our entertainment precincts safer.

To improve road safety, \$4.1 million over four years will fund an Automated Number Plate Recognition team. This establishes an ACT Policing team to identify unregistered, uninsured or stolen vehicles. Around 40 per cent of fatal collisions in the ACT involve either an unregistered car or an unlicensed driver.

Further road safety programs are funded, including point to point speed cameras with \$1.4 million.

The ACT Ambulance Service is supported, with \$5.1 million over four years for additional clinical support and communication centre staff. The initiative will improve emergency service response times.

Additional funding of \$1.2 million over four years in operating and \$2.6 million in capital funding has been allocated for the rollout of a Mobile Data Solution Project. This will strengthen timely access to information for all emergency services front line crews.

All Canberrans will benefit from a \$3.8 million capital and \$5.2 million recurrent investment over four years in the second stage of the *Strategic Bushfire Management Plan* for new bushfire prevention programs.

Additional funding of \$624,000 over four years is provided for the National Emergency Warning System for early warning messages.

New court facilities are being established in the Magistrates Court with \$1.1 million over four years and \$1.6 million over four years allocated for an acting Judge and support staff. This Budget provides an additional \$1.6 million over four years for the Court Transport Unit to better support the safety and human rights of people in custody.

The Legal Aid Commission has been allocated funding of \$785,000 over four years for youth law services, and \$194,000 over four years to engage an Indigenous Liaison Officer.

Climate Change and Sustainability

The Government's record on climate change is recognised and this Budget builds on the significant work undertaken to date. Our new initiatives will further promote positive action on addressing climate change and make significant investments in protecting our natural environment, reducing energy consumption and preserving precious water resources.

Mr Speaker, in this Budget funding of \$2.6 million over four years is provided for measuring and reporting against the Government's greenhouse gas reduction target of zero net emissions by 2060.

Leading by example, the Government is increasing its uptake of renewable energy from 30 per cent to 32.5 per cent, with funding of \$1.3 million over four years.

The capacity and landfill cell life of the Mugga Lane Resource Management Centre will be increased with funding of \$4.4 million for capital works and around \$1.8 million over four years to explore future feasibility options at the facility. An additional \$1 million over two years provides for a trial of bulky waste pickup, along with funding of \$335,000 over two years for resource recovery market development.

Mr Speaker, this year is the International Year of Biodiversity and this Budget allocates additional funding of \$1.3 million over four years for threatened species conservation.

Facilities at the internationally significant Jerrabomberra Wetlands are also being upgraded with \$2.3 million over three years. Weed control measures at the Jerrabomberra Wetlands are also supported with \$200,000.

Stormwater harvesting projects on Ginninderra Creek at Gungahlin and at Molonglo, with \$11.5 million, will assist in improving management of water resources and run off.

A Wood Heater Survey and Educational Awareness Campaign is being funded with \$100,000, and will encourage people to use less polluting systems.

Tourism, Culture and Sport

Canberra is a diverse and vibrant community with world class festivals, cultural experiences and sporting facilities. In this Budget we are investing in a range of activities, facilities and programs to further promote the arts, sporting and cultural life of our growing city.

These include more than \$22.6 million for the National Arboretum Canberra to develop visitor facilities and additional forest plantings with a particular focus on the planned Centenary of Canberra celebrations in 2013.

In addition \$1.9 million over four years will be invested to support Floriade and the continuation of the NightFest, which has attracted over 46,000 visitors since its inception two years ago, and upgrades to the Canberra Theatre Centre, the Street Theatre and Watson Arts Centre.

To help celebrate the Centenary of Canberra, \$100,000 is provided to commission an Australian composer to write music for the Canberra Symphony Orchestra.

Canberra is an active city, with high levels of participation in sport and recreation. This Budget invests a further \$6.5 million over four years for complementary infrastructure work at the Gungahlin Wellbeing Precinct.

A number of sporting facilities are also being upgraded including the Lyneham Precinct, the Canberra Stadium, Manuka Oval, and Narrabundah Ball Park and funding is provided for design for the Belconnen Skate Park, Gungahlin Leisure Centre and Throsby Multisport Complex.

Conclusion

Mr Speaker, this Government has an excellent record of strong financial management and has delivered a sustainable budget—financially, socially and environmentally—that will support our growing city and meet our community's needs.

We are working hard at supporting economic activity in our city. We are investing in our growing city in an orderly and sustainable manner. Across all portfolios we are delivering valuable community assets to help drive our economy, support jobs and prepare our city for the future.

Mr Speaker, our Budget maintains fiscal restraint and retains our commitment to savings and efficiencies going forward.

Despite the recovery in our economy, the losses sustained by our Budget will take longer to remedy.

However, this Government has brought forward our target to return to surplus by two years.

Mr Speaker, through this Budget we are also providing modest spending on new policy initiatives. We are investing in our education system, in community services and safety, in our natural environment and climate change measures and in the health and wellbeing of our growing community.

We are making a down-payment on the future transport system of Canberra and investing in the community infrastructure for our growing city's needs.

Mr Speaker, this is a Budget for a growing city.

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

Papers

Mr Speaker presented the following papers:

Auditor-General Act—Auditor-General's Report No. 1/2010—Performance Reporting, dated 13 April 2010.

Standing order 191—Amendments to:

Fair Trading (Motor Vehicle Repair Industry) Bill 2009, dated 1 April 2010.

Health Legislation Amendment Bill 2009 (No. 2), dated 26 and 29 March 2010.

Health Practitioner Regulation National Law (ACT) Bill 2009, dated 26 and 29 March 2010.

Privilege—Alleged breach raised in the Assembly on 23 February 2010—Letter to the Speaker from Mrs Dunne, dated 30 March 2010.

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—

Long-term contracts:

Anthony Gill, dated 9 March 2010.

Craig Simmons.

Short-term contracts:

Alison Purvis, dated 22 and 25 March 2010.

Anita Phillips, dated March 2010.

Anthony Charge, dated 24 June 2009.

Anthony Gill, dated 1 and 3 March 2010.

Anthony Graham, dated 9 April.

Anthony Johnston, dated 10 November 2009.

Carol Harris, dated 16 April 2010.

David Dutton, dated 15 December 2009.

Elizabeth Trickett, dated 6 April 2010.

Frank Duggan (2), dated 1 September and 12 October 2009.

Gregory Newton, dated 23 February 2010.

James Roncon, dated 12 and 16 March 2010.

Martin Hehir, dated 23 March 2010.

Michelle Callen, dated 17 April 2009.

Penny Farnsworth, dated 14 April 2010.

Samantha Tyler, dated 15 March 2010.

Contract variations:

Anthony Johnston, dated 9 March 2010.

Carol Logan, dated 26 March 2010.

Glenn Bain, dated 23 March 2010.

Gregory Kent, dated 24 February 2010.

Katrina Bracher (2), dated 24 December 2009 and 22 March 2010.

Marsha Guthrie, dated March 2010.

Meredith Whitten, dated 22 March 2010.

Rowena Barrell, dated 30 March 2010.

Stuart Friend, dated 31 March 2010.

Susan Hall, dated 17 March 2010.

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with 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 23 March. Today I present two long-term contracts, 17 short-term contracts and 11 contract variations. The details of these will be circulated to members.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Dangerous Goods (Road Transport) Act—

Dangerous Goods (Road Transport) Fees and Charges Determination 2010 (No 1)—Disallowable Instrument DI2010-41 (LR, 1 April 2010).

Dangerous Goods (Road Transport) Regulation 2010—Subordinate Law SL2010-12 (LR, 1 April 2010).

Electricity Feed-in (Renewable Energy Premium) Act—

Electricity Feed-in (Renewable Energy Premium) Percentage Determination 2010 (No 1)—Disallowable Instrument DI2010-43 (LR, 31 March 2010).

Electricity Feed-in (Renewable Energy Premium) Rate Determination 2010 (No 1)—Disallowable Instrument DI2010-42 (LR, 31 March 2010).

Planning and Development Act—Planning and Development Amendment Regulation 2010 (No 2)—Subordinate Law SL2010-11 (LR, 29 March 2010).

Protection of Public Participation Act—Protection of Public Participation Regulation 2010—Subordinate Law SL2010-10 (LR, 1 April 2010).

Road Transport (Driver Licensing) Act; Road Transport (General) Act; Road Transport (Public Passenger Services) Act; Road Transport (Safety and Traffic Management) Act; Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2010 (No 2)—Subordinate Law SL2010-7 (LR, 16 March 2010).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2010 (No 4)—Disallowable Instrument DI2010-38 (LR, 18 March 2010).

Surveyors Act—Surveyors (Surveyor-General) Practice Directions 2010 (No 1)—Disallowable Instrument DI2010-40 (LR, 25 March 2010).

Taxation Administration Act—Taxation Administration (Amounts payable - Utilities (Network Facilities Tax)) Determination 2010 (No 1)—Disallowable Instrument DI2010-39 (LR, 22 March 2010).

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 3.09 pm.