



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

22 JUNE 2010

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Tuesday, 22 June 2010

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Tuesday, 22 June 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.

Petitions

Ministerial responses

The Clerk: The following responses to petitions have been lodged by a minister:

By Mr Stanhope, Minister for Transport, dated 6 May 2010, in response to a petition lodged by Mr Rattenbury on 23 February 2010 concerning parking arrangements in Elder and Farrer Streets, Braddon.

By Mr Stanhope, Minister for Territory and Municipal Services, dated 13 May 2010, in response to a petition lodged by Mr Rattenbury on 24 March 2010 concerning relocation of the Hawdon Street, Dickson municipal depot.

The terms of the responses will be recorded in *Hansard*.

Proposed changes to parking time limits on Elder and Farrer Streets, Braddon—petition No 107

The response read as follows:

The ACT Government notes the petition submitted by the petitioners, tabled by Mr Shane Rattenbury MLA on 23 February 2010 and makes the following comments:

- Mr Hargreaves, MLA, and Roads ACT received requests for more parking in the vicinity of the bowling club and elsewhere on Elder and Farrer Street; complaints regarding people parking on the verge, drivers continually obstructing the driveway at No. 11, and concerns for the safety of the Ainslie Primary School students when vehicles are parked on both sides of Elder Street.
- The existing parking restrictions (Attachment A) on Elder Street include:
 - No Parking on the north side of the street, except for a three hour 7.30am to 6pm Monday-Friday zone adjacent to houses 9, 11 and 11A;
 - On the south side of the street:
 - : No Parking 9am to 11am Monday - Friday at the City end;
 - : Four hour parking 7.30am to 6 pm Monday - Friday opposite the tennis and bowling clubs;
 - : Disabled and 15 minute parking adjacent to the school access;
 - : Two hour parking 7.30am to 6pm Monday - Friday between the children's crossing and Limestone Avenue.
- Existing parking restrictions (Attachment A) on Farrer Street include:
 - No Parking 7.30am to 6pm Monday - Friday on the north side of the street except for a three hour parking zone 7.30am to 6 pm Monday - Friday adjacent to St Columbas Uniting Church;

- On the south side of the street:
 - : Contiguous No Parking 7.30am to 6pm Monday - Friday and No Parking 9am to 11am Monday - Friday zones between Fawkner Street and the childcare centre;
 - : Five minute parking Monday - Friday adjacent to the childcare centre;
 - : Four hour parking 7.30am to 6pm Monday - Friday adjacent to the bowling club; and
 - : No Parking 9am to 11am Monday - Friday from the bowling club to Limestone Avenue.
- These arrangements reflect the varying needs of the residents of both streets, the bowling club, tennis club, childcare centre, school and church whilst trying to restrict City and Braddon workers parking in both streets.
- The demand for all day parking is evident by the number of vehicles using pay parking at the tennis club and the Ainslie Arts Centre, parking on verges and flouting of parking time restrictions.
- Roads ACT surveyed parking on both streets at school finishing time and observed that approximately 75% of available spaces on Farrer Street, and 100% on Elder Street, was occupied. Up to 26 cars parked on the northern verge of Elder Street, between the tennis club and Limestone Avenue with the majority observed to be parents. Parents attempted to park in the “No Stopping” zone at the school crossing.
- The bowling club holds ladies tournaments at 10 am on Tuesday and Thursday mornings and men’s tournaments at 12 noon on Wednesday, Saturday and Sunday afternoons. The President of the bowling club advised that Wednesday is their only problem day for parking. A game of bowls takes around three and a half to four hours to complete. According to the club, members rely upon the four hour zones for parking although, unrestricted parking is provided within 200 metres of the club after 1am Monday-Friday. Many members have disabilities and struggle to carry their bowls too far.
- In the past ten years there have been two recorded vehicle crashes on Farrer Street and one on Elder Street. One of those, one crash involved a vehicle sideswiping two parked vehicles on Farrer Street at midnight.
- Drive through inspections at other times during the week revealed the majority of the four hour zone on Elder Street was already full by 8.30am whilst only a couple of vehicles were parked in the four hour zone on Farrer Street.
- The bowling club has three greens and is zoned CZ6 Leisure and Accommodation. The Territory Plan’s Parking and Vehicle Access General Code requires a total 60 car parking spaces to be provided on site or within 200 metres. The club has 35 on-site spaces. The four hour zones would provide another 26 spaces.
- Proposed revised parking arrangements were distributed to each property on these streets on 16 December 2009 and 5 January 2010 proposing, amongst other things, amendments to the existing three hour and four hour parking provisions.

- 23 representations were received from approximately 75 notices issued. Ten want to retain the status quo (including the bowling club); 11 agreed with all the proposed changes and two agreed with the changes to three hour parking only.
- On the basis that there is only a marginal consensus for/against change, Roads ACT will not implement these proposals. Roads ACT will, however, separately consult with the bowling club and the residents at No. 11 and take further action if required. Parking Operations will also be requested to more regularly patrol the area to address the issue of “parking on the verge”.

Relocation of Hawdon Street, Dickson, Municipal Depot—petition No 108

The response read as follows:

The ACT Government notes the petition submitted by the petitioners, tabled by Mr Shane Rattenbury MLA on 24 March 2010 and makes the following comments:

- The Hawdon Street Depot is leased by Parks, Conservation and Lands (PCL) in the Department of Territory and Municipal Services to provide horticultural and cleaning services to the Inner North region of Canberra, including the suburb of Dickson.
- The depot has been used for these operations since the early 1960's and there are ten similar depots located throughout Canberra.
- The depot is located on land allocated for this purpose under the Territory Plan.
- The current depot location enables the contractor for horticultural and cleaning services to effectively carry out these operations in North Canberra in a timely and cost efficient manner.
- For PCL to continue to provide its services to the inner north it requires a depot in the vicinity of its current location from which to base its operations.
- A wetland is proposed to be constructed on the Hawdon Neighbourhood Oval for which a Development Application has been submitted.
- The community consultation meetings held in December 2009 and February 2010 indicated that the Dickson community is very supportive of the wetland development.
- The issue of relocating the depot adjacent to the proposed wetland was raised by the community at the community consultation session in December 2009. The Department of Environment, Climate Change, Energy and Water (DECCEW) committed to discuss the issue with TAMS and a note was made on the preliminary plans regarding possible relocation.
- The Department of Environment, Climate Change, Energy and Water (DECCEW) has advised that the funding allocated to the Dickson Wetland Project is for the design and construction of the wetland within the existing site only.

- However, DECCEW has committed to include fast growing screening plants as part of the landscaping of the site to reduce the visual impact of the depot.
- Horticulture staff commence work at 7.00 am and undertake to comply with the Noise Environment Protection Policy 2010.
- The contractor has been reminded of these policies and instructed that the heavy vehicles garaged at the depot are to utilise Hawdon Street instead of travelling along Dumaresq Street to minimise impacts on local residents.
- Illegally dumped waste, ie, household furniture, is temporarily stored at the depot until the quantity reaches a volume to fill a truck. It is then removed from the depot to recycling or landfill. It is anticipated that screen plantings will help to alleviate residents concern in this regard.

Estimates 2010-2011—Select Committee Report

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.03): Pursuant to order, I present the following report:

Estimates 2010-2011—Select Committee—Report—*Appropriation Bill 2010-2011* (2 volumes), dated 22 June 2010, including a dissenting report (*Mr Seselja, Mr Smyth*), together with a copy of the relevant minutes of proceedings and answers to questions on notice and questions taken on notice.

I move:

That the report be noted.

The estimates committee process has become a central feature of the annual parliamentary process. Every year as the budget grows, there is more to review and analyse but only the same amount of time to do it in. It follows, therefore, that we need to improve the efficiency of the inquiry process and ensure that time is well spent on the most significant issues. The reporting cannot grow in volume as the budget does, and we need to be mindful of this. The more important point is, of course, to identify the contentious issues and provide an analysis of them.

This year, the committee attempted to improve the efficiency of the process. We created surveys for community groups, to hopefully encourage concise statements of issues for the committee to work with. We set a schedule to ensure that each output class was given time for questioning, to ensure that no part of the budget went unquestioned. We adopted a new style of report, one which is consistent with almost all other jurisdictions, to ensure that all the important issues raised in the hearings were recorded and review facilitated.

The result is a comprehensive report that provides a quick reference guide to the many issues raised, with full reference to the transcript of evidence and reference to relevant questions taken on notice included for further reading. In addition to this, particularly significant issues that the committee has a view on for improvement and that the committee thought warranted further discussion have had a more detailed analysis and the reasons for the committee's views are clear.

The committee received a comprehensive report from ACIL Tasman, the company selected to provide expert advice and review the ACT budget. The findings of the review assisted members throughout the hearings and the report is appended to the committee's report. I note with disappointment that the dissenting report fails to engage with, or even reference or acknowledge, statements in the ACIL report that contradict the position they have adopted.

This year, in light of questions raised in the past, the committee attempted to streamline and improve the questions on notice process. This included an increase in the number of hearing days to facilitate direct rather than on notice questioning and a template for questions on notice. However, the number of questions was at a record high: 469 questions on notice and an additional 344 questions taken on notice—a 33.6 per cent increase on the total for the previous year.

In addition, a temporary standing order, 253A, was adopted by the Assembly for this inquiry to deal with outstanding answers to estimates questions. There are currently 120 outstanding responses.

There is a limit to public resources and a significant public cost in providing answers to all these questions. Especially given the tight time frame, it must be accepted that the demands of the estimates process for information divert resources from the ordinary operation of departments. Of course, the demands for information are in a good cause and scrutiny of executive action is a primary responsibility of all members in this place. It is a balancing exercise. It should not be the case that around 15 per cent of the questions are unanswered, but equally it is unfortunate that so many of the questions do little to aid our evaluation of the proposals. The committee has no clear answer for this but raises it merely as an issue that will have to be grappled with.

As the main vehicle for the scrutiny of government revenue and expenditure, the committee is keen to ensure that the process is not compromised. The future of estimates inquiries is discussed in chapter 1, noting the recommendations made by previous estimates committees in attempting to improve the process.

The committee recognised, in light of what I said earlier, that the efficiency and effectiveness of the process must continue to develop to ensure that we are delivering the best possible outcomes and acquitting the task asked of us to the highest possible standard with the resources available. To this end, the committee has recommended that the Standing Committee on Administration and Procedure investigate the effectiveness of the select committee model and the adequacy of procedural guidelines, with reference to the standing orders and the referral motion.

The primary issues before us are whether the existing standing committees should be allocated their corresponding portfolio responsibilities, as is the case for annual reports. This would allow for a level of continuity between the accountability processes and would spread the load to the MLAs who have developed greater expertise in particular areas.

The other issue is that of the presentation of appropriation bills and budget papers. Would it be more appropriate to have a process similar to the commonwealth

parliament, where ordinary initiatives are the substance of the first appropriation bill and new initiatives and capital works are the subject of a different bill? Would this help to identify and focus on the discretionary issues rather than intermingling the expenditure proposals? Again, the committee expresses no clear view on this issue, but rather offers it as an issue that the Assembly should consider.

The committee made a further 46 recommendations, including:

- additional information to be included in budget papers such as agency workforce employment and diversity data and a new chapter addressing annual updates on the strategic direction for the ACT economy to achieving zero net target emissions by 2050;
- improvements to accountability indicators and strategic indicators across a number of agencies;
- requirement for departments to undertake energy efficiency audits and to work to a set carbon budget;
- building growth funding into mental health and disability funding in line with annual growth rates;
- the development of specific accountability issues for Aboriginal and Torres Strait Islander people;
- improvements to the ACT government ICT system; and
- increased funding for the Human Rights Commission to enable it to meet its operational requirements.

The role of the estimates committee is to evaluate expenditure proposals and revenue measures. The committee looks to promote value for money, ensure economy, efficiency and effectiveness and prevent waste and mismanagement. The review of the budget estimates is intended mainly to deal with the future, whereas review of annual reports involves the evaluation of past conduct. However, it must be said that the scope of estimates committees has expanded significantly over the last 40 years; so much so that accountability for past conduct takes up a significant part of the estimates hearings. Again this year, the committee has identified many real problems and shortcomings in the budget estimates that should be addressed.

On the topic of the estimates process, Paul Thomas, in a paper published in the *Australian Journal of Public Administration* last year entitled “Parliamentary scrutiny of government performance”, observed:

It would be naive to expect senators to approach the review of estimates and annual reports as an objective search for the truth about performance and how it might be improved.

I think this is something that we should all reflect on. I am sure all of us agree that there is a problem that independent observers are making this type of observation. On

this point, there is no clear answer. However, it does give us pause for thought and add weight to the need for a review of our process.

I feel it is appropriate for me to make some brief comments on the dissenting report, particularly given the strong criticisms of both the committee and me personally. The accusation that we failed to acquit the task of scrutinising the budget or present an honest appraisal of the proposed expenditure is simply false. The committee does not pretend that it has all the answers or that more could not be done with greater resources. However, the committee is confident that it has captured all of the substantive issues and provided constructive and reasoned explanations for proposals for change.

It should be noted that a number of the dissenting recommendations closely reflect the recommendations of the committee, and I am at a loss to explain why the dissenting members would not wish to put their names against what are essentially the same recommendations.

I note that the dissenting report on a number of occasions refers to a view held by the committee. This is, of course, not the case, and it is very remiss of the dissenting members to use this terminology in a dissenting report. The committee had not seen this document prior to the final copy being delivered to committee members late yesterday afternoon.

A further general comment that I would like to make is that the dissenting report is very poorly referenced and makes countless assertions with no source to back up their veracity. I think it is very poor that there are many direct quotes that are not referenced, let alone supported by information such as economics figures.

I would like to briefly reflect on a couple of substantive matters raised in the dissenting report. Firstly, on the issue of employment forecasts, I note that page 4 of the ACIL Tasman report says:

... a forecast of $-\frac{1}{4}$ per cent for 2009-10 appears reasonable.

No mention of this is made in the dissenting report.

Secondly, the dissenting report at page 38 asserts that, because of the error in the employment growth forecast, we “can expect to collect more payroll tax revenue than has been forecast in the budget”. Interestingly, no reference is provided for this in the dissenting report. It is interesting because this does not reflect at all the evidence given to the committee. I refer the Assembly to page 1635 of the transcript. When asked about the impact of changed employment figures on other forecasts in the budget, and specifically payroll tax, Mr Broughton replied:

... employment growth is happening for employers who do not pay payroll tax. That could either mean the commonwealth, which does not pay payroll tax, or the small business sector, which fits below the threshold for payroll tax.

Mr Seselja asked:

So the updated figures on payroll tax to this financial year—are they up on what is forecast for the estimated outcome or are they tracking at the same levels?

Mr Broughton replied:

Actually, they are tracking slightly below.

Mr Seselja asked:

So we are expecting less payroll tax this financial year than what is actually in the budget?

Mr Broughton replied:

We may get less, but at the moment it is still difficult to say.

Yet the dissenting report now asserts, in direct contradiction to the evidence the committee was given and with no reference to any other information, that we can now expect to collect more. Page 39 of the dissenting report expresses concern at the growth forecasts in the budget papers. Again, I refer to the ACIL Tasman report, which states at page 3:

A forecast of 3¾ per cent for 2009-10 appears reasonable ...

Again, there is no acknowledgement of the expert advice that the committee received.

Having expressed those disappointments, I would like to make the point that a number of significant issues have been identified. There is no need to make up more or to use hyperbole and make mountains out of issues that do have reasonable explanations. Doing this only detracts from the real concerns and real issues.

I would, on behalf of the committee, like to thank the ministers and officials who appeared at the public hearings and the departmental staff who assisted in the overall process. I refer in particular to the preparation of the responses to the high volume of questions on notice and questions taken on notice; all the staff at Hansard and, of course, the secretariat staff, and particularly Dr Sandra Lilburn, who did a fantastic job researching and collecting all the information and assisting the committee in the preparation of the report.

Just going back to the format of the report, it is a comprehensive report. What it has done for each of the hearings is to take the key issues and put some of those key issues down in dot point form with a very clear reference to the *Hansard*. This is a document that will live beyond this estimates process. It will be a very useful document for those who want to follow up on issues during annual reports hearings, for instance, or who want to follow up in other ways through questions on notice or through changes to legislation. In a whole lot of ways this report will be a great reference for members of this place.

I think we have come up with a good list of recommendations. There are 46 recommendations in the report that cover a good range of issues.

I would also like to thank those community organisations who gave their time to appear before the committee and give evidence to the committee. A number of those

issues that were raised have also been picked up by the committee and included in recommendations that have been made in the report that I have just tabled.

I would like to thank my fellow committee members. It is disappointing that we had a dissenting report and that we did not have the full participation of all members in the process. But I say, to those who did participate, thank you for your input and the work that you put into this exercise.

I would also like to thank the other members of this place who participated in the public hearings. There were, obviously, some more tumultuous times that occurred or robust points in the public hearings, but I think that, overall, it was quite a smooth process. Certainly, as chair, my role is to facilitate the hearings, to ensure that people have a chance to raise issues—firstly, members of the committee and, after that, other members of this place. I was very clear that I would keep speaking lists to ensure that people were noted down and were given a go.

I would note that, if people go and check the *Hansard*—and you might want to use the estimates committee's report to be able to follow that through—they will see that there was free rein at times with respect to being able to follow a particular issue at greater length. If we go to the issue of the new healthcare reforms and the issue around GST, this involved something like 44 pages of *Hansard*, which is an example to show that people were not restrained but were able to follow through and pick up on issues that were dear to their heart.

Obviously, as chair, it is my role to ensure that everybody gets a go. Not everybody has the same priority issues. It is also important that, when we have called in officials and we have a schedule, we ensure that we get through all of those output classes, give respect to those officials who have attended and show that we will give them time. (*Time expired.*)

MR SESELJA (Molonglo—Leader of the Opposition) (10.18): I thank Ms Hunter for her words. This is a report that, unfortunately, I think is a mile wide and an inch deep. It is most notable for what is not in it as much as for what is in it, and I will get to that in a moment in terms of what is in it, what is not in it and why we felt the need to deliver a very comprehensive dissenting report as an alternative to the Greens-Labor view of the world as expressed in this report.

Ms Hunter devoted a lot of time to Mr Smyth's and my dissenting report. We saw last year Ms Hunter stand on budget day holding the budget above her head and saying: "This is a great budget. This is a great budget for Canberra. This is a great budget for the Greens." She tied herself closely to the government's budgetary process and the budget they delivered last year. It turns out that that was not a great budget, and that became apparent as the estimates committee did its work last year.

I do note a very significant difference from last year in relation to the estimates committee doing its work—that is, last year Ms Le Couteur, in particular, spent time analysing the budget and critiquing the government and the budget, along with the opposition. That led, of course, to us being able to deliver a report which contained a lot of criticism of the government, as you would expect from a report that was looking at the government's spending measures and looking at a government that has so

comprehensively failed to manage the budget over many years. And I think that was the problem. I think that was why Ms Hunter had to change tack this year. Instead of sending Ms Le Couteur to ask hard questions and analyse, she decided that it would be better if she took the chair; it would be better if she came in and did the scrutiny herself.

What a wonderful example it was—from start to finish, we saw a majority of the committee that was determined to shut down the scrutiny. We saw, in fact, a chair who actually wanted to prevent us from asking detailed or multi-part questions. That was what the chair wanted at the beginning. In fact, it was only because the balance of power—Mr Hargreaves—did not support her on that one that we actually were allowed to ask some detailed and multi-part questions.

One would have thought that it would be the Greens who had the balance of power in a situation like this, but apparently not. So it started with that, and it ended with a draft report which Mr Hargreaves referred to as being great for the government. No wonder he referred to it as being great for the government, because, if ever there was a crystallisation of the fact that, under Ms Hunter's leadership, this is a Greens-Labor alliance, this process demonstrated that right across the board.

It is worth going into some of what is not in the report and why we got to the point where we had to develop our own report. Ms Hunter, in fact, engaged in what was described by Mr Hargreaves as a radical departure. In terms of the draft report, she talked about doing things as other jurisdictions do them where there tends to be a majority government, where there is less scrutiny. We have had a long and proud tradition in this Assembly of strong scrutiny of the government. Unfortunately, Ms Hunter decided in the report process to go down the path that was designed to limit that scrutiny.

Ms Hunter said the previous reports were too broad and that that sort of broad scrutiny should occur in other forms like annual reports hearings. They were too broad, too long, had too many questions, too much scrutiny and she was having none of it. We were left with no choice but to develop our own report which actually looked at all of the issues that we saw as particularly significant or controversial or notable within the committee process this year.

Ms Hunter mentioned some of the community groups. It is worth actually reflecting on some of the sanitisation of the evidence of some of the community groups. The kinship carers came, and Ms Le presented very strong evidence to the committee. This was noteworthy for a number of reasons. It was noteworthy for the strength of conviction expressed by Ms Le, but it was also noteworthy because of the respect that Ms Le has for her advocacy for many disadvantaged people in our community, including refugees, over many years.

Ms Le's evidence was shocking; it was confronting. But that is not reflected in the main report. Ms Le said:

Do you know how serious I think this is? I spoke out about children in detention, and I said that that was abusive. I believe that what is going on here—this is very strong, and I will stand by it—is abusive. I believe it is systematic and institutionalised abuse. And people do not even see it any more.

We saw such a sanitising of that evidence by the committee that it could have been written by the department. Ms Le's evidence was amended beyond recognition. I do not know if there was anything on kinship carers in the original draft, which was noted. But in the final report, nowhere do we see any of that damning evidence from Ms Le.

The role of the committee is not to make the government's arguments for them; the role of the committee is to accurately reflect what was put to the committee, give ministers the opportunity to respond and draw conclusions and make recommendations. There is none of that here. The kinship carers have been silenced in this report, along with other groups.

We see it also in relation to other groups. We heard, indeed, about Indigenous funding. We had Mr Terry Williams, the chair of the Indigenous body, stating that the gap is only getting wider. He said:

As to the funds that have been put into the budget at the moment, all I can say is that, truly, the allocation of funds directed to Indigenous people in the ACT is horrific.

It is horrific, but it is not reflected in the committee's report. Mr Williams's evidence is silenced; Mr Williams's point of view is not reflected. It is not even quoted. The government has the opportunity to respond; others have the opportunity to respond. We should actually put that out there for people to read so that someone reading this report will know that these are the views of the Indigenous community and these are the views of the government in response to that. We do not have that; it is not reflected.

This report is a whitewash. It is a reflection, unfortunately, of a process that seemed more about protecting the government than scrutinising the government; more about protecting the alliance partners than actually asking the hard questions that the government needs to be asked and that the community wants us to ask on their behalf.

There are a number of other things that are not in the report. I do not believe the word "deficit" appears anywhere in the report. We have got a budget that is going to be delivering a lot of deficits—hundreds of millions of dollars worth of deficits are projected. We have a committee process that is meant to look at the budget and the implications for the ACT. The many deficits that we see projected would be something that perhaps others would see as noteworthy, but there is no room for that in the report.

It is worth going to some of what was outlined in the dissenting report, which makes the case in relation to some of our real concerns about the budget and about what came out of the estimates process. One is the issue around the amount of GST that has been given up by the ACT—that has been withheld from the ACT—as opposed to other jurisdictions. Ms Hunter mentioned in her speech that there was something like 44 pages of *Hansard* in relation to that, yet there is nothing in relation to a recommendation that actually calls on the government to do anything substantive. I could not see anywhere in there where it actually used the amount of GST that is

being withheld. There was a lot of discussion about that. What we saw was a sanitising of that evidence.

We do have concerns that the ACT government have signed up to give up and have withheld from them far more GST than other jurisdictions. We saw Colin Barnett speaking again yesterday. He has held out. Other states held out and then signed up, but they held out for more; they held out for something. This government signed it over and signed over more than everyone else. They did not sign over 30 per cent; they did not sign over 40 per cent; they signed over around 50 per cent of our GST, and it became very clear in the hearings that the government do not know what they have signed up to. In fact, the Rudd government do not know what they have signed up to, because we see that even in recent weeks they have been changing it again. One of the keys elements of the reform has had to be changed because they have not got the details right, yet we signed up at the first opportunity to give up 50 per cent of our GST when other states were giving up 30 per cent for exactly the same commitment from the commonwealth.

We also have the situation of the impact of this budget on families. We see it in relation to parking; we see it in relation to this massive tax on homes which is going to be imposed on buyers of units. It is interesting that the main report does not actually cover off on the evidence of Mr Ahmed, where he acknowledged that it can go three ways. He did not put a figure on where it is going to go, but we know it is going to go amongst these three groups: owners, builders or buyers, or all three or two of the three. We know that this tax will affect potentially all three of those groups. It may well, as is often the case, affect buyers the most. It may well affect first homebuyers the most, those who cannot any more afford the dream of owning a house in the suburbs and whose only way into ownership is to buy a unit. They will now be slapped with a \$30,000 tax or a \$40,000 tax or a \$50,000 tax, depending on where they buy.

This is critical to this budget; this is critical to how we grow the ACT; this is critical to those who will be forced to pay far more than they pay at the moment. We know that Canberrans are already being asked to pay more, and we know that they continue to get less in so many areas.

In the short time I have left I will comment on what I think reflects on the priorities of this government—\$26 million extra for the arboretum, less money for street trees. There are so many other areas where we see the government not getting the funding mix right. We can point to all sorts of areas, but this one crystallises just how out of touch this government is. This is a government that says that it is important that Jon Stanhope's legacy project be upgraded and grown and has \$26 million injected into it at a time when it is failing and ripping money out of the street trees program, the street trees that people hold so dear. That epitomises and crystallises the lack of priorities of the government and how out of touch this government is. It is only the Canberra Liberals who will hold this government to account for its actions and its lack of priorities.

MR HARGREAVES (Brindabella) (10.33): It has been both a contributing and illuminating estimates process we have just been through. It was a contest not unlike the World Cup between politics and parliamentarians with the score being

parliamentarians three, politicians two. In 1999, the now Senator Gary Humphries described the then Labor opposition's report as the worst ever. This is possibly the best report yet. I thought I was going to get a rise out of them then. What a blow!

It is the best report except, I have to say, for the Booker prize for fiction known as the Liberal's dissenting report, attached quite appropriately—

Mr Hanson: We would expect you to be happy with this report, John.

MR HARGREAVES: Thank you, Huey. It is attached quite appropriately, Mr Speaker, at the rear where it belongs. I was struck by the variation in workload of various members. Some concentrated on the inquisition of ministers and officials, some concentrated on questions on notice and others were missing in action.

Some members were well prepared and some members were not. Generally speaking, the contribution of the Liberals, excluding Mr Smyth, was a pretty ordinary and miserable effort, I thought. I need to acknowledge the amount of detailed work Mr Smyth put in. His contribution was mainly budget related, in stark contrast to that dynamic duo, those caped crusaders, Captain Seselja and his first mate, Mrs Dunne.

What struck me about Mr Seselja's contribution was his technological brilliance. It was puppeteering by remote control. That electronic marionette received instructions from a puppeteer on the first floor, arriving on his laptop, to be quickly followed by a question delivered in a fashion reminiscent of a schoolyard bully. His badgering and hectoring of ministers and officials was consistent. It was nearly surpassed by Mrs Dunne, whose process was short of valid content and heavy on personal attack and unsubstantiated insinuation.

It was Mrs Dunne's behaviour that prompted me to remind everyone of the provisions of the standing orders. It is this appalling, counterproductive and bordering—

Opposition members interjecting—

MR HARGREAVES: I will start again, because I am enjoying this. It is this appalling, counterproductive and bordering on unparliamentary behaviour of the Liberals—both committee members and visiting members—which led to my frustration and anger. It prompted me to remind members and visitors of the contents of standing orders 234 and 235. I will ask members to look them up rather than read them out. I digress very briefly.

Some of the accusations in the dissenting report are very serious indeed. They say that some of the contradictory evidence was so severe that wilful misleading or rank incompetence are the only available explanations. They talk about the criticism of Ms Hunter and, I guess, by extension, myself. They talk about closing things down. They talk about evidence critical of the government being sanitised beyond the point of recognition.

These are serious issues, Mr Speaker, and I challenge those opposite if they think that this is valid to bring a privileges committee on. Bring a privileges committee on and test yourself, because what is said in there is unsubstantiated drivel. It is

unsubstantiated drivel. There is not one piece of evidence to back it up. Not even the howling banshee Mr Hanson can over-talk the facts and the truth of this matter.

Mr Speaker, some comment has to be made about questions placed on notice. Mr Seselja was responsible for just under 50 per cent of questions placed on notice, and 25 per cent of questions were required to be taken on notice. Remember that there are 12 members participating in the budget estimates process and Mr Seselja was responsible for a third of all questions placed on the notice paper. His office was churning them out at a great rate. The problem, of course, is that Captain Seselja over here and all the rest of them have gone into a catatonic state, Mr Speaker—a complete catatonic state. Talk about missing in action—Jeremy Hanson MIA.

Mr Smyth: CSC—Conspicuous Service Cross.

MR HARGREAVES: I think I am right. At the beginning of this process the committee asked its members and visitors to be reasonable in the placement of questions on notice. This request was totally and entirely ignored with a 30 per cent increase in QNs, a goodly number of which had subsets of between six and 55 subquestions. Very rarely has the ACT seen the use of such a tactic. It was designed to show how hard they can work with little substantive outcome. In my view, it is an abuse of the committee system.

I never cease to be amazed at how the Liberals often turn what is an episodic event into a dramatic systemic failure. This process was, in fact, started by Mrs Burke, continued by Mr Pratt and now is employed systemically by the Liberal Party. For example, Mrs Dunne quoted an episode at Bimberi where an officer was spat upon by a resident, saying that the officer was in danger of contracting hep C. Mrs Dunne had to correct her comments as it is not possible to contract hep C in this way. This did not stop her, though, claiming that there were systemic security failures at that facility. And the Liberal Party considered quite clearly—

Mrs Dunne: No, I asked a question which the minister still has not answered.

MR HARGREAVES: The truth hurts, doesn't it? Stabbed in the heart! Stabbed in the heart! And what happens when Mrs Dunne is stabbed in the heart? She drivels through her mouth. Most of us just complain. No, Mrs Dunne drivels through her mouth.

I have to say, Mr Speaker, that the Liberal Party considered quite clearly that the estimates committee was a research resource for the political imperatives of that sector of the chamber. What was disappointing, however, was that on receipt of the chair's draft, those Liberal members felt the format did not suit their purpose. They felt disinclined to contribute to a collegiate development of the parliamentary consideration of the government's expenditure plans.

That they felt compelled to develop their own report showed me that they preferred to be partisan politicians. Surprising? No. Disappointing? Yes. Contrast this with the Greens' approach. Their approach was one—

Mr Hanson: Oh, look—

MR HARGREAVES: You guys can just sit there, be quiet and you might learn something. I doubt it, but you might.

Mr Hanson: I doubt it too.

MR HARGREAVES: So do I because you guys have heads full of cement; solid as a rock. The whole Flintstone family sits here before me. Contrast this, Mr Speaker, with the Greens' approach. Their approach was one of examination and scrutiny with suggestions for improvement. Do not, however—I say this again—make the mistake of thinking this is a Greens report.

As it turned out, the report tabled today is not a representation of crossbench scrutiny but the product of partial, collegiate parliamentarianism, as it happens. You guys cannot even spell it. You do not even know it. You cannot even spell it. That the Assembly-elected members of a Select Committee on Estimates chose to disengage in the way these members did showed their contempt for our parliament and its processes.

It is a sad day in our short history. I now turn to the report. A close reading of the recommendations will reveal a preponderance of positive suggestions.

Opposition members interjecting—

MR HARGREAVES: I just love when they do that. They just go down, down, down. The remaining committee felt that it was the job of the parliament to contribute to the positive governance of the territory, not necessarily to engage in self-indulgent political point scoring and a mere search for perceived failings and inaccuracies. This benefits no-one. A large part of the recommendations talk about a need for a greater depth and clarity in information to support the items in the budget papers. It seeks to increase the—

Mr Hanson: No failings of this government? No bullying in Health? Elective surgery is going tickety-boo?

Mr Smyth: Everything is fine.

MR HARGREAVES: If you are trying to over-talk me, Mr Hanson, so the media do not pick any of this up, I suggest to you that you could put your mute button on.

MR SPEAKER: Thank you, members. Let us focus on—

MR HARGREAVES: I am really getting sick of this, Mr Speaker. These guys are unbelievable. A large part of the recommendations talks about a need for greater depth and clarity in the information to support the items in the budget papers. It seeks to increase the essential understanding of the intricacies of the budget and for the Assembly to engage with the government of the day in the budget estimates process rather than to have opposition merely for opposition's sake.

The recommendations were developed through conversation between parliamentary colleagues, supported by the research skills of the committee office and individual members' offices. No doubt, the time will come to discuss the individual recommendations in the detail stage of the appropriation bill. I will not waste valuable time here. I will do it later.

I will expect all members to forensically examine the reports. I would like to express my appreciation to my fellow committee members, in particular the committee chair, who presided effectively in sometimes difficult situations. I thank those opposite for their entertainment. During my absence as a minister I had forgotten just how entertaining it could be on the inquisitor's side of the table.

I also thank my colleague Ms Porter for her valuable assistance. It is incumbent upon me, of course, to express my appreciation to the ministry and to the officers that supported them. Lastly, or almost lastly, I would like to thank the following support staff: the committee secretary, Sandra Lilburn, assistant secretaries, Grace Concannon, Andrea Cullen, Samara Henriksen, Hanna Jaireth, Nicola Kosseck, Margie Morrison and, of course, our administrative assistant, Lydia Chung.

I would also like to say a big thank you to all the good folk in Hansard and for the technical support in the recording studio, led by that legendary fisho Ray Blundell. I would also like to thank my own staff, Jim Mallett and Ian McNeil, for their support.

Mr Speaker, I measure this 100-and-something recommendation report against the 48-recommendation report here. Blind Freddy can work out this one is a little light on justification, substantiation and validation. It is a bit sort of selective. Did you note, interestingly, Mr Speaker, that those opposite criticise the government, the Greens, me personally, Ms Hunter personally, the budget, the report, yet they did not do two important things?

The first was to contribute positive criticism, to offer an alternative, other than just say, "Take money off the arboretum and stick it into street trees." That was a great one to lead off with. It really offered a precis of Liberal Party policy and it sought the government to do its work for it. It is a policy statement. That is what you have got here; a policy statement.

The other thing they did not do, Mr Speaker, was to acknowledge the existence of the consultant's report. The ACIL Tasman report to the committee, the review of the ACT budget 2010-11, essentially praised the budget, actually. It did not whack it up in big lights but it said that it was a solid budget. It used the word "reasonable" constantly when it talked about the methodology and assumptions. It confirmed, of course, that the AAA credit rating is well deserved.

Interestingly for me, they left off all the good stuff and put in what they perceived to be all the bad stuff. Really, all they did was to take their bat and ball and go home. These tablets of stone are an absolute waste of trees. You cannot stand there and say, "Take the money off the arboretum and put it into the street trees," when you come up with a piece of garbage like that printed on paper. You cannot do that.

Let us get serious for a quick minute and a half, Mr Speaker. I have to tell you that one of the things I thought was really poor after being involved in about 11 of these things, maybe 12—

Mr Doszpot: Too many by the sounds of it—too many.

MR HARGREAVES: That is the first time I have heard Mr Doszpot speak in six months. He has actually found his voice. He had lost his voice but now he has found it again. It was down in the bottom drawer.

Mr Speaker, the behaviour of members in badgering people, in not taking directions from the chair, which was a legitimate request, was the worst performance that I have seen since I have been here—from both sides. These people here have had the temerity in years gone by to attack me and to attack my ministerial colleagues of the day for their responses. If their behaviour from that side of the table elicited any response they were quite lucky. Their bullying, their badgering, was just unacceptable and unparliamentary. Quite frankly, they contributed absolutely nothing.

The point is that they were led, and the fish rots from the head. What happened here was that Mr Seselja led the charge and Mrs Dunne followed. To their credit, Mr Doszpot and Mr Coe did not engage in that tactic and I salute them for that. Mr Hanson is as guilty as the other two caped crusaders. They do not know how to act as parliamentarians. Apart from that, I have got nothing to say. (*Time expired.*)

MS BRESNAN (Brindabella) (10.48): First, I would like to thank Ms Hunter, the committee chair. She did an excellent job in chairing the hearings and particularly in allowing all members to ask questions about particular issues for them. I would also like to thank the rest of the committee. It was an interesting process, as always—as last year's was. I would particularly like to thank the secretariat staff. They do a magnificent job through this estimates process. It is not easy; it is a long couple of weeks. They have to go through these hearings and then put together the report. They did a fantastic job in doing that, and I cannot thank them enough for it. I would also like to thank all our staff across the Greens' offices for the work they did throughout this whole process in terms of questioning and going through and analysing the budget.

I rise today to speak in support of the report that has been handed down by the estimates committee and reflect on the 2010-11 estimates process. In doing so, I wish to reflect on the manner in which MLAs hold the government to account and scrutinise the government's spending of taxpayer funds.

Accountability is more than a newspaper headline. What difference does it make to the Canberra taxpayer if the story that is pursued is sensationalist in nature or contains mistruths? How does it actually improve the lives of Canberrans? Or what dedication—

Mr Hanson: It is the only way that Health actually manage patients these days, Amanda.

MS BRESNAN: Would you like to repeat that for the *Hansard*?

Mr Hanson: I said that it is the only way that Health actually manages patients these days.

MS BRESNAN: Or, better, I ask: what dedication do different political parties here have in relation to not only those problems in the community that are visible and can be reported in the paper but also those issues which are hidden and which no journalist can report on? There are many measures of accountability, but I do not think any academic would tell you that loudness or headlines are true measures.

The Liberal Party have claimed that they were shut down through the committee process. I claim that the opposite is true, for the lines of questioning that were pulled for the sake of media attention shut down the effectiveness of the estimates committee. Take, for example, the morning of Tuesday, 18 May when the committee was meant to be asking questions about the government's funding of mental health. People who have a mental illness and require the services of Mental Health ACT are amongst the most vulnerable in our community. In fact, some measures of social exclusion show that they are the most vulnerable.

Here was a chance for the opposition, the Greens and Labor representatives to question the government about what is planned for the provision of services for people with mental illness. However, the primary line of questioning from the Liberals was on matters regarding obstetrics, a matter that had already been discussed in the chamber. Whenever the rest of the committee tried to bring the questioning back to mental health, the Liberals claimed they were being shut down. Such a statement is hypocritical given that they had effectively prevented the committee from asking half of its questions about mental health funding, an area which features the greatest mortality and morbidity for people under the age of 45 years. In fact, the Liberals did not appear to have prepared any questions in relation to mental health funding. One must wonder what the Liberal Party cares more about. Is it vulnerable people or is it media headlines?

Another key example of the Liberals' hypocrisy on the shutdown of the estimates committee was their discussion regarding the federal health reforms. Ms Hunter mentioned this in her speech this morning. Again, the Liberals claim that they were prevented from bringing the government to account on the issue of GST; however, it has already been noted that about 44 pages of *Hansard* from health was taken up on this matter alone. That is 44 pages on one question.

Then there is an example from the recall day. Eight times in 58 minutes the Liberals asked the exact same question over and over again—a question which was irrelevant to the point and to which an answer was given.

There were many questions which I and my Greens colleagues would have liked to ask through the committee hearings. Take, for example, the issue of homelessness, an area in which significant federal and ACT government funds are being applied and in which changes in policy are occurring. The Greens did not get to ask any questions on this through the hearings as there was no time left. I also had a number of transport

questions that I did not get to ask. But that is what happens with the estimates process. Both committee members and other MLAs should get the chance to ask questions. For that to occur, not everyone gets to ask each and every question they want to ask. We had to put all of our homelessness questions on notice. As I understand it, that is usually accepted by all members in this place; I know that was the case in last year's estimates committee hearings.

In relation to questions on notice, I have to say that, while it does pain me somewhat to say this, I have some sympathy with the Chief Minister saying that some questions go beyond that which is manageable for the public service within the time frame given to them. For example, question on notice 98 asked the Minister for Health what specialist skills are required for each staff member for each and every program or initiative run by ACT Health under each and every output. This type of question was also asked of almost every other department. Effectively, the Liberal Party is asking for every single public servant's job description. Whether the public service could pull out every job description is questionable at best.

There are also questions to which answers are available in annual reports—such as how many staff are appointed at each level in a department.

Then there is a question that publicly asks, through the publicly available question on notice process, what is in the “security in confidence” standing operating procedure regarding the AMC that cannot be made public. That was question on notice No 541 from Mr Hanson. Just so that Mr Hanson knows, as any corrections spokesperson should know, let me say that, as a corrections spokesperson, he can ask for that information. All he has to do is ask the minister's office for a confidential copy of the document, and they have to provide it to him. No-one is preventing him from questioning the minister; he just needs to have the mind to manage the question in a sensitive manner.

The winning question must go to Mr Coe for asking on notice how many roundabouts the government owns. There is, no doubt, a public servant somewhere who badly wants four hours of their life back and wants to never look at a road map of Canberra again.

The dissenting report states on a number of occasions that it was required because the committee report was sanitised, because it was lacking in substance, because the recommendations were not detailed enough et cetera. The dissenting report—to make just one point—makes a great deal about being a lengthy report. I would like to note that it is lengthy, at 139 pages—as is the committee's report, at 129 pages.

Some of the dissenting report recommendations are good, I will note, particularly those which are the same as or similar to the ones in the committee report. I will not read them all out, but I mention recommendations 6, 8, 9, 14, 26, 32, 40, 57, 71 and 115 from the dissenting report.

The committee report that Ms Hunter mentioned lists every issue raised in the committee process—issues raised by Liberal, Labor and Greens members. All members' issues are mentioned.

Mr Seselja has made much of what the committee report does not mention. I would like to note some of the things the dissenting report does not mention. There is no mention of mental health, community health, aged care, rehabilitation or early intervention and prevention. In corrections, there is nothing on programs run in the prison or on recidivism. In disability services, one issue is mentioned—one issue: portable long service leave. No other issues in relation to disability are mentioned. There is nothing on services to students with a disability, which two committees are looking into. What about therapy services and the lack of funding for people with a disability? There is no mention made of these issues.

The committee report has a summary of community group issues; all the community groups that appeared before the committee are mentioned. The Liberals' report—sorry, I should have said dissenting report, but we know that it is the Liberals' report—makes no mention of issues from Advocacy for Inclusion, the Tuggeranong Community Council, the Property Council, the ACT parents and citizens group, the Youth Coalition, ACTCOSS, the Gungahlin Community Council, the Australian Education Union or ADACAS. None of those groups have their issues mentioned at all.

Let me wrap up quickly. This process was about developing a collaborative report that allowed all parties to have their say. That is why the approach was taken to list all those issues—because the issues raised by all parties are then there for people to see. Unfortunately, the Liberal members came into this process from the start with a very adversarial stance and literally refused to cooperate. I think we know what it all goes back to. It all stems from that first meeting when Mr Seselja was not given the chair; he basically spent the rest of the entire estimates process carrying on, frankly, like a pouting schoolboy bully.

MR SMYTH (Brindabella) (10.58): Mr Speaker, it is quite apparent that the Greens and Labor members of the estimates committee have forgotten what the estimates committee is about. The estimates committee is about scrutiny. We have had three speeches—one from Mr Hargreaves and two from the Greens, from Ms Bresnan and Ms Hunter—and there has not been a single mention of a single flaw in the budget. There is a \$4 billion budget and a volume of papers, but apparently the Greens and the Labor member were unable to find—and mention in this place in the last half hour—a single thing wrong with the budget. That is what is wrong with the report.

This was not about scrutiny. It has never been about scrutiny by the Greens, because the Greens are not interested in scrutiny. They will pass this budget, as they did last year. They held up the box and said, "This is a great budget." Our dilemma was that when we were presented with the chair's draft, she said, in her own words, "It is a quick reference guide." And that is all it was. It was not a report; it was the budget index. It did not scrutinise the government. It did not tell us what the chair thought. It did not highlight what the chair believed to be the critical issues. It did not have any analysis from the chair. And it had only a handful of recommendations from the chair, none of which were of great substance.

That is the problem with the committee's main report. It is not a report. In Ms Hunter's own words, "It is a quick reference guide." It is. It is an index. As an

index, it was excellent. As a report, it was woeful. That is why none of the Labor and Greens members have been able to stand up in this place this morning and offer a single piece of scrutiny. There has been no scrutiny, and it is because they have not done the work. This is in fact a patsy report delivered by the financial patsy of the government.

You have to look at what we were asked to do and ask what the chair delivered. Remember that the chair gets paid for this. From February to today, the chair gets paid. The chair gets paid to deliver leadership, to deliver guidance, to show where we should be going, to critique what has been done and to work with the committee in that regard. But it was never done. That did not happen. What we got was a quick reference guide.

What did the chair do? The chair said, "I don't think we should have broad inquiries." What else is a budget? This was a broad inquiry into the expenditure for the year. It looks at every single piece of expenditure. In many cases, it compares it with last year, but it looks forward certainly at one year and in the main at three years. Its purpose is to critique the budget, but it did not happen. What did the chair do? The chair said, "I do not want to do that work." She probably felt that she was incapable of doing that work; she certainly proved that she was incapable of doing the work. What did she offer? She offered a list of what was discussed. That is not analysis. Giving a quick reference guide is not the job.

The chair said, "I have wound it back. I have looked at what all the other jurisdictions do and we are going to do the same." Isn't that surprising? Eight out of nine other jurisdictions are run by Labor governments. Eight out of nine of the other jurisdictions I believe have government chairs of committees and eight out of nine of the other jurisdictions deliver a chronology or a list of what was discussed and then say, "Just pass the budget." That is the failure.

Until this report came along, the ACT estimates committee had a long and honourable tradition from both sides of parliament. We were critiqued and criticised by Labor committees and we did the same to them. This time we abandoned that process because we had a chair who either was not up to the job or did not want to do the job.

That is the problem at the heart of this. That is the problem with this report. That is the problem with the process that the chair used. That is the problem that we were confronted with in the committee. You only have to read volume 1 to see that that is true. And you only had to listen to the three speeches from the non-Liberal members in this place to know that there is no criticism, there is no critique. They could not raise a single point in this debate this morning.

Ms Hunter said that she did not want the report to get bigger. The report is going to get bigger. The budget gets bigger; the issues get bigger; the areas covered get bigger; the degree of complexity gets greater. To say that you are going to simplify it by giving us a run-through of what was talked about without going to the heart of the matter is an abrogation of your responsibility.

Mr Hargreaves started by saying, "Parliamentarians three, politicians two." What about the people, Mr Hargreaves? What about the taxpayers who fund this budget and

get very little from it? What about them? What about the people, for instance, who sent their children to the Shepherd Centre? Where is the redress for them? What about the people who are kinship carers? Where is the mention of kinship carers in this? And they said that there is systematic child abuse. That is not addressed. What about the Indigenous people of this jurisdiction? They said: “We are not being represented by this government. We are not being given the resources that we are entitled to and the funding is a disgrace.” What about the people with disability? What about those in the suburb who simply want a street tree that is alive and flourishing? They are not mentioned. It is glib to say, “Parliamentarians, three; politicians, two.” Mr Hargreaves and the Greens failed to address the need of the people. They were there to stand up for the people of the ACT and ask the hard questions, hold the government to account.

In the case of the Greens, perhaps they could be third-party insurance, but yet again, in this report and in their behaviour during the committee, what they perpetrated on the people of the ACT is third-party insurance fraud. On a number of occasions, when we were getting close to things that the government were clearly uncomfortable about, we were shut down. Indeed, on a number of occasions Ms Hunter answered the questions for ministers. I asked a question in education when I said, “Minister, of the 13 per cent that do not go on in education, do we know what is happening with them?” I asked:

Where are they going? How many are going to CIT or TAFE? How many are going to a non-govie and how many are not continuing ...

The chair butts in and the exchange continues:

THE CHAIR: You will get some of that information in the school census, but—

Mr Barr: Yes.

MR SMYTH: Thank you.

THE CHAIR: I would be interested to know—

She tries to go on to another question. The questioning continues:

MR SMYTH: I am intrigued that you are answering the minister’s questions, Madam Chair.

THE CHAIR: Only because I have been studying this document.

Mr Barr: Chair, if you want to move over—

So Andrew knows they are in alliance. He says: “Come on over. Come on over, Meredith.” And it just goes on:

MR SMYTH: But the question is not to you. If you want to move over and assist the government, go and sit on their benches.

THE CHAIR: No, it is just that I know there are some important questions to get through.

What is more important than continuing education and kids dropping out of school? What is more important than that? We had a chair who did not want the minister to answer. And there are numerous examples of this; just as things got interesting or started to warm up, the chair would move it on.

There is only one conclusion that one can draw from the report of the committee—that the Greens-Labor alliance is alive and well in this place and we still have a majority government. What they have perpetrated on the people of the ACT is third-party insurance fraud, because there is no example of them standing up to the government and making recommendations that bring the government to task—asking the hard questions, doing the hard work.

We are criticised for asking too many questions. Perhaps you should look at yourselves and ask why you did not ask the same questions. Where was your work ethic? What were you doing? What you did not do is show leadership. And ultimately, in your report, what you did not do—and the reason we dissent—is stand up for the ordinary person in the street: the taxpayer, the recipient of the services that are covered in this budget of almost \$4 billion. You dismissed the concerns of the kinship carers without discussing them. You do not speak up for Indigenous people; you do not speak up for the disability sector. We did.

The problem here is this. Ms Bresnan says: “You talk about headlines. All the Liberal Party was interested in was getting a headline.” Isn’t that interesting? When you ask questions in the chamber, and even when you ask questions in estimates, nothing happens if it does not get reported. In the last week we have seen instances of two gentlemen who got the headline and got the surgery. That is the new admissions process from the Minister for Health. Welcome back, minister; it is good to have you back to look after the Treasury. I think you will notice that the word “deficit” is not actually mentioned in the committee report.

Ms Bresnan needs to reassess what she is saying. The issue is this: is it wrong to highlight the failure of the government and let it appear in the daily paper or on the radio or TV when it comes to a better outcome for that individual? Two gentlemen who were apparently bumped off the health list—ignored—had their category changed. We asked questions about this, but when it is reported and when people come forward—(*Time expired.*)

MRS DUNNE (Ginninderra) (11.09): It is instructive to listen to the Greens and to Mr Hargreaves in their futile and feeble attempt at defending a fairly indefensible report. I will start where the estimates committee began, by going to the kinship carers.

The kinship carers were the first group to appear before the estimates committee and what they had to say was a searing indictment of the administration of care and protection services in the ACT. When we are talking about what governments are supposed to be doing, first and foremost they are supposed to be protecting the vulnerable. Who are more vulnerable in this community than children who cannot be raised by their own parents for whatever reason?

The representatives of the kinship carers, who represent slightly more than half of those people who look after children in the care and protection system in out-of-home care situations, came to this committee and made two substantial complaints. One was that in 2008 they had been promised money by this ACT Labor government to provide non-government services to kinship carers, support services to kinship carers and, as at the time that this committee had congregated and this group came to the committee, they had received none of the money. Of all the money allocated, \$20,000 had gone to Marymead. No-one objects to the \$20,000 going to Marymead. But \$800,000 was promised and \$780,000 was still ungranted to the community sector. That was their first complaint.

Their second complaint, a much more serious complaint, as a group was that the children that they look after and the people whom they represent are the victims of systematic, institutionalised abuse. They characterised that by: “We cannot get answers. We ask for assistance and we cannot get it.” These people have possibly the hardest jobs in the ACT—often these are people in their 60s and their 70s who have taken on responsibility for children who have lived through extraordinarily traumatic circumstances—and what they are asking for is assistance to look after their nieces, nephews or grandchildren in a way that will make them whole human beings again and probably will not kill the aunts and uncles, and particularly the grandparents, in the process.

What they said to the committee was that they were subject to institutionalised abuse. The person who said that is a person that I have known for 30 years in a range of community organisations and who has the highest reputation in this town for her advocacy for disadvantaged people, especially refugees. She is a person who has said to me, privately—but she will not mind it being said here—that in all the years that she has worked with the bureaucracy she has never found a bureaucracy more difficult to deal with than the bureaucracy in care and protection. That is saying something for someone who has been a refugee advocate and who has beaten her head against the walls of immigration departments for 30 years to say that she has never had a harder job. And this is someone who knows her way around the bureaucracy.

And what has been the response to that? It characterises everything that is wrong with this report. It was interesting to hear Ms Hunter and Ms Bresnan interject their comments when Mr Smyth and Mr Seselja criticised them for their lack of attention to this important issue, and it is emblematic of what is wrong with this report. They said, “There are two recommendations there, so you can’t criticise.”

Let us listen to the recommendations. On the back of this organisation saying that \$780,000 was promised by this government, which is outstanding, has not been given as it was promised at the election, and that they were subject to institutionalised abuse, these are the recommendations that come from this. Recommendation 40:

The Committee recommends that the Department of Disability Housing and Community Services ensure that adequate support and appropriate written information, including contact details of support services, is provided to all kinship carers who come into contact with the care and protection system.

That is very laudable—if it were not for the gravity of the evidence brought before us. It is a watering down. It is a slap in the face for those people. These are extraordinary recommendations. The next recommendation is:

The Committee recommends that the Department of Disability, Housing and Community Services ensure that kinship carers are able to access foster carers training modules, should they wish to do so, until specific kinship carers training becomes available.

I think that is quite laudable. But, again, it ignores the gravity of the evidence brought by the people at the coalface—my constituents, people who pay my salary, who came to this place pleading for help. And what did they get from John Hargreaves, Meredith Hunter and Amanda Bresnan? They got the brush-off.

There are substantial recommendations in the dissenting comments. These are the substantial recommendations, by contrast, because we in the Liberal Party take the evidence of these people—these people at the front line, doing the hardest job, possibly the hardest job in this town—seriously.

Let us look at the great analysis and just take one place; for example, the courts and tribunals, output class 3 in JACS. The government has put forward a substantial proposal for change, which has been roundly criticised. What have we got? We have got two numbered paragraphs and a few dot points, which amount to slightly more than half a page, which tell us what the minister says. They do not refer to any of the questions asked, the line of questioning by Mr Seselja and me which highlighted the criticisms. All they do is tell us what the minister says. Again, it is a symptom of what this report by the majority of the committee is about: it is about nothing more than putting together a litany of what is in the budget.

There is no analysis of the minister's proposal. There is no questioning as to whether this is an appropriate expenditure. What estimates committees of this place have done for 20 years, during the history of this Assembly, has been to scrutinise, criticise and make recommendations about whether it is appropriate to spend money in particular areas—until along came Meredith Hunter, who last year became an apologist for the budget and was embarrassed so this year decided, just to make sure there was no criticism of the government, that she would become the chairman of the committee and then she would have control of the report.

Ms Hunter interjecting—

MRS DUNNE: It is not about who gets paid; it is about what you actually do for your money. The person who is the chairman of the committee has control of the report—and the report that this member had control of is a complete departure from everything that has been done in this place over 20 years. It shows no sense of history, no understanding of how this Assembly and this estimates committee have worked.

What do we have here? We have recommendations that the admin and procedure committee help Ms Hunter out, so that we can come up with a different approach to estimates, because she does not like what has happened for the past 20 years; she

thinks there should be a change because Ms Hunter does not actually like to criticise the Labor Party, the Labor government and the Labor budget brought down by her mate Katy Gallagher. It is all about minimising the criticism. And what we have seen here today is a pathetic attempt that does nothing more than give cross-referencing to where things were discussed.

The other day Ms Le Couteur had a good comment about the infrastructure report when she said it was really the budget with pictures. Well, this is now the index for the budget. That is all it is—and Ms Hunter should stand condemned for it.

MS LE COUTEUR (Molonglo) (11.19): I will only speak very briefly, because I was not a member of the estimates committee, but I would just like to comment on a few of the points that have been made by specifically the Liberal members.

Mr Smyth, I remember, said that because the budget was bigger in dollars this year than the budget report should be longer. I think there is a bit of a problem with this. There are a limited number of trees in the world and we do not wish to cut them all down to become budget reports, as Mr Hargreaves pointed out. The report just simply cannot grow in volume at the same rate as the dollars do. We have inflation for dollars but not inflation for trees. By this logic, the commonwealth would need to produce 10,000 pages of reports on the budget to provide the same level of scrutiny as in the Assembly, which of course is not possible.

The issue is what is in the report, not the size of the report. And that is where I think that what has happened this year has been particularly sad. I suppose I am still a bit naive; I have only been here a year and a half. I would really like to see the Assembly working as a whole and the non-executive members of the Assembly working as a whole to scrutinise the budget, to scrutinise what the government is saying.

One of the reasons this is particularly disappointing is that, as I am sure the Liberal Party know, the government are required to provide a response to the recommendations in the estimates report, but not to the recommendations in the dissenting report. So it means that, if there were any recommendations in the dissenting report which in fact could have been part of the main report—I have not read them all, but I would imagine that there are some—what the Liberal members have done is ensure that the government does not have to respond to those recommendations. What the Liberal Party have done by taking their bat and ball and getting out of the process has, unfortunately, been to reduce the scrutiny of the government, not increase the scrutiny of the government.

The Liberal Party have been talking about showing leadership. Unfortunately, by removing themselves from the process, they have not shown leadership. They have shown that if they are not the leader, if they are not the chair of the process, they do not want to even be part of it, and I think this is really sad in terms of the Assembly's processes. We should be working together. We should be working together to get the best outcomes for the people of the ACT, for the families of the ACT, which the Liberal Party mentioned, instead of saying, "We don't like some of this; therefore we are not going to be part of it." That is not an approach which helps the government of the ACT, and I am really sad to see that this is what seems to have happened.

MR HANSON (Molonglo) (11.22): I agree with what Ms Le Couteur said—that the focus today should be on the scrutiny of the government. The focus should be on the scrutiny of the government, but it is not. Why is it not? That is the question. We should be going into the detail of the failings of this government. When I look at the areas under my portfolios I see the litany of problems in health and corrections. The disaster that has become corrections under Simon Corbell is the conversation that we should be having. Why we are not is the direct responsibility of Meredith Hunter and the report that she has tabled here today, which has utterly failed to scrutinise the government.

John Hargreaves is up the back there laughing his head off. The ministers sitting there probably have a bit of a smirk on their faces because they know full well that the report that has been tabled by Meredith Hunter, the chair of this committee, fails to provide any reasonable scrutiny of their government. That is why we are having a conversation about the report rather than a conversation about the government, which is where the comments from the Liberals and the Greens should be directed. But there has not been one single comment from the three members of the crossbench who have spoken today about the government. They have not even provided any commentary on the budget. Their entire commentary was about defending their report and attacking the Liberals.

If you need any evidence, Madam Deputy Speaker, of where the priorities of the Greens sit, you might ask: is it about defending their pack? Is it about defending the government and attacking the Liberals? I think the comprehensive evidence here today on where the priorities of the Greens sit is very disappointing. There is no doubt in my mind that this is a government that has become uncaring and self-serving. It is, by and large, incompetent. There is no question that the government, through this budget, is failing the community in those specific areas and as a whole by failing to provide any reasonable plan for this territory in the coming years.

I hear the Greens chattering up the back there, but I do wonder—and the community is starting to wonder—what the Greens stand for under Meredith Hunter. One thing they do not stand for is scrutiny of this government. If it is not scrutiny of the government, what is it that they stand for? That is the question that I increasingly get asked. People on my side of politics were concerned that with the advent of the Greens we would see some radicalisation of the policy, but we have not seen that. What we have seen, almost, is nothing. We have seen nothing in regard to scrutiny and we have seen very little from the Greens in terms of comprehensive policy. Again, we see evidence of that today in this chamber.

As a consequence of the failures in the report, the Liberals have provided—and I commend Zed Seselja, the Leader of the Opposition, and the shadow treasurer, Brendan Smyth, for the report they have provided—a report that I will look forward to going through in significant detail. But let me address some of the failings that I have gone through, both from my involvement within the committee process and by scanning through the report.

Turning firstly to health, what is clear from the report and from my involvement in the committee process is that there has been no improvement in health under the guidance

of the minister, Katy Gallagher. Since we all sat down through the estimates process last year there has been no improvement in health. There is certainly more money going in. I question some of the priority areas where it is going. I would agree with the Greens in some areas that there are gaps as to where the priorities are in terms of where that money is going. Where is the money for mental health? Where is the money for preventive health? Why is it that we are rolling over another \$50 million in infrastructure and so on? Why is it that we are not getting the results that we need in health? The many hundreds of Canberrans waiting for elective surgery, the many thousands of Canberrans that struggle to see a GP and the people that, on a daily basis, struggle in our emergency departments are seeing no improvement in those vital areas of health.

We talked much throughout the process of estimates about the national health and hospitals reform. It is quite clear that the minister does not really understand the full impact of those reforms in a number of areas, particularly the local hospital networks. Although I would like to put all the blame on the minister, I think it would be unfair to do so. It is quite clear that these are not reforms. This has been something that has been cobbled together at very late notice by Kevin Rudd and his gang up on the hill as a conversation changer away from pink batts and other fiascos they are experiencing.

The ACT health minister and other health ministers are now struggling to make sense of what it is that is proposed under these reforms. How much GST is going to be provided? That was certainly an element that came out and surprised everybody. It is not 30 per cent; it is 50 per cent. I criticise the minister for hiding that from the community, for failing to address that issue with the community and say: "We'll be surrendering 50 per cent rather than 30 per cent of our GST. We were clearly misled." She does not really know what is going on. Every time we asked questions it was quite clear the answer was: "Well, we're working that out in the detail."

To sign up to such a comprehensive reform without understanding the detail does not make sense to me. I will give you an example, Madam Deputy Speaker, and that is in infrastructure. Sixty per cent of planned infrastructure is supposed to be provided for under these reforms, but the minister was unable to articulate what that means. We know that we have a \$1 billion health infrastructure plan, or the capital asset development plan. Does that mean 60 per cent of that will be funded? The minister was unable to provide an answer. It is a \$600 million question and the minister's answer was: "Don't know. We'll work that out in the detail."

Some elements of a plan, of course, are going to be worked out in the detail, but I do not see \$600 million as a question of detail. A lot of the other areas, like the local hospital networks, are just not elements of detail that you can work out in due course. What is it that gives the people of Canberra any confidence that the Chief Minister did everything he could to understand what the reforms meant and get the best deal for the ACT when we heard his comment, "Let's go to the bar"? Whilst the other states and territories were fighting hard for these reforms, getting the best deal they could, what does the Chief Minister want to do? Go to the bar. We have ended up with reforms we do not quite understand and reforms that are not necessarily good for the ACT.

Another area that was covered throughout the estimates process was that of bullying. We are awaiting the Public Interest Disclosure Act report. I eagerly anticipate that.

We have also seen reports, through both questions asked on notice and reports in the media, that bullying is a real concern throughout ACT Health. We are not getting the information we want. We know that there has been a staff office survey. We asked for that in the estimates and she is refusing to provide that response. But what I did see in a report that has been put out by Mr Seselja and Mr Smyth is a very good recommendation that, when the Public Interest Disclosure Act report is received by the government, the determination of what is released to the public should be made by an independent authority and not by the minister. I just want to make sure that process is very clear—that she does not hide elements of that because she fears that they may be politically damaging—and that we get to see as much as we can.

I will speak further next week about the significant problems that we have found in Health and the lack of direction from the minister.

While I see Mr Corbell here, it would be a wasted opportunity not to raise some of the real concerns in corrections. The human rights commissioner herself raised significant concerns. She is unable to go into the jail and do a proper human rights audit because she is not being funded to do so. Whilst the government are lauding the fact that they have this human rights compliant jail, we have no idea whether that is true or not because they are not funding the human rights commissioner to go and make that assessment. Isn't it convenient, Madam Deputy Speaker, that that situation has arisen? They were certainly funding her previously so they could make as much noise as they could about the Belconnen Remand Centre when it suited their political purposes to get an argument up that they needed to have their own jail in the ACT. But all of a sudden, now they have built the AMC and have got so many problems with it, they are muzzling her, essentially, by restricting her funding.

What has also come out about the jail is that it is not able to properly separate sentenced and remand prisoners. That is a breach of human rights—it is one that we know of—and it means that we have now a situation where, potentially and allegedly, remandees have been raped by sentenced prisoners. That is a consequence—if it is true—of Mr Corbell's design and implementation of this prison. There are many areas we should be criticising this government on and the report should be doing that. Those are just a couple of highlights. The report should have done that and it has failed to do so. I commend Mr Seselja and Mr Smyth for their dissenting report.

MR DOSZPOT (Brindabella) (11.32): We have heard speaker after speaker on the opposition side talk about a failure of quite profound proportions in the operation of the Select Committee on Estimates—the failure to scrutinise the budget, the failure to scrutinise the government, the failure to scrutinise the ministers. The chair has spoken longer about the dissenting report than about her own committee report. I guess this is because of the lack of substance in her report which, of course, prompted the need for a dissenting report. What was apparent, even to those of us who only attended when our own shadow portfolio areas were under scrutiny, was that the chair was almost constantly running interference on behalf of the government, almost making the presence of the government member, John Hargreaves, superfluous. Indeed, at times there were stronger questions asked by former minister Hargreaves than by the chair of the Select Committee on Estimates.

This report of the Select Committee on Estimates on the Appropriation Bill 2010-2011 has failed in a serious way to provide a credible analysis of this government's programs and proposals. We have had severe criticism and analysis of the dissenting report but not of the government. We have seen major areas of the budget glossed over. Any evidence provided that was critical of the government has been sanitised. At times, when our questions to certain ministers were at the point of getting to the heart of the matter, the chair stepped in with her own questions and deflected attention from our line of questioning. This certainly protected ministers from scrutiny by the very chair whose duty, clearly, was to conduct analysis and scrutiny of this government through the committee process.

Thankfully, *Hansard* has captured many of these examples of the chair protecting the government. Others outside this Assembly who have taken the time to read the minutes of the various estimate committee hearings are also quite surprised at the chair's attitude in the protection of ministers of this government from scrutiny. As has been pointed out by our previous speakers, this glossing over has continued with the presentation of the report by the chair, which turned into a critique of the dissenting report by Mr Seselja and Mr Smyth—the only two members of this Select Committee on Estimates who actually carried out their duty.

The duty of the select committee is to examine the expenditure, administration and policies of this government and all its agencies and associated bodies. The duty of the chair of the committee is to ensure that the members of her committee focus their attention on scrutiny and examination of this government. What we have seen in this estimates committee process is sad indeed. We have seen a chair castigating her own members who have carried out their duty as prescribed.

This morning every Green that has spoken so far has attacked the opposition. It is the opposition that is under scrutiny by the committee, not the government. What is the opposition under scrutiny about? It is about doing its job, which is to scrutinise the government. It is like an episode out of *Twilight Zone*, when we have a chair of the committee having issues with her members doing their job. We have not heard one word of critique based on this government's budget or performance. We have had several ministers severely criticised by organisations for not meeting with them.

This was not an occasional issue with ministers. Minister Barr is just one example. In one morning's sitting, we had three separate organisations that had the same complaint about Minister Barr—lack of access by his portfolio constituents. Even the ACT Education Union could not get access to their minister. But is there any critique by the chair who actually noticed these things taking place? The chair noticed and asked the same questions about the fact that the minister is not accessible. But what we get is criticism of the members who tend to criticise the government.

Madam Deputy Speaker, I endorse what has been said by all of the other speakers before me regarding the sad state of affairs when the committee chair has more issue with the dissenting members of her committee than with the very government that she is meant to scrutinise.

Question resolved in the affirmative.

Privileges 2010—Select Committee Report

MS BRESNAN (Brindabella) (11.39): Pursuant to the order of the Assembly of 23 February 2010, as amended on 6 May 2010, I present the following report:

Privileges 2010—Select Committee—Report—*Evidence of Mr Mark Sullivan to the Select Committee on Estimates 2009-10*, dated 3 May 2010, including dissenting and additional comments (*Mr Coe*), together with the transmittal letter and a copy of the relevant minutes of proceedings.

I move:

That the report be noted.

I will speak briefly to the report. First off, I would like to thank the committee's secretary, Derek Abbott. Again I think, along with all the secretaries, he did an excellent job on this, through possibly what was not an easy process, and I do thank him for the assistance he provided to me. I would also like to acknowledge my fellow committee members, Mr Barr and Mr Coe.

I would like to go to what the committee was charged with looking at and read out the terms of reference. Pursuant to standing order 276, the committee was:

... to examine whether a breach of privilege or contempt of the Assembly has been committed by Mr Mark Sullivan, Managing Director of ACTEW Corporation, in relation to evidence given on matters relating to the Murrumbidgee-to-Googong bulk water transfer pipeline:

(a) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or

(b) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly's Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or

(c) in any directly relevant evidence.

This is all noted in the report, obviously, but it is important to note that this report did not consider the substantive issues relating to the Murrumbidgee to Googong pipeline. The committee was concerned with the statements made by Mr Sullivan at the estimates hearing and the comments on the matter at the other committee hearings that were mentioned in the terms of reference.

I guess it is important to also point out what was at issue with this particular hearing. No doubt, Mr Sullivan's answers to Mr Smyth and Mrs Dunne were at the core of the matters being considered by the committee and at issue was whether—and I will read this out from the report:

- The answer to Mr Smyth, stating that a 'draft TOC' for the pipeline had been established but it was not yet an 'agreed TOC' was an accurate reflection of the situation as put to the ACTEW Corporation Board at its meeting of 13 May 2009 and of the decisions of the Board; and

- In answering Mrs Dunne, and giving an estimate for the total cost of the project which was no longer current, having been superseded by a significantly higher figure accepted by the ACTEW Corporation Board decision of 13 May 2009, Mr Sullivan was deliberately misleading the committee.

So they were the matters at the core of this hearing. I will get to the findings of the committee in relation to what we were considering there. The findings were:

The committee accepts that Mr Sullivan's answer to Mr Smyth accurately reflected the actual position at the time with regard to the TOC, that there was no intention to mislead the committee and that no issue of contempt of the Assembly arises with regard to this part of Mr Sullivan's evidence to the Estimates Committee.

With regard to Mr Sullivan's answer to Mrs Dunne on the costs of the Murrumbidgee to Googong pipeline project the committee has concluded that, although the figures provided had been superseded, there was no deliberate intention to mislead the committee on Mr Sullivan's part and thus no contempt was committed.

I would like to point out a number of other things in relation to this. While the committee made no findings of contempt against Mr Sullivan, it did raise questions regarding the maintenance of the balance between proper accountability, a witness's obligations to answer questions and necessary confidentiality for some aspects of the conduct of public hearings. And that is obviously in relation to witnesses making claims of confidentiality. In relation to that, the committee did make two recommendations, and I will read them out because I think they are important in relation to this matter:

1. The committee recommends that the Speaker write to the Chief Executive Officers of all ACT government departments and Territory-owned corporations and remind them of the obligations of witnesses before Assembly committees particularly with regard to matters relating to claims of public interest immunity and that Chief Executive Officers ensure that their staff are properly informed of their obligations.
2. The committee recommends that the Legislative Assembly adopt a resolution clarifying its position with regard to claims of immunity from answering questions or providing documents made by witnesses, stating that claims of immunity must be made by ministers or the appropriate senior officer of other public agencies and territory owned corporations and that details of the harm that might be caused by providing the information must be included in the claim.

As is noted in the report, there is a process which operates federally in the Senate. And this is something which the committee has called on the administration committee to consider. If we look at this recommendation, it does then place a much greater onus on witnesses to be able to provide evidence in claiming commercial-in-confidence information and provides more clarity around that issue.

The other point I did want to raise, which again is raised in the report, was that the evidence and what was being considered by the committee did, I think, indicate that the issues, to a significant extent, did arise from a failure to clarify matters in dispute in earlier proceedings and, throughout this whole process and through what we are examining here, did show that did largely lead to the situation which arose and, if clarity had been sought sooner or if that had been done in previous hearings, we may not have got to the stage that we did. In relation to that, too, while the processes of referring the matter to a privileges committee were correctly followed, it is possibly important that these issues were not resolved through the ordinary process of the public accounts committee. And I would like to read out the final point which is made in the report:

This committee does not suggest that standing committees should be charged with conducting preliminary inquiries into possible breaches of privilege or contempt. However, given that raising an issue of breach of privilege or contempt is a serious matter, potentially reflecting adversely on the reputation of the persons involved, it is desirable that facts in dispute are clearly established through ordinary committee processes before any further action is taken.

I think that is important to keep at heart here. I think this was a complicated matter and I think, if matters had been cleared up, we may not have got to this point. But we did have to look at the technical nature of what was discussed and exactly what was asked and what was then put forward by the witness. In relation to that, we had to come out with the findings we did. I commend this report to the Assembly.

MR COE (Ginninderra) (11.47): Firstly, let me start by thanking the other members of the committee, Ms Bresnan and Mr Barr, for their participation, and also the committee secretariat for their fine work in the deliberations. Whilst I do agree with some of the things that Ms Bresnan said, I do disagree with a number of them, in particular the issue which I dissented from in the report. I do not intend to speak for very long, because I do believe the dissenting and additional comments are quite comprehensive and therefore do not warrant a lengthy speech from me now.

But it is worth noting that I did conclude that Mr Sullivan deliberately withheld contemporary information from the Select Committee on Estimates 2009-2010, albeit for good reasons, and failed at all times to correct the record, acknowledging only that he should have used less direct language. I do not know what part of those two comments Mr Barr or Ms Bresnan disagree with, because I think it is quite clear, based on the time line and based on the facts, that is indeed what did actually happen. We can talk about the punishment till the cows come home but at the end of the day the facts of this situation, I think, are quite clear and I do believe that, as I said, he deliberately withheld contemporary information, albeit for good reasons, and failed at times to correct the record.

The dissenting and additional comments state:

3.7 ... the ACTEW Corporation Board also authorised and delegated Mr Sullivan to approve expenditure for implementation of the project up to the total project budget of \$149.8m ...

3.9 This was a significant decision of the board, because it enabled Mr Sullivan to proceed with implementation of the Murrumbidgee to Googong pipeline, including approving expenditure on the project up to the total project budget of \$149.8m.

3.10 Five days later, on 18 May 2009, knowing that his board had made these decisions, Mr Sullivan appeared before the Estimates Committee.

3.11 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.

This statement clearly is at odds with the facts that led to the Actew Corporation board's decision of 13 May 2010. My comments further state:

3.17 At no point after 18 May 2009 did Mr Sullivan seek to correct the record in relation to his statements on the total project budget of the Murrumbidgee-to-Googong pipeline, including the TOC component of that budget. He merely acknowledged that "it would probably have been more prudent to have used less direct language".

I think the situation is an important one and it is important that we, as an Assembly, do draw a line in the sand and set a clear precedent that it is not good enough to turn up to an estimates committee and not give all the information that people do have at their disposal. I think if we are to do this job properly, if we are to be custodians of public finances and about public decision making, we do need to make sure that all the information we have is accurate, timely and contemporary. The additional comments that I provided do point to that principle and I look forward to hearing from Mrs Dunne, who will further expand on this issue.

MRS DUNNE (Ginninderra) (11.51): I want to thank members of the Select Committee on Privileges for the work that they have done on this matter and I would particularly like to thank Mr Coe for his contribution. I think that being involved in the privileges process is a difficult matter, no matter what side of the table one sits on.

I can speak from the experience of being a member of a privileges committee and the subject of a privileges inquiry. It is not easy and it is not a matter that is taken up lightly. And that was clearly the case when this Assembly debated whether or not this matter should be referred to a committee for inquiry. We do realise that we had a privileges inquiry because we were able to establish that there was a prima facie case to be looked at.

This privileges inquiry, from my point of view, is not about any process of wreaking vengeance, as it has been characterised in the media and elsewhere. It is about ensuring a high level of accountability in this place and in the committees of this place, something that I hold particularly dear.

I think it is worth noting the additional comments made by Mr Coe. And the additional comments made by Mr Coe were essentially reinforced by the comments

made at various times by Mr Sullivan, who was the subject of this inquiry. It is clear from the clear words in the evidence given by Mr Sullivan and it is clear from the analysis of that given by Mr Coe that the evidence given at the estimates committee 2009-10 in relation to the Murrumbidgee to Googong transfer was wrong and that, when that evidence was given, it was known to be wrong by the person who gave it. All of the committee members realised that and acknowledged that in their findings. I think what Mr Coe is dissenting from is that there was no deliberate intention to mislead the committee and therefore no contempt.

Mr Sullivan, as the chief executive officer of a government-owned corporation, does have commercial responsibilities. And he has acknowledged that he has commercial responsibilities and he has acknowledged that he should have used, I think the words were, less direct language in dealing with these matters.

I hope that this process is a salutary one for not just those involved but everyone who gives evidence to committees or in any way comes before this Assembly and speaks their mind or speaks about the facts. It is a salutary lesson that there are ways of doing it and there are ways of not doing it.

When it first came to my attention that the information provided to the estimates committee for the last financial year, the 2009-10 estimates committee, was wrong—and that came to my attention by the analysis of my staff principally of the board papers that became available to us under the Freedom of Information Act—my first response was: if that was the case and for whatever reason Mr Sullivan did not want that information to be out in the public, there were ways of doing it and the way that he did it was the wrong way. What he needed to do was to say to the chairman: “There is more information that I can give but at the moment it is being treated as commercial-in-confidence. I can come back to you at a later stage when I am more able to give you more up-to-date information.” Or he could have said, “I am able to give you that evidence in camera,” and the committee could have decided whether or not they wanted to go in camera. But none of those things happened.

It was interesting to note that, when this matter arose in November last year and Mr Sullivan was quizzed about this on radio, he actually admitted that he had knowingly given the wrong information to the committee. In an interview on ABC radio on 19 February, Mr Sullivan said:

I agreed with the last publicly available number ... even though I knew it had been updated.

So Mr Sullivan has told this committee and told this Assembly on various occasions that he should have used more direct language but he also told the people of Canberra that he did not provide accurate information to this estimates committee and that, when he provided information, he knew it was out of date. There are many ways that Mr Sullivan, as a professional senior officer of long experience—and he talked about his long experience on a number of occasions—could have dealt with this. He did not deal with it appropriately.

This committee points to the fact that it has not been dealt with appropriately. It has brought out elaborated dissenting and additional comments by Mr Coe, and I think

that this should be the end of an occasion which has not brought a great deal of satisfaction to anyone, that we should learn from this experience and that witnesses need to know what the provisions and the rules of giving evidence are.

I understand the Speaker has written to chief executive officers and I understand that there are moves afoot to look at how we can better highlight the need for accurate information. There are provisions in other parliaments that clearly lay out the steps whereby sensitive information may be dealt with. I have expressed this view elsewhere but I think that we already have enough checks and balances. We have the capacity as committees to take evidence in camera and then it is up to those committees to decide how best to deal with that evidence.

I think that it is a timely reminder to members that we need to be as frank and forthright as possible and that, when we do make mistakes—and sometimes they are slips—irrespective of whether it is a slip or a misjudgement or in this case something which, by Mr Sullivan's own admission, was a figure that he knew to have been updated, there is the requirement of this Assembly, as with all parliaments in the Westminster system, to correct the record at the first opportunity. And that did not happen. My main concern is that Mr Sullivan did not correct the record essentially at any stage and only begrudgingly made some admissions quite late in the piece when there was a privileges inquiry into it.

MR HARGREAVES (Brindabella) (11.59): What a screaming lot of hypocrisy we have just been treated to. When are people going to understand in this place that they cannot just stand up here under privilege and malign some of our senior public servants? This has been an absolute blatant case of relitigation of an issue that Mrs Dunne has absolutely and unqualifiedly lost.

Mr Sullivan has been exonerated by this committee, by this privileges committee. Mrs Dunne is the one who sought a kangaroo court, and, unfortunately for her, she did not get it. What she got was a duly constituted privileges committee. She did not get to put herself on it with a black handkerchief on her head—no. She got a duly constituted privileges committee, and that committee examined all of the evidence and heard from people and concluded that Mr Sullivan was fine. Not satisfied with this, Mrs Dunne has to get up and relitigate the whole lot. What an absolute screaming heap of hypocrisy is that?

Quite apart from the cowardly part of doing anything under privilege, an example of Mrs Dunne's double standard is the fact that she would not stand outside this chamber and say exactly the same things about Mr Sullivan. If she did, she should send a photocopy of a picture of her house to Mr Sullivan, because he could certainly do with an extra property and he would get it, because she absolutely defames him in her comments in this chamber.

There is another inconsistency, however. Mrs Dunne stands up in this chamber and says that when officers come before committees they should be careful when they speak about the facts. Well, she has got it wrong more often than I know any other member appearing before committees.

Mrs Dunne: And I correct it if I make a mistake.

MR HARGREAVES: Mrs Dunne says, “Well, I get up and apologise.” It is a bit late until you are forced into it. Apologising because you are inept, inefficient and incompetent does not cut it with me. You cannot stand up here and lecture our senior bureaucrats on getting their facts straight and then turn around, go into the next committee and completely misconstrue the situation—inadvertently or deliberately, and I really do not care which.

The only consistency which applies in this place with regard to Mrs Dunne is her inconsistency. You can bet houses that she is going to get it wrong as soon as she opens her mouth and accuses people of something. She is going to get it wrong. You know what it is? It is because her mouth is engaged before her brain is.

You cannot stand up here under privilege and relitigate an issue the way Mrs Dunne has done this morning. Mr Coe was probably entitled to actually put his view forward. As a member of the committee he was quite entitled to say, “This is the view that I brought to the considerations.” Ms Bresnan has quite clearly articulated the considerations of the committee, the conclusions of the committee, and some reservations that the committee may have actually concluded in the context of this particular inquiry. But the message for Mrs Dunne is: it is over; get over it; you blew it; you got it wrong and you have been exposed in the public arena for having got it wrong. The best thing you can do is to be quiet about it from here on. Mr Speaker, I support the conclusions of the committee report.

Question resolved in the affirmative.

Planning, Public Works and Territory and Municipal Services—Standing Committee Reporting date

MS PORTER (Ginninderra) (12.04), by leave: I move:

That the resolution of the Assembly of 25 February 2009, as amended on 13 October and 10 December 2009, which referred the issue of live community events to the Standing Committee on Planning, Public Works, and Territory and Municipal Services, be amended by omitting the words “and present a final report by the last sitting day in June 2010.” and substitute “and present a final report by the last sitting day in August 2010.”

At the time of tabling its interim report on 10 December 2009, the Standing Committee on Planning, Public Works, and Territory and Municipal Services noted that it wished to consider the best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment being developed by the cultural ministers council working group on contemporary music development before finalising the inquiry into live community events.

On 24 May 2010 the Chief Minister provided a copy of the guide to the committee, as requested, which had been publicly released on 6 May 2010. Since tabling its interim report, the committee has also received a large body of submissions which raised additional issues worthy of further inquiry.

The committee therefore seeks an extension to the Assembly reporting time frame for this inquiry until the last sitting day in August 2010 in order to now consider the CMC best practice guide and the additional issues raised in the submissions. That is why the committee wishes that the resolution of the Assembly of 25 February 2009, as amended on 13 October and 10 December 2009, in reference to live community events be amended by omitting the words “and present a final report by the last sitting day in June 2010” and substituting the words “and present a final report by the last sitting day in August 2010”.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 23

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

Scrutiny report 23 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 23 contains the committee’s comments on five bills, 10 pieces of subordinate legislation, five government responses and one private member’s response. The report was circulated to members when the Assembly was not sitting.

I would also like to advise the Assembly that the committee is currently developing a position paper in relation to the desirable content of explanatory statements. The committee will keep the Assembly informed of progress on this matter. I commend the report to the Assembly.

Territory-Owned Corporations Amendment Bill 2010

Ms Gallagher, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.08): I move:

That this bill be agreed to in principle.

You will recall that, in this Assembly on 6 May 2010, I resolved to bring forward legislation to improve the level of disclosure in the executive remuneration paid by territory-owned corporations. This bill will amend the Territory-Owned Corporations Act 1990 to meet that objective.

The effect of this amendment will be to ensure that territory-owned corporations will disclose in their annual reports the remuneration details of each director and the remuneration of details of up to five of the most highly paid senior managers or executives in the corporation. This is in contrast to the current level of disclosure, which is confined to reporting the remuneration of key management personnel in aggregate.

The bill also defines the term “senior manager” in similar terms as the definition found in the Corporations Act 2001 to mean a person who makes or takes a part in making decisions that affect all or a large part of the business of the corporation or may significantly affect the financial standing of the corporation.

It is my intention that the new disclosure requirement will apply to the 2009-10 annual reports. That will only be possible if this bill is passed in the Assembly during this June sitting period. Publicly listed companies are already required to report remuneration details in the manner prescribed in this bill, and I consider it is in the public interest for territory-owned corporations to provide a similar level of disclosure.

Although the public sector consists of a diverse range of entities with varying degrees of independence, it is incumbent that they are all transparent in and accountable for their operations. I can see no good reason that the need for the public sector organisations to conduct their operations with an appropriate degree of openness and transparency should not apply to territory-owned corporations. As the government is the sole owner of these entities and ultimately bears the risk, there is the general expectation that the public is entitled to be kept properly informed of their actions and operations.

This particularly applies to the directors and executives of territory-owned corporations, as they hold positions of significant responsibility within the corporation and their decisions can have a major impact on the community. As it stands, unlike their public service counterparts, the executives of territory-owned corporations are not required to have separately disclosed their remuneration details, as only limited aggregate remuneration disclosures are required under the relevant accounting standards and prevailing legislation.

Without any statutory obligation for the information to be disclosed publicly, the commonwealth’s Privacy Act also prevents the separate disclosure of remuneration without the prior consent of the individual concerned. This bill will effectively overcome these barriers and provide improved transparency about the level and types of remuneration that is being paid to key executives of territory-owned corporations, and I commend the bill to the Assembly.

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

Independent reviewer of government advertising

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) (12.12), by leave: I move:

That, in accordance with section 12 of the Government Agencies (Campaign Advertising) Act 2009, this Assembly approves the appointment of:

- (1) Derek Volker as the Independent Reviewer—ACT Government Campaign Advertising, for a period of three years commencing 1 July 2010; and
- (2) in instances when the Independent Reviewer is unavailable to review proposed government campaign advertising, Crispin Hull as Alternative Independent Reviewer—ACT Government Campaign Advertising, for a period of three years commencing 1 July 2010.

This motion is to appoint Mr Derek Volker as independent reviewer, ACT government campaign advertising, in accordance with clause 12(4) of the Government Agencies (Campaign Advertising) Act 2009. In addition, I nominate Mr Crispin Hull to be appointed as an alternative reviewer who can be called upon to scrutinise future ACT government advertising.

For the information of members, I table the following papers:

ACT Government Campaign Advertising—Appointment of Independent Reviewer—Curricula Vitae—

Derek Volker.
Crispin Hull.

Derek Volker has broad experience in the private and public sectors, making him aware of the realities and sensitivities of agency advertising within government. His experience has equipped him to judge what is and is not appropriate in the expenditure of public funding. Mr Volker has extensive public service experience, including being a former departmental secretary of the commonwealth departments of veterans' affairs, social security and education.

For a decade, Mr Volker was the chairman of the Government Relations Group in Corrs Chambers Westgarth. More recently, Mr Volker chaired the ACT government's Skills Commission and he has also chaired the Australian Capital Tourism Corporation. Mr Volker is currently the Chair of Defence Housing Australia, City West Precinct Committee and the OzHelp Foundation. I can think of no individual better suited and qualified to take on this role for the Assembly and I trust that this view is shared by the members of the Assembly.

Mr Crispin Hull as the alternative reviewer can be called upon in the event that Mr Volker is unavailable or absent. Mr Hull has extensive experience in media and communications and has formal legal qualifications. Mr Hull has a deep understanding of all of the issues upon which the reviewer could be expected to exercise judgement. Mr Hull has written for the *Canberra Times* for 30 years, with seven years as editor. Mr Hull is currently a lecturer in journalism at the University of Canberra and that involves teaching media law.

These eminently qualified and experienced Canberrans were chosen through an expression of interest process and I present them for the approval of this Assembly to

ensure that the critical business of a government being able to communicate effectively with residents can continue from 1 July and that in future that capacity to communicate in the terms of government paid advertising will, of course, to the extent that advertising exceeds \$40,000 in value, be scrutinised and agreed to by the Independent Reviewer as set out in the Government Agencies (Campaign Advertising) Act 2009.

The government have applied section 12(4) of the act in bringing these proposals to the Assembly today and we have complied with and applied the act in precisely the terms and with the intent that was agreed by this Assembly when it chose, in its wisdom, to accept and implement legislation brought forward by the Leader of the Opposition.

So, in conclusion, in the context of this, this legislation was introduced by the Leader of the Opposition. I congratulate him on its successful passage. The government has implemented it rigorously and to the letter in bringing forward these proposed appointments for the Assembly's endorsement today and the government, of course, is happy to be involved in the implementation of Mr Seselja's legislative provision today.

We are complying with the letter of that legislation, as Mr Seselja sought and as he introduced it, as he had it drafted and as it was proposed to apply. Mr Volker is an outstanding candidate and, similarly, the territory can be pleased and thankful that Canberra citizens of such unimpeachable reputation and character and with such significant experience as Derek Volker and Crispin Hull were inclined or prepared to respond to the call for expressions of interest.

MR SESELJA (Molonglo—Leader of the Opposition) (12.17): We will not be supporting this motion today, for a couple of reasons, the most important of which is that Mr Stanhope has not gone through the kind of detailed process we would expect.

In the end we cannot make a judgement on whether or not Mr Volker is indeed the best applicant for the job without actually seeing who all of the applicants are. I have written to the Chief Minister in these terms and asked that we be able to see the full list of applicants so that we can judge who is the best qualified. This is a decision for the entire Assembly. That is how the legislation was designed.

It is worth going to the legislation briefly. This is an important piece of legislation. It was important that the Assembly passed it—we were very proud to bring it forward—and it is to play a very important role. It is to play a role to ensure that governments are constrained from engaging in inappropriate advertising which is not about informing the community but is about enhancing the government's electoral prospects.

Indeed, we have seen this playing out very recently, federally, again. Because this was not in legislation federally, the Prime Minister was able to unilaterally water the process down—to the extent that the Auditor-General at the commonwealth level said it had been watered down—to the extent that the government could go ahead on its merry way and commit \$38 million to prosecuting its case for a super tax on mining and indeed in a number of other areas where we are seeing commonwealth advertising at the moment.

That is what this is about. The legislation is a package and it will function well if we have the right legislation. It is not exactly what we wanted but we believe it is a pretty good balance based on some negotiation with you, Mr Speaker, and indeed the government. We believe that, whilst we did not all get exactly what we wanted, we got something pretty close that we believe is workable. It will not be perfect—maybe it will have to be amended down the track—but it is workable.

We also then need good guidelines and the guidelines need to be robust. There will be negotiation about those and it is important that we get them right. We need to make sure that the guidelines do not in some way water down the intent of the legislation, and that could easily happen. So we will be negotiating very closely to make sure the guidelines are right.

And, thirdly, we need to ensure that the person reviewing the legislation and how the government complies with the guidelines is absolutely the best person for the job and is beyond reproach. I have no particular criticisms to make of either of the people proposed here. It is simply our view that in order for us to know that this is the best person for the job we need to know who has applied. We understand that there were a number of applicants, about nine. Many of those may be not qualified; many may be very qualified. We do not know because we have not seen that list.

That is important, and it goes back to the fact that this is not a decision for the Chief Minister to make unilaterally or indeed for the government to make on its own. It is a decision for the Assembly. We sought that information from the government, we have not received it and for that reason we cannot support this motion today. If someone wants to propose an adjournment of this debate, we would be pleased to have further discussions and further negotiations along those lines. But, as the motion stands, until we have seen the pool of applicants, we cannot be 100 per cent sure that we are getting the absolute best applicants or make sure that what is a very important reform is not in any way undermined.

As I say, the legislation needs to be right—it is about right—the guidelines need to be strong and the person reviewing the government's advertising proposals needs to be the best person for the job. If we tick off on all of those things, we can be very confident that we will have a very robust regime, as opposed to what we have seen federally. Federally, we have seen Kevin Rudd watering the process down, using the veneer of a process to allow him to go on his merry way.

And did his predecessor do it? Yes, he did, and Mr Rudd criticised him for it and said it was a cancer on our democracy. He said, "I'm going to put in place a process that will stop that from happening again," and he was able to water it down to the extent that now we are seeing advertising of government policy, funded by us, funded by the taxpayer, really to tell us why we should back the government's argument on a contentious policy issue—a contentious policy issue that is potentially not going to come before the parliament for a number of years, yet we are being treated to \$38 million worth of advertising to tell us why the government is right.

That is what can happen if we do not get all aspects of this process right. We do not want just the veneer of a process; we want to get all aspects right. So I will restate it:

we need to get the legislation right. We have got that about right. We need to get the guidelines right. There will be negotiations on that and I hope that all parties will engage in that in good faith. And, thirdly, we need to make sure that we have the 100 per cent best applicant for the job in the job of reviewing this. We simply cannot make a judgement on that unless we are given details of all of the applicants so that we can then make an informed judgement.

As I mentioned earlier, if someone wants to adjourn the debate so we can have further discussions, we would be pleased to consider that. But, as the motion stands, because of the lack of information, because we have not received all of the details that we have asked for from the government, because we have not received the full list of applicants, we will not be supporting the motion.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.24): The Greens support the nominations of Mr Volker and Mr Hull. They have expertise and experience in the relevant fields as set out in section 12 of the Government Agencies (Campaign Advertising) Act 2009. For Mr Volker that is in public administration and for Mr Hull in media and law. Neither of them is currently employed in the public service and both of them have quite distinguished careers in their respective fields.

Mr Volker was the head of three commonwealth departments under both Labor and Liberal governments and has been appointed to roles by both Labor and Liberal ACT governments. He is a fellow of the Australian Institute of Public Affairs and has been for 18 years.

Mr Hull, as we all know, is a well-known Canberra media identity and has written articles expressing views both positive and critical towards all parties in this place. His legal expertise and media knowledge make him well placed to perform the role if Mr Volker is unavailable.

I am confident that both nominees will perform the role objectively, fairly and in accordance with the provisions of the act. That said, I think it is worth considering the issue of bias, which is, of course, a reason for the requirement of a two-thirds majority of the Assembly to be in agreement with the proposed reviewers. The concern and the need for independent decision makers comes about because of a fear of bias and an inherent mistrust in objective decision making where the decision maker stands to benefit.

It is a fundamental principle of the common law that no person shall be the judge of his or her own cause. Therefore, this Assembly has determined that it is inappropriate that the government decide to undertake an advertising campaign from which it potentially stands to benefit, without the approval of an impartial person who can objectively assess, against established criteria, the appropriateness or otherwise of advertising material.

The key point here is that the decision maker must be, and must be seen to be, impartial; that is, disinterested in the matter at hand. There must be neither actual nor apprehended bias. It would be fair to say that this rule is seen to be universally true of all executive and judicial decision makers. Professors Creyke and McMillan in their book *Control of government action* make the point very well when they say, “The

absence of bias maintains that standard of probity and fair play which promotes confidence in the institution to which the decision maker belongs.” In this case it provides public confidence that public money will not be spent by the government to further their political ends.

The High Court has established two categories of bias, actual bias and apprehended bias. Actual bias exists when a decision maker’s mind is so closed to persuasion that argument against the view is ineffectual. This is set out in the case of the Minister for Immigration and Multicultural Affairs and Jia. It should be noted that it is difficult to prove this level of bias as it is so plain that such a transgression is rare.

Apprehended bias is of course more common and much more open to dispute and much more relevant to the purposes of today’s discussion. The High Court’s decision in *Ebner and Official Trustee in Bankruptcy* sets out that apprehended bias arises when in all the circumstances a fair-minded lay observer might reasonably apprehend that the decision maker might not bring an impartial and unprejudiced mind to the resolution of the question the decision maker is required to decide.

This is an objective test; it is the impression of the reasonable person. That is all that is required. The question is not whether the decision maker’s mind is blank; it is whether it is open to persuasion. This point was also set out in *Jia*. The test is not real likelihood or real danger as is the case in the UK. In Australia, the bar is lower. The common law sets the test at the reasonable possibility; that is, it must be real and not remote. On this point I draw members’ attention to the High Court’s decision in *Hot Holdings Pty Ltd and Creasy*.

Having set out the tests that the judiciary has established and noted that the rule against bias applies to all decision makers, it must again be noted that the application of these principles outside of the judiciary must recognise and accommodate differences between court proceedings and other kinds of decision making.

In this instance the concern is that the decision maker has a particular, or particularly strong, political view. An ordinary belief in the ideas and values generally espoused by a particular party cannot in this case be sufficient to give rise to bias. Had they worked for or given an active indication of wanting to further the cause of the party to the extent that their decision making could be reasonably seen as possibly coloured by that desire for the success of a particular party, that would be sufficient to disqualify a person from performing the role.

With that in mind, I would like to turn to what I believe to be the most effective means of evaluating the existence or otherwise of bias. Justice Deane in the case of *Webb and Regina* set out four distinct but sometimes overlapping categories of case where an appearance of bias exists. The first is interest—some direct or indirect interest in the proceeding, decision or outcome, whether pecuniary or otherwise. The second is conduct—is there any conduct, including published statements? The third is association—is there a direct or indirect relationship, experience or contact with a person or persons interested or otherwise involved in the outcome of proceedings? And the fourth is extraneous information—is there anything else that we know about the decision maker?

The standard to which these must be measured is: does it give rise to a reasonable apprehension of partiality, prejudice or prejudgement?

I am not aware of anything that would lead me to believe that either of the nominees has any particular interest in the decisions that will be made in the role. There is no conduct to point to that suggests a view one way or the other. As I said, Mr Hull has published views in support of and criticising all parties in this place. There is no relationship, experience or association with any political party, nor a history of supporting or contributing to any party.

Finally, no other material has been brought to my attention that would give rise to a reasonable apprehension of partiality, prejudice or prejudgement. And neither have I seen any evidence to suggest that Mr Volker has any particular interest in the decisions that will be made in the role.

Some further examples of bias which I think it is relevant to highlight to assist in the evaluation of the existence of any bias include where the decision maker appears to have views which suggest they may prejudge or where there are close family or personal relationships between a decision maker and a party. Again, I have seen no evidence in regard to either of the nominees, and it is for these reasons that we are happy to support the nominations.

I would also like to add that it is not the people performing the role but also the actual scheme itself that establishes the credibility or otherwise of government advertising. I note this week that the commonwealth Auditor-General said he would not be part of the commonwealth government's new scheme in the evaluation of government advertising because he did not want to lend credibility to what in his view cannot be described as a credible scheme.

I think we are all very aware of how important the guidelines will be in the operation of this legislation and I look forward to some robust debates to ensure that we do have an objective and credible scheme that the public can have confidence in. As I said, I am confident that these two individuals will acquit the roles well and make honest, open and credible decisions with their minds open to the competing arguments on the merits of each individual advertising campaign, and I wish them well in doing so.

The act sets out quite clearly that it is incumbent upon the minister to appoint a reviewer and to present that nomination to the Assembly for its approval. There is no provision for members to participate in a selection process or to be made aware of alternative candidates. The requirement that two-thirds of the Assembly agree with the minister's proposal is a safeguard to ensure sound decision making. The act does not provide for it to be anything more than that. This is the system that we all agreed to.

There is no process in the act for parties, other than the government, to vet applicants. We must accept and acknowledge that we have provided for the minister and only the minister to make the decision as to who is nominated for the position. If you disagree with the nominees, you must explain why it is you believe that they will not acquit the job well. A comprehensive system of tests and standards has been established to make

such a decision and there are no compelling arguments to suggest that any of these tests have been satisfied.

I can see nothing in the long list of achievements of either of the candidates that demonstrates that either of them is incapable of making an independent and objective decision on the merits of the material before them. As I have indicated, the ACT Greens will be supporting the appointment of Mr Volker and Mr Hull in these roles as independent reviewers.

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 12.34 to 2 pm.

Questions without notice

Hospitals—waiting times

MR SESELJA: My question is to the Minister for Health. Minister, the Australian Institute of Health and Welfare report on Australian hospital statistics shows that the ACT has the longest elective surgery waiting times in the country. Minister, why do Canberrans wait longer for elective surgery than anyone else in the country?

MS GALLAGHER: I thank the Leader of the Opposition for his question. I think we have covered the subject of elective surgery in this place a number of times. To begin with, the data that was released, I think on 17 June, is data that is almost two years old. Our current performance is—

Mr Hanson: It has got worse, though, hasn't it?

MR SPEAKER: Thank you. Let us hear the minister.

MS GALLAGHER: Our current performance is improving. Part of the reason that we have struggled in delivering as much elective surgery as we could have is the number of beds that have been available in ACT public hospitals. It is interesting to note that the latest report showed an improvement—I think 2.8 per cent growth in the number of beds across the ACT public hospitals against a national decline of 3.8 per cent, with us improving the most. That is to create the capacity to deliver the elective surgery that we need.

We are also in an unusual position where we have two hospitals to share the entire elective load for our city. We have one of the highest utilisation rates of the public hospital in the country, second only to the Northern Territory. That does create some very peculiar conditions for the ACT.

However, when you look at our throughput, which is the thing that we can control—we cannot control additions to the list—that throughput continues to increase. The demand for elective surgery grows; our throughput grows. We have to concentrate on continuing to create the capacity and to increase our ability to work with the private sector, which is something that we have not been able to realise previously, due to some historical arrangements with our specialists. But we believe that we are at the

point in time now when we will be able to leverage the private sector as much as we can and see improvements.

ACT Health and this government continue to work hard to improve the performance of elective surgery and people's access to elective surgery across the ACT.

MR SESELJA: A supplementary?

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, why has the situation got worse, on the Australian Institute of Health and Welfare's figures, going from 72 days to 75 days?

MS GALLAGHER: The measure being used is the length of time for people who have been removed from the list. As members know, this period of time does cover the long-wait reduction program that we instigated to address long waits on the list. If you are removing people who have been on the list for a long period of time, then your median time and the wait, when it is displayed through those reports, will be longer.

The alternative is to ignore the long-wait list and to concentrate on people who have just joined the list and remove them very quickly. Then you will see a dramatic reduction in your median waiting list. It is a way that you can manipulate the figures. We have chosen not to do it. We have chosen to target those who have waited longer than reasonable for surgery and remove them from the list.

MR SPEAKER: Supplementary question, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. With respect to waiting lists, given that the availability of beds is the major factor in it, has the government actually caught up in replacing the beds that the Liberals removed from the hospital system?

MS GALLAGHER: The latest data shows again that we were the jurisdiction that was increasing our bed numbers—I think up to 875 now—against a national decline in bed numbers. Bed numbers are central to the delivery of elective surgery because if you do not have the beds to put people in after they have had their surgery then you cannot do the surgery in the first place. So part of every year's budget has been to increase and replace the 114 beds that went missing under Mr Smyth's watch and to improve our bed numbers so that we have the capacity to deliver the surgery.

Mr Smyth: Prove it.

MS GALLAGHER: Mr Smyth, I have tabled—

Mr Smyth interjecting—

MS GALLAGHER: While not wanting to respond to interjections, Mr Speaker, I have tabled the AIHW bed numbers report a number of times in this place, but Mr Smyth refuses to accept them. One hundred and fourteen beds went missing. We

have replaced those beds. Indeed, we have replaced more than those beds. We are up to 200 beds now replaced, and they will assist us—

Mr Hanson: Why are the waiting times not—

MS GALLAGHER: Because demand grows, Mr Hanson—what you do not get. It does not stay still. The health system grows. Demand grows. You have got to continue to invest and direct your services—and that is exactly what this government is doing.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Yes, Mr Speaker. Minister, why is it that the waiting time at the 50th percentile is double the national average and at the 90th percentile it is 158 days longer than the national average?

MS GALLAGHER: As I have said a number of times, when you look at our performance in our urgent, emergency, surgery, we are the best in the country. I think up to 97 per cent of our category 1 patients are done on time. There is a considerable wait for some patients in categories 2 and 3. They are the longer wait patients and that is where you are going to see those distortions. The staff in the hospital work incredibly hard to make sure that people get access to surgery in a timely fashion. Some of our constraints include the availability of our specialists. If you do not have specialists to do the job in the public system or the private system in Canberra—

Mr Smyth: Fly them in.

MS GALLAGHER: Mr Smyth interjects, “Fly them in.” The medical profession themselves have some views about that. There are impacts on other areas of delivery of health services. We recruit VMOs, we recruit staff specialists and we recruit locums. We have an active recruitment process.

Mr Hanson: Not very successfully you don’t.

MS GALLAGHER: I know I should not respond to interjections, but everything that comes out of Mr Hanson’s mouth is wrong and needs correcting.

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson.

MS GALLAGHER: He has accused us of fiddling the books, of which he has no evidence. I would not imagine I would hear those words out of his mouth outside of this chamber.

MR HANSON: Others have gone on the record.

MS GALLAGHER: And who do not have any proof at all. This government is investing heavily in elective surgery. We have built extra theatres, we are employing extra doctors, and extra surgery is being performed.

Schools—adverse health reactions

MS HUNTER: My question is to the Minister for Education and Training. Minister, it has come to my attention that three students from Evatt primary school have recently developed adverse health reactions since moving into the new funded BER building. Whilst reactions were not life threatening and were restricted to skin irritations and headaches, it is still very concerning. What mechanisms are in place to record and monitor any adverse health reactions that children, teachers and staff have within ACT government schools?

MR BARR: I thank Ms Hunter for the question. In terms of immediate responses, obviously at the school level, they would then be reported through to the school network leaders, who have a role within the Department of Education and Training. There are four network leaders for the different regions of the city—two north of the lake and two south of the lake. So there is an appropriate reporting mechanism for the school principal to advise the school network leader. In this instance, as it would relate to a capital works project, the capital works area of the department would then become involved.

I am happy, of course, given that Ms Hunter has raised this matter in the chamber, to provide further information to the Assembly once the department's response is concluded and to update the Assembly on how the department intends to respond to this particular incident.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Minister, what policies and procedures are in place during and after the painting, laying of carpets or installation of other fixtures and furnishings that have off-gassing implications or issues such as strong odours and fumes?

MR BARR: Of course, there are a range of policies and procedures that are outlined on the department's website in relation to the issues that the member raises. There are also, in relation to any construction project, a range of other requirements and regulations a bit more on the planning and building side of the equation. They are all publicly available and Ms Hunter can peruse them at her leisure.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Through you, Mr Speaker: minister, what particular steps are taken with new buildings to ensure that there are not toxic emissions with the furniture and fit-out? This is not the first time that this has been raised with you, as the minister. What have you done since it was last raised?

MR BARR: Yes, I am aware this was the subject of a motion in this place on private members' day. The department has sought to respond to that motion and, indeed, to the issues that were raised as part of that. There are, of course, a range of policies and procedures that are in place and that relate, as I say, to not only projects that are

conducted by the department of education but, indeed, any capital works projects, noting of course that in these instances, as it relates to schools, there is an important element here as we are dealing with children.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, has the ACT government assessed taking a precautionary approach in relation to the chemicals, fixtures and furnishings used in schools to protect the health of children, young people, staff and teachers?

MR BARR: Yes, it is my understanding that the department is considering those matters.

Visitors

MR SPEAKER: Before we take further questions without notice, I would like to note that we have members of the Gold Creek Probus Club visiting us in question time today, and I would like to welcome them to the Assembly.

Questions without notice

Hospitals—waiting times

MR HANSON: My question is to the Minister for Health. Minister, the ACT President of the Visiting Medical Officers Association has alleged that the department does engage in the downgrading of patients who cannot be seen on time, saying that it is “an illegal stunt that’s done by the administration to try and make their figures look better”. Minister, has the department ever engaged in the practice of downgrading patients in order to make the figures look better, or is the ACT President of the Visiting Medical Officers Association lying?

MS GALLAGHER: There is absolutely no evidence of downgrading of elective surgery patients in line with the allegations made by Dr Peter Hughes.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, what actions have you taken to investigate the claims?

MS GALLAGHER: The claims were made when I was on leave. I returned to work this morning. I have read a brief on the matter from my department and I will be following it up with them appropriately. Aside from the allegations made by Dr Hughes whilst I was on leave, let me say that the accuracy and the importance of very thorough collection of data for the use of health reporting are held in extremely high regard across ACT Health. To my knowledge, there has never been any evidence to say that the data collection processes have ever been doctored or tampered with to deliver some unknown benefit.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, if to the best of your knowledge there has never ever been any evidence then why would this doctor make this claim if it were not true?

MS GALLAGHER: Mr Smyth will have to ask Dr Peter Hughes that question. I am not in a position to answer.

Hospitals—waiting times

MR DOSZPOT: My question is to the Minister for Health. Minister, one of the Canberrans waiting for surgery has alleged that he was informed by ACT Health that anyone not operated on in the prescribed 30-day time frame is downgraded. Minister, have you investigated if these claims are correct and, if so, what actions have you taken or plan to take over this issue?

MS GALLAGHER: As I said, I read the brief from my department this morning. The staff involved do not agree with that recollection of events, that that is what was said. Obviously I will need to speak further with my department. I have visited the surgical bookings area within the hospital and I know the staff that work there. They are extremely professional. They know their job. In terms of communicating with patients, I think they are probably one of the better performing areas across the hospital. I know that if they have misled or someone has misunderstood what they have said that they would be very upset about that. I am certainly going to follow up the concerns that have been raised. From my knowledge of the people that work in that area, it would seem an unlikely thing for staff in that area to say.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, have you been informed or have you investigated at any stage in the past whether this practice of downgrading patients has been occurring within the health system?

MS GALLAGHER: It has never, ever, as I can recall, been raised with me as a problem. I have certainly had a number of briefings with the department around the decisions that are taken, who is the decision maker. Only doctors can change the category of a patient on the waiting list; nobody else can do it. So it is based on their clinical assessment, and at times if their clinical assessment is that that patient is no longer a category 1 and is a category 2A that is the process that is followed in order to make those changes.

Admin staff, health public servants, are not able to do that in accordance with the health policy guidelines. But I have on a number of times—

Mr Hanson: It happened in David Wentworth's case.

MS GALLAGHER: I have never had a case brought to my attention or any evidence to say that the process that is in place, which has doctors making those decisions, has not been followed.

MR HANSON: A supplementary?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, have ACT Health at any stage approached doctors to request that patients be downgraded from urgent to a lower category?

MS GALLAGHER: I cannot answer that. Have ACT Health ever asked any doctor around the clinical status of every patient? I cannot answer that question. I think it would be unlikely but—

Mr Smyth: You have just said never, ever.

MS GALLAGHER: There is absolutely no evidence to me but Mr Hanson's question is different. He said—

Mr Smyth: There is an individual who claimed it happened to him. There is evidence there.

MS GALLAGHER: No. His question was: do hospital staff go and approach doctors and ask them to downgrade? I have not heard of that happening. I cannot say it has never happened, only because there are thousands of procedures done every year across both Canberra and Calvary public hospitals. But I do know the policy that is in place is that ultimately it is the clinician that is the decision maker. The clinician is the only person that is able to downgrade if a downgrade is to be made of the clinical category of their patients on the elective surgery waiting list.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, would you consider it appropriate or in accordance with policy that ACT Health would be contacting doctors to ask that they downgrade their patients?

MS GALLAGHER: It would not be in accordance with the policy, but I will say that hospital administrators talk to doctors about patients all the time. The policy around downgrading or classifying the clinical category of the elective surgery for particular patients—it is, and can only be, done by their treating doctor. That is it.

Planning—development applications

MS LE COUTEUR: My question is to the Minister for Planning and concerns development applications and the objectives of the territory plan. How does ACTPLA deal with a development application for a development which is inconsistent with the objectives of the zone as described in the territory plan but is an allowable assessable development within that zone?

MR BARR: That is a rather technical question and is one that I perhaps will need to take on notice and get the advice of the planning authority, as they will deal with those applications. It is independent of me as minister. I think that, for completeness

and thoroughness in answering the member's question, it would be appropriate for me to seek some detailed technical advice from the authority on that matter, so I will do so and get back to the Assembly.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you. Minister, how can ACTPLA assess the impact of a lease purpose change proposal when the descriptions are so broad? For example, an indoor entertainment facility could be anything from a nightclub to a bowling alley.

MR BARR: I think I now understand the direction of the member's question. It would appear to relate to a particular drinking establishment in the inner north.

Mr Hargreaves: Do you want to open a nightclub, Carolyn?

MR BARR: Indeed, yes, I am aware, obviously, of that particular matter and that it has been the subject of some considerable community interest. But as the matter is currently before the authority for assessment it would be inappropriate for me to comment in this place in relation to that matter other than to say that, on the detail of how ACTPLA proposes to make its assessment, I am sure that the authority can provide that information, and in fact has done so, to those who have already posed this question directly to it.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you, Mr Speaker. Minister, when ACTPLA reconsiders a decision on approving an indoor entertainment facility in a local centre, is it able to consider the objectives of the zone or is it confined to consideration of the rules and criteria?

MR BARR: I understand that the rules and criteria are quite significant in relation to its assessment, but within the hierarchy of the territory plan obviously the operation of the zone is also of importance to the planning authority in making its assessment.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, are the acoustics standards proposed for inclusion in the community facility zone development code new standards and have they been applied to all other relevant zones in the territory plan?

MR BARR: This matter of acoustics is indeed an important one, and I am aware of intense community debate, particularly in relation to the Assembly committee's inquiry into live music and live events. By way of example for the Assembly, a recent option for a site within the CBD that was in close proximity to a well-known series of nightspots did indeed have a requirement for a higher level of acoustic protection for that new facility. Again, this is an issue that the authority is aware of.

In terms of the application across all zones, I will need to take some advice from the authority. But, for those zones and those particular activities that interface most directly with nightlife and with other noisy activity, clearly a requirement to have a higher level of acoustic protection for adjoining properties is common sense and should indeed be applied.

Housing—OwnPlace

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. Chief Minister, the ACT government's OwnPlace scheme recently won a national award. Can you please detail the importance of this initiative in the package of the ACT government's housing affordability activities?

MR STANHOPE: I thank Ms Porter for the question. It is a very important question on a very important issue. Of course, it is extremely pleasing for the ACT government that just last week we did receive this most significant accolade—in this instance, a national award from the Property Council of Australia, no less. The award from the Property Council of Australia was the national innovation and excellence award for government leadership in affordable housing, called OwnPlace—a very significant award by a significant national institution, recognising the ACT government as the leader in innovation in response to affordability and the leader, in its determination to deal with issues of affordable housing for residents of this jurisdiction.

Mr Coe: Who else in Canberra thinks housing is affordable?

MR STANHOPE: Here we have it again from the Liberal Party. It is interesting, is it not? It is not as if the Property Council of Australia was a rabid wine and cheese night, pinko, lefty mob supporting this side of politics. We are talking here about the Property Council of Australia, otherwise and in some circles known ungraciously as a daytime branch of the Liberal Party. I would never suggest that.

To put this in some context, this is the Property Council—

Mr Hanson: Why do you discredit them on the one hand and praise them on the other, Jon?

MR STANHOPE: I am not discrediting them. I am saying this is the Property Council, not of the ACT, of Australia last week awarding, suggesting, acknowledging the outstanding leadership of the ACT government in relation to affordable housing. It is an enormous credit to the Land Development Agency. It is an enormous credit to all of the builders that are associated with the Land Development Agency in the delivery of affordable housing—

Mr Coe: In Molonglo, \$380,000—

MR SPEAKER: Mr Stanhope, one moment please. Mr Coe, do not shout over the Chief Minister. Mr Hanson, you will have a chance to ask supplementaries in a moment. Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. It is an enormous credit to the Land Development Agency and all of the officers within the Land Development Agency to deliver this innovative and now highly recognised and regarded affordable housing initiative, the OwnPlace initiative, through which the Land Development Agency, as the development arm of land and, in some instances, housing in the ACT, is delivering on the government's commitment that, until recently, 15 per cent of all housing in greenfields estates would be affordable—house and land packages of \$300,000, a level now lifted to 20 per cent, with a new affordability definition of \$320,000. You need to reflect on that. We have mandated in the past that 15 per cent of all new housing in greenfields estates constructed for first home entrants will be valued at \$300,000 for house and land—house and land at \$300,000; 15 per cent of all greenfields developments—now 20 per cent, with an affordability definition of around \$320,000. It has been recognised in its delivery.

The LDA, as a land developer, has also been required by the government to deliver that same proportion of affordable housing at that same price, and it has done it to a degree of excellence that has now been recognised by the Property Council of Australia as leading and as representing the most significant initiative and leadership by a government in Australia in relation to the delivery of affordable housing. It is a great recognition for the people involved and of this government and its policies.

MS PORTER: Supplementary, Mr Speaker?

MR SPEAKER: Ms Porter, a supplementary.

MS PORTER: Thank you, Mr Speaker. Chief Minister, what other housing affordability activities are undertaken by the ACT government?

MR STANHOPE: There are a whole range of affordability issues that have been pursued by this government. Indeed, through our affordable housing action plan, which was developed some years ago now, we identified, I think it was, 64 initiatives that could be vigorously, aggressively and productively pursued to deal with issues of affordability within the territory, and some of them have been stunningly successful.

OwnPlace we now see recognised throughout Australia at a national level as the most significant example of leadership by an Australian government in relation to affordability, and land rent—of course the Liberal Party are not too keen on discussing OwnPlace after their assault, most particularly, on the part of the builders through the estimates process a couple of years ago, and Mr Coe will remember that.

But then we moved from that, of course, to the land rent scheme, which the Liberal Party actually worked for 18 months solid to destroy because it offended the notion and the ideas that the Liberal Party had about the right and the entitlement of everybody to home ownership, the right and entitlement to dream of home ownership.

Mr Seselja interjecting—

MR STANHOPE: Mr Seselja most particularly led the charge to destroy that scheme. "It was a joke," he said. "It will never work," he said. The subtext was, of course:

“Look, you just need to accept that there are some people in society who just should not dream of home ownership; they don’t deserve it. It is a class of people who have no right to expect that they will ever own a home.” So something as innovative as land rent was not to be contemplated. It was traduced. It was rubbished. We heard time and time again; I suffered motion after motion; there was an FOI request, in fact—another issue, which I think cost \$36,000 to respond to—that Mr Seselja put in and never used. (*Time expired.*)

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, how many of the blocks sold in Molonglo over the weekend were affordable for first home buyers?

MR STANHOPE: The blocks were auctioned—100 blocks. Of course, the 30,000-odd blocks that will eventually constitute Molonglo—

Mr Seselja: 100 blocks?

Mr Coe: How many, Jon? How many?

MR STANHOPE: It is a greenfields development. Twenty per cent of all blocks in Molonglo will be affordable.

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

MR STANHOPE: Under the current definition, 20 per cent of all blocks that will be sold in Molonglo will be house and land packages or units of under \$320,000.

MR SPEAKER: Mr Stanhope, thank you.

Mr Hanson: Mr Speaker, on a point of order, the question was very specific. It was about the number of affordable houses which were sold at the auction on the weekend. The minister has not addressed that question.

MR SPEAKER: I am having some trouble hearing the Chief Minister over the din, but I am sure he is going to come to the question. The Chief Minister.

MR STANHOPE: Mr Speaker, the government has a policy—it is a policy that has now been recognised by the Property Council of Australia as the leading policy of any government in Australia—called OwnPlace. The OwnPlace scheme—

Mr Hanson: On a point of order, Mr Speaker, as to relevance. This was not a question about government policy. This was a specific question about the number of houses which were sold on the weekend and how many were affordable.

Mrs Dunne: And it needs to be directly relevant to the question.

MR SPEAKER: Order! Mr Hanson, I did hear you the first time. I think you stood up about seven seconds after the Chief Minister started again. We need to give him a little bit of time to wind himself into the question. I expect he will answer it. The Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. It is appropriate that we actually go through all the possibilities, all the options, that might deliver affordable housing in Molonglo, most particularly in Wright. You need to start with a basic understanding that 20 per cent of all houses and units that will be built—

Mrs Dunne: On a point of order, Mr Speaker—

MR SPEAKER: The Chief Minister, thank you.

MR STANHOPE: in Molonglo will be affordable.

Mrs Dunne: On a point of order, Mr Speaker—

MR SPEAKER: Before you start, Mrs Dunne: Chief Minister, please do not make me raise my voice. When a point of order is taken I expect you to stop talking and let me take the point of order. Mrs Dunne. Stop the clocks, thank you.

Mrs Dunne: Thank you, Mr Speaker. The standing orders say that answers must be directly relevant to the question. The question was quite precise. The Chief Minister said, “I think that I need to give you all of this context.” That is essentially what he said when he responded to the last point of order. I ask you to ask him to be directly relevant to the question in accordance with the standing orders.

MR SPEAKER: Chief Minister, the question was specific. Perhaps you can answer the question as well as some context.

MR STANHOPE: Thank you, Mr Speaker. Clearly, my answer to this question—one does wonder aloud why it is that the Liberal Party do not want to hear about affordable housing. Why is it that they are embarrassed? What is it about OwnPlace and what is it about a national award that embarrasses the Liberal Party? What is it about the land rent scheme that embarrasses the Liberal Party? What is it about this government’s outstanding record of achievement in relation to every form of housing that is embarrassing to the Liberal Party? What is embarrassing and disconcerting is that we have succeeded like no other government in Australia has succeeded on this issue. *(Time expired.)*

MR SPEAKER: Ms Bresnan has a supplementary question.

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, how does the ACT government factor into the housing plans the fact that the ACT has one of the highest levels of rental rebates for assistance in the country?

MR STANHOPE: I beg your pardon, Ms Bresnan; I did not catch the last part of your question. I am sorry; could you repeat it?

MS BRESNAN: My question was: how does the ACT government factor into their plans the fact that the ACT has one of the highest levels of rental rebates for assistance in the country?

MR STANHOPE: Mr Speaker, I must say that the question is not entirely clear to me.

Mr Seselja: Nor are your answers.

MR STANHOPE: The question is not clear. It strikes me that it is a question essentially about public housing, as far as I can gather. I will take the question on notice and provide a full and detailed answer.

Hospitals—waiting lists

MRS DUNNE: My question is to the Minister for Health. Minister, the number of Canberrans waiting for surgery for more than one year has increased to 10.6 per cent and it is now more than three times the national average. Minister, compared to other Australians, why do so many more Canberrans wait for over 12 months for elective surgery?

MS GALLAGHER: The answer to the question—and I think I have gone to it a number of times—is the constraints that are here in the ACT health system that are not constraints experienced in other jurisdictions. We essentially have—

Mr Seselja: More people are waiting longer. More people are waiting for more than one year.

MS GALLAGHER: Mr Seselja, I could answer the question if you could just do me the decency of sitting and listening. If a member of your party asks me a question then just let me answer it. We have two public hospitals. We have limited private hospital capacity. We have shortages in various numbers of specialties for different reasons. We have an ageing population. We have demand growing for elective surgery. We are a major regional trauma centre, and 53 per cent of the work that is done in our theatres every single day is emergency work; that is, work that is unplanned or unknown at the beginning of that day. We do not have larger numbers of hospitals to share the load around with, as do other jurisdictions. There are a number of peculiarities to the ACT that put pressure on our elective surgery lists.

The question is: what can we do about it? We can continue to grow our bed capacity and replace the beds that the Liberals shut, when they shut 114 beds. We have opened them and put more in place. We can look at extra operating theatres. We have opened every theatre that the Liberals had shut, under their management, where you had theatres shut and sitting there. We have employed surgeons, we have employed nursing staff, we have improved the two intensive care units. We have got a new intensive care unit which will be built at Canberra Hospital. A new intensive care centre and high dependency unit has just been built at Calvary.

All of that will go to improving people's access to elective surgery. All of that is targeted at improving that. But it takes time to get it right. Whilst we are working on the less urgent cases and moving them through, you cannot take your eye off the more urgent cases and the emergency work. So what we have been able to do is target our long waits at the same time as we have been able to improve access for emergency and category 1 patients. It is a balancing act to get it right. We would like to do more.

All of our plans are about doing more, and in the future we will see continued improvement in this area.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can you explain to the Assembly why the long waits have increased from 10.3 per cent in the previous report to 10.6 per cent in this report? How is that an improvement?

MS GALLAGHER: More people have joined the list.

Mrs Dunne: They are the long waits

MS GALLAGHER: Yes, and you move. You move through the list.

Mrs Dunne: And the long waits are the ones that you say you are actually trying to fix.

MS GALLAGHER: Yes. Yes, it does. If you understood—it does.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, thank you, Mr Speaker. Minister, how do you then reconcile the deterioration from 10.3 per cent of people waiting for over a year to 10.6 with your assertion that you are targeting patients who have been waiting for longer periods?

Mrs Dunne: It doesn't add up.

MS GALLAGHER: It does add up, because as you remove long waits from the list and you have new people joined to the list there will be some people who were not long waits who then become long waits. That is the way the waiting list works.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, do you agree with the two polls conducted in the *Canberra Times* this month that show that less than 13 per cent of Canberrans believe that you are doing enough to reduce elective surgery lists?

MS GALLAGHER: I have not seen those polls.

Mr Hanson: I can forward them to you if you like, minister.

MS GALLAGHER: As you wish, Mr Hanson.

Housing—energy efficiency

MS BRESNAN: My question is to the minister for housing and is about the energy efficiency of dwellings under the homelessness program called “A place to call

home”. Minister, I understand families have already moved into some of the 20 dwellings provided under this program, but not all of the families can afford to pay the large energy bills coming in. What level of energy efficiency does Housing ACT require for dwellings purchased under this program and has this standard been met in purchased properties so far?

MS BURCH: I thank the member for her question. It is an opportunity to talk about “A place to call home”, which is a wonderful program that will bring 20 houses online. At the moment, the houses that are accommodating these families at risk are newly constructed houses and they all meet a six-star energy rating. Also, the families in these homes are under quite close care coordination by community providers. The minimum star rating of six is ahead of all requirements. The hot-water systems and appliances within those properties are indeed energy efficient. Where gas is not available, Housing ACT installs solar hot-water or a heat pump and provides low wattage thermostat controlled heating.

Low income households are also eligible for energy concessions. Between Housing ACT and their support provider, we can certainly provide that information so that assistance can be provided regarding their energy consumption costs.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, given that there are still some dwellings to be built under “A place to call home”, will you ensure that these dwellings have an appropriate energy rating?

MS BURCH: Absolutely. All houses constructed will meet a minimum six-star energy rating, which is in excess of the building code of Australia, which is currently at five. We will meet those ratings.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. My supplementary to the minister is: is the rebate concession for these tenants in “A place to call home” the only assistance that tenants receive to assist with such things as significant power bills—gas bills, electricity bills—and any other sort of ongoing housing costs that they might incur?

MS BURCH: Indeed, tenants under “A place to call home”, or any ACT housing tenant, can access a range, where they are eligible, across our concessions scheme. Also, I just remind those here that this government committed \$20 million over 10 years for energy efficient measures across Housing ACT. So we are working systematically across our property portfolios and replacing inefficient portable wired heating where that needs to be replaced. We are insulating properties. We are putting in energy efficient hot-water systems, and the \$20 million over 10 years will certainly go a long way to reduce energy costs. We are targeting energy and water costs for these families, recognising the strain they put on their disposable weekly budget.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Minister, did the government undertake any assessment of the appropriateness of putting families at risk of energy poverty into houses that appear to have large energy bills?

MS BURCH: For each family that is housed in the ACT, there is a range of properties. There are two bedrooms, four bedrooms and five bedrooms. There are newer properties and older properties. This is why we committed to this \$20 million, which is no small amount of money, to improve energy efficiency, to target those larger, older properties where we need to improve energy efficiencies.

Families are supported through housing managers. They talk and meet. They discuss challenges in their tenancies and how to maintain their tenancies. Certainly household costs of energy are part of that. Approximately \$300,000 has been spent on building shell improvements. Again, it goes to high-energy, gas-boosted solar hot-water systems. If families are experiencing struggle in meeting their energy bills, that is something that they can raise with their housing managers and we will explore that property to be next on the list for improvements for energy efficiencies.

Hospitals—waiting times

MR COE: My question is to the Minister for Health. I refer to the case of Allan McFarlane reported in the *Canberra Times* of 10 June 2010. He was advised a year ago that he had a risk of prostate cancer and was classified as category 2A, where surgery was recommended within 60 days. It took more than a year before he was booked in for surgery, on 28 June. Why has Mr McFarlane had to wait for more than a year for surgery, given that he needed surgery within two months?

MS GALLAGHER: I cannot comment on individual patients. I have not in the past and I will not, other than to say there are times—

Mr Seselja: He has asked for a comment. He is asking for you to respond as the minister.

MS GALLAGHER: And the individual has had a response—when there are shortages of staff. Urology is one of the areas where we are experiencing very long waits for surgery. What occurs in urology is that there is often a large number of patients who are category 1 patients in urology. They must be seen within a shorter time frame, and there is a lack of urologists. So the urologists' theatre lists are taken up dealing with the urgent work. That creates a wait for those with less urgent conditions. That is the answer to the question.

MR SPEAKER: Supplementary, Mr Coe?

MR COE: Thank you, Mr Speaker. Minister, will you confirm to the Assembly that your department only arranged for surgery after you and the system were publicly criticised in the press?

MS GALLAGHER: I do not get involved in matters about when somebody gets access to surgery. All I can say is that my office does not get involved in people

getting access to surgery. How an individual gets access to their surgery is a matter between the doctor and the patient, and the availability of the required treatment staff and beds, at the Canberra Hospital or at Calvary hospital.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. Minister, why does it take a carer of a Canberran with special needs to take their plight to the opposition and to the media before action is taken?

MS GALLAGHER: Well, it does not, Mr Speaker. Over 10,000 operations are performed across Canberra hospitals on the public waiting lists every single year. The procedures around that are based on clinical need, urgency, availability of staff and capacity within the hospital. That is the way those decisions are made. That is the way those decisions should be made.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Minister, is it not true that single and very regrettable and often very painful episodes, as we see being trotted out, are not necessarily symptoms of systemic failure in the hospital system?

Mr Hanson: Double the national average.

MR SPEAKER: Thank you, Mr Hanson!

MS GALLAGHER: Thank you, Mr Hargreaves. I think the perspective that Mr Hargreaves is trying to bring to this debate is that, whilst you can identify individuals that are unhappy and unhappy often for valid reasons, the hospital deals with hundred and thousands of patients and presentations every year, dealing with Canberrans who need access to the healthcare system. And that healthcare system provides them with top-quality care.

It is a human-based system. Mistakes will be made. Communication will not always be great or as well as you would want it to be and sometimes people will have to wait. If the service is not available, if there is no specialist, if there is no capacity, if there is no ability to do the work in the private system, then at times the more urgent people will be seen first. And that means others will have to wait. However regrettable that is, it is the way the system works.

Capital works—projects

MR SMYTH: Mr Speaker, my question is to the Treasurer. Treasurer, in response to the ACT government's infrastructure submission Dr Paul Mees of RMIT said, "These people are not serious." Minister, why has the ACT government failed to win funding for projects for Infrastructure Australia and what is your response to the comments from Mr Mees?

MS GALLAGHER: I have not read those comments in their entirety but, from memory, a number of our submissions to Infrastructure Australia were rated in the

priority projects. In fact, I think there were three. The Majura Parkway was one of them. Our submissions to Infrastructure Australia have been very high quality. I think we have had that feedback from Infrastructure Australia. In terms of Majura Parkway, I think that is the only project of national significance that has not received funding at this point in time, and we continue to lobby for it. Mr Smyth, I am sure that you are lobbying—

Mr Smyth: Why is that?

MS GALLAGHER: Mr Smyth, what have you done to lobby for the Majura Parkway? Have you sent a submission in? Have you backed up—

Mr Smyth: What have you achieved? You're the Treasurer.

Mr Hanson: Are you in government?

Mr Smyth: Are you in government or what?

MR SPEAKER: Order!

MS GALLAGHER: So you never have to do anything, Jeremy. Would you, for example, do what other prominent Canberrans have done, like Master Builders and all of the industry groups that have co-signed a letter seeking support from the commonwealth government? It is not just the government that can lobby, you know. A whole range of other people can lobby in support of their city. That is something that perhaps Mr Smyth will do. Our submissions have been well received. We will continue to lobby for them.

Mr Smyth: They were well received and you got nothing.

MS GALLAGHER: We do not give up, Mr Smyth. I will not go away. We will get the Majura Parkway one of these days, hopefully sooner rather than later.

MR SPEAKER: Mr Smyth, a supplementary?

Mr Hanson: Hope: that's the strategy, is it?

Ms Gallagher: What's your strategy, Jeremy—nothing?

MR SPEAKER: Order! Mr Smyth has the floor.

MR SMYTH: Thank you, Mr Speaker. Treasurer, what are your plans to ensure that the ACT is more competitive in infrastructure funding?

Mr Hanson: It's hope. We've got to hope.

MR SPEAKER: Order! Let us give the Treasurer a chance to even answer the question.

Mr Stanhope: There has been more funding in the last two years than in the previous 10.

MR SPEAKER: Mr Stanhope, thank you!

Mr Smyth: So why were you asleep for the first part then?

MR SPEAKER: Order!

Mr Smyth: That's a pretty sad start to your leadership—

MS GALLAGHER: I tell you what: because the commonwealth government did not have any.

Opposition members interjecting—

Mr Stanhope: Because the Liberal Party were in government; that's why.

MS GALLAGHER: That is right. For the first few years there was a big gap or lack of interest in infrastructure funding from the commonwealth government of the day, which happened to be your colleagues—

Mr Smyth: Federal highway upgrade, Barton Highway upgrade, National Portrait Gallery—

MS GALLAGHER: who did not really care about nation building very much, did they?

Mr Smyth: upgrade of the National Gallery, upgrade of the War Memorial twice—

MR SPEAKER: Order!

MS GALLAGHER: So we have seen a change of government—

Mr Smyth: a number of—

MR SPEAKER: Order!

Mr Smyth: memorials on Anzac Parade.

MR SPEAKER: Members!

Mr Smyth: upgrades to the mint—

MS GALLAGHER: We have done very well in terms of funding for capital projects—

Mr Smyth: There's plenty of money.

MR SPEAKER: Order! Mr Smyth!

MS GALLAGHER: in the ACT. The one project—

Mr Smyth: You got more money out of Howard than you have—

MR SPEAKER: Order!

MS GALLAGHER: that we continue to lobby on very strongly—and I would welcome the opposition support for this—

Mr Smyth: Constitution Avenue? What happened to Constitution Avenue?

MR SPEAKER: Mr Smyth!

MS GALLAGHER: is the Majura Parkway. We need the Majura Parkway.

Mr Smyth: Money for the torch relay?

MS GALLAGHER: We need and would not mind bipartisan support for it.

MR SPEAKER: Order! Treasurer, one moment, thank you. Stop the clocks. Mr Smyth, I have asked you to stop intervening probably half a dozen times already today. You are now warned. Treasurer, you have the floor.

MS GALLAGHER: I have finished. They were not listening anyway.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Minister, how do our infrastructure and capital works compare with all of the capital works that were completed under the previous government, that is the Liberal government?

MS GALLAGHER: I know that the opposition are going to love the end-of-year figures for capital works delivery when they come out, because they will show a massive improvement on previous years and will show that the processes that we have put in place to manage our capital works investment, to drive the economy through our own investments, are actually working.

What is good for the budget is good for the city, and you will see that in the end-of-year results. I know that it does not really go with the lines that you have been trying to run for the last year, but it will show significant improvements in government processes.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Treasurer, what input, if any, did Treasury have in the development of the widely panned infrastructure plan?

MS GALLAGHER: As a central agency, as you would imagine, Treasury had a great deal of input into the infrastructure plan.

Environment—solar power

MR HARGREAVES: Mr Speaker, I was going to ask a question of the Treasurer but, since she has hopped it, I will not. I will, in fact, ask a question of the only minister that has not had one today, because he is feeling dreadfully left out. My question is to the Minister for the Environment, Climate Change and Water. The question is: can the minister—

Mr Seselja: A sympathy question.

Mr Hanson: There is no—

MR SPEAKER: Mr Hanson, thank you!

MR HARGREAVES: Would you like me to wait until you are finished? You should take your photo and go to the naughty corner. Go to the naughty corner, Mr Hanson. Can the minister advise the Assembly what steps the government is taking to assist community organisations to participate in Canberra becoming the solar capital of Australia?

MR CORBELL: I thank Mr Hargreaves for the question. I am delighted to advise members that this government is taking significant steps across a range of community organisations to support the deployment of renewable energy technologies in our city. And I would have thought, from a party that has talked a lot about deploying renewable technology, they would actually be interested in the question.

This government has recently announced just under \$1 million in grants to community organisations to deploy renewable technologies and other energy efficiency measures on buildings around the city. I am delighted that we have been able to provide to 37 different community organisations grants totalling just under \$1 million to deploy solar and energy efficiency measures around the city. The grants have been awarded to a broad range of not-for profit organisations representing the aged, community, family, health, religious, sporting and youth sectors. And, over the course of the year, the clean energy produced by these systems should allow a reduction in the order of 35 tonnes of greenhouse gas emissions.

This is a very important investment, particularly so for not-for-profit organisations who, through this grant, will be able to access the feed-in tariff arrangements and receive payments for the power that they generate. And that is a very welcome boon for those organisations—organisations like Volunteers ACT who, together with carers and a range of other organisations, have teamed together and have received a grant in total of approximately \$100,000. That will put in place around 30 kilowatts of renewable energy generation as a result and they will receive regular payments from that energy generation. That regular payment will help offset for them the rental costs and other utility costs that their organisations face.

So the government is very pleased to be providing this assistance. It has been well received across the community and is a great practical example of how the government is encouraging the uptake of renewable energy generation. It is very clear that, if we invest in the deployment of renewable energy generation, our city can become a leader in this across Australia. We can become a leader in the deployment of renewable energy generation. The feed-in tariff is leading the way in giving us the opportunity to do that. These community energy grants will assist considerably in making sure that the not-for-profit sector does not miss out on the benefits of renewable energy and that they can participate in the deployment and the rollout of this technology.

It is particularly pleasing to note that, in effect, across the city already we have a 3½-megawatt power station in operation, giving us clean energy. And that is a dispersed power arrangement across thousands of roofs across the ACT. That is a total of 3 ½ megawatts per annum of renewable energy already being generated in our city and, we hope, much more to come.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: Thank you, Mr Speaker. What has been the response, minister, of those organisations who received these community energy grants?

MR CORBELL: I thank Mr Hargreaves for the question. The response has been a very positive one. Let me highlight some of the organisations that have received these grants. For example, in Mr Hargreaves's electorate, the Tuggeranong Link of Community Houses and Centres at Conder, Chisholm, Gilmore and Isabella Plains received a grant of \$25,000, providing them with the opportunity to put in place four solar hot-water systems for these community houses. I note that Ms Hunter raised the question earlier about the costs for low income households and other households when it comes to energy. Here is a practical example of how community-based care homes are reducing their costs, allowing them to spend more money in the areas of service delivery by putting in place solar hot-water as a result of this government grant.

Let us take as an example the Belconnen Baptist Church, an institution that Ms Porter would be greatly interested in. They have received a grant of \$25,000 to put in place a photovoltaic system so that they can take advantage of the feed-in tariff. Also, there is the Weston Creek Community Association—again, \$25,000 to put in place a photovoltaic system. There are organisations such as the university preschool and childcare centre at the ANU. I was out there a month or so ago, and they explicitly said to me: “Thank you very much for the opportunity to put in place PV on our roof. We think it's an important thing we can show in terms of leadership, but it's also a great way for us to offset some of the costs we face through utility bills.”

These are just some of the organisations that have received this support. One other example, as I have the time, is Sailability. I am sure Mr Doszpot would be interested in that. Sailability will also be putting in place a PV system as a result of this grants program.

MR SPEAKER: Supplementary, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, I understand that bodies corporate under unit titles are not in fact able to take advantage of the feed-in tariff. While I understand that this is probably related to your other portfolio as Attorney-General, it is due, I understand, to the unit title rules. Is your government looking at changing this so that bodies corporate, which could be regarded as a community group as they are a group of individuals, can take advantage of renewable energy?

MR CORBELL: I thank Ms Le Couteur for the question. I have asked my department and included in the terms of reference for the review of the Unit Titles Act, which is a commitment the government made following the passage of the changes to the act—it will include the provision; it will include a review of those elements of the act that may constrain bodies corporate from implementing sustainability measures, including measures such as solar power and renewable energy generation.

There is an interesting intersection here that needs to be addressed, between protecting consumers from being locked into long-term contracts that will disadvantage them but may defray costs from developers and the advantages that come from developers putting sustainability technologies—whether they are renewable energy or whether it is water recycling, for example—in place early in the development and then having those costs spread out over the life of a building.

These are the issues that will be considered as part of that. I have already directed my department to include these matters in its review of the Unit Titles Act.

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

Papers

MR SPEAKER: I present the following papers:

Auditor-General Act—Auditor-General's Reports—

No 2/2010—Student Support Services for Public High Schools, dated 21 May 2010.

No 3/2010—Delivery of Budget Initiatives, dated 3 June 2010.

These reports were circulated to members when the Assembly was not sitting. For the information of members, I also present the following paper:

Privileges 2010—Select Committee—Report—*Evidence of Mr Mark Sullivan to the Select Committee on Estimates 2009-10*—Speaker's response to recommendations Nos. 1 and 2, dated 16 June 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 contract—

Roderick J Nicholas, dated 26 October 2009.

Short-term contracts:

Barry Folpp, dated 16 and 17 March 2010.

Daniel Walters, dated 30 April 2010.

Joanne Garrisson, dated 16 April 2010.

Raymond Giucci, dated 6 April 2010.

Stephen Hughes, dated 28 April 2010.

Contract variations:

Anthony Johnston (2), dated 6 and 28 April 2010.

Conrad Barr, dated 31 March 2010.

David Evans, dated 27 April 2010.

Donna Mowbray, dated 19 April 2010.

Gregory Kent, dated 31 March 2010.

James Corrigan, dated 12 April 2010.

Kaaren Blom, dated 22 April 2010.

Katrina Lee Bracher, dated 24 May 2010

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled 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 4 May 2010. Today I present one long-term contract, five short-term contracts and nine contract variations. The details of the contracts will be circulated to members.

Public Accounts—Standing Committee Paper and statement by minister

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

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No. 1/2009—Road Projects—Fairbairn Avenue Upgrade and Horse Park Drive—Government submission.

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

Leave granted.

MR STANHOPE: I am tabling the government's submission to the review of Auditor-General's report No 1 of 2009, *Road Projects—Fairbairn Avenue upgrade and Horse Park Drive*. The government is pleased with the audit's overall findings that indicate that planning for individual ACT road projects is undertaken in a sound policy framework that features established procedures and has adequate regard to economic, environmental and community concerns; and both the Fairbairn Avenue upgrade and Horse Park Drive extension fulfilled construction specifications and met the objectives. The government agreed, or agreed in part, with all six of the audit's recommendations.

Many of the audit's specific findings in relation to projects reflect the complex nature of capital works projects, in particular, road projects. The findings reflect an inherent uncertainty in planning for budget and scope, particularly at the early inception phase of a project.

As the report noted, prices in the Canberra construction market began to rise sharply from the end of 2002, continuing for several years. This market buoyancy contrasted sharply with preceding years, during which time price rises were relatively modest and industry response trends were generally favourable. These more stable conditions informed much of the early estimation of costs for both projects.

The government notes that both projects concluded some time ago, with practical completion of Fairbairn Avenue and Horse Park Drive occurring in January 2006 and February 2004 respectively, and a number of reforms have been implemented since these projects concluded, including, most significantly, the centralisation of procurement resources of 2005-06, which has improved coordination and expertise associated with ACT government procurement activity.

Financial Management Act—instruments Papers and statement by minister

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

Financial Management Act—Instruments, including statements of reasons—

Pursuant to section 16—

Directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of Land and Property Services, dated 13 May 2010.

Directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of Land and Property Services, dated 3 June 2010.

Directing a transfer of appropriations from the Department of Territory and Municipal Services to the Department of the Environment, Climate Change, Energy and Water, dated 13 May 2010.

Directing a transfer of appropriations from the Department of the Environment, Climate Change, Energy and Water to the Department of Territory and Municipal Services, dated 13 May 2010.

Pursuant to section 16B—

Authorising the rollover of undisbursed appropriation of the Department of Treasury, dated 13 May 2010.

Authorising the rollover of undisbursed appropriation of the Department of the Environment, Climate Change, Energy and Water, dated 16 May 2010.

Authorising the rollover of undisbursed appropriation of the ACT Planning and Land Authority, dated 16 May 2010.

Pursuant to section 17—Varying appropriations relating to Commonwealth funding to the Department of Treasury, dated 15 May 2010.

Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Canberra Institute of Technology, dated 18 May 2010.

Pursuant to section 19B—Varying appropriations related to National Partnership—Better TAFE Facilities—Canberra Institute of Technology, dated 4 June 2010.

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

Leave granted.

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

Sections 16(1) and (2) of the act allow the Treasurer to authorise the transfer of appropriation for a service or a function to another entity following a change in responsibility for that service or function. This package includes four instruments signed under section 16: \$12.962 million of appropriation relating to the Property Group has been transferred from the Department of Territory and Municipal Services to the Department of Land and Property Services, consistent with the administrative arrangements announced on 1 December 2009.

This transfer was facilitated through two instruments: \$24,000 of appropriation required for the purchase of services from Canberra Connect has been transferred from TAMS to the Department of Environment, Climate Change, Energy and Water; and \$113,000 has been transferred from the Department of Environment, Climate Change, Energy and Water to TAMS with an animal welfare officer position.

Section 16B of the Financial Management Act, rollover of undisbursed appropriations, allows for appropriations to be preserved from one financial year to the next, as outlined in instruments signed by me. This package includes three instruments signed under section 16B. The appropriation being rolled over was not disbursed during 2008-09 and is still required in 2009-10.

The Department of Treasury is rolling forward \$10.4 million of appropriation largely relating to the land rent scheme. There are also rollovers for DECCEW and the ACT Planning and Land Authority. The rollover of appropriation for DECCEW and ACTPLA is in addition to and corrects instruments tabled in the Assembly on 20 November 2009 and 9 February 2010 consecutively. An error identified in these instruments due to the use of an incorrect numbering convention resulted in only part of the intended rollovers actually being authorised.

Section 17 of the act enables appropriations to be varied for any increase in existing commonwealth payments by the direction of the Treasurer. This package includes one instrument authorised under section 17 of the act. The territory has received \$1.519 million in additional funding from the commonwealth for the first homeowner's boost, and this increase in funding is due to the extension of the scheme by the commonwealth to 30 December 2009. The extension was announced after the release of the 2009-10 budget. The increase in appropriation is required to fund the additional first homeowner boost payments being made by the Department of Treasury.

Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. \$253,000 has been provided to the Canberra Institute of Technology to allow for the commencement of the teacher's EBA for 2009-10 effective from 1 July 2009.

Section 19B of the act allows for an appropriation to be authorised for any new commonwealth payments where no appropriation has been made in respect of those funds by my direction. This package includes one instrument authorised under section 19B of the act. The territory has received additional commonwealth funding of \$952,000 under the better TAFE facilities program. This funding provides for capital improvement projects at Canberra Institute of Technology campuses.

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

Financial Management Act—consolidated financial report Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) For the information of members, I present the following paper, which was circulated to members when the Assembly was not sitting:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2010.

I am meant to have, by the look of it, a tabling statement which I cannot locate but I might table that later.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Lost in translation?

MS GALLAGHER: I am sorry; my apologies.

Health, Community and Social Services—Standing Committee Report 2—government response

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.13): For the information of members, I present the following paper:

Health, Community and Social Services—Standing Committee—Report 2—
Access to Primary Health Care Services—Government response.

The report was presented to the Assembly on 23 February 2010. I move:

That the Assembly take note of the paper.

It gives me great pleasure today to table the ACT government's response to the Standing Committee on Health, Community and Social Services report No 2, *Access to primary health care services*, dated February 2010. I would like to thank the standing committee for its consideration of the important community issues and acknowledge the stakeholders and the community members who provided input into the inquiry process.

The ACT government welcomes the committee's report, which highlights a number of issues including ways to attract more GPs to the ACT given the current shortage, the need to continue to explore and evaluate new models of primary healthcare delivery, new and expanded roles of nurses and allied health professionals and improving the community's awareness of how better to access healthcare services appropriate to their need.

This inquiry was prompted in response to the closure of the Kippax medical centre in March 2009 and ongoing community concern about the shortage of GPs in the ACT. As a result, on 25 March the Legislative Assembly referred this matter to the Standing Committee on Health, Community and Social Services.

The committee adopted the following terms of reference: to inquire into and report on access to primary healthcare services in the ACT with particular reference to the role of nurse practitioners, GP clinic closures, the current level of GP shortages in the ACT, how to arrest and reverse the decline in GP numbers and strategies to attract and retain GPs in suburban clinics, linkages between government and non-government healthcare providers including innovative and best practice models and any other related matter.

The report contained 24 recommendations. The government in its response agreed to four of the recommendations, agreed in principle to six of the recommendations, noted 11 recommendations and did not agree with four recommendations. For one of the recommendations, the government in its response agreed in principle to one part of the recommendation and did not agree to another part.

The recommendations agreed to in the government's response include working to develop ways of raising the profile of GPs in the community, commissioning an independent evaluation of the walk-in centre at the Canberra Hospital after 12 months of operation and conducting appropriate consultation with all relevant stakeholders in the development of an e-health strategy.

As members of the Assembly may recall, I announced the establishment of a GP task force to investigate access to primary health care in the ACT. The government response to those 30 recommendations was tabled in the Legislative Assembly on 8 December 2009 and implementation is well underway regarding a number of these recommendations.

While the terms of reference of the standing committee's inquiry were focused on broader primary health care and related issues than those of the GP task force, it is pleasing to see that the issues raised and recommendations made by the standing committee complement the work of the GP task force.

As members of the Assembly may know, the report on government services 2009 provides a conservative estimate that the ACT is approximately 74 full-time GPs short of the national average of GPs per head of population. To help set direction and facilitate research on the GP workforce and general practice workforce shortages in the ACT, ACT Health and the ACT branch of the AMA have jointly reconvened the GP workforce working group.

The ACT government has also provided funding to the division of general practice to address GP workforce shortages. Since this officer's appointment in May 2008, a number of successes have been achieved including the approval of 18 area-of-need authorisations and the commencement of 19 GPs, with four more to commence this year.

The ACT division of general practice and ACT Health have also expanded the 2008 nationwide advertising campaign showcasing the lifestyle benefits of living and working in Canberra as a GP to include a direct mail-out to some 4,000 GPs in inner Sydney and Melbourne locations and to target locations including New Zealand and the United Kingdom. 2010 has seen continued advertising nationally and internationally.

In November 2008 the ACT government also announced a \$12 million package over four years to support and grow the GP workforce. The package, which received funding on 1 July 2009, consisted of five initiatives which are all progressing well. These include the scholarship program, the GP teaching payments, the GP development fund, the pre-vocational GP placement program and an ACT GP aged day service.

The aged day service was also mentioned in the standing committee's report as one way to support general practitioners. This service, when established in the ACT, will receive GP referrals and provide primary care to patients in the community such as those in residential aged-care facilities or who are housebound when they are unable to visit their GP or their GP is unable to visit them. The announcement of the successful tender to provide this service is expected to be made shortly.

With regard to access to primary healthcare services more generally, the ACT primary healthcare strategy 2006-09 provided the strategic directions for the delivery of primary care services in the ACT. This strategy recognises that access to health care should be equitable and that all people in the ACT should have access to a range of health services and providers no matter where they are. A steering committee, which includes consumers, oversees the achievement of this important strategy. The government intends to develop a new primary healthcare strategy by the end of 2010 to ensure that we are well placed to take full advantage of the new national healthcare reforms.

One of the recommendations from the GP task force final report was to develop and evaluate new models of primary healthcare service delivery, which included generalist medical services for targeted populations unable to access usual GP services. This recommendation aligns with a number of recommendations made by the standing committee. The standing committee also mentioned the importance of appropriate consultations with all relevant stakeholders in the development of the government's e-health strategy.

A key part of the ACT government's program "your health—our priority" is the development of new and innovative ways of delivering health care in the public health system in order to provide an integrated service that is safe, effective, patient-centred, timely and efficient. Information and communication technologies such as e-health are an important part of this approach. In the last budget, we did commit \$90 million to progress an ambitious e-health strategy, known as the healthy future. This plan will play a large part in ensuring the capacity of the ACT health system to meet the growing needs of consumers and providers in the ACT.

The focus of healthy future is to make the right information available to the right person at the right time and place. This strategy will also prepare the ACT for the emerging national e-health environment. The ACT government is committed to ensuring that there is appropriate consultation with all relevant stakeholders in the development of this strategy. These and a number of initiatives that the ACT government is implementing are aimed at increasing access to general practitioners and primary health care more generally for all community members wherever they live and whatever their health status.

By increasing the numbers of GPs practising in the ACT, exploring expanded roles for our nurses and allied health professionals, improving the range of primary healthcare services available and ensuring our general practice workforce is supported in the work they do, ACT residents will enjoy better access to primary health care when and where they need it.

I thank the committee for their deliberations over a number of broad and varied issues that affect the attraction and retention of general practitioners and the delivery of a primary healthcare system that is accessible and flexible in its ability to meet the needs of the community. The findings of the inquiry will inform ACT government policy and initiatives as we continue to work to provide the community with an excellent primary healthcare system.

Debate (on motion by **Ms Bresnan**) adjourned to the next sitting.

ACT Children's Plan 2010-2014 Paper and statement by minister

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women): For the information of members, I present the following paper:

ACT Children's Plan 2010-2014.

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

Leave granted.

MS BURCH: I am pleased to table for the information of members the ACT children's plan 2010-2014. In releasing the ACT children's plan, this government is committing to make Canberra a child and youth friendly city—a city that supports all children and young people to reach their potential, make a contribution and share the benefits of our community. In making this commitment, we are showing national leadership and setting the benchmark for the rest of Australia.

The Stanhope government previously has shown national leadership by enacting the first bill of rights in Australia. We will again show national leadership by being the first jurisdiction to officially commit to become child and youth friendly as part of putting into action the UN Convention on the Rights of the Child.

In becoming a child friendly city, we need to put children's best interests at the top of the agenda. Children are the most vulnerable members of our society, and they are our most valuable resource. We need to make sure that in everything we do we are enhancing rather than hindering the health and wellbeing of children. In taking on the challenge this plan presents, we can make Canberra an even greater and safer place for our children, a place where all children can reach their potential.

This plan refreshes the direction of the government's original 10-year plan for children released in 2004. In revisiting the ACT children's plan at its halfway point, we first looked at what has changed since the plan was launched in 2004. In particular, we reviewed the actions and programs the ACT government committed to undertake back in 2004 with their partners in the community sector.

Madam Assistant Speaker, I am proud to announce that we have delivered on these commitments. In fact, we have achieved far more than we originally committed to do. You will see in "Achievements—what has changed since 2004?" the range of programs, services and policy changes that have been implemented across government over time.

These achievements are significant and far reaching, particularly the whole-of-government projects that have been developed to meet the needs of specific groups of children. Some important examples include a specialised children and young people's equipment loan service; the integrated multi-agencies for parents and

children together, IMPACT program, that provides mental health and opiate replacement support for families; and the integrated family support program and Indigenous integrated family support program.

Madam Assistant Speaker, I also want to draw your attention to the other significant investments that we have made that directly enhance the lives of our children. They are: the establishment of two child and family centres; the creation of four early childhood schools; and the appointment of a commissioner for children and young people.

However, many other developments have occurred in the way we deliver services and programs to children and their families. Of course, all of this could not have been achieved without the governance mechanisms to bring government agencies together to undertake work to ensure the children's rights and needs are up-front and foremost in decisions made by government. It could also not have been achieved without the dedication of our community sector who are strongly committed to maintaining close partnerships with government in supporting children and families.

Madam Assistant Speaker, you could ask: where does the concept and vision for a child friendly city come from? In affirming and refreshing the directions for the ACT children's plan, the latest research and evidence was analysed to find out what is needed to foster children's healthy development. This research confirmed that children and young people matter, that the quality of childhood and adolescence matters and that the support provided to parents and families matters. This research also confirmed again the interconnectedness of children with their families, their communities and their environments. This means that we need to consider the interconnections in all our planning and decision making. The quality of our services, our built environment, our parks, our schools and our transport system all impact on children's development.

We also spoke directly with children and families to find out what was important to them. This task was aided by an enormous number of dedicated professionals—childcare educators, teachers, playgroup coordinators and nurses. The response to this consultation was overwhelming. Over 850 children and adults offered their ideas and insights on how to make Canberra more child friendly. These ideas have been built into the new plan and are summarised in "Listening to children—a consultation process for a child friendly city". Not only will this document help inform government as it moves forward, but it can also be used as a guide for anyone interested in encouraging children's participation.

By committing to make Canberra Australia's child friendly capital, the ACT becomes part of a growing international movement promoted and supported by the United Nations Children's Fund. This movement applies the principles of the UN Convention on the Rights of the Child into the fabric of government. It is an agenda that firmly places us as a national leader committed to improving children's rights and wellbeing.

I would like to draw attention to the six building blocks to make Canberra a child friendly city: first, opportunities for children to influence decisions about their lives in their city and to actively participate in their communities; second, advocacy, promotion and protection of children's rights; third, processes to assess the impact of

law, policy and practice on children; fourth, regular monitoring and reporting of indicators of children's health, wellbeing, learning and development; fifth, services, programs and environments that support children's optimal development and enhance parental family and community capacity; and, sixth, effective structures for governance across government and the community.

As Minister for Children and Young People, I will be committing the Department of Disability, Housing and Community Services to establish a children and young people's task force. This task force will be responsible for providing whole-of-government leadership and coordination—and to drive strategic initiatives to assist Canberra to become a child friendly city.

The first priority of the ACT children and young people's task force will be to develop a whole-of-government action plan based on the building blocks for a child friendly city. Part of this action plan will involve establishing appropriate government mechanisms that include non-government stakeholders. These mechanisms will also include opportunities for children to be consulted and to participate.

The task force will produce annual progress reports detailing initiatives and progress towards developing Canberra as a child friendly and youth friendly city. The progress reports will be tabled in the ACT Assembly each year. My department, DHCS, will be the lead agency. This is truly a whole-of-government and whole-of-community framework to share responsibility for children's health and wellbeing. Implementation will require a collaborative multi-agency approach.

I am sure that members of the Assembly who attended the launch of the children's plan last week—I note that Meredith Hunter and Caroline Le Couteur were there and looking at the world through the eyes of the children for the short time that we were there—would agree that the launch and the response from the community were very positive. We had over 180 children and adults attending the launch. It was a very successful and wonderful experience. The children from Ngunnawal primary school came and gave their advice on what they saw for Canberra as a child friendly city. There was certainly a list of tasks. We here could not have constructed a better and more salient list about what was important for us as a community. Madam Assistant Speaker and members of the Assembly, I look forward to your support in endorsing this whole-of-government focus on children and their families.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-51 (LR, 29 April 2010).

Animal Welfare Act—

Animal Welfare (Animals Used on Film Sets) Code of Practice 2010—Disallowable Instrument DI2010-84 (LR, 24 May 2010).

Animal Welfare (Welfare of Dogs in the ACT) Code of Practice 2010—Disallowable Instrument DI2010-85 (LR, 27 May 2010).

Animal Welfare (Welfare of Poultry: Non-Commercial) Code of Practice 2010—Disallowable Instrument DI2010-89 (LR, 3 June 2010).

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Domestic Violence (Project Coordinator) Appointment 2010—Disallowable Instrument DI2010-82 (LR, 21 May 2010).

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Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) (Official Visitors) Appointment 2010 (No 2)—Disallowable Instrument DI2010-47 (LR, 22 April 2010).

Planning and Development Act—

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Road Transport (General) Fees for Publications Determination 2010—Disallowable Instrument DI2010-78 (LR, 17 May 2010).

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Road Transport (General) Refund and Dishonoured Payments Fees Determination 2010—Disallowable Instrument DI2010-76 (LR, 17 May 2010).

Road Transport (General) Traffic Offence Detection Device Image Fee Revocation 2010—Disallowable Instrument DI2010-80 (LR, 17 May 2010).

Road Transport (General) Vehicle Registration and Related Fees Determination 2010 (No 2)—Disallowable Instrument DI2010-73 (LR, 17 May 2010).

Road Transport (Public Passenger Services) Act—

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Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2010 (No 1)—Disallowable Instrument DI2010-53 (LR, 29 April 2010).

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Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2010 (No 5)—Disallowable Instrument DI2010-57 (LR, 29 April 2010).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2010 (No 6)—Disallowable Instrument DI2010-58 (LR, 29 April 2010).

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ACT government infrastructure plan 2010

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Coe be submitted to the Assembly, namely:

The ACT government infrastructure plan 2010.

MR COE (Ginninderra) (3.32): The infrastructure plan was really quite a document, a document that was hyped up to be this great trophy for the Stanhope Labor government. And do you know what? I think it probably was. I think it probably was indicative of what Mr Stanhope and his mob are all about. It was sloppy, it lacked vision and it had not been spellchecked. It really was a disgrace. It sums up to a tee what this government is all about when it comes to infrastructure, vision and delivering for Canberra families. Mr Stanhope has let down Canberra's families on so many occasions and this document highlights that very let down. The document could not even get the spelling of "infrastructure" correct on the front cover. There are countless other mistakes in this document.

This must really hurt Mr Stanhope. This is a document that he would have been putting a lot of personal pride in. This is a document that he thought was going to get a good front-pager for him. This is a document that he would have personally invested in, where he could say that he was still a man of vision. It went from being a positive story of the day to a two-day negative story. Why? Because the first day the many spelling mistakes in it were covered and the second day the *Canberra Times* covered the actual quality and content of the document.

This document is not too dissimilar to many of the other state Labor documents when it comes to infrastructure. What do they do? They put their budget into a document like this and they have some grandiose schemes that they put into a document like this, and there is not much in between. There is not much by way of a genuine plan. There is not much by way of a genuine vision for Canberra's infrastructure needs. What this document does is give a rehash of budget initiatives that are either under construction or are to be under construction and then talk about a few pie-in-the-sky ideas that Mr Stanhope will never need to be held accountable for.

Moving to the contents page—page 3, “infrastructure investment”. How seriously can the government prioritise future infrastructure investment when they cannot even spell it correctly? I wonder how seriously they take the Alexander Maconochie Centre when they misspell it a couple of different times in different ways. I wonder just how influential the Canberra plan really was when there is not even a “t” in “influential”. I wonder what they really think of the good people of Belconnen and Tuggeranong when they do not even spell them correctly. I know Madam Assistant Speaker Dunne takes a lot of pleasure in making sure that our great English language is presented properly in the spoken word and also in writing. I know she too had a field day when it came to perusing this document and seeing just how incompetent this document is and how indicative it is of Mr Stanhope and his ministry.

Can you imagine if the opposition put out a media release which misspelt “Aboriginal”, “Maconochie”, “Belconnen”, “Gungahlin” or “Tuggeranong”? Imagine what would happen then. Imagine the hypocrisy then. Mr Stanhope would be on his hobbyhorse. He would be high and mighty, telling us all that we were incompetent. Yet here we have a document which is meant to be the pride of his government, where he can hold his head up high and say, “This is what Stanhope Labor is all about.” Instead—and we think it is what Stanhope Labor is all about—it is all smoke and mirrors and a real slapstick position.

In terms of the actual process and how this came about, I am really amazed that this was a document that was prepared in a central agency. Presumably it would go to multiple different organisations, multiple different branches and multiple different ministers and Treasury. It would go back and forth umpteen times. It would go before the minister's desk. He would be able to have a look at it and then send it back. It would come back again as another draft and he would send it back. It would go through the motions umpteen times. Yet it does not appear that anyone has actually read this report.

When I went through this report with my pink highlighter and spotted a few obvious problems, it might well have been the first time anyone had actually read this

document. Of course, the opposition always read the reports that come before us. We put a lot of time into making sure that we can appropriately scrutinise the government and ensure that the Canberra taxpayer is getting good value for money. When it comes to infrastructure, we all know the people in Canberra are not getting money for their infrastructure dollar.

Page 19 talks about a lot of different plans when it comes to transport. I will go through the list. On page 18: “implement bus priority measures”—that is underway—“build Park and Ride”—that is underway—“implement smart card technology”—that is underway—“build new bus stations at Gungahlin, Erindale, City West, Barton and Dickson”—some of those are underway; there might be a bit of vision there as they have already announced it—“improve bus shelters”—that is underway—and “complete key road infrastructure”. Let us see if that has actually happened. That might be something that could possibly fit into a normal infrastructure plan. Then you have got all the other things which really are either just budget initiatives or pie-in-the-sky things that are never going to happen.

This is a great way for Mr Stanhope to spend taxpayers’ money on a shoddy report to pretend that he has got an agenda, to pretend that he is doing something for the people of Canberra. This document is a tremendous let down. It has been a let down for so many people and for all taxpayers in Canberra. I think Ms Le Couteur put it quite well when she said it was a budget with pictures. The people in Treasury tend to do a better job when it comes to spelling and the people in Treasury tend to do a better job when it comes to getting their facts right as opposed to what has happened here in the Chief Minister’s own department. This document is a disgrace. It does not highlight a vision. It does not show where the Canberra community is heading and it does not show how Mr Stanhope is going to be providing for the people of Canberra well into the next decade.

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) (3.41): I am taken a little by surprise. I am surprised that Mr Coe ran out of puff after actually commenting on the spelling but failed to get to the infrastructure; so I do not know. But I guess it perhaps sums up the Liberal Party’s seriousness that Mr Coe nominates as a matter of public importance the ACT infrastructure plan and devotes six or seven minutes to the failure by the Chief Minister’s Department to apply a spell check on a—

Mr Coe: The department, blame the department.

MR STANHOPE: I must say I did not actually proofread personally or—

Mr Coe: Did you read it? Did you not read the front cover?

MR STANHOPE: I can understand—

Mr Coe: Did you read the front cover or not, Jon?

MR STANHOPE: I can understand Mr Coe's embarrassment. But he raises a matter of such public importance that the business of today is deemed relevant to be interrupted by a full one hour of debate on this matter of such significant public importance that Mr Coe gives us a commentary, a spelling lesson, and, as soon as the spelling lesson is concluded, Mr Coe sits down. It really does, does it not—

Mr Coe: It is tough.

MR STANHOPE: No. I think it is hard for the poor old Liberal Party when it comes to discussing infrastructure. We know why it is they want to talk about spelling, because their record on infrastructure is absolutely appalling. The centrepiece of six years in government was, of course, Bruce Stadium. So let us talk about—

Mr Hargreaves: What colour was that stadium, Jon? What colour was it?

MR STANHOPE: Do not be that mean, do not be that cruel, Mr Hargreaves, as to go straight to the painting of the grass. We can look at those halcyon Liberal days in relation to infrastructure. We can look at the record of achievement. We can look at their \$50 million a year of infrastructure delivered and we can actually list it. We can list it in the context of Bruce Stadium, feel the power, the futsal slab et cetera.

We do now know why it is that Mr Coe sat down as soon as he got to the matter of public importance after he had had his fun with spelling. That actually revealed the Liberal Party's intent and seriousness in relation to this debate. He then said: "Actually I do not have anything to say about infrastructure. I do not have the capacity to talk about the Liberal Party's record of achievement in relation to infrastructure because they do not have one. I do not have the capacity to talk about the Liberal Party's vision for Canberra as expressed through the development and the prioritising of infrastructure. I do not have the capacity to talk about this city's infrastructure needs because I do not know, because I have never paid attention and because I am more interested in standing up and making an attempt at a humorous debate around spelling."

Mr Coe: Press the F5 button, Jon.

MR STANHOPE: Mr Coe, it really was a pathetic attempt, almost Pythonesque. Nevertheless, I thank Mr Coe for bringing the matter forward because it is a matter on which, of course, the government has a significant record of achievement, a record-breaking and ongoing commitment for the planning, delivery and maintenance of high-quality infrastructure for the ACT.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Stanhope, could you sit down for a moment. The level of conversation and interjection is pretty much intolerable. Mr Corbell and Ms Gallagher have spoken incessantly. I have asked people to hold the conversation down. Mr Coe's interjections are overly loud. Mr Stanhope should be heard in silence.

MR STANHOPE: Thank you, Madam Assistant Speaker. The government understands quite deeply the importance to the nation's capital of high-quality

infrastructure, the importance to the people of Canberra. High-quality infrastructure expands the productive capacity of the economy. It attracts new investment and provides more employment and business opportunities. It helps make us more prosperous. It is essential for the provision of health and educational services and social amenity. In short, high-quality infrastructure helps make Canberra a great place to live, to work and to do business. And indeed it has assisted or helped in making us the 26th most liveable city in the world, according to the recent Mercer worldwide quality of living survey.

Not only does the government recognise the critical role of infrastructure, we have acted accordingly. This government's achievements in planning, investing in and maintaining the ACT's infrastructure are significant and manifest. Never in the time of self-government has any government or any party delivered as much as we have delivered and continue to deliver. It is a record of achievement that all Canberrans have benefited from and will continue to benefit from for generations to come.

Since coming to office, the government has invested massively in infrastructure, with record-breaking capital works programs delivered over recent years. Our annual capital works expenditure has more than doubled from \$110 million in 2001-02 to the figure for 2008-09. And during that period, government investment as a share of the total economy also doubled.

In the 2008-09 budget, the government provided a record \$1 billion for the five-year building the future infrastructure program, which focused on establishing a health system to serve the needs of the future, improving the transport system, meeting the challenges of climate change, improving urban amenity, investing in public service infrastructure and providing for the growth of the city and its economy. The program was boosted with an additional \$685 million in 2009-10, of which \$306 million was funded by the commonwealth. In our latest budget, \$394 million has been allocated to new projects, with a cash allocation of around \$2 billion towards capital projects over the next four years. We get the best from our existing asset base.

We have also significantly increased our maintenance effort. Annual ACT government maintenance expenditure has increased by more than 55 per cent over the past five years and the government has established a separate capital upgrades allocation in the capital works program.

This government knows the importance of long-term strategic planning for infrastructure. The 2008 economic plan for capital development is explicit in this regard, recognising that infrastructure is a long-term asset and requires a long-term view. That means carefully considering future requirements and planning a coordinated, focused and effective program of infrastructure investment.

In September 2008, flowing from the capital development program, the government released a discussion paper to guide the development of the ACT government's first infrastructure plan for a mature and growing city. This process culminated in the release of the infrastructure plan. The infrastructure plan sets out the ACT's infrastructure priorities for the next 10 years. It fills the space between short-term budget infrastructure priorities and the government's long-term goals as set out in the Canberra plan. The infrastructure plan has a 10-year horizon and will be updated annually at around the time of the budget.

The infrastructure plan also addresses COAG's recent work on capital city strategic planning systems. In December 2009, COAG agreed on a set of national criteria for future strategic planning of capital cities. The government's infrastructure plan meets the COAG requirement for a medium-term prioritised infrastructure plan within the required strategic planning hierarchy for future oriented plans. Under the COAG requirements, this includes long-term strategic plans, between 15 and 30 years, for the ACT, and this role is fulfilled by the Canberra plan and the spatial plan; medium term, that is five to 15 years, prioritised infrastructure plans and land use plans, and for the ACT this is the infrastructure plan, aspects of the spatial plan and the land release programs; and near-term prioritised infrastructure project pipeline backed by detailed project plans, and this requirement is addressed through the budget forward estimates plus agency project plans.

The infrastructure plan provides detail on the main drivers of demand for infrastructure investment over the next 10 years, which includes responding to the changing demographics of the territory and region; maintaining our existing infrastructure as it ages; addressing climate change; and sustaining a strong and dynamic economy. The infrastructure plan includes a high-level summary of the capital initiatives in the budget, complementing the detail published in budget paper No 3. It then addresses the infrastructure priorities over the next 10 years, which are focused on health, education and training, transport, housing and community services, justice and community safety, municipal services, land development and planning, water, energy, and culture and the arts. For each of these areas, the plan identifies projects that will be completed in the next two years, infrastructure priorities over the next five years and key areas for consideration and focus over the next 10 years.

The infrastructure plan is not intended to be a funding plan. It is an expression of the strategic planning of government and a platform for engaging with stakeholders, which then flows into the budget process.

The development of the infrastructure plan was overseen by the chief executives strategic planning committee, which was formed in mid-2009. The aim of the strategic planning committee is to provide advice to government on medium to long-term infrastructure and strategic directions for the territory to support enhanced service delivery to the ACT community, an appropriately planned infrastructure program, integration with other planning activities and development of a government infrastructure plan that takes into account government directions and priorities as well as social, environmental and economic considerations and provides an integrated and across-government approach.

But equally importantly, the views of the community and industry informed the development of the ACT government infrastructure plan. The discussion paper was just one element of this. The government's budget consultation strategy also played a key role in seeking the community's views on our future infrastructure requirements. In addition, on 5 March, the government hosted a high-level infrastructure roundtable which provided an opportunity for key stakeholders from a range of ACT business and industry sectors to provide feedback on development of the ACT infrastructure plan and to discuss the issues that will have an impact on Canberra's future infrastructure needs over the coming decade.

Unfortunately—and I must say it is, of course, unfortunate—last-minute typographical errors were not detected when the infrastructure plan was publicly released. That was indeed unfortunate and, of course, embarrassing—an embarrassing oversight by my department but one that was quickly corrected. That issue aside, the feedback from the release of the infrastructure plan has been overwhelmingly positive, except, of course, by the opposition. But then again we would expect that. Apart from the Liberal Party, key stakeholders such as the Property Council and the MBA have welcomed its release and have indicated their interest in working with the government on future updates. And we are keen to work with them.

The infrastructure plan is a living document. It will be updated each year and it will be further developed, not just with new information but as new issues and priorities emerge over time and as agency and whole-of-government strategic planning is further developed. Future iterations will be informed by agency-level service planning and strategic asset management as well as other factors such as climate change vulnerability assessments, for both existing and new infrastructure. The government also wants to make sure that a wide range of stakeholders, including the community sector as well as the building and property sectors, continue to have an opportunity to contribute.

For the 2011 infrastructure plan, two roundtables have been scheduled into the annual cycle of infrastructure planning and review. The development of a rolling infrastructure plan will, as I said, be an iterative process, as it should be. Each year it must respond to the government's budgetary parameters, to give one obvious point of impact.

Nor is the plan just a static wish list, frozen in time. The 2010 plan details further work to be carried out within the infrastructure framework over the next 12 months, including ensuring that strategic asset management plans are developed and/or updated by all agencies, ensuring that service delivery plans are developed and updated by all agencies and deciding upon the next suite of infrastructure initiatives through the 2011-12 budget process, taking into account the government's priorities as outlined in the 2010 infrastructure plan. The government has also committed to examine other factors such as climate change vulnerability, both for existing and for new infrastructure.

The views of industry and the community will continue to play an important role in the development of future infrastructure plans, with industry and community roundtables to be held every six months. The government is also preparing to run a community conversation on wider, long-term issues for our city and its urban form.

In 2010-11, across-government service planning will be progressed and the results fed into the infrastructure planning cycle. Given the extent of this work, it is expected that this will be achieved incrementally over a two-year period.

Infrastructure projects are currently selected for funding through a budget process built on detailed cost-benefit analysis, taking into account issues such as whether proposals increase the productivity capacity of the economy, reduce future social, economic and environmental costs and/or provide for growth in the economy to gain

or maintain a competitive edge to the territory. Longer term infrastructure planning requires a different approach, using longer term trend and strategic analysis to identify emerging issues, longer term needs and options, prioritising projects to be subject to more detailed feasibility analysis and the cost-benefit analysis developed to support funding decisions made in the annual budget context.

The ACT approach does need to incorporate and align with the inputs from service planning as well as strategic asset management plans. Further, the methodology should be more flexible and less onerous to generate possible options, with increasing rigour through decision making, to commit resource to feasibility studies through to more detailed cost-benefit analysis for budget decision making. Work is currently underway on refining and improving current thinking on prioritisation methodology.

MS LE COUTEUR (Molonglo) (3.56): I thank Mr Coe for raising this matter of public importance. Infrastructure is clearly a matter of major importance for the public in terms of government and government administration, and I note that it has been spoken about in the estimates report. A lot of people in the ACT breathed a big sigh of relief when the government finally released the infrastructure plan. For some time there have been calls for it from key interest groups such as the Property Council and the Business Council. They have been looking for a coordinated and longer term approach to infrastructure spending.

We and the Canberra community are very pleased that the government has finally gathered its capital works and infrastructure plans into one document. The Greens see this as a perfect opportunity for the government to start doing additional analysis on the plans—climate change impact analysis and poverty analysis—so that we ensure that what we are doing is what we want to do for the future, for the long term, and that it will work for the environment and for the people of the ACT.

I note, as Mr Stanhope said, that at the end of the day there is in fact no government commitment to construct any of the priorities in the plan; that is up to the annual budgeting process. We have been describing this as a budget with pictures, but on thinking about it some more I would say that it is not even a budget with pictures; it is just a wish list with pictures.

The reason we have got this plan when we have is possibly that COAG has required the ACT to have a medium-term plan if we want to receive federal funding. I guess we need to thank COAG for it; but, given that this has been so quickly written, I am very much looking forward to the next iteration, which will be developed after ongoing input from the community and industry sectors and after some of the other more relevant plans have been released. I am hoping that the next iteration will look further into the long term and will truly be an infrastructure plan that we can use for planning the ACT's future rather than just being a wish list with pictures.

In many ways, this document just lists things that the government has been thinking about or working on in the past. It is not a forward-looking document. It boasts about how much money the government has spent on capital infrastructure, but the issue is not how much money was spent; it is how well we have spent it in the past and how well we will spend it in the future. This document shows us what we already knew—that the government knows how to budget money on infrastructure projects. But we

have two major concerns: are they the right projects and are we actually creating infrastructure or are we just budgeting to spend money?

Let me go to the subject of whether we are just creating infrastructure or just budgeting to spend money. The Auditor-General recently released a report which found that in 2007-08 and 2008-09 agencies did not perform well in the implementation of capital initiatives. About 45 per cent of selected projects were not completed on time and within budget. Agencies spent less than 50 per cent of the funds provided during the years under review. The Auditor-General goes through the reasons for this, but says that it is largely due to lack of planning and project management. That is one issue. As well as budgeting, we need to actually spend the money—and spend it on time and on what we plan to spend it on.

The other issue is this: are we planning to do the right projects? Are we choosing big infrastructure projects but sometimes ignoring the non-big capital expenditures, the non-big hardware things—ones where expenditure might be more effective? We tend to measure the government's performance by saying that they are spending X dollars on solving some problem. What we really should be looking at is how they are addressing the problem and whether they are solving it. Expenditure on water is an example of this. The government are spending a lot of money on big engineering projects, but we need to keep working on demand management. We have got a growing population; if we do not keep working on the softer stuff, the demand management, it will not work.

We also need to ensure that Canberra becomes more efficient with our resources. There is projected to be massive growth in the local population. It is projected that the population in the region will grow to 434,000 in 2030. We also predict major environmental changes. We expect that Canberra is going to become hotter and drier, with more extreme weather events.

When we Greens talk about long-term planning infrastructure, we think that we should be planning 50 years out. We want to make sure that in 50 years time the infrastructure is still what we want and has served us for those 50 years. This is only a 10-year infrastructure plan. That is not long enough for long-term infrastructure. The Cotter Dam, the roads, the schools, the hospitals—we all expect that they will still be here in 10 years time or 50 years time. We need to make sure that they are planned for that far ahead.

For example, we want to build our housing to be adaptable, with universal designs so that we can accommodate our ageing population over the next decades. We need to plan our transport system to be useable for decades ahead. There is considerable debate, I agree, about when peak oil is going to occur; but I think that everybody would agree that it will certainly be in the next 50 years and almost certainly in the next 10 years. What is our transport planning doing? If you believe this document, it is planning on the basis that cars will still be the dominant form of transport in the ACT. It is very hard to believe that that will be true, given peak oil and given climate change.

But even disregarding that from a transport point of view, let us look at cities like Melbourne. They are using trams. They are using the same trams they have been using for decades. What are we doing in Canberra?

Mr Hargreaves interjecting—

MS LE COUTEUR: They are, Mr Hargreaves. If you go there, you will find that they are using some of the old stock. Do you think that even in 10 years time or 50 years time in Canberra we will be using the same buses we have now? I fear that we will not be. We need to have more of this long-term analysis. That is what this plan is lacking.

I now move to climate impact analysis. The government says that it is in the process of developing a tool, but page 9 of the infrastructure plan says:

The potential and expected impacts of climate change need to be factored into decision making regarding infrastructure in the future. It is important that climate change risks, along with other risks, are incorporated into standard risk management frameworks and routine decision-making processes.

The Government will be looking at this over the next year in the context of implementing *Weathering the Change Action Plan 2*.

That is all very fine, but they have not done it yet and they are doing infrastructure planning. This is particularly disturbing when you consider how little of the first weathering the change plan was implemented. And, unfortunately, many of the key documents which are going to back the government's approach to infrastructure and climate change have yet to be released. There will be a sustainable transport action plan and a sustainable energy policy.

I am running out of time to talk about all of the things I would like to talk about, but I will just note a few. With health, we are really concerned about delays in the health-related capital asset program. And we would like to see the young persons mental health unit completed; there is no timetable or budget for this as yet. The secure mental health facilities and the women and children's hospital, again, need a commitment to a time line and funding. Let me go to education. Earlier today we had a question without notice about the health of our new education buildings. We need a commitment to healthy buildings and to water-efficient and energy-efficient buildings. With public housing, we are very disappointed that in this document there is no commitment to 10 per cent public housing in the ACT.

If we want to look at an example of non-planning, we can think of the vibration we have been having today in the building. I assume that is because of the work that is continuing in London Circuit. With a bit of planning, we could have incorporated better bus priority measures, with better bikeways and better footpaths. What we have got is just more of the same for a lot of money. And soon enough, I assume, we will have to redo it so that we can fix up the bus and bike measures. This is the sort of thing we are talking about; the government needs to plan ahead and this document is not really achieving this.

Let me go to the waste section. Unfortunately, I have only a small amount of time to talk about this. The waste section talks about how waste to landfill was reduced. This was good. But the document does not talk about investment in waste technology for the future. The lack of investment in this is why our resource recovery rate has stalled,

and in fact decreased, over the last few years. The government have said that they expect to complete organic waste recycling in the next five years. We want to see it done sooner than that.

In conclusion, let me say that this plan is a first step, but it is only a first step. We need to see real leadership for the future, with a time horizon of 50 years and some more work now to improve the delivery of infrastructure on the ground.

MR SESELJA (Molonglo—Leader of the Opposition) (4.07): I thank Mr Coe for bringing this forward. At one level, I agree with the Chief Minister: it is unfortunate that the various spelling errors have taken the focus away from the deficiencies in the plan itself. There is no doubt that the spelling errors—the inability to spell “Gungahlin”, “Tuggeranong”, “Belconnen”, “Maconochie”, “infrastructure” or any number of other important terms in the infrastructure plan—whilst showing a level of shoddiness and the rushed nature of this plan, perhaps hid a bit of the fact that the deficiencies were far deeper and far greater than simply the inability to get the spelling right. The deficiencies in this plan go right throughout it.

One of the disappointing things after the Chief Minister said that it was the wrong version—we were told that it was the wrong version that went out—was that when the right version went out it was just the old version with the spelling errors fixed. That is unfortunate. We were hoping that they had put out a much earlier draft and that we would have something where things had actually changed.

In fact, what actually happened was that they went away for 24 hours or so, fixed the spelling mistakes and put it back. That is disappointing. Yes, it is embarrassing that they could not spell “infrastructure” on the front page and in other parts. But what is more concerning to us is the fact that this plan lacks substance, lacks depth and lacks a vision for how infrastructure should be delivered, and can be delivered and must be delivered, for the territory to grow, and grow sustainably—for our economy to grow and for the people of the ACT to enjoy a quality of life that will be better in 20 years than it is now and better again in 50 years than in 20 years. That should be our goal. That should be our vision. This is about people. This is about improving people’s lives. Unfortunately, there is very little that suggests that there is any plan on how to do that or any vision as to how that will be achieved.

In the *Canberra Times*, it was reported that Mr Stanhope suggested that it was just the opposition that was critical. I must have read a different news coverage of the release. The headline was “Mistakes spell end of building plan draft”. That was not our headline. The Liberals did not put that one together; that was a *Canberra Times* headline. The article by David Stockman went through the significant problems and the significant criticisms.

Even the Property Council, which was probably the most positive of the industry groups, was effectively saying, “It is good that they have finally got something out there.” It is good that we have finally seen something. We have been calling for it for a long time. It is a long way from perfect, and there is some criticism there.

Chris Faulks from the Canberra Business Council said that the document was a statement about ACT government capital works rather than an infrastructure plan. I

think she has hit the nail right on the head. It is not an infrastructure plan. The Business Council says that there is not much of a plan; it is a statement about ACT government capital works. Chris Faulks said that a fully integrated document needs to address infrastructure issues like public transport and water security. Hear, hear! There is nothing in this plan that does that. The council welcomed the inclusion of land release targets and population forecasts.

Ms Faulks said she was concerned that the document may not meet federal government funding requirements for state and territory infrastructure plans. That is a pretty significant deficiency. We have seen the difficulty for the ACT government in putting a decent case to the commonwealth to get infrastructure funded by the commonwealth. They do not even pay for what they said they would pay for—what they committed to paying for in the previous government—let alone fund new infrastructure priorities such as the Majura parkway. Ms Faulks's criticism that she was concerned the document may not meet federal government funding requirements is a real concern. It is not the opposition saying that; it is the head of the Canberra Business Council here in the ACT. She is saying that it is not up to scratch. It is not up to scratch and it may even mean that we miss out again, that we as a territory miss out because this government has not done the work.

The Greens planning spokeswoman, Caroline Le Couteur, describes the plan as mimicking the recent budget, only with pictures—not a plan for the future, just a list of the things the government has got together. I say again to Ms Le Couteur that she has probably got the line of the day—the budget with pictures. We will acknowledge that that is a pretty reasonable description of what this plan is. It does not provide the vision that is needed; it does not provide even some basic substance. It is a shoddy piece of work from a lazy and tired government that simply could not be bothered.

This was another thing for the Chief Minister to tick off on. We heard it in estimates; we have been hearing it for a long time—"It is coming." Eventually they put something out. They ticked the box, but they did not do the work. They did not bother to do the work. They just brought together a bunch of documents. They did not consult with the industry. Instead, they did it as an in-house document. And we see it. We see it right through.

It is worth highlighting a couple of areas. When we developed our infrastructure policies, we talked about the comprehensive nature of them. One of the things that I focused on, and one of the reasons we have advocated for a commissioner and a long-term plan, was to take out some of the obsession with individual projects. Individual projects are important, but unfortunately what happens is that basic issues that are not as popular or are not as sexy do not get addressed.

Eventually you have to address them. Maintenance is one of those issues; maintenance is one of those very important issues. And it is brushed over. "Maintaining the territory's infrastructure" has a few paragraphs. The first paragraph tells us that we have got a lot of infrastructure in the territory. It goes on. It says:

Protecting this investment ... remains a priority.

Indeed. It says that over the last five years:

... the ACT Government's expenditure on repairs and maintenance increased by 55 per cent ...

It says:

Like the city itself, much of the ACT's infrastructure is relatively young compared to other Australian cities. However, over the next 10 to 20 years, as our built assets age, there will be a need for higher levels of repairs ...

It is a lot of statements of the obvious, without an actual plan. There are only a couple more paragraphs on this major area of maintenance. It says:

Maintaining and optimising the use of existing infrastructure, rather than expanding networks, is expected to become a higher priority in the coming years.

That is about as close as we get to talking about the future when it comes to maintenance. It is about as close as we get. But there is no plan for how we are going to do it.

It goes on to financing—"Financing the ACT's future infrastructure needs". It says that we could borrow money and there might be PPPs, used in other places. And that is about it. There is nothing about what strategies we are going to put in place to make sure we have the funds for the infrastructure we need. There is never an asking of the question "Where do we want to be in 10 years time, 30 years time and 50 years time and what do we have to do now to get there?" There is none of that—absolutely none of it.

That is why it fails. They just grab it together. They went out to the departments and they said, "What are you doing?" They said: "Tell us what you are doing in infrastructure, TAMS." Tell us what you are doing in infrastructure, Health." And they put it into a document. And they did it in such a shoddy way that it had to be withdrawn in the first 24 hours—and not just because of the spelling mistakes. It should be withdrawn because it lacks substance. It should be withdrawn because it lacks vision. It should be withdrawn because this government has not bothered to do the work. It has not bothered to do the work.

In the end, people will ask the question again. Over the last nine years, for all the talk, what have we got in infrastructure? How have things improved? The government always say, "We will spend X hundred million dollars this year." What have you achieved? We know that their best effort at a road has taken the best part of a decade, and they could not even get it right. People are still waiting in traffic. They are still waiting in traffic because they could not get it right.

This infrastructure plan condemns people of the ACT to more of the same—waiting in traffic on Gungahlin Drive, waiting in traffic on Majura parkway. Waiting for basic services and infrastructure will continue if this is the best they have got. If this is the best they have got then this truly is a government which has run out of puff.

MR HARGREAVES (Brindabella) (4.17): I am pleased that the opposition has again called an MPI on the issue of infrastructure delivery in the ACT. I am delighted that the opposition has provided another opportunity to allow us to reinforce the significant achievements of this government in relation to capital works planning and delivery. Indeed, I am always happy for any opportunity to talk about the record programs that we have had the foresight to include in our past budgets. These programs have been aimed at maintaining, improving and increasing the vital infrastructure that is necessary for a growing city.

Mrs Dunne: You got the short straw today, having to defend this one, Johnno.

MR HARGREAVES: You should take your own advice, Mrs Dunne. Having given everybody a pontification from the high altar, you should actually take your own advice, perhaps.

These programs have been aimed at meeting the needs of our community, both now and into the future. This government have aimed our investment efforts at increasing the productive capacity of the economy and expanding infrastructure capacity, reducing future economic, environmental and social costs, providing for growth in the economy and maintaining a competitive edge against other urban centres.

I am also happy for any opportunity to talk about the record program that we have delivered. Indeed, this financial year will be another record year for delivery, with record expenditure on capital supporting the economy and addressing service delivery requirements.

This government have worked hard to enhance our planning and delivery systems, and this has included reforms to enhance procurement processes and systems. As a result, a number of reviews and amendments to planning and procurement arrangements have seen revised planning legislation, revised procurement legislation and regulation, amendments to procurements thresholds and documentation, streamlining of the capital works prequalification system and a simplification of processes associated with low-value procurements.

Work has continued on enhancing ACT government procurement systems, including streamlining and simplification of documentation, such as project management agreements, and production of design documentation, which is well underway, and a tendering guide that has been developed to assist industry in doing business with the territory. These reforms have not only enabled the delivery of the ACT government's planned infrastructure program to be improved but have also positioned us to effectively deliver on all commonwealth stimulus objectives.

There is a significant amount of work that underpins the ACT infrastructure plan. The government have invested heavily in infrastructure in the last three budgets and have robust plans for the future. Our investments have been and will continue to be based on the large volume of extensive infrastructure planning which has been undertaken.

Significant investments have been made in reforming our health system, providing a quality education system, improving the transport system, and providing for growth of

the city and its economy. All of these investments have been carefully planned and are being delivered to provide infrastructure for the short, medium and longer term.

I will now touch upon some of the planning that underpins the infrastructure plan and the various areas of investment that this government have recently undertaken. In the health sector, we are looking to establish a system to serve the needs of the next decade. The infrastructure which is being rolled out progressively over the coming years has been heavily informed by service delivery planning. Both nationally and in the ACT there will be increasing demands on the health system due to the ageing population. We are not planning just for the short term.

The health system we are building will look quite different from the health system of today. There will be new technologies and different models of care. The infrastructure planning associated with the capital asset development plan will result in a state-of-the-art women's and children's hospital, a reformed mental health system which will support improved models of care, and improvements to the provision of health services in both the hospital setting and, just as importantly, in the community setting through the provision of new community health centres in our regions.

These actions clearly demonstrate that the government has a clear vision for the provision of infrastructure in the medium to long term. The territory has excellent transport infrastructure. We are maintaining and improving current infrastructure and will continue to make strategic investments in an integrated and sustainable transport system for the future.

Our annual roads program is developed based on comprehensive roads asset management plans. The works announced in the 2010-11 budget for transport for Canberra, totalling over \$90 million, are also informed by a significant body of planning works which will reform our transport system. We are planning for a more sustainable city where more people will choose to walk, ride bikes and use public transport. Improvements to our transport system will not happen by accident. We are planning for the future.

We are now delivering a reform to the education system. We have made tough decisions—decisions that were not popular. These were decisions, however, that were a part of the larger plan to improve the provision of education infrastructure. Long before the commonwealth assisted with upgrades to our schools as part of the national stimulus package, a program of work was well underway investing \$90 million to both improve our existing schools and investing in the provision of new schools.

New schools which have incorporated new models for the delivery of education include our P-10 schools and early childhood schools. The Kingsford Smith school, the Kambah P-10 as well as the Narrabundah, Scullin, Lyons and Isabella Plains P-2 schools all deliver sustainable, long-term infrastructure to the community. If you have been out to see the progress being made on Gungahlin college, you will also appreciate what a fantastic asset this will be for the residents of Gungahlin.

The Canberra spatial plan outlines the strategic direction that will help manage change and provide for growth to achieve the social, environmental and economic sustainability of Canberra. Under the umbrella of the Canberra plan, the Canberra

spatial plan forms part of a comprehensive, integrated and strategic plan for Canberra's future. The Canberra spatial plan reflects the community's aspirations for the future of the city. Following on from this broad, overarching plan, the government is committed to strategic land release in the territory that will promote economic development, address affordability and cater for the needs of our community in both the short and long term.

This is underpinned by the implementation of the following considered and flexible programs: the indicative residential land release program, which aims to deliver 17,000 residential dwelling sites to the market from 2010-11 to 2013-14 to provide an appropriate supply of land to meet market demand over the coming years; the indicative commercial land release program, which aims to deliver 444,651 square metres of space to the market from 2010-11 to 2013-14 to meet market demand for commercial land over the coming years; the indicative industrial land release program, which aims to deliver 440,616 square metres of space from 2010-11 to 2013-14 to meet market demand for industrial land over the coming years; and the indicative community and non-urban land release program, which aims to deliver 141,925 square metres of space from 2010-11 to 2013-14 to meet the community's land requirements over the coming years. In addition, these future releases include a strong commitment to sustainability.

It is clear to anyone who has spent time in the ACT community that the reform of infrastructure planning I have spoken about today has delivered finished projects and real outcomes right across the territory. We are creating a city where people want to work, live and play with quality infrastructure to support all these activities.

Our continuing commitment to significant and targeted capital programs has played an important role in this government's response to meeting the needs of the ACT community, enhancing the productive capacity, supporting jobs, reducing future costs and providing for a growing city to maintain a competitive edge against other urban centres.

Looking at this financial year, the 2009-10 capital works expected outcome of \$624 million more than doubles our previous delivery record for the 2008-09 program of \$296 million. This will be the largest infrastructure spend on record to date—an exceptional achievement. To put this in perspective, the 2008-09 outcome is over three and a half times more than the opposition achieved in their last year of government. The estimated outcome for this year blitzes the outcomes of those opposite.

At the time of the announcement, the 2009-10 capital works program committed record investments in infrastructure required to service the ACT community. \$112 million was invested in health, \$38 million in justice, \$205 million in education and training and \$97 million in disability, community services and public housing, and \$4 million in environmental measures.

We have worked with and listened to industry and, through the combination of our local initiatives package of works, the capital works program and the commonwealth's nation building and jobs plan, we have supported our local industry, protected local jobs and supported the continued growth of our economy. This support has provided confidence which has in fact assisted local industry to grow.

As a result of enhanced reporting regimes and the publication of quarterly reports, the community is being informed on project delivery achievements and a progression of major projects. Key achievements of 2009-10 already include completion of the upgrade of Tharwa Drive; the completion of the upgrade of many other vital road stretches in the ACT as part of the nation building black spot program; we have got 24 new road safety message signs; there is a heap of issues which this government has actually delivered. However, time, like your good self, Madam Assistant Speaker Le Couteur, does not permit me to go on boasting forever.

MR RATTENBURY (Molonglo) (4.26): I would like to take the opportunity to focus on the issues of water and energy, particularly in the infrastructure plan. I would like to focus on these because they will be important challenges in the year ahead. Whilst I understand that there are a number of processes that the government is working through at the moment, the infrastructure report does little to elaborate on those plans, except to say that we have a problem.

It has been pointed out to some extent already, but the infrastructure plan is largely a reiteration of where the ACT government is up to on a range of these issues rather than a forward-looking document that is strategically assembled to paint a picture for the future: where we will be in 10, 15, 20 and perhaps further years down the track.

In terms of climate change, we already have the government working on energy policy. We have the climate targets legislation set to come, and we have the next action plan under weathering the change. On water, we have the think water, act water strategy. There is a bunch of things going on, but, again, the point I would like to draw out in looking at these two issues in particular is that there is no sense of where we are trying to get to. There is very much a sense of “here is what we are doing now”, but to my mind there is a lack of overarching targets and a sense of where we want to be. I will pick up on a couple of specific examples in the document.

On water, I think it is fair to say that most of the water infrastructure is underway, and we have had quite some debates in this place about these issues already. Perhaps most famously, the government has chosen to invest heavily on behalf of ACT water users in constructing the new Cotter Dam, and the Greens have certainly been concerned about whether it is the most strategic and most cost-effective of the options, particularly once the higher price tag came through. I have often made the point that, while it is easy to open dams—although I think they thought it would be easier on this one—it is harder to put in place long-term measures to save water.

I think it is important to acknowledge here that Canberrans have shown a tremendous capability to conserve water in the last five years or so, and that has been quite impressive. But it is essential that a new dam not make us complacent about putting in place measures that will reduce our demand. It is something that we are going to need to do as we face the challenges of a growing population and the development of new suburbs.

I note that the paper does not really tackle the issue of non-potable water. I acknowledge that the government is already doing some work around the stormwater ponds, capturing water for reuse on ovals and irrigation of parks. I think that is a good

measure, and that is touched on in the document, but there is no real sense of what we are going to do to deliver non-potable water on a regular scale at household level.

The new development at Molonglo is one that we have talked about already, and it is a perfect example of where this should be being built in. If you talk to people in the industry, they have got some tremendously innovative ideas of where we could be going on non-potable water infrastructure. But they say things like “we might need to do things like create a grey water authority” because some of these new systems that are, say, household scale, will require a level of coordination, maintenance, thinking about how they can fit together and ensuring that people are not getting faulty systems and creating health issues. There is nothing in here that says, for example, in 15 years time, we need a grey water authority. Why not? Why is that vision not in an infrastructure plan?

Then there are the statements that are just glib words on the page. For example, ACTEW advise that there will be a need for major asset replacement for water infrastructure over the next 10 years, as a high proportion of the ACT infrastructure was built around 50 years ago. That is it. Anybody that is delivered any useful information from that sentence is doing far better than I.

Then we come to energy, and, again, it is these statements that have no back-up that are of deep concern to me in this plan. We are in the stage in the ACT where, in the old days, electricity infrastructure and energy infrastructure was all about big power stations and big transmission lines. We have historically had one access point into the ACT. We are now building the second one after the sort of analysis that was done after the bushfires. Once that is in place, energy security in the traditional sense in the ACT is not going to be an issue. But there are question marks about what is energy security in the future. They are issues around the price of energy. Supply, from the point of view of big power stations around Australia, is not going to be the issue. It is about price; it is about ageing grid infrastructure; it is about decentralisation of energy; it is about what is the energy infrastructure we want in the future.

The paper says that the ACT enjoys a relatively reliable supply of electricity through the national electricity market transmission infrastructure from New South Wales. There is no discussion of whether that is what we want. Where is the vision that says, “Actually, we want the ACT to be able to generate 20 per cent of its own energy in 10 years time”? That would be an infrastructure plan.

My favourite one in here though is that it says that in the next five years the government expects to complete development of a distributed generation capacity in the ACT. Really? What is the perceived end point here? What is the completion of development of distributed energy generation capacity? There is no number; there is no target. There is a time line at least, but I do not actually understand what that means.

That captures the essence of the problems with this document, and it is a real shame. Ms Le Couteur talked about it as being a starting point. I think it is very much a starting point, but I think there is so much more that could be done to spell out what an infrastructure plan could be for the ACT. I have only picked up on the two particular areas of interest to me.

I would encourage the government to go back on this one, do some more work and talk to some of the stakeholders. I note Mr Stanhope talked about the Property Council welcoming the plan. I think they had to. I have been in lobby organisations. You just do not kick the government; you have to take that measured approach and try and drag them along.

MR ASSISTANT SPEAKER (Mr Hargreaves): Sorry, Mr Rattenbury, the time for discussion has now expired.

Independent reviewer of government advertising

Debate resumed.

MR RATTENBURY (Molonglo) (4.33): I would like to speak to some of the arguments that Mr Seselja made in the debate earlier today which, frankly, I found a little surprising. I understand that there may have been some further discussions during the course of the day. I am hopeful that when Mr Seselja arrives back in the chamber, we will find that we have made a way forward because, frankly, I thought that Mr Seselja's approach was somewhat undermining of the very legislation that he had written, brought to this chamber and had successfully passed with the support of the Greens.

I think the intent of the legislation was a good one: create a system whereby there is a check and balance to ensure that the government does not unduly take advantage of its role through the executive to use public funds in order essentially to gain political advantage through advertising processes.

But I think that Mr Seselja has sort of moved the goalposts because when we first debated this particular section around the appointment of the reviewer earlier in the year when we passed the legislation, Mr Seselja said:

We therefore propose that the minister make a choice that must be confirmed by a two-thirds majority of the Assembly and must be genuinely independent, qualified, and appropriate.

That is a perfectly good description. Mr Seselja made those comments in the context of the specific section that was about appointing the independent reviewer. The earlier suggestion had been that the Auditor-General do it. There was an amendment to create this role of independent reviewer.

But now Mr Seselja has come in here this morning and talked about the need for the best applicant. He has talked about our needing the best person for the job. I do not think that that is the test created in the legislation. I do not think it is the role of the Assembly necessarily to sit here and cast judgement on who is the best person because we set up a process that requires the minister to make an appointment. We did not set up legislation that said, "The Assembly will act like a big selection panel. All the members of the Assembly will receive all of the CVs and we will all sit here and decide who the best one is."

I think that the legislation was designed in a way that said, and I think Mr Seselja stated it very well, we need somebody who is genuinely independent, qualified and appropriate. My concern is that Mr Seselja is now setting up a different question. I think he has changed the threshold. That particularly comes through for me because he specifically said in the debate this morning that he has no criticisms of either person proposed here. I think the test for the Assembly is to say: "Are the people put forward by the government inappropriate? Are they biased? Do they lack the expertise?" Having no criticism of the candidates that are put forward, I do not think that it is for Mr Seselja and the Liberal Party to block this appointment because they have no grounds to oppose.

The candidates put forward do meet Mr Seselja's criteria that he spelled out in the earlier debate of being independent, qualified and appropriate. I have not heard any arguments, and nor have my colleagues in the Greens, that are contradictory to those criteria that Mr Seselja set out. I think we are in a very difficult situation here where if we feel they are going to take this approach, we may actually undermine what I think was a good piece of legislation that Mr Seselja brought forward. By blocking the nominees put forward—as I say, in this case the Greens have looked at the CVs and we feel that they do have the necessary skills, qualifications and independence—we start to create a quagmire that detracts from the purpose of the legislation.

I think we have got a good piece of legislation. We should simply let it get into operation and we should appoint the reviewer, get the guidelines in place and let the legislation start rolling. It may be that in 12 months time or two years time, we need to come back and tweak the legislation. We may need to come back and say, "That did not quite work as we envisaged." We see that all the time with the various SLAB bills and the like that the government brings through. There is always some finetuning to do. I would actually urge Mr Seselja and his colleagues to rethink the position they took this morning. Let us get this underway so that we can get this important legislation into play.

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) (4.38), in reply: I will just close the debate. I will not belabour the point but I have to say that I agree entirely with everything that Mr Rattenbury has said. I do not need to repeat that. I agree entirely, in toto, with the sentiment he expressed and essentially the examples he used.

The government have genuinely sought, in good faith, to implement the legislation. We acknowledge that it was legislation that we were not particularly or initially enamoured of, that we felt it unnecessary and at one level we might maintain that position. But we accept the legislation; we voted for it. We have sought through a transparent process, a public process, to call for expressions of interest.

Through that process, I did not invite Mr Volker or Mr Hull to nominate. I did not invite them to nominate. I did not speak with them or urge them to nominate. I did not identify them as potential appointees. They lodged an expression of interest. A position was taken to the government, to the executive. The cabinet accepted that

Derek Volker and Crispin Hull enjoyed all of the qualifications that one would expect. I have absolutely no suspicion or reason to believe that either of them is partisan in any way.

Even if they did have a particular political position or philosophical ideology—we all vote and we all do, but I do not know what it is—they are thorough and utter professionals. You only have to go to the extensive and impressive CVs, their records of achievement and independence.

I will just go very briefly to some of Mr Volker's previous work to reinforce the point. He headed the commonwealth Department of Employment, Education and Training for three years. He headed the Department of Social Security for six years and the Department of Veterans' Affairs for five years. He was chairman and then president of the Repatriation Commission and deputy secretary to the Department of Immigration and Ethnic Affairs. He has extensive international experience as a member of the executive board of the United Nations High Commission for Refugees and chairman of the ILO committee on the application of conventions and recommendations.

He is a member of the OECD manpower and social affairs committee; chairman of the government relations group in one of Australia's largest and most senior and most respected legal firms, Corrs Chambers Westgarth; a principal consultant of Corrs Solutions; a private consultant for a number of Australian and international companies; and director of several companies, including New Wallsend Coal Pty Ltd.

He is on the board of Australian Venture Capital, was chair of the ACT Skills Commission, chair of the ACT business inventive scheme panel, chair of the Australian Capital Tourism Corporation, chair of the ACT Education Services Export Council, member of the Canberra Partnership Board, member of the Calvary Hospital Community Advisory Council, chairman of Technical Aid to the Disabled (ACT), chairman of Juvenile Diabetes Research Foundation walk to cure diabetes committee, fellow of the Australian Institute of Public Administration and an Officer of the Order of Australia.

He fits absolutely to a tee Mr Seselja's criteria: independent, qualified and appropriate. Indeed, I do not know of any more patently, objectively and obviously independent, qualified and appropriate candidate. I submit his name to the Assembly consistent with the legislation. I urge members, in order to ensure that this legislation is implemented, becomes operational, as the government has sought to do, to ensure that it is implemented in the spirit that I hope all members of this place are supportive of when it was voted on and became the law of the territory, and that we do not reduce it to some tawdry, political, point-scoring exercise.

MR ASSISTANT SPEAKER (Mr Hargreaves): The debate is now concluded. Section 12(4) of the Government Agencies (Campaign Advertising) Act 2009 requires that the appointment of the reviewer be passed by a two-thirds majority of the Assembly.

Question put:

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

A call of the Assembly having commenced—

Mr Rattenbury: Are you guys going to knock this off, seriously?

Mr Seselja: We are voting against it. We said that we are voting against it. That is what we said.

Mr Stanhope: So it was just a political stunt, after all. You were never serious about the legislation.

MR ASSISTANT SPEAKER: Order, members!

Mr Seselja: It's not for you to tell us—

MR ASSISTANT SPEAKER: Order! The Leader of the Opposition will come to order.

Mr Corbell: What's wrong with the nomination?

MR ASSISTANT SPEAKER: Order, members, please.

Mr Corbell: That's the question, Zed. What's deficient with the nomination?

Mr Seselja: What's wrong with the other seven?

Mr Corbell: Is the nominee acceptable or isn't he? What's wrong with the nominee? That's the point.

Mr Seselja: What's wrong with the other seven? Show us the other seven and I'll tell you.

MR ASSISTANT SPEAKER: The Leader of the Opposition and the Attorney-General will come to order, please.

Mrs Dunne: You can twist all you like, Simon. You got yourself into this.

MR ASSISTANT SPEAKER: Mrs Dunne! Mrs Dunne, I have called the chamber to order. You are sitting there asking me to warn you. I will do it.

The Assembly voted—

Ayes 9

Noes 4

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

MR ASSISTANT SPEAKER: Section 12(4) of the Government Agencies (Campaign Advertising) Act requires the appointment of a reviewer by a two-thirds majority of this Assembly. As a two-thirds majority was not achieved, I declare the result of the motion in the negative.

Duties Amendment Bill 2010

Debate resumed from 6 May 2010, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.46): The opposition will be supporting this bill. I thank the Treasurer for arranging a briefing on the bill. What the bill does is remove duty that applies when a person wishes to register a caravan or a camper trailer in the ACT for the first time. It does not apply to any other trailer. This was a budget measure; hence, I was told, no consultation was held prior to the announcement.

Nevertheless, many representations were received by the government from ACT residents, from people moving to the ACT and from the caravan association seeking the removal of this impost. It will bring the ACT into line with New South Wales. It has, in fact, applied in New South Wales for the last 12 months. I was told during the briefing that New South Wales had already seen a 41 per cent increase in registrations of caravans over that period. One can, therefore, anticipate that the abolition of this impost will lead to an increase in registrations of caravans and camper trailers in the ACT. I am happy to support this proposal.

MS HUNTER (Ginninderra-Parliamentary Convenor, ACT Greens) (4.48): The ACT Greens are happy to support the Duties Amendment Bill 2010. As has been outlined, the change makes our duty requirements consistent with New South Wales, which abolished this duty in July last year. This should encourage the purchase and registration of caravans and camper trailers in the ACT rather than in New South Wales. I understand that this amendment has come about because of feedback from the revenue office and individuals, rather than the industry itself, though I do note that the National Caravan Association has been pushing this issue for some time now, particularly since Western Australia first adopted this measure.

In the last 12 months, there was a 42 per cent increase in receipts for caravan registrations in New South Wales and a 31 per cent increase in transfers following the decision to exempt the duty there. The ACT has had no such changes and it seems reasonable that this would be because of the significant financial advantages in purchasing and registering caravans over the border. This artificial difference obviously makes it more difficult to calculate the compulsory third party costs and premiums and deprives the ACT of revenue that would otherwise flow, all things being equal.

I note that the budget papers provide that this measure will mean a reduction in revenue of approximately \$300,000. As the Treasurer noted, the evidence suggests that we can reasonably expect an increase in registrations, which should go some way to making up for this.

The ACT Greens agree that this is a reasonable measure to ensure the competitiveness of the caravan industry and remove the disincentive for people to buy and register their caravans and camper trailers here rather than in New South Wales. The ACT Greens are pleased to support the bill.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.50): On behalf of the Treasurer, I would like to thank members for their support of this bill. The bill amends the Duties Act 1999 to abolish the duty on an application to register or transfer the registration of caravans and camper trailers in the ACT. The ACT is one of three jurisdictions, including Tasmania and Victoria, who continue to impose this duty.

This abolition is warmly welcomed by Canberra's caravan and camping industry as they will no longer be disadvantaged compared to their New South Wales counterparts. This bill will remove the duties disincentive currently placed on prospective caravan owners to register their vans in the ACT. It is also expected to see the return of current caravan owners who initially registered elsewhere to avoid the burden of duty in the ACT.

Duty will still be payable on the registration of motorised campers, such as Winnebagos and various other motor homes. However, the revenue that will be forgone from the measure contained in this bill is likely to be offset by registration fees as more people purchase or transfer the registration of their non-motorised caravans and camper trailers to the ACT.

The bill gives effect to revenue measures announced in the ACT 2010-11 budget and I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Revenue Legislation Amendment Bill 2010

Debate resumed from 6 May 2010, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.52): The opposition will be supporting this bill and again I thank the Treasurer for arranging a briefing on this matter. There are two separate components to the bill. The first relates to a discrete set of trusts for people with special disabilities. These trusts are established under commonwealth legislation and are intended to assist people with severe disabilities and their families to provide as fully as possible for the person with the disability.

The proposals in this bill extend the advantages that are offered by these trusts. They exempt from duty residential property that is bought for the person with the disability, permit trustees of these trusts to act by seeking the deferral or a rebate of rates and, in exceptional circumstances, permit the commissioner to determine to defer rates on properties that are occupied by a person with a severe disability.

As a community, we need to do what we can to enable people with severe disabilities to live in the community as comfortably as is possible and, as an important adjunct to that objective, we need to assist the families of a person who has a severe disability to cope with all the demands that they face. I commend these proposals.

The second matter relates to people who work as employees and who volunteer for duties when an emergency arises. The bill proposes an exemption from payroll tax for wages that are paid to employees who volunteer for an emergency operation. Services performed in an emergency operation will be defined in the Emergencies Act. This proposal is not expected to cause a significant loss of revenue, although of course it is not possible to model any potential loss of revenue because of our lack of knowledge of any emergencies occurring.

It is interesting to note that a related matter was discussed on local radio yesterday. This followed suggestions made at a conference of fire-fighting organisations, the Rural Fire Services Association of New South Wales, at their AGM in Canberra. I attended the conference over the weekend. One of the issues they raised was, of course, that the number of volunteers was declining.

One solution suggested was for compensation to be paid for employees who volunteer for duty when an emergency exists. This is a good step in the right direction and I think it is an issue that we may have cause to visit in the future as well. The opposition supports both these proposals.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.54): This bill sets out four very positive amendments and the ACT Greens are pleased to support this bill. In regard to disability trusts, the removal of the requirement to pay stamp duty on a property transfer where the property is acquired by a special disability trust as a principal place of residence of the beneficiary of the trust is a fair, reasonable and socially responsible change.

I am sure that everyone in the community understands that, along with the huge emotional costs, those with significant disability also face enormous additional financial costs and have an additional limitation on their ability to generate income. It is therefore reasonable that the community forgo this revenue in order to help people in these circumstances.

Consistent with this reasoning, the ACT Greens also support the provisions that allow the Commissioner for Revenue to defer the payment of rates, both upon request and without request, on a property that is the principal place of residence of a beneficiary of a special disability trust. These provisions recognise that people with disabilities are not always capable of managing their financial affairs and allow the commissioner to manage these cases. I note too that the interest on deferred rates will be charged at the discount interest rate, which we think is appropriate.

We have been informed by the Treasury department that the commonwealth has written to all states and territories to ask that these measures be put in place. We are happy to support this type of initiative and, as I understand it, the ACT has acted promptly to put these measures into place. I congratulate the government on doing that.

This is a positive initiative and I think, as a community, we need to further recognise the needs of not only those with disabilities but also the carers. It may well be worth while considering how these types of exemptions could be applied to others with a disability and the carers, even though they may not be the beneficiaries of such a trust.

On the payroll tax changes, the Greens also support the provisions exempting the listed emergency service activities from payroll tax. This amendment applies to all employees undertaking the listed volunteer activities so that employers do not have to pay payroll tax when they continue to pay wages whilst an employee undertakes the listed volunteer activities. Where staff are paid for their time even though, rather than being at work, they are making a contribution to either the Canberra community or another Australian community in need, employers should be congratulated. It is both reasonable and appropriate that they do not have to pay additional costs when they already, effectively, are facilitating a tremendous contribution to the community.

The Treasurer's office has also indicated to me that this is part of an all-jurisdiction harmonisation process of payroll tax for this type of community service. Whilst the exact cost of the revenue forgone by the community is unclear, the ACT Greens are happy to accept that the social good that arises from each of the amendments justifies this cost.

While we are discussing reducing costs and disincentives for employers to pay employees for time spent volunteering rather than being at work, I think it is worth considering the nature and scope of volunteer activities covered by the exemption and therefore I put the question: are there any other activities which should be covered by this type of exemption?

The minister may, under the current section 2F(1)(b), through a disallowable instrument, make other exemptions to payroll tax liability. And whilst there is no such instrument on the legislation register, section 9B provides an exemption for maternity, paternity and primary carer leave payments, though I note these payments are limited to 14 weeks.

This is, of course, a debate for another day but I thought it worth while to raise the issue. This is something that we should be exploring to further encourage volunteering and help people participate in volunteer activities. Would employers be more willing to let their staff undertake these activities if they did not have to pay payroll tax? Is this a lever that we should use more to achieve good social outcomes and encourage volunteering in the community? As I said at the outset, the Greens are happy to support this bill.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.59): Again on behalf of the Treasurer, I thank members for their support of this bill. The bill amends the Duties Act 1999, the Rates Act 2004 and the Payroll Tax Act 1987.

In 2006, the Australian government introduced provisions for families to establish a special disability trust. The purpose of these trusts is to assist immediate family members and carers to make private financial provision for the current and future care and accommodation needs of a family member with a severe disability.

Special disability trusts provide families with greater flexibility in providing for the future care of a family member with a disability. However, the duty payable on the transfer of property to a special disability trust has been a disincentive and an additional financial burden on these families.

The amendment of the Duties Act will remove this disincentive by providing an exemption from duty where property is transferred to a special disability trust. This exemption will assist families to provide for the current and future care of a family member with a disability.

Under the special disability trust arrangements, the property must provide only for the accommodation and care needs of the beneficiary of the trust. Exempting duty on the transfer of property to these trusts will reduce some of the financial burden that may prevent such a transfer occurring.

In addition, to further assist these families, the amendments to the Rates Act will extend to a special disability trust eligibility for a rates rebate and deferral of rates. Where the trust is the owner of a property and the property will be used for the accommodation and care of the beneficiary, the trust will be eligible for concessions normally provided to eligible pensioners.

Under the current provisions, a special disability trust is not eligible for the rates rebate as the owner must be an eligible pensioner and reside in the property. A special disability trust will also have the option of deferring the payment of rates should it choose to.

These amendments to exempt a special disability trust from duty and provide rates concessions are another example of how the Labor government is contributing to the aims and objectives set out in challenge 2014. Challenge 2014 lays out a 10-year vision for disability in the ACT and challenges the whole community, including government, to take responsibility for effective change.

In supporting families and people with a disability, the government, through Disability ACT, continues to develop an approach that is flexible, responsive and, as much as possible, planned and equitable.

The bill also makes changes to the Payroll Tax Act. These changes will exempt wages paid or payable to an employee who takes part in activities under the Emergencies Act

2004. This will include volunteer members of the Rural Fire Service, State Emergency Service, community fire units, as well as casual volunteers and emergency service support volunteers who help out in emergencies in and around the ACT.

I am particularly pleased, as Minister for Police and Emergency Services, that the government is providing this important reform. It recognises that many ACT employers support these activities by allowing their employees to participate in emergency situations as volunteers.

The amendment to the Payroll Tax Act to exempt wages paid to employees during an emergency will reduce the financial burden on businesses and provide a further incentive to these employers to continue in their very important task of supporting their employees to participate as volunteers, to help protect everyone in the community. I thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Sentence Administration) Amendment Bill 2010

Debate resumed from 25 March 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

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

That debate be adjourned.

MRS DUNNE (Ginninderra) (5.03): About a week ago I wrote to the Attorney-General—and I copied the letter to the Greens' representative on Attorney-General's matters—asking the Attorney-General to address the issues that were raised in the scrutiny of bills report—the second set of comments that the scrutiny of bills committee raised in relation to this important bill. This is a bill which the Canberra Liberals will be supporting, but in doing so I have to draw members' attention to the quantity and the strength of the comments made by the scrutiny of bills committee and the complete and abject failure of the Attorney to address those issues.

The bill is a significant policy change and, by its very nature, has significant human rights implications. In the ordinary course, when there are significant policy changes and human rights implications it would be proper for those implications to be examined, reasoned and argued in the explanatory statement and in the presentation speech. In the case of this bill, these matters of policy change and human rights implications have been left entirely unaddressed, save for two mentions. One is the

human rights compatibility statement, where there was the standard, bland statement that this bill complies with the Human Rights Act. The other is the Attorney-General's presentation speech, where he claims that the bill serves to correct the human rights deficiencies of the current legislation. The explanatory statement is completely devoid of even a single mention of the implications of these changes in relation to the Human Rights Act. Indeed, the explanatory statement provides scant narrative on the purpose and construct of the bill—barely half a page in all.

For such an important change in policy and for a matter that has such a significant impact on human rights one would expect that an explanatory statement narrative—and I am not talking about the clause-by-clause detail—would carry discussion about matters such as: the history of this initiative; why the current law is deficient; how the new law will address that deficiency; how it will benefit the people of the ACT; and what administrative and legal implications there might be for this law.

The attorney's explanatory statement and his presentation speech address few, if any, of these matters. They certainly provided no answers. In fact, they were so scant on in their discussion of this matter that the scrutiny of bills committee was moved to devote fully 17 pages of commentary on this important bill in its report No 22.

Arising from that commentary were: one recommendation that the minister provide further advice to the Assembly; four recommendations that the explanatory statement provide further explanation; five recommendations that the bill be amended in some manner; and 18 recommendations that the minister respond to particular issues raised. In addition, the committee raised nine issues as matters for attention but which did not require the attorney to respond.

The attorney's response to those 17 pages ran to four pages but, like the explanatory statement and his presentation speech, was scant on substance but excessive on rhetoric and arrogance. It prompted the committee in response to make a further six pages of discussion on the attorney's response. The committee's assessment of the attorney's response can be summed up by its comment—and I quote—“In some parts, the Attorney-General's response is deficient in accuracy and courtesy.”

The attorney's disdain for the importance of explanatory statements and presentation speeches and for the due diligence of the scrutiny committee process is shameful. This disdain is underscored by the fact that this attorney has failed to provide any further substantive response to the committee's further commentary. I note that circulated to me in the chamber today was a copy of a two-paragraph letter from the attorney saying that he has provided a response which was timely and detailed. He believes it was a thoughtful response and really he is not going to do anything more about the issue. This was on the back of me writing to the attorney well over a week ago asking him to address the issues that were raised in scrutiny report No 23, which was circulated to members last Monday and tabled in this place today.

The inadequacy of the attorney's explanatory statement, his presentation speech and his response motivated 23 pages of commentary from the committee. It is a testament to his lack of respect for our process of democracy. It is a testament to his disregard for the right of the people of the ACT to be fully and properly informed about such major policy changes.

There is one positive in all of this, and that is that the scrutiny committee proposes—and I quote from the committee’s report No 23—“to develop a position paper on the issue of the desired content of an explanatory statement”. I think that this will be a good move and will help inform departments and ministers, and also members of this place, about the importance of this extrinsic material.

All that said, the bill that the attorney has put forward, notwithstanding the shortcomings of its delivery, has merit. Let me go into the detail. The scheme of enforcement options that this bill introduces is divided into a number of stages. The first involves the suspension of the driver’s licence, including prevention from getting one, which already exists. Then follows suspension of car registration and, finally, provision of the defaulter’s details to a credit provider.

The next stage involves an examination order, meaning the JACS department can examine the financial position of the defaulter and their capacity to pay. If the defaulter fails to comply or gives false and misleading information an arrest warrant can be issued so the defaulter is required to provide the information under oath in a court hearing.

Finally, the court, on the application of JACS, will be able to issue a range of fine enforcement orders but, in doing so, must have regard to whether the order would cause undue hardship. Orders can be income redirection, subject to income protection legislation; financial institution deduction by lump sum or instalment; seizure and sale of personal property, subject to time limits, applications for the return of the property and whether the property constitutes a “necessity of life”; and voluntary community work orders to be administered by Volunteering ACT. Under these arrangements the debt will be discharged at the rate of \$37.50 per hour.

I note that in New South Wales the discharge rate is only \$15 per hour. I also note that voluntary community work orders will not be available to persons previously convicted of a violent offence. If all else fails, barring imprisonment, the chief executive can remit the fine. If the last resort of imprisonment is ordered, the fine is discharged at the rate of \$300 per day or \$500 per day for a person under 18 years at the time the offence was committed which led to the fine being imposed. I note that the current rate of discharge is \$100. The reparations provisions, which I referred to earlier, will mean that victims of crime will not need to pursue a civil action to seek reparation. Reparation orders will follow the same scheme as for recovery of court-imposed fines that I have outlined.

I note from the Attorney-General’s presentation speech that these reforms will bring the ACT into line with other jurisdictions. I would add here, Mr Assistant Speaker, that while it does bring us into line with other jurisdictions, we are almost unique in being a human rights jurisdiction. If we do make such impositions as seizing people’s property, for instance, to pay fines, it does have implications in relation to the operation of the Human Rights Act. It is incumbent upon the Attorney-General, of all people in this place, to recognise that.

It is quite clear that the policy intent is to ensure that the community is not left out of pocket by people failing to pay their fines and that that is an appropriate motivation

for impinging upon people's human rights. But it is also incumbent upon the Attorney-General to address these issues when he brings forward legislation such as this. It is not sufficient to say that we are doing what is done in other states.

I have only one question that I hope the attorney will address in his closing remarks, and that is whether the full process, as contemplated in the bill, must be followed, or whether certain elements can be skipped over to reach a pragmatic solution. For example—and there may be others—could an examination be avoided in certain circumstances and the parties move directly to an application to the court for a voluntary community service order? Such an approach may save considerable time and expense for everyone involved and deliver a result that is beneficial to all parties, especially the ACT community. If the bill is prescriptive as to the process that must be followed, it is a matter that we will want to monitor to see whether the process can be streamlined in the future.

Notwithstanding the Attorney-General's totally inadequate handling of the process behind a bill that makes a significant policy change and has a big impact on the ACT community, it has sufficient merit that warrants the support of the Canberra Liberals.

MR RATTENBURY (Molonglo) (5.14): The Greens welcome this bill being brought before the Assembly because it addresses a problem that we have campaigned on in the past. On that basis we will be supporting the bill today. The fact that people can be sent to jail as a way to repay a fine is problematic, in our view. If you accept the rationale that prison should be primarily aimed at rehabilitating offenders, you cannot help but see that prison is simply the wrong place for fine defaulters in many circumstances.

People who fail to pay fines will generally be experiencing financial stresses of one kind or another. Whatever the reason, be it a lack of a job, rising mortgage payments or the need to pay off other debts, people do let fines go by unpaid. To then send these people to jail is a huge disruption to family and work life. The disruption can only hamper the ability to keep up with financial demands. Put simply, it is hard to keep a job and make mortgage repayments from inside prison. Prison cannot and will not rehabilitate people to pay their fines next time if they have lost their job because they had to go to prison.

The Greens have campaigned for alternatives to prison. In 2006, my predecessor, Deb Foskey, proposed amendments to give the court the discretion for court-ordered community work. That proposal was a good example of a way of letting fine defaulters retain their links with family and work, while at the same time addressing the non-payment. The government did not support the proposal at the time, citing a number of technical reasons why it needed more consideration. We are pleased those issues have now been sorted out. Most importantly, the government has partnered with Volunteering ACT who will assist in the practicalities of administering the scheme.

The bill today does include voluntary community work as an option for fine defaulters. However, it also adds a number of other options for the court to consider. Those other options are: an earning directions order; a financial institution direction order; and a property seizure and sale order. These options are of a different category to a

community work order. They will result in the fine effectively being paid to government. They will also, clearly, result in money being deducted from the fine defaulter without their consent. If these mechanisms are followed for the wrong defaulters, they have the possibility of being no better than sending them to prison. If money is seized from the wrong type of defaulter, the financial hardship that caused them to default in the first place will simply be exacerbated.

The Greens have looked closely into this issue. We can see that the legislation has gone to some lengths to ensure that the court does not impose an order that would cause hardship on the defaulter or their family. This is a crucial aspect of the legislation. The Greens have some amendments that we believe will strengthen and reinforce those protections. To a large extent our amendments simply clarify the government's intention that no financial order be made that is unfair or causes undue hardship. Part of the Greens' concern to make this legislation as clear as possible is the understanding that, for some, a financial deduction order will be entirely appropriate. There will be some people who have not paid a fine yet who could have and simply should have. That is, they did have the money in the bank and the financial ability to pay. For this set of people deduction orders will be appropriate.

However, there is a different set of people who need to be protected by the legislation. These are the people who did not pay the fine because they could not, or they simply had too many other competing financial pressures. It would be inappropriate to have court order deductions for these people and the Greens amendments will make it clear that for these people community work orders are the best option.

I will talk in detail to the Greens' amendments a little later on. For now it is enough to say we support the bill. It is a large improvement on the current situation where fine defaulters are sent to prison without an examination of other alternatives. In a nutshell, this is what the bill achieves. It ensures that all other options are examined before a defaulter is sent to prison to repay their fine. The bill today gives practical effect to the statement that prison should be a last resort. That is the substance of the bill.

I want to pick up very briefly on the comments Mrs Dunne made. The Greens share the concerns Mrs Dunne has raised about the quality of some explanatory statements that come before this place. This is not an issue that is isolated to this bill alone. It is an issue that we have had some concerns with. We certainly had quite a discussion in the party room on this issue recently. I note in this case that the exchange of information revealed that we needed to be convinced about the merits of this bill and then sort through some of the details. We absolutely needed to make sure we got it right. I have a view that we should have had that in the first place.

We are able to move forward on this bill today, having received that additional information—and we are pleased to have got to that—but I also note the statement Mrs Dunne made to the house this morning, which she reiterated in her comments a moment ago, that the scrutiny of bills committee will now be working on this matter on an ongoing basis. I guess the reason we are prepared to move forward today is that we believe this is a systemic issue. It is not isolated to this bill and we do not see a reason, having answered the questions and the concerns that we had, to delay this bill. Rather, we need to move forward on a process of improving some of the concerns around the nature of explanatory statements.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.20), in reply: I thank Mr Rattenbury for his support of this bill and I regret that the Liberal Party is adopting the position it is in relation to this bill.

Mrs Dunne: We are supporting it. We are just giving you—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, if you want to talk to yourself, could you do so in mime, please? You are interrupting the proceedings.

MR CORBELL: This is an important bill which improves the regime for court-imposed fine collection in the territory. It has been a longstanding deficiency that there have not been alternatives to imprisonment easily available to the courts for those who default on court-imposed fines. And it is a more just measure for the court to have available to it alternatives to imprisonment for people who default on fine repayment. It is for that reason that the government has introduced these changes today.

I note that Mrs Dunne feels that in some way the government's response to the scrutiny of bills committee process was deficient. I draw to Mrs Dunne's attention the detailed reply I provided in response to the scrutiny committee, and I am amused how Mrs Dunne brushes it off as a four-page reply that said nothing.

Far from that being the case—and I would like to outline some of those issues for the record—first of all, let us make it clear that in my response I addressed the issues around why the chief executive has discretion to request information relating to defaulters' property and financial circumstances before considering a payment arrangement. Obviously, I made it quite clear that this is an important provision that is needed should discretion be able to be exercised by the chief executive in relation to those matters.

I went on to address the separation of powers issues. I addressed the issues around the legal basis for the Road Transport Authority to suspend a driver's licence and vehicle registration. I addressed the incorrect assertion by the committee that the attempt to suspend a defaulter's drivers licence may result in cruel, inhumane or degrading punishment, which I thought was one of the more extraordinary responses in the scrutiny committee report. To suggest that the suspension of a defaulter's drivers licence amounted to cruel, inhumane or degrading punishment was, I thought, one of the more extraordinary attempts on the part of the committee chair in relation to this matter.

I went on to make the point in my response about the justification for the chief executive to act on reasonable grounds. I outlined the issues relating to the proposed examination processes in court, which was in open court and involved the registrar of the court, in relation to a person's ability to pay a fine. I outlined a whole range of other matters in addition to that. This was not some desultory and inattentive response to a scrutiny committee report. It was a detailed response. It was made in good faith and it attempted in good faith to address all of the issues raised by the scrutiny committee.

I note that the committee issued a further report in response to the government's response to its initial report, and Mrs Dunne then made the demand that the government should respond to that before the matter was debated. I do not share that view. This becomes a circular process. The scrutiny committee makes a report, the government responds to the report, the scrutiny committee does not agree and makes another report and demands the government respond to that and so on. No, that is not the way the scrutiny process operates.

The government presents the bill, the scrutiny committee looks at the bill and makes comment on it as it sees fit. The government responds to that comment and then members are informed on these matters ahead of the debate. That is the purpose of the scrutiny process. It is not meant to be some alternative to debate in this place on the appropriateness or otherwise of provisions of a particular bill. That is this place's job.

I do not agree with the approach suggested by Mrs Dunne that, until the scrutiny committee is satisfied, the bill cannot be debated in this place. That is not the job of the scrutiny committee.

I turn to the provisions of the bill itself. As members would be aware, the bill introduces a new enforcement scheme for court-imposed fines and it modernises our fine enforcement scheme process and brings it largely into line with other Australian jurisdictions. The scheme will result in a higher level of recovery of outstanding fines and more flexible options for people experiencing difficulty in paying a fine. The new options also mean that a number of actions that are not currently available can be pursued before the last resort, imprisonment, is considered.

The imposition of a fine is a way of punishing someone who has broken the law. The principles of common law dictate, and the community expects, that the punishment will be administered. If this punishment is not administered, the offender is effectively avoiding that punishment.

There are certain groups, however, that are more susceptible to difficulties in discharging the punishment and that require special treatment. People under the age of 18 are in one of these groups. The government is committed to ensuring that young fine defaulters, that is people who are under the age of 18 at the time the offence for which they were fined was committed, are not treated unfairly under the new scheme.

Under the current scheme, young fine defaulters can be imprisoned in limited circumstances. As is the case with all other offenders, the new fine enforcement scheme proposed in this bill provides a number of options that can be pursued against a young defaulter before imprisonment is considered. Of particular importance is the option of a voluntary community work order.

It is fair to say that, in general, young defaulters are the least likely to have the means to discharge the fine through payment, earnings redirection, financial institution deduction or property seizure and sale. Undertaking voluntary community work will allow a young defaulter to avoid prison. Undertaking voluntary community work may also be of benefit to the young defaulter, not only in terms of discharging an outstanding fine but also in the development of life skills.

As you have heard, Mr Assistant Speaker, Volunteering ACT has agreed to work with the government to administer the voluntary community work scheme. This is a great example of government working together with a community organisation, and I thank Volunteering ACT for taking on this role.

To further protect young defaulters, the Department of Justice and Community Safety and the Department of Housing and Community Services are developing a protocol relating to young defaulters, particularly those in the care of the territory, and how they will be dealt with under the new enforcement scheme. This protocol will mean that the fine enforcement unit within the Magistrates Court will be liaising regularly with the office for children and young people when any young offender defaults on a fine. Any relevant information the office for children and young people has about a young defaulter will be shared with the fine enforcement unit, subject of course to any legislative privacy restrictions.

Appropriate enforcement strategies will then be discussed and decided upon, and the office for children and young people will be involved throughout the fine enforcement process. If, in the unlikely event, it is deemed appropriate for a young fine defaulter to be imprisoned in order to discharge an outstanding fine, the government is increasing the rate at which a fine will be discharged from \$300 per day of imprisonment to \$500 per day of imprisonment.

Furthermore, the maximum period of time for which a young fine defaulter will be able to be imprisoned will be seven days, after which the fine will be taken to be fully discharged. It is envisaged that young offenders would mostly access the imprisonment provisions as a means of cutting out or paying off fines when in custody for other matters. This will assist young offenders to have a clean slate when released back into the community. I would also make the observation that imprisonment itself is a discretionary power and would need to be determined by the court, obviously, on a case-by-case basis.

These protections that I have mentioned will ensure that young defaulters, particularly those who are in the care of the territory, will not be treated unfairly or unreasonably under the new fine enforcement scheme. As you have heard, one of the new reforms to fine enforcement contained in this bill is the ability for the court to order that a fine defaulter's earnings be redirected in order to satisfy the outstanding debt. The definition of earnings is quite broad and includes a pension, benefit or similar payment. As the explanatory statement to the bill elaborates, a pension, benefit or similar payment could include social security benefits.

As I stated when presenting this bill to the Assembly, any earnings redirection order the court makes must comply with any relevant income protection legislation. This is particularly relevant where a fine defaulter receives a social security benefit administered by Centrelink. Social security payments administered by Centrelink are protected by commonwealth legislation from being redirected or garnisheed through a court order. It is not the intention of the government for this bill to be inconsistent with commonwealth legislation. The reference to a pension, benefit or similar payment in the definition of earnings is worded for maximum coverage of all types of earnings. This definition appears in other legislation, such as the Queensland State Penalties Enforcement Act 1999 and the ACT Court Procedures Rules 2006.

Officers from my department are liaising with officers from Centrelink with a view to accessing Centrelink's centrepay scheme. Centrepay is a direct billing service offered to people who receive regular payments from Centrelink. Centrepay is available for a range of expenses, including rent, utility bills and, of particular relevance, court fines. This service is both free and voluntary for a person receiving regular payments from Centrelink. The person receiving the Centrelink payments has a choice.

The ability of fine defaulters who receive a Centrelink payment to use centrepay will result in a person being able to discharge their debt in a way that is the least onerous on the person. It will also mean that outstanding fines will be recovered and a person will discharge their criminal sanction imposed by the court.

This bill is an important reform to the territory's criminal law. The raft of fine enforcement options will allow some flexibility in the way in which fine defaulters discharge their court-imposed fines. The new options will also increase the territory's ability to recover outstanding fines. I thank those members who have indicated their support for the bill today, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (5.33), by leave: I move amendments Nos 1 to 4 circulated in my name together [*see schedule 1 at page 2211*].

These amendments, as I touched on earlier, clarify the proposed legislation and put into effect the stated intent of the government. At the heart of our amendments is the acknowledgement that the chief executive of JACS has an important discretionary role in how this legislation is applied.

One key role for the chief executive is making the choice between applying for a fine enforcement order and applying for a voluntary community work order. The two are quite different, as I touched on earlier. A fine enforcement order authorises government intervention into a fine defaulter's personal bank account or the seizure and sale of their property. On the other hand, a voluntary community work order enables a defaulter to repay their fine through community work. So the chief executive has an important decision to make. In light of the financial circumstances of the fine defaulter, what is the most appropriate method—fine enforcement or voluntary work?

Amendment 1 requires the chief executive to set out the reasons why he or she believes that a fine enforcement order would not be unfair or cause undue hardship. The amendment would require them to set out the reasons for their intended course of action. Amendments 2, 3 and 4 clarify what the primary consideration is for the court when deciding whether to make a fine enforcement order. The test of unfairness or

undue hardship is set as the key consideration, and then the factors that may be taken into account are listed. This flows from the presentation speech given by the attorney, where he said:

... I would like to reassure members that all orders have safeguards built into them. The most important safeguard is that the court must not make an order if such an order would be unfair or cause undue hardship.

To conclude, these amendments support the intent of the bill and clarify a number of key provisions. The amendments should be made because they reaffirm the important principle that fine enforcement orders will be inappropriate for some fine defaulters. I understand these amendments will be supported, and I thank members in advance for that support, as there is simply an intent, I guess, to just bring that crispness that I think we would all intend into legislation.

MRS DUNNE (Ginninderra) (5.36): The Liberal opposition will be supporting Mr Rattenbury's amendments. In addition to the proposed requirements for the chief executive to state the reasons for seeking fine enforcement, the first amendment would require the chief executive to state why the order would not be unfair or cause undue hardship. This amendment goes to the central theme of the bill and reinforces its support.

The second amendment is similar to the first, adding provision to the requirement for the Magistrates Court to consider questions of fairness and hardship as well as the interests of justice in making a fine enforcement order. The other two amendments are subsequent on those. The Liberal opposition is happy to support these amendments.

MR CORBELL: (Molonglo-Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.37): The government will be supporting these amendments. The amendments require the chief executive to include in an application to the court information about why a fine enforcement order would not be unfair or cause undue hardship. It is likely that the chief executive would have to provide this type of information at some stage in the proceedings in any event. The amendments will allow the court to be in a better position to make a decision, without requiring further information from the chief executive.

Under the current proposed wording of the provision, the court will be required to take into account the hardship caused when deciding an application on the grounds of the interests of justice. The amendments will emphasise the notion of undue hardship and unfairness already entrenched in the provision. Therefore, the government will support these amendments as they reflect the underlying policy intent in the new fine enforcement scheme.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

CEO sleep-out

MR SESELJA (Molonglo—Leader of the Opposition) (5.38): I want to make quick mention of the CEO sleep-out which I had the opportunity to participate in last week. The CEO sleep-out is a fundraiser for St Vincent de Paul, and it is designed to raise awareness of homelessness by getting local CEOs, community leaders and business leaders to sleep rough for a night and experience just a glimpse of what unfortunately some people in our community are still experiencing on a regular basis. It is designed to raise money and awareness and to get CEOs and community leaders thinking about how they can make the situation better, how they can improve things, for vulnerable Canberrans and those who find themselves homeless.

I want to make mention of the wonderful efforts of St Vincent de Paul in arranging the CEO sleep-out. I think it was a great success. In Canberra, \$337,761 was raised by CEOs, which is an outstanding effort. It is testament to the generosity of many Canberrans, and indeed the generosity of many CEOs who made their time available.

I want to make mention of some of the people who helped bring it about. From the St Vincent de Paul Society, there were Nicoll Parton, Stephanie Hawkins, Marlene Plumb, Barbara Knackstedt, and Bob Wilson, who is the CEO and who also participated in the sleep-out.

Paul Kane was, I believe, the top fundraiser from St George Bank, with \$24½ thousand. Cheryl Cartwright raised \$12,070 and Catherine Carter raised \$10,150. I want to make mention of some of those people who got behind the sleep-out and indeed some of those who participated. There were far too many people to mention in terms of donors and supporters. Some made small donations and some made large donations; they were all very welcome.

I want to pay tribute to some of those people. We had a number of prominent names and others. There were people from my own office such as Maria Violi and Ian Hagan. I mention Robyn Hendry; John Mackay; Kate Carnell; Brian Acworth; David Flannery; the Canberra Raiders and Russell Boyd. Indeed, we had Amanda Bresnan on the list; I did not actually realise that, but thank you to Amanda. There were Ivan Slavich; Angela Samuels; Christina Samuels; ActewAGL retail; Chris Wood; Bruce and Barbara Coe; Nick Samaris from the *Canberra City Weekly*; the University of Canberra; Norma Whiting; Sam De Lorenzo; our own Karen Doyle from the Assembly; John Runko; Steven O'Brien; and AIT Property Investment. They were just some of the people who supported my fundraising efforts and I would like to thank each and every one of them.

I would also like to make mention, in the short time I have left, of some of those who contributed and who were part of the CEO sleep-out. I will not be able to mention everyone, but Dr Dion Klein was there from the WISE Academy; Tony Stubbs from

the Heart Foundation; Keith Todd from OzHelp; Fergus Nelson from Just Better Care; Peter Munday from Canberra Imaging Group; Michael Will from DLA Phillips Fox; Jonathon Beaumont from Gillian Beaumont Legal; Terry Weber from PricewaterhouseCoopers; Rob Patterson, Community CPS Australia; Bill Andrews from Snedden Hall & Gallop; Sarah McPhillips from Bentleys of Canberra; Carol James, the Mayor of the Goulburn Mulwaree Council; Ann Cassidy from Calvary John James Hospital; Danny O'Brien, the Mulloon Institute; Maryanne Gore from Project Lighting; Anthony Willis from DLA Phillips Fox; Andrew Balmaks from Noetic Corporation; Laurie McDonald, Canberra Furnished Accommodation; David Inall, Cattle Council of Australia; Peter Murphy, Noetic Solutions Pty Ltd; Anna-Maria Arabia from the Federation of Australian Scientific and Technological Societies; Roslyn Dundas from ACTCOSS; David Templeman from Alcohol and Other Drugs Council; Roger Tall, Capital Chemist and Paperchain Bookstore; Bill Delves from Ernst & Young; Debra Cerasa from the Royal College of Nursing; Peter Howman from the DHA; Andrew Sayers, National Museum of Australia; Adrienne Moss, Rotary Club of Hall; Garth Morrison from GrayMorr Consulting; Tim Hyde from RiotACT; Chris Holmes from Single Cell; John Griggs from Webb Australia Group; Brendan Shaw, Medicines Australia; Gary Rumble, DLA Phillips Fox; David McCooey, General Manager, Ablaze Total Solutions; Evelyn Callaghan, Deakin and Park schools for early learning; Meredith Wright, Daltons Books; Martyn O'Connor, Parkhill Financial Group; Andrew Cappie-Wood from the Chief Minister's Department; Ilea Buffier from Ninetwofive Interiors; Hugh Chalmers, Meyer Vandenberg; Regina Neary, ACT Nursing Service; Tim Benson, B2B in Canberra; Stephen Parker, Vice-Chancellor of the University of Canberra.

I have run out of time. Perhaps Ms Burch can take up the challenge. But well done to all those who participated in what was a wonderful event which raised a lot of money and hopefully a lot of awareness.

Mr Joshua Gordon

MR DOSZPOT (Brindabella) (5.44): Last Friday night was one of the special occasions that we organise twice a year when we call together a group of friends to assist in raising funds for a worthy cause. On Friday last, 18 June, around 300 people joined us at the Southern Cross Club in Woden for our quiz night fundraising function which this year we dedicated to Joshua Gordon to try and help him reach for the stars.

Joshua Gordon is 20 years of age and an amazing young man. In February 2007 he began figure skating. He had never before been on the ice or skated. Within six weeks of beginning lessons, Joshua had passed 10 Aussie skate badges and within seven months he was representing Australia at the New Zealand national figure skating championships. He brought home the first gold medal ever won by an Australian in a Special Olympics division. In January 2008, Joshua won first prize in the technical preliminary division, in the mainstream competition, at the summer trophy competition in Brisbane.

Ten years ago Joshua was assessed as having autistic spectrum disorder, ASD, intellectual impairment II and level 6 speech language impairment, SLI. Despite his challenges, he has now qualified at intermediate men's level in his sport and has only three tests to pass to obtain senior men's qualifications under the testing program of the national federation, Ice Skating Australia.

Joshua's ultimate dream is to compete at the 2014 Winter Olympics and to build a successful career within his sport, either in ice shows or by becoming a professional coach for young skaters. His determination and commitment to achieve what many people would once have thought unachievable have been met with the greatest admiration from his coaches, judges and officials within the sport. Most importantly, Joshua wants to show the world that people with a disability are just as capable of achieving their dreams as anyone else. He is determined to one day be self-sufficient so that he no longer has to rely on a government disability allowance.

Joshua's training consists of six hours of lessons every Tuesday, Wednesday and Thursday in Sydney with Australia's highest qualified world Olympic coaches. Recently Joshua gained employment at Dendy Cinemas on Friday, Saturday and Sunday, to assist his parents with the many expenses associated with his dream—a dream that is shared by his parents, Anita and Randall Gordon.

On Friday night, thanks to the generosity of the Southern Cross Club and close to 300 members of our fantastic Canberra community, we went a long way to assisting Joshua to reach for the stars. Through the generosity of the attendees and the many sponsors and donors, almost \$16,000 was raised. We cannot name everyone, but the generosity of the Lords Taverners, George Lemezina Homes, Organised Interiors of Hume; Virgin Airlines, Richard Rolfe and Audi need to be recognised. And the volunteers need to be recognised: Lachlan Kennedy and Erin Molan, who acted as MCs, and Kate Davis, who performed wonders with her involvement.

It was a bipartisan effort, and I thank Ms Bresnan for her contribution to the prizes, to assist with the fundraising. And I mention my colleagues: Alistair Coe, who was also a great contributor, and Mr Hanson and Mr Seselja.

Mr Hanson: Who won the trivia quiz?

MR DOSZPOT: As it turned out, despite being non-partisan it was a fairly competitive night, and I am not going to say who won.

I would like to recognise some of the other people who contributed: the Rotary Club of Canberra City; Blake Adams; Megan Barons; Susan Blinksell; Kate Davis; Emily Davis; Adam and Annette Doszpot; Amy Doszpot and Edward Spence; Maureen Doszpot; Merlin Kong; Chris Inglis; Colleen McInerny; Margaret Mackie; Maria Russoniello; Karin Semecky; Janica Spiteri; Lorenza Van De Kley; Maria Violi; and Magda Viglatgis.

All in all, I would like to thank the 300-odd people who contributed to a great night and quiz. It was a great opportunity to raise funds for a very worthy young man.

Canberra Refugee Support group

MS BRESNAN (Brindabella) (5.49): I would like to speak on an event I attended on 15 June for World Refugee Day. It was the scholarships presentation from the Canberra Refugee Support group; Mr Doszpot and Mr Coe were also at the event. The purpose of the Canberra Refugee Support scholarships program is to recognise meritorious performance and to encourage and support outstanding refugee students in the pursuit of their personal development goals.

This was a really inspiring event to go to. We heard the stories of some of the scholarship recipients and what they had been through, some of them in their very young lives, with some as young as 17 coming out here on their own and having to support themselves and also study. We do not quite know what some people have been through and the hardships they have had to go through in their life. There were recipients representing a number of different countries, including Burma, Sudan, Afghanistan and a number of other countries.

There was a very interesting keynote address from Richard Towle, who is the UNHCR regional representative for Australia, New Zealand, PNG and the South Pacific. One of the very salient facts which he pointed out was that at the moment there are approximately 15 million refugees across the world who will not be able to return to their countries of origin. He said that that is about the highest level we have seen since 1990. It is always good to keep that in our minds when we are talking about refugee issues.

I had the great honour to speak to an ethnic Hazara man from Afghanistan. He told me his story. He had come out to Australia in 1999 by boat; he had had to flee the country because of what was happening there with the Taliban. His village had been teaching girls at school, and they had been threatening that if they did not stop this practice they would go into the village and kill people there. That did happen, so he had to leave. In 2002 he managed to bring his whole family out here. He was very proud of his three daughters, who were all going through university; his oldest was about to graduate. It was very inspiring to speak to him. He made the point that Afghanistan is still a very dangerous country and that there are a lot of people who will not be able to return there.

I would like to congratulate everyone who received the scholarships and to congratulate the Canberra Refugee Support group on the wonderful work that they do in supporting refugees in the community, particularly for this program, which, as it says, recognises the contributions that refugees make to our community. I wish them all the luck with this program in the future.

Mothers Day classic fun run
Diabetes singing bee
Podmore Foundation
Red Shield Salvation Army doorknock appeal
Vietnam Veterans and Veterans Federation

MR HANSON (Molonglo) (5.52): I have had the privilege of attending a number of events since we last sat. Notably, one of them was the Mothers Day classic fun run. I noticed that a couple of other members from the Assembly also participated. I saw Katy Gallagher out there, and Amanda Bresnan. More notably, though, Zed Seselja was there; I did not actually see him, because he was behind me all the way. I was looking for him, but I was looking in the wrong place; I should have been looking behind me. Unfortunately, Zed came in a little bit behind me, but I am sure he will do better next time. I am sure that he will be inspired to after listening to this speech.

On 15 May, I participated in the diabetes singing bee, which was a great night, a fantastic night, that raised in the order of \$120,000 for a very worthy cause. It was a

very well organised and well-attended event; I commend Laurel Davies and Romina, who organised the event, and all those people that participated and contributed to the singers. I do not think they got value for money, but I thank all of those people that sponsored me. I have thanked them personally and I take this opportunity again to thank them very much for their support. And I commend the other contestants for what they are doing. James Blundell was the only genuine celebrity that turned up; and he did not win—who would have thought it?—in the singing bee.

I recently attended a Podmore Foundation event, and I note that Mary Porter and her partner were there. It is a very worthy charity, founded by a group of ex-RMC graduates. The focus of the charity is to provide money and to return opportunity. They give principally an amount of money to Yalari, which is a charity aimed at young Indigenous people, to provide them with an education. It finds young Indigenous people who are seeking opportunity where they can be sponsored to attend a school which otherwise they would not be able to attend. It gives them that opportunity. It is a fantastic event, and I had the privilege of sitting with Mick Dodson that night.

I move to the Red Shield Salvation Army doorknock appeal on 30 May. I thank Captain Jennifer Wheatley for getting me and Mr Coe out in the rain to go and knock on a few doors in Kingston. It is fair to say that some people were not as happy to see us knocking on their door on a Sunday morning as they were to see Natalie Forrest from Prime news. I commend her and her sister. They were out knocking on doors, and most people were probably more encouraged to open their door to a couple of very attractive blondes than they were to open them to me and Mr Coe. Nonetheless, we soldiered on and we did raise some money for a very worthy cause. I thank the Salvation Army for the opportunity to participate in that event.

On 15 June, I attended the Vietnam Veterans and Veterans Federation facility in Page at one of their Tuesday ladies functions. I was very lucky to attend that one, because that is the day that the ladies come and cook lunch, and it was splendid fare. I got an opportunity to meet a lot of the guys out there. They provide a facility where veterans from all conflicts, but principally the Vietnam conflict, can get together, meet and have some comradeship. They look after the guys and they make sure that they are supporting them through DVA claims or just helping them with any problems that they might have—just providing some mateship. That is a very important part of our community.

It is a sort of men's shed concept; they have got two sheds there, one for woodwork and one for metalwork. It is working very successfully. Most of it was self-help, but some money has been provided by the ACT government and some by DVA and the federal government through other schemes. But principally it is about a bunch of guys who have got together and made something work. They are looking after each other, and that is a great opportunity. I thank the president and all members of the Vietnam Veterans and Veterans Federation.

CEO sleep-out World Refugee Day

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for

Multicultural Affairs and Minister for Women) (5.57): I have a few things I would like to share with the Assembly. In regard to the CEO sleep-out, I, too, was there. I ventured into the cold of the night with the other 110 community leaders and chief executive officers. I thank the organisers for a very good night. The CEOs were there; I think they were challenged, many for the first time, by confronting the issue of homelessness.

Whilst I give credit to those that were there, I also want to give credit to two individuals who came and shared their story of homelessness with those there. To young Grace and perhaps not so young Wayne, I offer my heartfelt appreciation that they were able to share their stories with the CEOs and other folk that were there. It did get chilly, and I must admit that the cool of that blustery Thursday night come 4 o'clock was something that I will probably remember for some time.

Refugee Week and World Refugee Day have come to an end. On Saturday I had the pleasure of going to Companion House and the world refugee football or soccer competition. We had our own footy fever play-out at the AIS oval. We had a number of teams from our local Canberra community—the multicultural community, a refugee community—and also, for the first time, some community groups from Goulburn. The grand final was played out between our local Karen community and also the Liberia community from Goulburn. The Liberia team took home the trophy. The organisers from Companion House offered to keep it and have it engraved, but that trophy was not leaving their hands for at least the first week. I imagine they shared that win with their church group on the following day.

Also on World Refugee Day, Oxfam managed to pull together “Refugee realities”, a camp down near Stage 88. I went down there at the weekend to have a look through that exhibition or camp. It was very challenging to walk through the different arrangements that they had—the camp going through a minefield and crossing borders. And there was a tent there with many refugee stories; it was quite challenging and confronting to read through some of their stories.

Oxfam considered it to be a success. Over 3,000 people went through in the last two weeks, so that is 3,000 more people in this community who are more aware and understanding of the plight of refugees and asylum seekers. Australia takes about 1.6 per cent of the world's refugees; that is a small number when, as Ms Bresnan said, there are many millions who are displaced and have no place to call home. Given that the theme for this year was “home”, let me say, as the Minister for Multicultural Affairs and a member of the Canberra community, that it is good that we here in the ACT have a welcoming and warming community for refugees and asylum seekers.

On “Refugee realities”, I would like to thank Oxfam and the wonderful local sponsors and also the volunteers who put in time and effort in planning, erecting, managing and providing the escorts through that very live reality of a refugee.

Question resolved in the affirmative.

The Assembly adjourned at 6.01 pm.

Schedule of amendments

Schedule 1

Crimes (Sentence Administration) Amendment Bill 2010

Amendments moved by Mr Rattenbury

1

Clause 6

Proposed new section 116W (2) (a)

Page 25, line 11—

omit proposed new section 116W (2) (a), substitute

- (a) a statement setting out the grounds of the application including—
 - (i) the reasons why the chief executive considers the order would not be unfair or cause undue hardship to the fine defaulter or any other person affected by the order; and
 - (ii) if the chief executive seeks a particular fine enforcement order—the reasons why the chief executive seeks the order;

2

Clause 6

Proposed new section 116X (1)

Page 26, line 4—

omit proposed new section 116X (1), substitute

- (1) The Magistrates Court may, on application by the chief executive, make a fine enforcement order against a fine defaulter if the court is satisfied that—
 - (a) the order would not be unfair or cause undue hardship to the defaulter or any other person affected by the order; and

Example—other person affected

a dependent of the defaulter

Note An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (b) it is otherwise in the interests of justice to make the order.

3

Clause 6

Proposed new section 116X (3)

Page 26, line 12—

omit

In deciding whether it is in the interests of justice to make a fine enforcement order against a fine defaulter

substitute

For subsection (1) (a) and (b),

4

Clause 6

Proposed new section 116X (3) (g)

Page 26, line 24—

omit
