



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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**Tuesday, 29 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.

**Minister for Health**  
**Motion of censure**

**MR HANSON** (Molonglo) (10.01), by leave: I move:

That this Assembly censure the Minister for Health, Katy Gallagher, for her ongoing mismanagement of the Health portfolio and for having misled the community and this Assembly in relation to ACT Health's practice of requesting doctors downgrade urgent elective surgery patients.

It is not a trivial matter to bring forward a censure motion against a minister, and I do not do so lightly. This has been as a result now of months, if not years, of ongoing neglect from Katy Gallagher in the management of this portfolio. Although the mismanagement is well documented, what has come to light over recent weeks is not only the mismanagement but her misleading of the ACT community and misleading of this Assembly with regard to elective surgery waiting lists.

With regard to her mismanagement of the health portfolio, elective surgery waiting lists are but one area where we are falling behind in the ACT. Not only do we have the longest waiting times for elective surgery in Australia, but also we have the lowest number of GPs. We are some 70 short per capita, the lowest number in Australia. Bulk-billing rates are the lowest in Australia. Our costs in delivering health, at 11.1 per cent, escalating each year, are the highest in the country per capita. And what we have seen is that, in accordance with the latest AIHW report, our hospitals are the most inefficient in the country.

We have incidents of bullying, both systemically in ACT Health and specifically the case in obstetrics. The other problem we have seen in obstetrics is what Katy Gallagher described as a "10-year war" in obstetrics. We know of the problems in our emergency departments and the unsatisfactory waiting times, particularly for urgent and semi-urgent categories. We have seen the debacle of the Calvary hospital purchase that has led to significant disruptions in Calvary hospital and across ACT Health, disruption across the community and the pain that caused a significant number in the community, particularly the Palliative Care Society in relation to Clare Holland House.

We have seen the ongoing problems with cancer services—the inability of patients to access some of those services and the utter breakdown in communication with patients. We have seen staff shortages across a number of critical categories—in particular, elective surgery categories for urology. We have seen mismanagement and miscommunication in other areas. We saw the dreadful case of an infant who was deceased from an unknown cause being sent a bill for a TB test after he was exposed to TB in the Canberra Hospital. We saw the mismanagement and miscommunication

relating to the first case of a swine flu fatality here in the ACT. We have seen the remarkable case of—

**Ms Gallagher:** Get back to the mislead, Jeremy. Where is the mislead?

**MR HANSON:** If you read the motion, Ms Gallagher, you will see it is about mismanagement and misleading.

**Mrs Dunne:** Mismanagement and misleading. So just wait for it.

**Ms Gallagher:** I do not think it has been circulated. I have not had the decency of being given the motion.

**MR SPEAKER:** Order, members!

**MR HANSON:** We have seen the minister who signed up for 50 per cent of our GST to be spent on the national health reforms whilst she was out there communicating with the public that it was only 30 per cent. We have seen public hospital beds at the lowest rate per capita in the country, which is leading to bed occupancy rates that are above dangerous levels and access block.

**Ms Gallagher:** You are misleading now, Jeremy. You be careful.

**MR SPEAKER:** Order, members!

**MR HANSON:** We have seen, just in the recent budget, the ongoing neglect of mental health here in the community and neglect in preventive health. We have seen infrastructure that has not been delivered, that has been rolled over—\$50 million of rollover in health alone this year, on the back of \$57 million rolled over last year. We have seen ongoing delays in things like the secure mental health facility, and we have seen the car park fiasco. Many times before I have come to this place and talked about mismanagement. There is no question that this health portfolio, this health system, is being mismanaged under the minister, Katy Gallagher.

I turn to elective surgery as a specific issue in terms of that mismanagement. We have the worst rates for elective surgery in this nation, at double the rate.

**Mr Seselja:** Worse than New South Wales?

**MR HANSON:** Far worse than New South Wales, Mr Seselja. The AIHW report that was released on 17 June shows that the rate for the median waiting time for surgery in the ACT has worsened, from 72 days to 75 days in the last year. And that is 31 days longer than the national average of 34 days. It is at least twice the national average. The report also shows that since the previous report that was released in 2009 the length of time that the majority of elective surgery patients are waiting has worsened from 372 days to 378 days, which is 158 days longer than the national average of 220 days.

The report shows that since the previous report was released the number of people who have been waiting longer than a year has increased from 10.3 per cent to 10.6

per cent. But in response to a question I asked on notice during estimates, I note that that rate has now escalated to 15 per cent. So the number of people per capita waiting longer than a year is five times the national average.

We know that patients who have been classified as 2a—meaning that they should have their surgery within 60 days—have actually been waiting longer than a year. I will relate the story of Allan McFarlane and what his carer said:

Miss Arroll is at a loss to understand why Mr McFarlane, who moved into aged-care accommodation last year, is still waiting for surgery. “I just thought, you know, we’ve got lots of money to spend on bicycle paths and bits of art and things like that, but we can’t get him in to have an operation.”

And it is a question well asked by his carer.

This is a sensitive political issue, Mr Speaker; there is no question about that. In recent times we have seen the minister boasting that, amongst this terrible news for the ACT, urgent patients—that is, those who are meant to be seen within 30 days—are being seen on time. In fact, the boast is that about 95 per cent of those urgent patients, category 1 patients, are operated on in time. But when we look at the facts, we need to understand the way those lists are being managed. The annual report says that 94 per cent of category 1 patients are seen on time. I have a list of press releases here that I could go through—and I am happy to table them later—that show the government boasting that category 1 patients being seen on time are at least in the order of 95 per cent.

On Tuesday of last week in the Assembly, we asked the minister a number of questions about this. The minister denied there were any cases that she was aware of where patients were being downgraded from their elective surgery. This was in response to an article that had run earlier in the week where claims were made that that was the case. The article, with respect to an elective surgery patient, Mr Wentworth, stated:

After being told his operation would ... take place at the end of May, Mr Wentworth rang ACT Health two weeks ago to inquire if a surgery date had been set.

“They said, ‘Oh you’re being downgraded,’” Mr Wentworth told the *Canberra Times*.

“I asked why I wasn’t informed and the comment was that anyone who isn’t operated on in the 30 days, the hospital downgrades.

“I was absolutely flabbergasted. I was a bit upset over this issue because I wasn’t informed.”

Peter Hughes from the ACT Visiting Medical Officers Association said he believed administrative staff in ACT Health had been shifting elective surgery patients to lower priority categories than the ones nominated by their doctors.

“This is an illegal stunt that’s done by the administration to try and make their figures look better,”...

“It does happen. There’s no doubt about it.

We asked a number of questions related to this, Mr Speaker, and the minister was quite definitive that this was not a case that was occurring. I will relate to you the question that was asked. There were a number of them:

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?

In response, the minister said:

It would not be in accordance with the policy ...

The minister was asked another question:

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

In response, the minister said:

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 ...

So it is quite clear, on the Tuesday, during question time, that the minister was saying it would be unlikely that ACT Health ever contacted a doctor asking the doctor to downgrade their patient. In fact, she said that “it would not be in accordance with policy”. That is a definitive series of statements. Not only is it on the record—it is in the *Hansard*—but nobody who would have been listening to that debate, nor anybody who listened to the comments of ACT Health officials or the minister in the media, would be left with anything other than the impression that there was no policy, there was no practice, of ACT Health going to doctors and saying, “We would like you to downgrade a patient.”

However, on Wednesday, the story changed. Part of that involved a letter that was provided, and I will read the relevant extract from that letter. It relates to urgent elective surgery. It says, in part:

We can make this a ‘staged’ procedure for this date. If you accept this date, please re-categorise this patient as a ‘2a Staged Procedure’ ...

It is quite clear that what has been happening is that elective surgery patients are being downgraded at the request of ACT Health, and the day before the minister had flatly denied it. I will read from another letter that has been provided and that is reported in the *Canberra Times*. The clinical director of surgical services, in a draft policy, says:

Many surgeons resist or refuse requests to downgrade the category ...

So how is it that doctors are resisting or refusing requests when, on Tuesday last week, the minister said that doctors never receive requests? It is quite remarkable. Quite clearly, the minister has misled us and she has misled the community.

On Wednesday, she was changing her story by 180 degrees. She went forward and said, "No, it is policy." She started waving around the policy. She started trying to ridicule me by saying, "You haven't read it," when, the day before, she was denying that it was actually listed in the policy or that it actually existed. The minister who, the day before, said, "There is no policy; the policy does not exist; ACT Health doesn't contact doctors to downgrade their patients," the very next day was waving around a policy and showing that it does.

If she is saying that that policy does not exist, is she saying that Dr Bryan Ashman is incorrect in his letter? Dr Bryan Ashman in his letter said that many surgeons resist or refuse requests to downgrade the category.

*Members interjecting—*

**MR SPEAKER:** Order! I cannot hear Mr Hanson.

**MR HANSON:** So how does she correlate that with her earlier statement that ACT Health does not actually contact doctors to ask that their patients be downgraded? There are some absolute and clear contradictions, Mr Speaker. What we are seeing is a policy that says that doctors are being written to. I will read what the draft policy is, in addition to what is being denied by the minister. What is going out further from ACT Health, in the policy that is being proposed, is that the surgeon will be asked to re-categorise patients that cannot be accommodated within 30 days in their routine sessions as a '2a staged procedure' that will be performed on an agreed date within the 60-day period. And this is the key part:

If the referring surgeon refuses to rank the patients, then the clinical director will do so.

So not only are doctors being asked to downgrade their patients, but what we are finding now is that it is being proposed that if a doctor refuses to downgrade their patient, that decision will be taken away from them. This is what is happening. Not only do we know it is policy, we know there is a draft policy that wants to take the decision away from the minister, but this is the same minister who, the week before, was denying the fact that there was a policy.

**Ms Gallagher:** I don't make the decision about who gets the elective surgery.

**Mr Smyth:** No, you said there were no decisions.

**MR SPEAKER:** Order!

**MR HANSON:** Mr Speaker, it is clear—

*Members interjecting—*

**MR SPEAKER:** Order, members. Stop the clocks. Members, there is obviously a level of political angst on this one, but I do not expect Mr Hanson to be shouted down.

**Mr Stanhope:** There is a bit of embarrassment.

**MR SPEAKER:** You will have your chance in a moment, Mr Stanhope, and your colleagues. Mr Hanson, you have the floor.

**MR HANSON:** Mr Speaker, what is clear is that the community and this Assembly have been misled. It is there in black and white; it is categorical. As a result, this minister deserves to be censured, and the decision for the Greens is whether they are going to support Katy Gallagher over what happens to be a clear mislead. They have been misled, just as we have been misled. With respect to the decision for them, I know there is a relationship between Katy Gallagher and Meredith Hunter, a friendship, but she has to put aside that friendship, she has to put aside that personal relationship, and the Greens have to step up and demand accountability and scrutiny of this government, because there is a standard of ministerial accountability. There are documents signed by the Chief Minister relating to ministerial standards and, quite clearly, this minister has breached them. She deserves to be censured for her absolute mismanagement of the health system, for misleading the community and for misleading the Assembly.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.16): The government will not be supporting this motion and I think the shadow opposition health spokesman has failed to make the case for the Liberals. It is surprising, given the amount of venom he has for me, but also given the time he has had to prepare a case, which he has failed to outline to the Assembly today.

The Liberals have accused me of misleading the community and misleading the Assembly. It seems to be the only plank of their evidence, the *Hansard* of my comments to this place, because this is about my misleading. It is clear from the questions that I answered last week that my answers are correct.

The Liberals did not ask me the question: “Does ACT Health ask doctors to appropriately categorise their patient?”—in which case my answer would have been yes. Their question was: “Does ACT Health approach doctors and ask them to downgrade their patients?” They do not do that; the policy does not do that; the letter does not do that. Indeed, Dr Ashman’s draft policy which he took to a chief executives forum where it was discussed, as I understand it, last week, does not do that.

What those policy documents do and what my comments relate to is this: “Are doctors asked to appropriately categorise their patients?” This is a common, standard way of managing your elective surgery waiting list to ensure that category 1 patients, appropriately categorised category 1 patients—that is, the most urgent outside of emergency surgery—get access to the theatres and to their surgeons ahead of people with less urgent conditions.

That is what this is about. I cannot for one second think why the Liberals have a problem with that. Do they want a situation where Health is ignoring concerns from surgeons that people are not being categorised correctly and, therefore, potentially getting access to surgery ahead of someone with a more urgent condition who is missing out because of the amount of category 1 patients coming through? I would be very surprised if the Liberals would have a problem with that.

Is ACT Health not even able to ask a doctor whether someone is inappropriately categorised, or potentially inappropriately categorised? Is it not able to ask: "Is this an appropriate categorisation for this patient? It seems like it might not be."? If we are not even allowed to ask the question then there is potentially a lack of discipline in how we manage our list. ACT Health has to manage the list. The clinical director has to manage the list—

**Mr Hanson:** They are all ingrown toenails, aren't they, minister?

**MS GALLAGHER:** Mr Hanson yells out about ingrown toenails. This is another example I have been given: excision of a wart, category 1. In some cases, the excision of a wart may be category 1 but is the clinical director not allowed to ask the question of the surgeon, "Is this a category 1?"? That is what the policy outlines.

ACT Health does not approach doctors and say, "Reclassify your patient into category 2a." It does not do that and nothing you have been able to show the Assembly today supports that. Health have a policy. They have letters. Much to Dr Ashman's concern, a paper that he has freely written for discussion with his colleagues is now the subject of close scrutiny in this place.

**Mr Seselja:** Nothing like scrutiny, hey, Katy.

**MS GALLAGHER:** Look, this is the head surgeon at the hospital saying: "Guys, a problem has been raised with me. This is my idea about how we manage it."

**Mr Hanson:** Were you aware of the problem? Were you aware of the problem?

**MS GALLAGHER:** No, I was not aware of Dr Ashman's draft policy. But I imagine there are—

**Mr Hanson:** Were you aware of the problem?

**MS GALLAGHER:** I have had the problem of inappropriately classifying patients raised with me. I have said that. I have not had the problem of surgeons being bullied into downgrading their patients raised, which is the allegation that you put to me and the question that you put to me last week. I have not had that. And ACT Health do not do that. What they do is manage their lists, as New South Wales does, as Queensland does, as Tasmania does.

All jurisdictions have a process where they audit their lists to make sure that those with the most urgent conditions get access to theatre times first. That is what this is

about. I cannot understand why the Liberal Party have a problem with ensuring that those with the most urgent conditions get access to theatre first and that there is an audit process to ensure that those decisions are correct.

**Mrs Dunne:** The problem is that you said it did not happen. The problem is you misled the Assembly.

**MS GALLAGHER:** No, I did not mislead the Assembly, Mrs Dunne. I did not. Because the question—

*Opposition members interjecting—*

**MS GALLAGHER:** Look, I cannot help it if your tactics—

**MR SPEAKER:** Order! Ms Gallagher, one moment please. Stop the clocks, thank you. The wall of sound is not an appropriate way to conduct this debate. Ms Gallagher.

**MS GALLAGHER:** I cannot help it if your tactics group did not ask the right questions of me. You did not come in here and say, “Do ACT Health approach doctors around the correct categorisation of their patients?” You did not. Your problem is that you jumped straight to the negative. You jumped straight to the point that you think you want to get to without the evidence, and you asked, “Did ACT Health approach doctors to downgrade their patients?” They do not do that.

**Mr Seselja:** And they did.

**MS GALLAGHER:** They do not do that, Zed. They do not do that without another process going forward around the audit—

**Mrs Dunne:** They do not do it directly; they do it indirectly.

**Mr Hanson:** So they do do it. They do do it.

**Mr Smyth:** They do do it.

**MS GALLAGHER:** They do not do it. What you do not understand—

**Mr Hanson:** You misled.

**MS GALLAGHER:** No, I did not mislead, Mr Hanson. I did not mislead. You have misled by accusing me of misleading. I did not.

*Opposition members interjecting—*

**MS GALLAGHER:** I did not. My statements in this place, and I have gone through them, are correct. Mr Speaker, the question the Liberals asked me last week was, “Do ACT Health approach doctors to downgrade their patients?” That is not what ACT Health do. Yes, ACT Health manage an audit process of their lists. Yes, ACT Health make sure that patients are appropriately classified in their category to ensure that

people get access to elective surgery. As part of that, if doctors determine that their patient can wait longer than 30 days for surgery, they can be re-categorised.

But there is a long process to go through and it is done with the surgeon's approval. I have had no evidence brought to me of a doctor or a surgeon being asked to downgrade their patient just for the convenience of the hospital, which is the argument that Mr Hanson put. I have got no evidence of that.

I have arranged for a briefing of Assembly members—I do not know whether anyone is going to take it up—with Professor Guan Chong from the hospital. I have arranged for him to come and talk to members about how doctors have to manage their lists and the importance of managing the lists. I have arranged for that. I have written to Dr Peter Hughes, who has never written to me about this. He has never, ever written to me about this.

He has written to me about car parking and he has written to me with concerns around doctor referrals and surgeon referrals. Actually, he did not write to me. He wrote to the Chief Executive of ACT Health. I have written to Dr Peter Hughes. I have asked him: "In light of your public comments, what evidence have you got? Have you got anything?" I have not got anything back yet. I have not got anything back. I have not had a patient, apart from the one that appeared in the paper. But that patient has not contacted me. My discussions with ACT Health are around whether there were things that were said to him by the surgical booking staff. Those staff are genuinely concerned that there was a problem with communication. But that is as far as this has got.

This Liberal Party want to censure me around ensuring that the elective surgery waiting lists are appropriately managed at the hospital. If that is what you want to censure me about, having a good audit process, making sure that category 1 patients get their surgery within 30 days, that the most urgent get categorised above others, then, yes, I am guilty of that. But in terms of misleading the Assembly, I have not misled the Assembly. This is the first censure motion that I have had in eight years as minister. I take my responsibilities in terms—

**Mr Seselja:** So it is not one a month, then, as Jon was saying.

**Mr Smyth:** So that would be a mislead.

**MS GALLAGHER:** Not for me, Zed. You have not moved a motion against me. You have moved plenty of other censure motions. I take my responsibilities in keeping the Assembly updated with accurate information and correcting the record if I have to very seriously. But I have gone through the *Hansard*. There was no mislead last week. If you asked me a different question from the one that you wanted me to answer, that is your problem. That is not mine. That is not my problem. You did not ask me the question that you wanted to ask me. All of my—

**Mr Smyth:** "Unlikely; not in accordance with policy."

**Mr Hanson:** You said it would not be in accordance with the policy.

**MS GALLAGHER:** Exactly. Downgrading patients, a la the allegations you are putting to me, is not in accordance with the policy. What is in accordance with the policy is that the waiting lists be appropriately managed at all times. Thirty per cent of all surgery done at Canberra and Calvary hospitals is category 1 surgery. It has to be managed; 10,000 procedures a year—

*Members interjecting—*

**MR SPEAKER:** Stop the clocks, please. Members, you know that I do not believe it is appropriate to have constant hectoring across the chamber, nor do I think flinging insults across the chamber under the cover of not being recorded in the *Hansard* is appropriate. I would ask members to desist. I will take further action if it does continue. Ms Gallagher.

**MS GALLAGHER:** Thank you, Mr Speaker. Thirty per cent of all surgery done at the Canberra and Calvary hospitals is category 1 surgery. It is around 3,000 procedures—probably just over 3,000 procedures. So you have to understand that it has to be managed. If there are concerns with categorisation of patients then the hospital has to manage that. The clinical director has to manage that and that is exactly what you see happening. What you see happening is the system working. Yes, it is under stress. Yes, it is under strain. Yes, we have got to do more around elective surgery to get our waits down.

But in terms of what is going on, in terms of managing and auditing the waiting lists, a proper process has to be there and has to be in place. Surgeons have to justify, at times, the category of patients they list their patients at. Particularly if they do not have the operating time to do the work, questions will need to be asked. For example, the question may have to be asked, “Who is going to do this procedure if you cannot because your time is all booked up with other patients?”

These are questions that have to be put and these are questions that Dr Bryan Ashman is seeking to address in his draft document, which did not get endorsed at the forum at which it was put because of concerns raised by other surgeons, as I understand it. That is the forum where those discussions need to be had.

It is not appropriate for the Assembly to determine the appropriate waiting list policy for management of patients at the Canberra Hospital and Calvary hospital. It has to be done in forums where surgeons have the freedom to speak and to discuss issues, particularly if there are areas of tension, which is always the case. There is more work to be done in elective surgery. We have increased our throughputs. There are over 10,000 procedures a year. Six years ago it was 7,000 procedures. We have been managing to up our elective surgery every single year. The rate of cancellation and postponements to surgery has almost halved; so people are not getting inconvenienced by having their surgery cancelled.

But for some patients in category 2 and category 3, where I think the median waiting time for category 2 is 104 days and category 3 is 192 days, yes, that is too long and we have got more work to do there. But just because of that, that does not mean that I

have misled the Assembly or there is anything wrong with the documents that have been in circulation. There are plenty of other documents that doctors write around management of the elective surgery lists. It is all part of how you manage the health system. Every single system does it and they do it to make sure that the most urgent get access to care first.

**Mr Smyth:** But you denied that they did it. You misled—

**MS GALLAGHER:** I did not.

**Mr Smyth:** You denied that they asked the question—

**MS GALLAGHER:** I completely reject the allegations being put by the Liberals—

**Mr Smyth:** You denied that they asked the question and they do.

**MS GALLAGHER:** that surgeons—well, the question that the Liberals put to me, in total isolation from anything else, was: does ACT Health ask doctors to downgrade their patients?

**Mr Smyth:** Yes.

**MS GALLAGHER:** They do not. They ask their doctors to appropriately classify their patients. If those doctors accept that surgery does not need to be performed in 30 days then obviously that patient is not a category 1 patient. If there is agreement that that patient is not as urgent as needing to be seen in 30 days then obviously that does not fit the criteria for category 1.

This is a process of managing the list. The hospital does an excellent job. We have got more work to do but I have not misled the Assembly and the opposition has failed to give any evidence of where I have.

**MS BRESNAN (Brindabella) (10.32):** Mr Hanson claims that the minister has misled the Assembly. The Greens do not agree with Mr Hanson's assertion. The minister stated last week that there was a policy in place by which only doctors could downgrade a patient, and that remains the case and the facts.

**Mr Smyth:** The question is: did they ask?

**MR SPEAKER:** Mr Smyth, let us not start.

**MS BRESNAN:** The proposal that has been circulated about corrected downgrades is merely that: a proposal which has been put forward by a doctor. I believe it is worth noting that—

**Mr Corbell:** A bit of Stalinist revisionism there from Mr Smyth.

**Mr Smyth:** From the persistent and wilful misleader, Mr Corbell. I would be careful if I were you.

**Mr Corbell:** A bit of Stalinist revisionism from Mr Smyth who can't get an argument straight in the first place. Absolutely pathetic!

**MR SPEAKER:** Order, members! I cannot hear Ms Bresnan. Ms Bresnan has the floor.

**MS BRESNAN:** Thank you, Mr Speaker. And I believe it is worth nothing that fact.

**Mr Corbell:** Does this fill your quota of censures for the month?

**MR SPEAKER:** Mr Corbell!

**MS BRESNAN:** Again, this proposal has been put forward by the head of surgical services whom many would deem as representing the views of doctors, and his proposal goes towards addressing situations occurring with surgeons.

**Mr Corbell:** When are you going to have another go at me?

**Mrs Dunne:** Next time you mislead, Simon.

**Mr Smyth:** I'm sure it will be soon, Simon.

**Mr Corbell:** How many censures have you been successful with?

**MR SPEAKER:** Thank you, members!

**Mr Coe:** How many portfolios have you been successful in?

**MR SPEAKER:** Order, Mr Coe. Mr Corbell, let us stop interfering with—

**Mr Corbell:** How many censures have you been successful with?

**MR SPEAKER:** Mr Corbell! Ms Bresnan, you have the floor.

**MS BRESNAN:** Thank you, Mr Speaker. And I think it is worth going to the article that is being used as evidence today by Mr Hanson. He has, I believe, selectively taken out one of the lines from it without actually reading the rest of the article. I think it is worth noting this:

Clinical director of surgical services Bryan Ashman has suggested that he be given the authority to downgrade patients to less urgent waiting categories if it is clear that they have been incorrectly categorised and surgeons refuse to rectify this.

I think it is worth nothing that point about being incorrectly categorised. He also said:

... if a surgeon had too many category 1 patients on the waiting list and could not take up additional theatre sessions or refer patients to a colleague, the patients should be ranked in order of urgency. If a surgeon refused to rank the patients, the clinical director would do so.

If Mr Hanson's point is true and some doctors leave their patients on the urgent lists even though their case is not urgent and because of this their surgery will take several months to get to, you could argue that this is a manipulation of the waiting list by the doctors themselves. We really are getting into an argument here over semantics and about whose interpretation of the evidence, of the policy and the forms and the letters that have been tabled, is correct.

I would also like to point out that there is another reading that can be taken of the letter of 13 October 2009, and that is that, if doctors can fit in all of the patients they have allocated for category 1, they can choose to hold onto those patients for longer rather than handing them over to another doctor. I would hope that such a decision would also be made in consultation with the patient, as they should have the ability to make an informed decision. It is the consumers who should be able to decide whether they want to be with the same doctor and wait longer or change to another doctor and have the surgery performed sooner.

We had a substantive debate on this issue last week and the Assembly agreed to send the issue of elective surgery waiting lists to the Auditor-General for investigation. And this includes looking at any possible manipulation of the waiting lists which may or may not be occurring. The Auditor-General has already identified waiting lists as a topic for investigation and the Auditor-General is willing to take on this investigation. We believe the Auditor-General is the most appropriate and best-placed organisation to examine this issue and will do so in a sensible manner. The Auditor-General will make recommendations that are public and the government will have to respond to those recommendations publicly.

If the Liberals are going to be using letters such as the one we had tabled last week and the article in the newspaper today as the basis for their censures, then we are going to get into a situation where we will be here in the Assembly every day it sits debating censure motions. It is a completely ridiculous situation that we are getting into when we are continuously getting into this crying-wolf situation, with no basis or evidence to support your assertions. And we will not be supporting the censure.

**MR SMYTH (Brindabella) (10.37):** The Minister for Health opened her defence and closed her defence with the statement that we are here to manage the waiting lists. This is not about the waiting lists. It is about whether or not she has misled the Assembly. The Chief Minister's code of conduct says in its opening paragraph:

Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions.

So the question is: has this minister had the highest standard of probity? Has she been accountable? Has she been honest? Has she had integrity? And has she been diligent? Against each of those criteria she fails, because the code of conduct goes on to say:

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

What the minister made in this Assembly was incorrect statements. That may happen. It could have been inadvertent. But she has had a week in which to correct those statements and she refuses. She stands by her mislead. It is not about the management of the list. It is not about a medical opinion. It is not about how long the lists are, although that, of course, is part of her responsibility as well.

The question was: do doctors from ACT Health ask surgeons to request that surgeons downgrade the category of their patients? The minister denied it. Remember her words “not to my knowledge”, “never, ever”, “unlikely”, “not in accordance with the policy”. Yet we have it from Dr Ashman that they do. Yes, there are paragraphs that Ms Bresnan has pointed out in the section in the document entitled “Current Problem” but the line which stands on its own and does not need any qualifier is simply this:

Many surgeons resist or refuse requests to downgrade the category even when it is obvious that the condition has been inappropriately categorised.

It is not about inappropriate categorisation. It is about whether or not they have been asked. They make requests. The doctors confirmed that they do make requests.

The minister refuses to accept that the staff of ACT Health in the hospital are making these requests. That is the whole point. She said it. She said “not to my knowledge”, “never, ever”, “unlikely”, “not in accordance”. She said at one stage they were not even contacting surgeons. But the reality, from Dr Ashman’s own words, is that the problem is that they refuse these requests. The requests are made. The mislead stands.

It is not up to us to make medical opinions in this place but it is up to the minister to show leadership and to be honest with this Assembly. And in this case the minister has not been honest. The minister has misled and continues to mislead. When asked to confirm it, when we had a motion on the Wednesday, the minister came down to this place and said, “Of course, there are some letters that detail the process we go through.” She was very nervous about it.

She forgot to tell the Assembly about the proposed draft policy. The draft policy is there to confirm that which is already going on, that which the minister has denied in this place, that which the minister has said does not happen. And yet we clearly know from Dr Ashman’s own words that it does happen.

I take to task what Ms Bresnan says where Ms Bresnan says you have got to try to put it into context and read the entire section. But at the end of the day the question to the minister was:

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?

Do they do that?

**Ms Gallagher:** And they are not doing that. No.

**MR SMYTH:** Ms Gallagher interjects across the chamber that they do not do that. But Dr Ashman says that they do:

Many surgeons resist or refuse requests to downgrade the category ...

They resist our requests to downgrade a category of their patients. How much clearer can it be? How much clearer does it have to be? “Never, ever”, “not to my knowledge”, “unlikely to contact”, “not in accordance with the policy”. There is the policy. We have actually got an unofficial policy that government doctors do contact, the government doctors do request, the government does request, that the surgeons downgrade the category of their patients.

We have got a minister in denial and apparently we have got the Greens, the third-party insurance policy, who refuse to accept it. Again, it is another case of third-party insurance fraud. It is very simple. The question of the mislead is: did they request? The answer provided by Dr Ashman is: “Yes, they do.”

We had the minister run her normal routine of denigration and she tried to get on the radio this morning and say, “Some of these doctors are putting people on the list and they have got things like ingrown toenails,” as if to say, “Doctors do not know what they are doing; an ingrown toenail is not very important.” The minister was caught right out because Ms Gallagher said:

An inappropriate classification—for example, the example I’ve been given is an ingrown toenail. Now, potentially that could have a very serious impact on the patient. So you’re not ruling out all situations in this category 1.

Ross Solly wanted to confirm that an ingrown toenail should not have been a category 1. Ms Gallagher replied that she had been given an example of an ingrown toenail when she asked for an incident of an inappropriate category 1.

Immediately there was an SMS from an obviously irate patient: “That ingrown toenail was mine. It’s badly infected my foot and my leg has swollen up and I was at risk of losing my foot.” And the minister’s defence was: “It wasn’t that ingrown toenail.” But that is the problem when you go down this path of denigrating those who would seek to question you.

The question was very simple: “Do they make the requests?” The answer given time and time again was “not to my knowledge”, “never, ever”, “unlikely to contact”, “not in accordance with the policy”. And what does the doctor responsible for that policy say? “The surgeons refuse the request to downgrade the category.” So it is quite clear in these circumstances that the minister has misled.

We know what happens, because we had it from Dr Hughes this morning:

When you don’t accede to the request for the downgrading you get bullied. This is just trying to bully the surgeons into downgrading patients so that they fit the minister’s profile of saying that 95 per cent of category 1 patients are treated within 30 days.

Ross Solly asked some more questions. Dr Hughes said:

It's more bullying by the administration.

So what we have, instead of a Minister for Health who shows leadership, who wants to put in reform, is a minister responsible for bullying in so many departments in her hospital. We know about the 10-year war in obstetrics. We know about the claims of bullying in other departments. Now we have got bullying over the elective surgery lists being raised by others about this minister. In one isolated case you might say, "That is just a misinterpretation." But there are now so many instances of bullying being raised against this department under the leadership of this minister that it cannot be ignored.

When we go back to the motion, it says that we wish to censure the minister for her ongoing mismanagement of the health portfolio. And we see it in so many instances now. This is the minister who knows of a 10-year war in obstetrics, who has had bullying in so many other areas of her department brought to her attention or publicised, and she does nothing about it.

We see the waiting lists continuing to be the worst performing in the country, worse than under Reba Meagher in New South Wales, and now we have this minister misleading the Assembly. She has had the opportunity. If you made the mistake, just come back in here and have the courage to say: "I made the mistake. It was inadvertent. I correct the record."

But it is quite clear. This minister has a duty to find out. It says so in the ministerial code of conduct. What we have is a denial that she was aware of any cases. Last Tuesday it was "never, ever". On Wednesday there was the nervous tabling of the letters and saying: "You people should read your policy. It is there on the website. Here are the letters."

But the letters confirm it. The original letter says—and this is the offer, it is a formal offer, it is a formal offer in the document, "We can make this a 'staged' procedure," for your patient and your date.

If you accept our offer to downgrade—and I will quote it:

If you accept this date, please re-categorise this patient as a '2a Staged Procedure' and return by fax ...

And it gives a phone number. Why would you have to do that if these requests were not being made? Not only is it being made, the minister came in and tabled the document that said: "This is how we do it. We make you an offer you can't refuse. You're not going to get this surgery."

Then we have Dr Ashman saying, "We need to confirm this policy." This is the policy, here it is, here is a draft policy now in writing confirming all that they do, all that this minister denies, all that this minister misleads this Assembly over in this place, in that they refuse requests to downgrade the category. The minister should be censured.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.47): The motion truly is a nonsense. I think the Liberal speakers to the motion to date have confirmed that there has been no cogent or real position, or indeed a serious effort to sustain a case that the minister has misled. She quite clearly has not. If one goes to the *Hansard*, the record of everything that the minister has said in this place in relation to this motion and this issue, it is quite clear, it is plain—it is there for everybody to see in the *Hansard*, in association with the documents that the Liberal Party rely on—that there has been no mislead. Just going to the *Hansard* and the questions that are now being parroted out, out of context, Mr Hanson asked the question on 22 June: “Has the department ever engaged in the practice of downgrading patients in order to make the figures look better?” That was the question.

**Mr Hanson:** That is not the question that we are relating to, Mr Stanhope.

**MR STANHOPE:** That is the question. This is how it started. This was the first, the opening question: “Is the department deliberately doctoring the figures?” The minister responded by saying, “There is absolutely no evidence of downgrading in line with the allegations.” That was the allegation and now, all of a sudden, the context is no longer provided. This is the allegation Mr Hanson started with, that the government was deliberately doctoring the figures. The minister replied, “Well, they’re not deliberately doctoring the figures.”

The answer is actually used to substantiate this censure motion, but the question, the basis of the question, and the allegations that were put—they are outrageous allegations—go to the integrity, the honesty and the honour of all practising surgeons in the ACT, as does this motion. When you look at this motion, it is, at its heart, an attack on ACT surgeons. It is an attack on the doctors. It is an attack on the medical profession, and they know it. It is interesting that we skirt over who it is that is at the base of the allegation. The allegation is that doctors are deliberately doing this, that doctors are in some way complicit in misleading their patients, the system, the hospital. The Liberal Party seem to ignore that nicety in the attack they make.

If you go to all of the answers that the minister gives to the questions and the specific questions asked, she has been absolutely truthful and honest. Where she is not 100 per cent clear, she makes it explicit when she says, “I cannot recall that having been raised with me.” She uses this language:

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.

That is absolutely true. It is explicit, careful, precise. She is, as always, determined to be absolutely honest in her answers and in the delivery and meeting of her obligations and responsibilities as a member of the executive and as a minister. There are further questions: “Have ACT Health at any stage approached doctors to request that patients

be downgraded?" "No." As the minister answers in relation to that line of questioning, "No, but of course there will be conversations, as there have to be, between the hospital and surgeons in order to manage appropriately the categorisation of patients."

You go to what is now a complete misuse of the proposed document, the draft for discussion, the policy position, which Dr Bryan Ashman puts. Dr Bryan Ashman, as head of surgery, has a fundamental responsibility to manage the list. He must have discussions. He must seek to deal with issues and pressures that are part and parcel of the problem. These are the beliefs, the findings, the views, of the head of surgery, the person in whom is entrusted some responsibility for appropriately managing the list. What are the issues that he identified in February this year? This is what he says, and this is what he was seeking to respond to. This is his honest belief of a circumstance that applies at the hospital, and these are his words:

Many Requests for Admission for category 1 conditions are not clearly conditions that might deteriorate quickly to the point of an emergency.

Common sense suggests that category 1 conditions should be life or limb or organ threatening. The head of surgery continues:

Several surgeons have many category 1 patients on their waiting list yet continue to submit category 1 RFAs in the knowledge that they are not able to offer treatment in the 30 day time frame. Some even give the impression that "it's not my problem, it's up to the hospital to sort it out". Some surgeons are unwilling to take up extra operating time offered to them to accommodate their category 1 requests. Many surgeons resist or refuse requests to downgrade ... when it is obvious that the condition has been inappropriately categorised.

Those are the problems that the head of surgery identified. Is there a suggestion by the Liberal Party today that there should be no effort at seeking to address those problems, that there should be no conversation to seek to address those problems identified by the chief surgeon? Of course there should have been conversations. Of course there should be inquiries. Of course there should be testing of whether or not the categorisation is appropriate. But, as always, and in every instance that the minister has responded to a question, done media or actually sought to explain, it has always been put by the minister that the decision maker is the clinician. It is the clinician responsible for his or her patient who makes the decision about the urgency of any surgery in any instance. It is clear. It is there on the record. It has been the consistent position put, and it must be the position. Is there a suggestion, seriously, that the minister or the hospital or some other person, other than the person with clinical responsibility for a patient, would be making those sorts of decisions? What nonsense. What absolute nonsense to suggest that somebody else within the system, within the hospital, within the administration, is making clinical decisions on a patient that they have possibly never met and never will meet.

It is a preposterous suggestion. The draft policy leaves all of the decision making in the hands of the clinician, the person who makes the clinical judgement. Of course, there is an acknowledgement in the administration of a hospital that somebody somewhere has to maintain a watching brief and is required to answer the questions that should be asked in relation to the division of those resources that we have available.

In the context of the resources that we have available, it is always ironic in relation to any discussion or conversation in this place on health and the health portfolio—it is interesting, of course, that the opening part of the censure motion is about the mismanagement of the health portfolio—that it must start with an acknowledgement of the fact that when in government the Liberal Party closed 114 beds in the public hospital system. That is where any conversation in this place involving the Liberal Party must start. It must start with the fact that this party, in government, thought it was appropriate to reduce the number of hospital beds in Canberra by 114. Think about the implications.

Is it not ironic that we have a censure motion today going to issues around waiting times, waiting lists, when the party in government, the Liberals—the party which moved the motion in relation to waiting times and waiting lists—closed down 114 beds within the system? Imagine the effort that we have made, most particularly through Katy Gallagher as minister, to make up the difference, to catch up, to close the gap in relation to the number of beds and the number of doctors.

Just imagine coming into government and starting 114 beds down from where you should have been at that time, and then look at the work that this minister has done, most particularly over this last two years, in relation to revolutionising healthcare delivery in this territory—the complete rebuild that was the vision of this minister, the most significant single effort by any jurisdiction in Australia to bring health care in the public sector into this century, through a billion dollar capital investment, with significant increases and improvements across the board. Whether it be in relation to mental health, whether it be in relation to the community, whether it be in relation to maternal health—whether it be in relation to any aspect of health care—this minister has done more than any other health minister in this place ever, and indeed probably in Australia.

**Mr Smyth:** What, more than you?

**MR STANHOPE:** Absolutely, without a doubt. I was trying to reopen 114 closed beds. That is what I was doing. I had to concentrate on that. (*Time expired*)

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.57): I might take up where the Chief Minister left off. Ms Gallagher did not even address the first part of the motion. I think she accepts the first part of the motion—so we will deal with that briefly—that she has mismanaged the health system, that indeed she is overseeing a health system which, when it comes to elective surgery, is delivering worse results than New South Wales—worse than Reba Meagher and worse than John Della Bosca. When it comes to elective surgery, the minister is delivering worse results than what is generally considered to be the worst government in the country by a long way. They will not tell you that, but New South Wales actually delivers better outcomes on elective surgery. Reba Meagher as health minister and John Della Bosca as health minister were able to deliver better outcomes than this minister.

It is not surprising that the minister did not want to defend her record when it comes to outcomes. When it comes to elective surgery, this government has clung

desperately on to category 1. When we look at the other figures, we see the worst in the country. They have said: “But look at category 1. Look how well we are going in category 1. We may not be doing very well in the other categories, but look at category 1.” On a number of occasions we heard the minister say, “The ACT has also achieved one of the best results in the country for the most urgent cases with 93 per cent of all urgent elective surgery patients admitted.” And then we saw another one in relation to 97 per cent. It is a sham. It is not true. That is the point. That is what we have seen from this documentation—that if you are category 1 and you are not going to be seen, you just get reclassified. It is very easy to deliver good stats on category 1 when you shift people out of category 1 simply because they cannot be seen in time.

That is the record of the government. That is what they do not want to discuss, and that is why the minister misled the Assembly to cover the fact. That is what we are talking about here. We have dealt with competence. The minister could not bring herself to even deal with the actual figures. She could not bring herself to deal with the fact that she is overseeing elective surgery waiting times which are worse than in New South Wales. Their whole defence is to say, “Well, look at category 1.”

Let us look at category 1 and let us look at what was happening. We asked those questions and we asked the questions on a number of occasions. The minister has misled both directly and indirectly, Madam Deputy Speaker, in answering these questions. First, the government write off the figures—they try and explain away the figures. Then when we use individual examples, they claim, “Well, that doesn’t reflect the overall figures.” But, of course, when we go to the overall figures they are worse than in New South Wales. On whichever measure, on individual cases or on the overall figures, they are doing badly.

We hear from Mr Wentworth’s experience: “Oh no, that can’t be true. That was a mistake.” Then we hear from Dr Peter Hughes. Dr Peter Hughes says that this is happening. The response is: “Well, no, you can’t believe what Dr Peter Hughes says.” Then we have a minister on the back of this saying there is absolutely no evidence of downgrading elective surgery patients. When asked, “Have you ever been informed?” the response was:

It has never, ever, as I can recall, been raised with me as a problem ... 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.

The question was asked:

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?

The answer was:

It would not be in accordance with the policy ...

These documents show the opposite. These documents show that Katy Gallagher has misled the Assembly. She has misled the Assembly to cover up her embarrassment at

what has gone on—her embarrassment at delivering the worst elective surgery waiting times in the country—and to try and cling to the only parts of the figures that show the government in a good light. They have been exposed as an absolute sham. We see it here. It is worth going through the two documents that have been touched on here. One we touched on last week:

We can make this a ‘staged’ procedure for this date. If you accept this date, please re-categorise this patient as a ‘2a Staged Procedure’ ...

That is not what the minister told us. The minister said that this was not happening. The minister said they were not being asked. They are. They are being made an offer they cannot refuse: “If you want this date you will re-categorise so that our figures can look better, so that the minister can get up and claim how great the category 1 results are.” We now know that to be a sham. Apparently this was not happening, but it was. Apparently it would not be in accordance with policy, but then it would be. We have the inconsistencies, we have the incorrect information, we have the attempts to mislead the Assembly and the community, and this minister has been caught out. We know why. It is because she is embarrassed. She is embarrassed by its being exposed for what it is. You cannot write off the patients, you cannot write off the VMOs and you cannot write off the documents.

Then we were told: “No, it’s not happening. What you are seeing there is something different to what was actually happening.” Then we have the codification of what is happening. At the moment they are making them an offer they cannot refuse. The Chief Minister in his defence again got it wrong. In this draft document that we were discussing it says, “The clinical director will decide whether re-categorisation is appropriate.” Again, if the referring surgeon refuses to rank the patients then the clinical director will do so.

We have got a situation where, at the moment, they are being given an offer that they cannot refuse and now we have an attempt to codify that situation so that the decision is formally taken away from the doctors. That is the process that is happening here. It has already happened. We have heard from the patients, we have heard from the doctors and it is in the documentation. The minister denies it is happening and claims no knowledge of it. Yet we see a process that has been going on for months that is looking to codify this very thing.

The minister stands in this Assembly and says, “No, that’s not a mislead.” The Greens blindly follow what she tells them, despite all the evidence. This is the unwritten part of the Greens-Labor agreement. I think the written part says that they will not support no-confidence motions, except the ones that they initiate themselves. This is the unwritten part. They will not support censure motions because it is a bad look for them to be criticising their alliance partners.

We believe in high standards of accountability. We believe that when a minister comes into this place they need to tell the truth. Ministers need to tell the truth, and this minister has not. She has given directly misleading information. Over and above that, she has also given a completely misleading impression. She has sought to defend herself by giving a totally different answer—it is a totally different position—to what

she had said earlier in the week. She has been all over the place, and we know why. This government has been desperate for any good news it can hang on to in health. It has been desperate to pretend that at least in some areas it is doing really well, while in this area, in category 1s, it has been proven to be a sham.

Faced with that reality, the minister, instead of fessing up, instead of accepting that this process does in fact occur—that doctors are asked to downgrade, that they are given an offer they cannot refuse—she denied it. She denied it in this place. We should be able to expect that we get honest and open answers from this government. As I said earlier, this motion has two elements—competence, and openness and honesty. The competence has as good as been acknowledged by the stats and by the fact that the health minister did not even bother to defend it.

The openness is proven by her own words, by her department's own documents and by a string of correspondence and statements from patients, from doctors, and now from her own draft document which says that many surgeons resist or refuse requests to downgrade a category. How can they refuse those requests if those requests are not occurring? This minister has misled on a number of occasions. She deserves to be censured for her mismanagement of the health system and for her misleading of the Assembly. (*Time expired.*)

**MRS DUNNE** (Ginninderra) (11.07): What we have seen here this morning is what you always get from the Labor government, which is obfuscation. The real issue here today is whether the minister misled the Assembly in response to questions last Tuesday. Mr Hanson's first question was:

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?

And Ms Gallagher said:

It would not be in accordance with the policy ...

Later she was asked:

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

And the answer was:

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 ...

So the crux of this matter here today is what the minister said in question time on Tuesday last week. And, quite categorically, on two occasions, the minister said it was not the policy of the government or ACT Health to ask doctors to downgrade their patients. The issue here is not whether that is the policy or not but what the minister said about it. The issue here today for us, and we cannot be deflected from it, is

whether the minister, in answering those questions on Tuesday, misled the Assembly and, in addition, whether in answering her questions and dealing with these issues between now and then she has misled the community. It is quite clear from the obfuscation of Ms Gallagher and Mr Stanhope, the attempts to pivot to another issue, that they know that in answering those questions on Tuesday Ms Gallagher misled this Assembly.

The discussion is not about the management of the waiting list. That is a discussion for another day. The discussion here today is about this: what did Ms Gallagher say and is it correct? It is clear from the documents that were tabled by Ms Gallagher herself on Wednesday, and highlighted by Mr Hanson, that that is not the case. It is clear that, even when the minister said that it was unlikely that ACT Health had ever asked a doctor around the clinical status of a patient to downgrade the patient, that was happening; that there was a policy to the extent that there is a pro forma letter with a pro forma signature attached to it that goes to people on a regular basis.

Ms Gallagher tries to say, “They are not actually forced to do it.” But it is clear, despite what the minister said on Tuesday, that doctors are asked to downgrade patients. Ms Gallagher then tries to get away from that by saying, “But they are not forced to.” There are no words in this of actual force, except that we know that doctors are given the trade-off: “We will give you a definite date for surgery if you downgrade.” That is essentially putting the doctors in a half-Nelson and demanding that they sign.

The doctors are being bullied. Dr Peter Hughes has said on the radio this morning that doctors are being bullied and that what doctors are looking for is the best clinical outcome for their patients; they do not want to downgrade their patients. But the trade-off is: “If you downgrade them, if you take somebody out of category 1 and put them in category 2a, we will guarantee you a time, and that makes our category 1 surgery look good.”

This is a sleight of hand—a bullying, mustering sleight of hand—by this government, which is trying to manage its very, very bad hospital waiting lists. This is where we get to. The minister has got herself into substantial problems and what she should be doing here today is standing up and fessing up to the fact that on Tuesday when she said in answer to Mr Hanson’s question, “It is not in accordance with the policy,” she got it wrong. If the minister had the courage to stand up and say, “Actually, I got it wrong; really there is a policy, and let us have a discussion about the appropriateness of that policy,” in a sense she would be off the hook. But she does not have the courage to admit it when she has got something wrong. It is classic Labor tactics: you never admit when you get it wrong; you pivot, you try and change the subject and you try and distract people.

But the issue here today is that the minister said it was not policy. It is quite clear from the pro forma letters with the pro forma signature that it is policy. It is quite clear from the draft proposal that came to light more recently that it is a policy that has been in place for some time—so long, in fact, that now the hospital wants to codify it. And the reason the hospital wants to codify it is in the document itself, in the third paragraph on page 2:

Many surgeons resist or refuse requests to downgrade the category even when it is obvious that the condition has been inappropriately categorised

“Many surgeons resist or refuse requests to downgrade the category.” The issue here—and it is quite clear from what has been written on Canberra Hospital letterhead—is that it is the policy to ask surgeons to downgrade the category of the patient. It is there in black and white; it is the policy. It is the policy that the hospital wants to codify because it is the practice that already exists at the hospital. Yet the minister said in answer to Mr Hanson’s questions, “It would not be in accordance with the policy.” So the minister is either a fool or a knave. Either she does not know what the policy is or she misled the Assembly about it. If she wants to continue to mislead the Assembly about it then this Assembly should censure her. If she is just foolish and does not know what the policy is, she should stand up now, admit that she got it wrong and apologise to the Assembly. They are the forms of the house. If you get it wrong, you come in and you admit that you got it wrong. That is what members on this side do. But it is a thing that is absolutely and utterly alien to the members of the Labor Party.

The members of the Labor Party cannot and will not admit when they get it wrong. This minister has got it wrong. The evidence provided by the minister herself and the evidence that has come to light and reported in the *Canberra Times* overnight demonstrate that this minister was wrong when she said it was not part of the policy. And the only thing that this Assembly can do is censure her for her refusal to withdraw that statement.

It is incumbent upon all of us, it is incumbent upon the Greens, to look at the clear facts—not to be distracted about the discussions about whether or not the policy is appropriate. What a censure motion is about is the appropriate behaviour of a member. And this member has told the Assembly something which is demonstrably wrong, demonstrably untrue, and what the rest of the Assembly must do is make a judgement on the appropriateness of that.

If the Greens do not censure this minister, the Greens will be saying that it is all right for members to mislead this Assembly; that it does not matter how patently obvious it is; that while ever the Labor Party have got the third-party insurance of the Greens they can get away with misleading the Assembly, with not fessing up to the truth and therefore not being open and accountable to the people of the ACT.

The issue is perfectly clear: Katy Gallagher said it was not policy, and there is document after document to demonstrate that it is policy. The issue is not whether it is a good policy or a bad policy; she said it was a policy that did not exist. The issue for the Canberra Liberals is clear. Ms Gallagher misled the Assembly. Ms Gallagher told an untruth, wittingly or unwittingly. But, if it was unwitting, she has not corrected the record. And the issue for the Greens is equally simple: has Ms Gallagher told the Assembly an untruth? Was it witting or unwitting? Has she corrected the record? The answer to the first question is yes, she has told the Assembly an untruth. The answer to the second question is no, she has not corrected the record; she has not apologised to the Assembly. And the clear consequence is that this member must be censured.

**MR HANSON** (Molonglo) (11.17), in reply: I thank members for their contribution to the debate. I am not surprised that the Greens will not be supporting this motion, but I think that they should, based on the evidence.

The first part of the motion talks about the mismanagement of the health system and I think the evidence is compelling. Despite the spin that Mr Stanhope tries to put on it, when you actually look at the results that are being achieved in the ACT in a comparative sense with the rest of Australia, it is quite clear that we are falling way behind.

In elective surgery our results are twice as bad—we wait twice as long—as the rest of the nation. As I have said before, we have the lowest number or the second lowest number of GPs per capita. Bulk-billing is at the lowest rate in the nation. Our hospitals are inefficient and that is demonstrated in the latest AIHW report. There are real concerns about bullying across ACT Health but, we know, specifically in obstetrics; there is the 10-year war in obstetrics. There are problems in our emergency departments, particularly with waiting times in certain categories.

We have had the debacle of the Calvary proposal, the mismanagement of that proposal by Katy Gallagher. We have seen problems in cancer services and people not able to access them. There has been a breakdown in communications on a whole range of issues, particularly very sensitive fatalities. Because Jon Stanhope wanted to go to the bar rather than negotiate fully on the health and hospital reforms, we gave up 50 per cent of our GST, against the national average of 30 per cent—and we find out that WA are getting an equivalent amount of money but without giving up a cent of GST. Public hospital beds are amongst the lowest per capita in Australia.

We have seen neglect of mental health and preventative health, and ongoing neglect of those in this year's budget. We have seen failure in infrastructure for a number of years—and on and on. So, if anyone in this community or in this chamber believes that there has not been gross mismanagement of the health system, it is difficult for them to mount an argument for that case.

In terms of elective surgery specifically, people are waiting longer in the ACT for elective surgery. The median wait time figure has deteriorated from 72, which was double the worst in the country, to now 75. It has got worse; it is going backwards. The majority of people at the 90th percentile will now wait 158 days longer than the national average, significantly longer than anywhere else, significantly longer indeed than in New South Wales. The number of patients waiting over 12 months for surgery is now 848; just recently it was only 600. It is getting worse under this minister. Now, 15 per cent of our elective surgery list are people waiting over a year. The minister has been saying that she is tackling that element of the list. But it is getting worse.

What the minister has been saying, and Mr Seselja read from some press releases, is that 95 per cent of urgent patients are seen on time. So, when the myriad bad results have come out, she and the Chief Minister have come out and said, "Well, it is okay because urgent patients are seen on time." But what we are seeing is that is quite potentially not the case. What is happening is that lists are being changed; urgent

patients are being knocked off that list and downgraded. It is complex; there is no doubt it is complex. But, as a result of this minister's mismanagement, what is happening is that people who would otherwise be classified as urgent are being downgraded to less urgent categories, against national reporting standards.

In the media, Katy Gallagher has taken great delight in announcing those figures. But, when you scratch away the surface, you get to the underlying issues and you realise is that there is a sham; that there are a number of patients that should be recorded as urgent but, simply because they could not be fitted into the 30-day mark, have been downgraded. It is not that their surgery has become less important, or their surgeon. It is not that their clinical position has improved, that they have got better. It is simply because they could not be operated on within the 30-day mark. It is a disgrace to then downgrade statistics to make them look better, and that is, without question, the consequence of what is occurring.

Now I will turn to some of the quotes where Katy Gallagher has misled the Assembly. It is quite clear when you look at the evidence that that is the case. There are a number of questions that she was asked. Jon Stanhope actually misread questions and read out the wrong questions to try and obscure the facts. But she was asked quite clearly:

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?

She said:

It would not be in accordance with the policy ...

Indeed, on the Wednesday—this is a new one—she reaffirmed this:

I was asked a number of times whether or not I think admin staff approach doctors and ask that their patients be downgraded, or that pressure was put on doctors, I think, to downgrade their clients; and I can absolutely say that that is not the case.

So she said, "I can absolutely say that that is not the case." However, we have got two letters that show, quite conclusively, that that is the case. One says:

If you accept this date, please re-categorise this patient as a '2a Staged Procedure' ...

"If you accept this date" is clearly a request to the doctors. And then we have the other letter that has come to light in the last day. This letter was written on 25 February, so this has been an ongoing discussion in ACT Health, from the Clinical Director of Surgical Services, and he says:

Many surgeons resist or refuse requests to downgrade the category ...

So how is it that the Clinical Director of Surgical Services is saying that doctors are refusing requests? So these requests are clearly happening. But the minister is on the

record in *Hansard*, two days running, denying that those requests have been made. How do you correlate those two pieces of evidence? How can you say that it is not a mislead if you have got in black and white in the *Hansard* her saying that doctors are not being requested and you have it in black and white in two letters saying that they are being requested? How can you possibly say that we were not misled in this Assembly and the community has not been misled? It is quite clear that we have been.

I see Ms Bresnan sitting there. I have just read out those quotes. I do not understand how Ms Bresnan is going to basically say that she was not misled. I really cannot understand that. She may have some sympathy for the minister and the problem around elective surgery lists. But, ultimately, were we misled or were we not misled? That is the fundamental question. That is what this boils down to, and in black and white, in the *Hansard*, we have, and I will read that again:

... I can absolutely say that this is not the case.

And the surgeon wrote:

Many surgeons resist or refuse requests to downgrade the category ...

It is in black and white.

Mr Stanhope, in his normal style, tried to turn this motion that is directed solely at the minister to say, "This is simply the Liberals attacking doctors or attacking public servants." So let me say for the record that that is absolutely, categorically, not the case. We have the greatest sympathy for the doctors who find themselves in an impossible position, because if you are a doctor in this town and you do not classify your patient as urgent it is quite likely that that patient will not get surgery for more than a year.

We saw that in the case of Allan McFarlane. He is a patient who should have had his surgery within 60 days. And what happened? Over a year later he was still waiting on that list. Imagine if you were a surgeon, Madam Deputy Speaker, and you had some doubt as to whether a patient should be urgent or you could potentially classify them as semi-urgent, and you knew that the consequence of that decision could be that your patient would not get surgery for over a year. Can you blame those surgeons, being put in such an impossible position, for erring occasionally on the side of putting a patient on the urgent list? I would not blame them for doing so, because the consequence of not doing is that their patients wait over a year. And that is disgraceful.

A couple of things have come out of this debate today. The minister has mismanaged our health system, she has mismanaged our elective surgery lists, she has misled this Assembly, she deserves to be censured, and I encourage all members in this place to do that.

Question put:

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

The Assembly voted—

Ayes 6

Noes 11

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

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

Question so resolved in the negative.

## Justice and Community Safety—Standing Committee Scrutiny report 24

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

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 24, dated 28 June 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 24 contains the committee's comments on one bill, 62 pieces of subordinate legislation, three government responses and one regulatory impact statement. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## Papers

**Madam Deputy Speaker** presented the following paper:

Estimates 2010-2011—Select Committee—Report—*Appropriation Bill 2010-2011*—Speaker's response to Recommendation No 1, dated 28 June 2010.

## Estimates 2010-2011—Select Committee Report—government response

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.33): Madam Deputy Speaker, for the information of members, I present the following paper:

Estimates 2010-2011—Select Committee—Report—*Appropriation Bill 2010-2011*—Government response, including Government response to dissenting report, dated June 2010.

I move:

That the Assembly take note of the paper.

I present the government's response to the report of the Select Committee on Estimates 2010-2011. I thank the committee and its support staff for its report on the Appropriation Bill 2010-2011. The committee's main report has been prepared within a short time frame and the government appreciates the effort that has been made by the committee and its secretariat.

Further, the government would like to extend a note of appreciation to the chair whose professional leadership saw a genuine improvement, I believe, in the efficiency and effectiveness of the estimates committee process. Unlike my predecessor, Mr Ted Quinlan, I will not be able to stand up this year and say that it was the worst Select Committee on Estimates report ever tabled in this place.

The government respects and values the crucial role played by the Select Committee on Estimates in scrutinising its proposed expenditure. I would also like to take this opportunity to acknowledge and thank ACIL Tasman for their efforts, time and work put into providing the independent analysis of the 2010-11 ACT budget on behalf of the committee.

The estimates report is more focused this year. It presents 47 recommendations. In conjunction with the independent adviser's report, it effectively canvasses the broad spectrum of issues in the budget. I will not take the Assembly's time now by working through each of the select committee's recommendations. These are separately discussed in the response document, which I table here today.

The committee has provided a report with 47 recommendations on a wide range of issues. The government has accepted or noted the majority of these recommendations. In our response, we have agreed to 19 recommendations; agreed in principle to four; agreed in part to one recommendation; noted 17 recommendations; and not agreed to six recommendations.

However, in some instances where recommendations were not agreed, the government has assessed the objectives, intent and information currently provided in the budget papers and considers the outcome of these recommendations as not being practices for inclusion in the budget paper or counter to current practice. We welcome the efforts of the select committee to improve the efficiency and effectiveness of the process which has led to a more focused report in comparison to previous years.

Before I make a comment on the dissenting report, I would like to comment on the questioning process this year. Despite the valued efforts of the chair to streamline and improve the questions on notice process, we did have to manage 813 questions on notice, which was an increase of 33 per cent on the previous year. The government, conscious of its responsibility, endeavours to respond fully to the questions asked of it during the estimates process. However, the volume and scope of the questions this year, which in some cases saw levels of detail which are not routinely collected by government, has unfortunately led to the situation where it was unable to answer some of the questions within the mandated five-day period.

At times, the level of detail required through these questions imposed an extreme workload on many staff, resulting in resources being diverted from core services. I

dread the day that we are criticised for poor service delivery due to being too busy answering the multifaceted questions particularly of those opposite. We accept that scrutiny has a crucial and valuable role through the estimates process, and we have been responsive, where possible, within reasonable limitations.

Madam Deputy Speaker, the committee's report was accompanied by a second volume, the dissenting report prepared by Mr Seselja and Mr Smyth, which contained a further 123 recommendations. The government is disappointed that some members of the committee did not usefully engage during its deliberations. I note that while a separate report was prepared, the recommendations in some instances closely mirrored those in the committee's report. The government have not responded to each individual recommendation of the dissenting report. However, we have provided a broad response to it.

In reviewing the document, I found it is ultimately an insincere document, and it reinforced the mockery of the estimates committee process by Mr Seselja and Mr Smyth. To provide some examples, the report's authors have overlooked the independent expert analysis provided by ACIL Tasman, overlooked the facts which were presented to them by ministers and public servants and, for what one can only presume were in some cases for mischievous reasons, this resulted in false and inaccurate conclusions. The dissenting report demonstrates that the authors had little comprehension of the ACT economy or the drivers of key budget outcomes and it completely ignored the expert advice provided by ACIL Tasman in an effort to undermine the budget's credibility.

The government is generally pleased with the findings of the ACIL Tasman report. It endorsed the approach of Treasury in using demand to gauge the strength of the ACT economy and it notes that the forecast of state final demand in the budget appears reasonable. It considered that the approaches adopted and the forecasts for employment growth, CPI growth and wage price index growth in the budget all appear reasonable. It considered that the long-term projections used in the ACT budget all appear reasonable. It noted that in 2010-2011 and the forward estimates there is nothing that appears unusual about the revenue forecast. Finally, it is recognised that the influence of the Australian government on the ACT economy makes the tasks of making forecasts for the ACT economy extremely difficult.

Madam Deputy Speaker, taking into account current economic information and the endorsement of the independent expert, I believe that we have demonstrated the inaccurate scrutiny, unsupported by evidence, in the dissenting report. It is a report which was poorly researched and referenced to support its claims and a report which lacked balance and credibility in dealing with the issues concerning the estimates process.

The report of the estimates committee and its recommendations did not raise any serious issues that would prevent the passing of the Appropriation Bill 2010-2011 this week. On behalf of the government, I repeat our thanks to the committee for its consideration of these issues and to the secretariat and the committee staff who worked very hard to get this estimates report tabled in the first week of the June sittings. I look forward to the Appropriation Bill being passed later this week in this place.

**MR SMYTH** (Brindabella) (11.39): I acknowledge that the Treasurer has just tabled the government's response. Rather than go through it now, the Canberra Liberals will be addressing the issues that are raised here in the substantive debate.

**MADAM DEPUTY SPEAKER:** Are you moving that the debate be adjourned?

**MR SMYTH:** Just for the sake of brevity.

**MR HARGREAVES** (Brindabella) (11.40): I too, if necessary and if stoked by those opposite, will engage in a debate at the detail stage. If they want a quiet evening, I advise them not to stoke this debate because this little black duck will respond. I wanted to draw people's attention to a couple of things, and I welcome the response from the government to our report.

But also I appreciate the fact that the ACIL Tasman report, a significant document attached to the report, was not referred to by those opposite in their dissenting report. I do not know whether they actually read it beyond the couple of phrases which were very salient, one of which was that the assumptions that had been applied were reasonable.

The most common word after "and" and "the" and "but" was the word "reasonable" throughout the ACIL Tasman report. In fact, it also supported the probability that the territory's AAA credit rating would continue. That in itself is significant and should have rated a mention, but it did not. I think what it actually told me was that with the best of intentions and with the utmost of respect we have no accountants and no economists in this Assembly. Accordingly, if you like, estimates committees are made up of people who do not have training in this sort of area. A lot of us have many years of experience but not training per se. Having the benefit of an ACIL Tasman consultancy I believe brought an enormous amount of benefit, and I thank the Assembly, in fact, for the opportunity to receive that benefit.

One of the recommendations I can recall talking about in the committee was that of a methane harvesting plant at Belconnen. I am pleased to see that one, in fact, has been in place for 10 years. I just wish some of our Ginninderra members had pointed that out. But I also note that the methane harvesting plant only generates one megawatt of power. The reason advanced in this report is that the waste is drying out in the current drought and the waste is ageing.

One of the solutions in that, of course, is to recycle the water which is generated by the extraction of the methane and the burning of the methane, and thus the turning of the turbines in the power system. Of course, to turn those turbines you need steam and to have steam you need water. There is excess water and it is usually, in the case of Mugga Lane, pumped out into a holding pond and then pumped straight back up on top of the hill.

In fact, if that sort of system were applied to Belconnen, it would not dry out in the drought and the ageing waste would actually be regenerated. The other thing I would like to mention was a little bit of disappointment, I suppose, I had. I had hoped to

have received a little bit of a better response to the recommendation on a formula for growth for disability. There are synergies and there are similarities between the services. We also know that with Disability Services we are not talking about throughput; we are talking about growth.

With Health we are talking about services provided to different people and a growing number of different people. With Disability Services we are talking about a growing number of the same people. When you get a disability client you get them for life. So it is an exponential increase. I was hoping to see a growth formula put in there or even an undertaking to take it to Disability Services. I just voice my slight disappointment with that.

The final point that I would make is in relation to the response to recommendation 34, which talks about the establishment of a strategic indicator for the Department of Justice and Community Safety to monitor the proportion of sentenced prisoners who are repatriated from New South Wales and the number of first-time prisoners that are incarcerated at the Alexander Maconochie Centre.

The government's response to the recommendation states:

It is not clear how the additional strategic indicators proposed would assist in determining whether the Government's objectives for the ACT Corrections system are being achieved.

It goes like this: the biggest barrier for people's restoration back into the community is the extent to which trauma has been visited upon them within a corrections system elsewhere. I believe there is a very big difference between the attitudes and the hopes of those people who have come to us from Goulburn and elsewhere and those people who are exposed to our corrections system for the first time.

This is because they will not, we would hope, have the brutality and the archaic penal system visited upon them which is evident from Goulburn, Singleton and the rest. We have to be very careful in measuring our recidivism rates after a number of years. We should be looking at those indicators. But the rate of recidivism, in fact, will be determined by whether or not those particular people have the will not to reoffend.

If they have been turned from rank amateurs into hardened criminals they are going to have more of a determination to reoffend. So I believe that we should be drawing a line between those two types—those people who we have repatriated from New South Wales and those people, if you like, who are more home grown. I think that is why we wanted to see those strategic indicators put into the annual report. I put out another plea for that.

I thank the government very much for their response and I thank them very much for smacking the Liberals while they were at it.

Question resolved in the affirmative.

## **Standing and temporary orders—suspension**

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No 1, Executive business, relating to the Territory-owned Corporations Amendment Bill 2010, being determined during this sitting period.

## **Territory-owned Corporations Amendment Bill 2010**

Debate resumed from 22 June 2010, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.47): The opposition will be supporting this bill, and I thank the Treasurer for arranging a briefing on the bill. While it is not a particularly technical proposal as such, we wanted to be assured about some of the detail of the government's intention.

As members would know, the opposition has been calling for this level of disclosure of remuneration details for some time, and we are delighted to see that the Treasurer has seen the merit of our proposition. We reinforce the broader public interest in the reporting of information such as remuneration details. There has been reporting of the remuneration details of directors and senior executives who are employed by listed companies, for instance, for some years. There is a commensurate public interest in having appropriate reporting from territory-owned corporations on remuneration matters for directors and senior executives.

I do note, however, the comments from the scrutiny of bills committee on this particular bill and on, in particular, the issue of privacy. Consequently, some more detailed comments are called for on the effects of the provisions in this bill. Territory-owned corporations, or TOCs, as they are known, are owned by the taxpayers of the ACT. In that capacity, all taxpayers are effectively shareholders in the ACT's TOCs. As shareholders, we would and should be interested in how each TOC is being managed and how it is performing and whether the management structure and senior management are appropriate for the role of each TOC. In view of these issues, shareholders should make sure that the right people are being paid the right remuneration, commensurate with the responsibilities attaching to each director and senior manager in each TOC.

As shareholders, we deserve the same access to information as has been given to shareholders of publicly listed companies—and shareholders of listed companies have access to detailed remuneration information. Can I just refer, for instance, to the Wesfarmers annual report extract. It is a representative example of the approach to reporting remuneration information. For instance, for the year, they list each of the non-executive directors and there is detail of their fees and allowances, their short-term benefits, post-employment benefits and superannuation and other

entitlements. It is then totalled up—and, indeed, it has then got a comparison to the previous year. So it is obviously not hard to do it and it is clearly the practice that has been carried on in publicly listed companies. I see no reason why the consideration of a TOC is any different from the consideration of a listed entity. In fact, TOCs probably have a closer link with the community, in that, typically, they are involved in delivering public policy programs.

While ministers from the government of the day are the actual shareholders of these entities, they are performing this role as proxies for taxpayers. They represent us with respect to the performance of each TOC, and each TOC reports to the government of the day. The government of the day assesses the performance of each TOC and provides appropriate feedback to the community—and, of course, there is scrutiny of these processes by the Assembly, through the activities of the opposition and Assembly committees. Being a shareholder of a listed company is analogous to being a shareholder—that is, as a taxpayer—of a TOC, and there appears to be no reason why each group of shareholders should be treated differently.

In this day and age there is no security of tenure attached to being a director or a senior manager of a TOC, hence this is not an argument to suppress remuneration information. Directors and senior managers are appointed by the government of the day and they can be removed by the government of the day. I also note that the provision of remuneration information enables appropriate scrutiny of the actual amounts of remuneration and the relativities in remuneration. This is very important for evaluation of the performance of directors and executives, as well as for ensuring the accountability of each TOC to the government of the day—and to the community. I acknowledge the benefits of having transparency and accountability in the management of these entities through having these remuneration details available. The only substantial issue is the precise nature of the reporting that will be provided in the annual reports.

I do not want to see the spirit of this proposal defeated by reporting that is aggregated or otherwise suppresses remuneration details. I understand that guidelines will be promulgated by Treasury that will provide a template for the way in which remuneration details will be reported, along the lines of the approach already required for listed companies, and will set out short-term and long-term remuneration, including salaries, superannuation, motor vehicles and any other benefits. We, of course, look forward to receiving a copy of those guidelines as soon as they are available.

There are two further matters that I need to mention. First, through my staff, I raised with the Treasurer's office the inclusion in this bill of two definitions of "senior manager", which are almost identical. One is in proposed new section 18A(4) and the other is in section 22(5). I queried why a single definition could not have been put in the dictionary for the TOC act, being mindful of the ever increasing complexity of legislation. Nevertheless, I understand there is a sound reason for this approach. Apparently, it has to do with the audit committee being specific to Actew and, hence, a specific definition of senior manager is required in section 18. A definition with more general application is provided in section 2. I am still surprised that a single definition could not be included in the dictionary, but who am I to argue with the parliamentary counsel's office?

Second, I raised through my office the question of the approach that is adopted in other jurisdictions, and again I understand that, apart from the Western Australian Water Corporation, remuneration details are not required for a TOC operating in other states or territories. I have no idea why the WA water board is an exception. Nevertheless, I acknowledge that the ACT is leading other jurisdictions in requiring appropriate transparency and accountability by entities that are owned by the taxpayers and I welcome the Treasurer's action on this.

The opposition looks forward to the provision of remuneration details in the annual reports for 2009-10 and the opposition will be supporting this bill.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.53): Standing orders 172 and 192 talk about suspension of standing orders or declaration of an urgent bill to allow for debate in the same sitting period. It is something I wanted to touch upon, because it is a bit of an issue in the parliamentary agreement. We do talk about not tabling and debating bills in the same sitting. Standing orders 172 and 192 provide that this can only be done in the same sitting period if the bill is declared an urgent bill.

The Greens are ordinarily very reluctant to debate a bill in the same sitting as it is introduced, for obvious reasons. Ordinarily, prior to changing a law of, or creating a new law for, the territory it is prudent to allow more time for reflection and consideration, to ensure the best outcomes. In this case, there is a particular time imperative, and we must pass this bill if we wish to have the information included in this year's annual reports.

Given the nature and relative simplicity of this particular bill, the notice we were given by the government that this was coming and the fact that the particular policy outcome reflects two separate committee recommendations that we have long supported, in this case we agree that we have had sufficient time to evaluate this bill and it should be debated in this sitting.

As I said, the Greens will be supporting this bill. Executive remuneration and its disclosure has been debated domestically and internationally for some time now, particularly throughout the 1990s, and the particulars of today's debate have been raised as an issue for the government and the Assembly for some time now. The Greens have asked for this information, and we agree with the reasons and arguments already outlined by the minister. The most important, of course, is that disclosure is in the public interest.

As I said, this matter has been an issue for members of the Assembly for some time and, particularly in the last 18 months or so, there have been recommendations from two separate Assembly committees recommending the disclosure of executive remuneration by territory-owned corporations. I have asked a follow-up question in the Assembly about the action that was being taken by the government to address the issue.

In answering that question, the minister indicated that she did think there was merit in the idea and undertook to undertake further work on the matter. Again this year, on

6 May 2010, the minister, in responding to recommendation 25 of the *Report on annual and financial reports 2008-2009* by the Standing Committee on Public Accounts, indicated:

... Actew and ACTTAB have both indicated that they are receptive to changing the prevailing reporting requirements in order to provide added disclosure of executive remuneration.

And she gave her general support for the idea. I thank her for fulfilling the commitment she made on the day to bring legislation to the Assembly and for doing so in a manner that provides for disclosure this financial year.

During that statement, Ms Gallagher also made the point that, apart from the Water Corporation of Western Australia, which has the same requirements as are proposed in the bill before the Assembly today, virtually all other government businesses across Australia report on the same basis that is currently the case for ACT territory-owned corporations. I have no reason to doubt that this is the case.

This, of course, means that we are making a very positive step forward, which hopefully paves the way for other jurisdictions to improve what we view as a significant shortcoming in disclosure.

As Ms Gallagher pointed out on that day, it is an anomaly that government businesses are not obliged to provide the same level of disclosure as publicly listed companies. Given these companies are owned by the community and run for the community's benefit and in that sense are more public than public companies, it does indeed make eminently logical sense that this information be disclosed to the community.

Further, we agree with the general premise that government businesses are expected to operate on a similar basis to their private sector counterparts. However, I do note that there are a number of points where differences are appropriate. Today's debate is not the time for such a discussion, but I think it should be a factor in our minds.

The Greens certainly agree that the expenditure of public money should, to the greatest extent reasonably possible, be publicly disclosed and that it is in the public interest to do so. Given that publicly listed companies are required to report on the same basis and these individuals are paid with public money, it is very difficult to mount an argument against it.

The community—as the shareholders, effectively represented by the Chief Minister and Treasurer—has the right to know, just as all shareholders in publicly listed companies have the right to know, what remuneration is being paid to those who run them.

The Corporations Act 2001 requires the equivalent disclosure to what is being provided for in the bill. As I said earlier, the issue of the disclosure of executive salaries was heavily debated throughout the 90s and there is much literature which comprehensively describes and assesses the associated benefits of compelling disclosure. I will just very briefly draw the Assembly's attention to two articles which very neatly put the case.

Jennifer Hill, in her article entitled, “What reward Have Ye? Disclosure of Director and Executive Remuneration in Australia”, published in the *Company and Securities Law Journal*, volume 14 (1996), concludes:

Adequate disclosure is widely recognised as the linchpin in effective regulation of director and executive remuneration and good corporate governance practices.

David Ablen, in his article, “Remunerating Fairly and Responsibly—the Principle of Good Corporate Governance and Best Practice Recommendations of the ASX Corporate Governance Council”, published in the *Sydney Law Review*, volume 25(4) 2003, writes:

The Council’s philosophy of full disclosure has operated to increase the level of transparency in the remuneration process ... But while privacy arguments may be raised against the disclosure of all elements of directors’ and executives’ remuneration, for example, public considerations far outweigh the privacy considerations. Among these public considerations, the most important is the prevention of self-dealing and conflict of interest. Nonetheless, apart from allowing shareholders to monitor their behaviour, the disclosure of directors’ and executives’ remuneration, including its individual components, involves information that shareholders have a legitimate interest in knowing.

The one issue and only matter that can be raised to rebut disclosure that should be briefly engaged with is the right to privacy. Sections 12 and 28 of the Human Rights Act set out, inter alia, that everyone has the right not to have his or her privacy interfered with unlawfully or arbitrarily and that this right may be subject only to reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society. This issue was also raised by the scrutiny of bills committee, so it is important to put the Greens’ view on it.

Whilst the issue is discussed in the explanatory statement, the exact reasons for the conclusion are not. The Greens do agree with the conclusion that in this case the limitations on the right to privacy that are being imposed are proportionate, reasonable, and demonstrably justifiable and that this measure does not by any means involve an arbitrary intrusion on a person’s right to privacy contrary to either the commonwealth Privacy Act or the Human Rights Act.

As I said, it is in the public interest for two reasons. The first is that there is undoubtedly a general public interest in knowing how much public money is spent and that this public interest extends to all situations where it cannot be shown that there is a greater public interest in preventing the disclosure. The second and more specific public interest is in ensuring that, as the beneficiaries of the trust in which the shares in these companies are held by their elected representatives, the community’s rights and interests in the corporations are properly managed. Included in these rights and interests is the disclosure of remuneration paid to those who run these corporations, for the reasons I have already set out.

We all have a stake, not only in the financial returns which facilitate the provision of government services, but, particularly in the case of Actew, in the actual outputs—primarily the water that we all rely on.

Chief Justice Gleeson in *Roach v Electoral Commissioner*, in discussing the factors to be evaluated to determine what is demonstrably justified in a free and democratic society, said:

This qualification requires both a rational connection between a constitutionally valid objective and the limitation in question, and also minimum impairment to the guaranteed right.

There can be no doubt that the ACT has the jurisdiction to pass this law in accordance with the self-government act and therefore no interference will occur unlawfully. Further, the public interest objectives set out earlier provide a sufficient connection to the outcome being achieved to satisfy this test. The question as to whether or not any interference is arbitrary or goes beyond the minimum impairment required is also satisfied.

“Arbitrary” can be defined as capricious, uncertain or unreasonable. Having looked at the nature and scope of other disclosure laws and the particulars that will be required to be disclosed in this case, as set out in paragraph Aus25.4 of AASB 124, the relevant accounting standard that will be applied, it is fair to say that what is being required to be disclosed is directly related to the duties being performed by these officials and is limited to their professional roles, for which they are being paid public money for their services, and is therefore the minimum impairment to the guaranteed right. Further, having turned my mind to the question, I can see no alternative way in which this particular objective would be achieved.

Mr Speaker, the Greens support this bill and we look forward to reading some very comprehensive annual reports over the coming months.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (12.04), in reply: I am not sure they are going to be any more comprehensive, apart from the salary indication, but that is the subject of this bill.

I thank members for their support for this bill and I acknowledge that the Liberals take some credit for it, the Greens take some credit for it and we will take some credit for it. So it is truly a piece of legislation that has had its origins in everybody’s camp, which is quite unusual for this place. Members of this Assembly have been calling for the increased disclosure of executive remuneration of territory-owned corporations, and this bill is intended to achieve that purpose, as there is currently no existing requirement for territory-owned corporations to disclose remuneration details of individual key management personnel.

This legislative change is necessary so as to overcome the Privacy Act 1988. As it currently stands, the remuneration for an executive of a territory-owned corporation cannot be publicly disclosed without the prior consent of the person involved. The current disclosure regime is in line with the relevant accounting standards and is limited to providing remuneration details in aggregate. As such, it does only provide a minimum level of transparency.

It is not unreasonable to expect that territory-owned corporations should be subject to similar levels of accountability in governance as their public sector counterparts, or, indeed, private sector corporations. In making that statement, I do acknowledge the comments in scrutiny report No 24 of 28 June about the engagement of privacy principles. Indeed, those very human rights issues were at the top of the mind in developing this bill and, indeed, have been at the top of the mind in terms of the discussions I have had with territory-owned corporations in the past when concerns have been raised by members of this place in various committee hearings and, indeed, publicly.

There is a community expectation that the level and types of remuneration paid should be able to be separately identified. This is more than justifiable given the ability for the directors and executives to make decisions which can have a major impact on the community. Fully disclosing the remuneration details for each individual is fundamental to satisfy the need for integrity and accountability of those persons responsible for making decisions which directly influence the operational performance of a territory-owned corporation.

As provided for in the bill, the change in the reporting requirements is intended to first appear in the 2009-10 annual report; hence the need for the urgent consideration of this bill. The level of information to be disclosed will be no more and no less than is required under the accounting standard that applies to disclosing the remuneration of key personnel.

The information to be disclosed in accordance with that standard includes the name of the person and the position held, as well as the amount and kind of remuneration that they receive. It is in keeping with the disclosure requirements that apply to any publicly listed company. I am advised that the new disclosure requirements simply replicate the standards applying to publicly listed companies. Indeed, if we did not list the names, it would contravene the accounting standards, resulting in a qualified audit report.

Even so—and I think this is where it is difficult—the Assembly cannot have it both ways. We cannot want increased accountability around the salaries paid to senior staff within territory-owned corporations that operate here in the territory but then seek to protect them through being cognisant of privacy and human rights issues. The subject of this bill is simply to accept, I think, a community view that, for territory-owned corporations, the remuneration of senior staff should be public, as it is with other public companies, and all of our executives within the ACT public service as well.

It will be a feature of each annual report—going to Ms Hunter's more comprehensive report—to separately disclose the remuneration details of each director as well as the remuneration details of up to five of the most highly paid executives or senior managers as defined in the bill. After the legislation has been enacted, the Department of Treasury will issue a practice note to facilitate consistency and clarity of the remuneration reporting requirement in the annual report for each territory-owned corporation.

I believe this bill is in keeping with good governance and recognises that it is in the public interest to provide a clear statement about the level of executive remuneration applying to each territory-owned corporation. Disclosing this level of information in the annual report will allow interested stakeholders to properly gauge whether the respective remuneration that is being paid to directors and senior management is fair and reasonable, recognising the need to recruit and retain people who are capable of enhancing the performance of the company and the significant responsibilities that those directors and senior managers have as employees and directors of those companies.

In closing, I would like to thank the territory-owned corporations for the cooperation, advice and conversations I have had with them, particularly ACTTAB and Actew, in seeking to resolve this matter in the interests of the community and, indeed, the Assembly. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Appropriation Bill 2010-2011**

Debate resumed from 6 May 2010.

### **Detail stage**

**MR SPEAKER:** Members, standing order 180 sets down the order in which this bill will be considered; that is, in the detail stage, any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown.

With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by each part, consisting of net cost of outputs, capital injection and payments on behalf of the territory. Is this the wish of the Assembly? That being so, schedule 1 will be considered by each part, consisting of net cost of outputs, capital injection and payments on behalf of the territory, then the clauses prior to schedule 2 and the title.

Schedule 1—Appropriations.

Proposed expenditure—Part 1.1—Legislative Assembly Secretariat—\$7,048,000 (net cost of outputs), \$432,000 (capital injection) and \$5,625,000 (payments on behalf of the territory), totalling \$13,105,000.

**MRS DUNNE** (Ginninderra) (12.12): As the manager of opposition business and the representative of the Canberra Liberals on the administration and procedure committee, I will speak very briefly to this line.

I think that we have seen in the administration of the Legislative Assembly over the last little while considerable concentration on openness and accountability. We have seen changes to the reporting processes that members undertake. We have seen the lodging online of a range of reports in relation to non-executive members of the Legislative Assembly.

I see that the actions of the non-executive members of the Legislative Assembly, through the administration and procedure committee, have highlighted the difference and disparity in reporting requirements and, in addition to that, the different sorts of conditions that are available to members of the executive. We are starting to see an improvement in the openness of the executive in relation to reporting the expenditure and the like of members of the executive in relation to travel. After a very long hiatus, we are now beginning to see ministerial travel reports again. I think that, following the leadership of the administration and procedure committee, the executive generally is starting to be more open to reporting.

I hope to see a substantial improvement in the executive's reporting of things like discretionary office allowance or equivalent that the executive may have, the way that the executive deals with postage and communication with people in the ACT, how their telephones and the like are dealt with, and that they are open and that that information is provided to members of the public in the same way we have seen with the non-executive members.

I congratulate you, Mr Speaker, on the progress that has been made in this area, and I look forward to further improvements in the year to come.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (12.15): The Legislative Assembly Secretariat provides us, as members of parliament, with a range of essential services, such as advice, research and policy services, without which we simply could not function as an effective legislature. The Secretariat is made up of the Committee Office, the Chamber Support Office, Strategy and Parliamentary Education, Hansard, Communications and Library, and Corporate Services. I would like to take the opportunity to thank all of them most sincerely for the work that they do.

I think the most important point that was made during the estimates hearings on the Assembly was that we are now operating in a parliament that has formally adopted the Latimer House principles, and I am very pleased that the Assembly received all the funding it requested consistent with the Latimer House principles.

It is, indeed, a challenge for us to develop mechanisms that recognise that we are a developed democracy, whilst at the same time building in protections for oversight agencies and accountability mechanisms and, of course, the parliamentary institution itself. The bodies which sit outside the government service delivery program of the

day and underpin our representative democracy deserve special recognition and protection.

On the specifics of the expenditure, I would like to say that the transition of the library into the Assembly budget to ensure that we control our own resources and recognise the particular nature of the library service that is required by members of parliament is a positive step.

Ms Barrett indicated in her evidence to the estimates committee that an access and use policy has been developed that will include a list of the types of services the library will provide and is awaiting approval. Also, a number of the library subscription services are being reviewed, with the possibility of changes to ensure that the library has available the most relevant information for members. These appear to be very positive steps forward, and I know that all the Greens members and their staff are very keen to be involved and give feedback on the selection of any new services.

The Assembly has undertaken a range of very positive environmental initiatives that have produced some very pleasing results. We are already a more energy-efficient building, and I understand there are still a number of initiatives to be implemented.

The work in the Assembly program is the other new initiative of particular note. The Greens, of course, support this funding and I hope that, throughout the years, a number of departmental staff will be able to participate and both contribute to and learn from the Assembly. We look forward to updates as the program is implemented. The Greens are pleased to support this part of the appropriation.

**MR HARGREAVES** (Brindabella) (12.17): I will speak very briefly. As was my wont when I was a minister in this place, I always liked to express my appreciation of those officers who actually did the work to compile the budgets put forward in this chamber. I would like to express my appreciation to the Clerk, Mr Max Kiermaier, Ian Duckworth and all of the troops in the support area supporting your good self. Just to put it on the record, Mr Speaker, you are the minister responsible for the Legislative Assembly's budget. The administration and procedure committee merely advises you. I am very pleased to see that you have taken our sage advice.

**MR SESELJA** (Molonglo—Leader of the Opposition) (12.18): I would also like briefly to thank the staff of the Legislative Assembly, not just those who were particularly involved in the estimates process—of course they do a significant amount of work and I thank each and every one of them for that—but also the staff generally for the service that they provide to Assembly members under, it must be said, some resource constraints that we are all aware of. But that is as it is. We know that they do work very hard to give us the best service possible.

Mr Speaker, I would like to take the opportunity now in this cognate debate to look at some of what the government have had to say in their response to the report of the Select Committee on Estimates. We have not had a chance to go through it all. It will not take long to go through the response because there is not much to it. I note that Ms Le Couteur was lamenting, when we delivered our comprehensive, detailed, rigorous dissenting report, that she was concerned that there would not be a response

to it. Ms Le Couteur should rest easy. Firstly, the response to the actual report is extraordinarily thin, so she should not have worried too much. Secondly, they have taken the time to respond to our report. Although we have not had a chance to go through it all, it is interesting to see what they have focused on and what they have not focused on. They have made some conclusions and assertions in relation to our report that they do not back up in any way.

**Mr Smyth:** Just broad statements.

**MR SESELJA:** There are a lot of broad statements—indeed, Mr Smyth:

The Government is concerned about the incorrect and unfair conclusion drawn by the dissenting Members that it has sought to avoid scrutiny ...

But they do not actually go into any of the detail. There are a number of dot points where they just make broad assertions:

Many of the recommendations made in the report are unsubstantiated ...

Well, say how they are unsubstantiated. Perhaps they could point us to specific examples. They have not been able to question any of our numbers; they have not been able to question any of the numbers put forward. I note that they follow the lead of the minister, the Treasurer, who in budget week could not dispute one word that we had said at the budget breakfast in relation to revenue. They could not put forward any sort of rational critique of what had been said by the opposition. Of course, the opposition made the following points. The main point—

**Mr Hargreaves:** On a point of order, Mr Speaker, I do not want to cut Mr Seselja off in full stride, but I am going to.

**MR SESELJA:** Could we stop the clock, please, Mr Speaker?

**MR SPEAKER:** Yes, certainly.

**Mr Hargreaves:** I am sorry, I should have said that first up. Mr Speaker, I would like to ask you about a ruling on the question of relevance. I know Mr Seselja has points that he wants to make in this regard, and I would not deny him that at all, but I just think it is probably the wrong spot within the context of the list of budget items. Perhaps we could just deal with the Legislative Assembly line and then at some other stage have a go.

*Ms Gallagher interjecting—*

**MR SPEAKER:** Mr Seselja, on the point of order?

**MR SESELJA:** I am sorry, I am laughing because Ms Gallagher finds this so amusing.

**Ms Gallagher:** You're laughing too.

**MR SESELJA:** I laughed in response to you. We were laughing together. It is a rare thing, but we should enjoy it when it happens.

**MR SPEAKER:** On the point of order, Mr Seselja.

**MR SESELJA:** Mr Speaker, on the point of order, we have got a report that has been dropped which is being debated cognately.

*Mr Smyth interjecting—*

**MR SESELJA:** These are general critiques which have been made by the government in its response to our report. There would seem to be no particular line item where we could relevantly discuss those. As has always been the case, we have to find spots within, and I would have thought the first line might be the opportunity to discuss this. It will be discussed now or it will be discussed later—it really does not matter—but there is no particular line that deals with the government's response to the estimates report, which went right across portfolios.

**MR SPEAKER:** Thank you, Mr Seselja. One moment, please. The source of my amusement, Mr Smyth, was that it seems we are no longer debating the government's response cognately because we dealt with that question. The report was noted earlier.

**MR SESELJA:** Mr Speaker, that was not how we were informed in negotiations.

**Mr Smyth:** Absolutely not, the rules just keep—

**MR SPEAKER:** Order! I am listening to Mr Seselja.

**MR SESELJA:** We were told that this would be debated cognately. I do not know if there is the opportunity to suspend standing orders in any way that would allow that, but that has always been the practice. Do they really not want their response debated? Mr Speaker, I seek your advice and the Clerk's advice on whether there is the opportunity to either suspend standing orders or in some other way debate cognately the response.

**MR SPEAKER:** Mr Corbell, do you want to comment on this?

**Mr Corbell:** Yes, Mr Speaker. I think what has happened is that inadvertently the Assembly has agreed to note the government response to the estimates committee report. The Speaker has put the question, and inadvertently the Assembly has agreed to that question. That is not the government's intention. If you want to recommit the vote, the government will not object to recommitting the vote on that question and simply allow for that debate to be adjourned and then for it to be dealt with cognately. That will require some procedural gymnastics from the Clerk, but the government would have no objection to that process.

**MR SPEAKER:** Members, what I propose is that Mr Seselja continue with his speech and we address this matter at the end of Mr Seselja's speech, which I suspect

will be after the lunch break. That will enable us some time to sort through the procedures on this.

**MR SESELJA:** Thank you, Mr Speaker. I trust there will be some indulgence then ahead of the procedural fixing. Mr Speaker, we go through each of the claims that are made in the government's response. Of course, they are just broad sweeping statements which are not backed up by fact. Where I was up to, I think, before Mr Hargreaves cut me off in full flight, as he said, was that it is a continuation of the government's budget week performance where they were unable to deny that the money that they are getting now and the money they are projected to get is more than they were even projecting prior to the global financial crisis being an issue.

We had a situation where the government was projecting a certain amount of revenue before the global financial crisis was known about. When serious economic problems emerged, particularly in Europe and North America, there was obviously great concern and Treasury estimates were amended, as would be expected. We were potentially going to see less money coming into ACT government coffers as a result. It turns out that the Australian economy did not go into recession, as had been feared, and the revenue did not drop.

What we see the following year is that what is being projected is actually more than was projected before the GFC was even feared or was a reality. The excuse that has been made by this government for the very large deficits that it is projecting is no longer there. It may have had the excuse when the GFC was hitting revenues, but now it has been proven to be false. The government's response flows on from that because, instead of dealing with facts and refuting the economic numbers, it just makes broad assertions.

Some are interesting and we can go through them: "Many of the recommendations made in the report are unsubstantiated"—but they do not say how they are unsubstantiated—"unclear and appear to have little substance". But they do not say why. "Some of the recommendations appear to question the decisions of Government." The Treasurer and the government say: "How dare you as a committee or as members of a committee question decisions made by the government. That is outrageous. You should not question what we do. The Greens don't."

We saw that in the debate, and we saw that in relation to how the report process was handled. They say, "In a number of instances, there is little justification or evidence provided," but they do not say where. They do not point to these instances. They do not do the work and say: "Well, this is where we believe you're wrong. This is where we believe your conclusions are wrong. How dare you have the temerity to actually question decisions by the government?" I will give them a tip: it is our role to question decisions made by the government.

I would have thought, Mr Speaker—and this does bring us to the point—that it was the entire committee's role to question decisions by the government. I am not sure if that same criticism has been made of the main report. I do not think that it would have been. I do not think that that is indeed the case. There is criticism that we will wear as a badge of honour that has been made of us, but presumably—I have not had a chance

to look at all the pages and I can be corrected on this—it has not been made of the main report. We will be happy to take this criticism from the government that Mr Smyth's and my dissenting report questions decisions of the government. Yes, we do. We question a lot of decisions of this government. We will continue to question decisions of this government.

**Mr Smyth:** So conversely the Greens and Mr Hargreaves didn't.

**MR SESELJA:** Conversely—indeed, as Mr Smyth points out—I am not sure that that critique is being made of the main report. They did not bother to ask questions of the government. It is a revealing dot point. It is a revealing conclusion that they would criticise us, though not our colleagues—not our Labor-Greens colleagues—for some of the recommendations that appear to question decisions of the government. That is as it should be, Mr Speaker. They go on to say:

The Government is concerned about the direct criticism of the Chair—

I wonder why that is. I wonder why they would be concerned that there is direct criticism of the chair. As Mr Hargreaves pointed out in the committee, this was a great report for the government and they were very happy with it. They were happy across the board. They were happy that the main report and the recommendations did not appear to question decisions of the government. They continue:

The report and its figures are unreferenced, which undermines the credibility ...

That is not true.

Throughout the report, there are numerous subjective judgements ...

Yes, there are. That is one of our roles. If it was just to relay the evidence, we would not need to be there. It is our role, as parliamentarians, as members of the Assembly, to make judgements. Whether they are subjective judgements or objective judgements is going to be in the eye of the beholder, isn't it? We will make judgements based on the evidence that comes before us. What we saw in the committee was evidence of a budget that failed in a number of respects. When we get to other line items, Mr Speaker, we will go to some of those broad failings. When we get to the executive it might be time to give a bit of an overview of some of the critiques. They are there in black and white in a 100-plus page report by Mr Smyth and me.

The government's response to it cannot even refute the findings. They simply criticise us for having the temerity to question the decisions of government. They do not do that in the main report, and I think that is revealing. It is revealing that they go in to bat for the chair. They do not criticise them for questioning decisions of the government, but they do criticise us because we did question decisions of the government. We will continue to question decisions of the government. As we go through the various line items of this budget, we will go through some of those particular criticisms.

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

**Sitting suspended from 12.32 to 2 pm.**

## Questions without notice Budget—taxation

**MR SESELJA:** My question is to the Treasurer. Treasurer, budget papers from 2006-07 predicted that, in 2009-10, revenue from taxation would be \$948 million. The most recent budget papers, for 2010-11, estimate the total tax collected in 2009-10 will now be \$1.114 billion. Treasurer, why did you slug Canberra families and business an extra \$166 million in 2009-10 in your first budget as Treasurer?

**MS GALLAGHER:** In my first budget as Treasurer?

**Mr Seselja:** The 2009-10 budget.

**MS GALLAGHER:** The 2009-10 budget. I think the question from the Leader of the Opposition needs to be put in context. Yes, we are getting additional revenue. The revenue streams grow. That is correct. They did not grow as large as we had expected prior to the global financial crisis but they are growing. So is the budget. The budget is growing as well. I am yet to see a list from the opposition about all the things they would not fund, other than, I think, the arboretum, which is the only thing they have come up with, which we support wholeheartedly.

The context that the Leader of the Opposition misses is that, despite your revenue growing, your budget is growing too. Health is growing at 10 per cent per annum. It is over a billion dollars. It is a third of the budget.

I will check the figures the Leader of the Opposition uses for the 2009-10 budget. I do not have the 2009-10 budget revenue in front of me but I will check them because they do have a habit of picking and choosing numbers when they feel like it that do not give a completely accurate picture. Indeed, I do not even have the 2009-10 budget papers with me to check. If I am going to get every question from you, you might give me the indulgence of getting the book down from my office.

We have had to seek and minimise additional revenue impacts on the community. We have sought to do that in both of the budgets that I have brought down as Treasurer. The majority of the revenue initiatives for this budget are actually related to rectifying an existing revenue stream which the opposition has supported, to my knowledge. So we have sought to minimise the impacts on Canberra families. I think we have done that to the best degree we can, despite the demand for government services continuing to grow.

This is something that the budget cabinet looks at every single year. And every year it is at the forefront of our minds: how do we minimise the impact on the community to deliver what we need to deliver? And it has been hard the last two years. It has been very hard to do that. But I think we have managed pretty well.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Yes, thank you, Mr Speaker. Treasurer, similar analysis shows the ACT government will receive a taxation revenue windfall of \$58 million in 2010-11. Treasurer, why have you slugged Canberra families and businesses an extra \$58 million in 2010-11?

**MS GALLAGHER:** We have not slugged businesses anything over and above—

**Mr Smyth:** Oh! Change of use charge?

**MS GALLAGHER:** The change of use charge is a legitimate charge that your party supported. In legislation, your party supported this.

**Mr Seselja:** Not at \$50,000 a unit.

**Mr Smyth:** No, no, no, no, no—

**MS GALLAGHER:** Yes, they did. Yes, they did, Mr Smyth. So, if you are now changing your position on change of use charge, I look forward to your legislation amending the current legislation which seeks to reduce that.

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** Outside of—

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** the rectification of the change of use charge—

*Opposition members interjecting—*

**MS GALLAGHER:** Mr Speaker, I will try not to respond to the interjections.

**MR SPEAKER:** Mr Smyth, you will have a chance to ask supplementaries in a minute.

**MS GALLAGHER:** This budget, and indeed the budget before, outside of normal growth in our fees and charges, has sought to minimise any impact on business and the community. In fact, we have been trying to invest to create opportunities for business in both of these budgets—

*Mr Smyth interjecting—*

**MS GALLAGHER:** through driving our capital programs. That is what we have been trying to do. We have been extremely mindful of the last two years and the impact on business and the uncertainty that the global financial crisis has created.

**Mr Smyth:** She says they wanted to invest in business but they cut it by 10 per cent—an odd way of investing in business.

**MS GALLAGHER:** Invest in a way to maximise business opportunities; we have done that. Our capital program is the most significant way we can drive growth in the economy—

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth!

**MS GALLAGHER:** and that is what we have been investing in in the last two budgets.

**MR SPEAKER:** Ms Porter, a supplementary?

**MS PORTER:** Thank you, Mr Speaker. Treasurer, how is the government working with industry to address concerns over the change of use charge?

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

**MR SPEAKER:** Yes, Mrs Dunne. I thought you might raise this.

**Mrs Dunne:** Neither of the questions was about the change of use charge. They were about revenue in two subsequent budgets.

**MR SPEAKER:** Mrs Dunne, on the point of order, whilst I think formally you are correct, Mr Smyth's constant interjecting on the change of use charge left the Treasurer little choice but to address the matter. As it has now come up in the Treasurer's response, Ms Porter is free to ask a supplementary question. The Treasurer.

*Members interjecting—*

**MS GALLAGHER:** Thank you, Mr Speaker. I am interested in the Liberal Party's opposition. It is all very easy to whine and carp from the sideline, but it is very hard to take an actual position. What I am hearing from the opposition now is that they do not support the legislative framework which creates a charge payable by developers for the profits that they gain from a change of use in relation to a community asset. That is what I hear from them—that they do not feel that it is a legitimate charge for the territory to impose. Land is our biggest asset. This is a return to the community for being able to use that land for a developer's benefit. That is the charge. It is a legitimate charge and I am very interested to hear exactly how the Liberal Party are going to put into place concrete plans—that is, legislation to oppose this charge—and go out and defend them to the community. I will be very interested to hear that.

Industry are working with us; they are working with Treasury. They are engaging very well, particularly in terms of implementing the second part of the change of use

project, which is around codification. I look forward to having a positive result with industry on that in the next few months.

**MR SMYTH:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, why is it that the incompetent New South Wales government can deliver a budget with lower taxes and surpluses and you cannot?

**Mr Hargreaves:** On a point of order, Mr Speaker, this is a hypothetical and should be ruled out of order. It goes to why can the New South Wales government do anything. It is not within the minister's portfolio responsibilities.

**MR SPEAKER:** Order, Mr Hargreaves! There is no point of order. Treasurer, you have the floor.

**MS GALLAGHER:** Far be it from me to be in a position to explain the New South Wales budget in its entirety to the opposition, but they did pick up—

**Mr Smyth:** No, it's from your budget.

**MS GALLAGHER:** Well, they did pick up over a billion dollars in commonwealth grants redistribution under the commonwealth grants formula, whereas we lost 10 per cent of ours. In fact, the entire move to surplus for New South Wales is pretty much exactly a \$1 billion turnaround, which is the Commonwealth Grants Commission change in the redistribution. So that has been a little handy. We certainly would have liked to have got the benefit that New South Wales got from the Commonwealth Grants Commission. We got the opposite.

Apart from the opposition, there has not been weeping in the streets over the budget. The budget has actually—

**Mr Smyth:** Just sighs of resignation.

**MS GALLAGHER:** No, I think people have accepted that the budget plan that we are delivering on is the result of a couple of years of very uncertain activity in international economies; it has had an impact on our budget and we are working our way through that. At the same time as we are working our way through that, we are minimising impact on the community; we are minimising impact on business; and we are delivering more for it.

**MR SPEAKER:** Before I come to Ms Hunter, I remind members of the chamber that we have spoken this morning about constant hectoring across the chamber and we spoke about it in question time last week. I do not expect members to shout other members down, and I will start to warn them if it continues.

**Ms Gallagher:** I think that's aimed at you guys.

**MR SPEAKER:** Ms Gallagher, don't interrupt. Ms Hunter, you have the floor.

**Energy—feed-in tariff**

**MS HUNTER:** My question is to the Minister for Energy and is in regard to the operation of the Electricity Feed-in (Renewable Energy Premium) Act 2008. Minister, are you aware that customers are being asked by ActewAGL to sign feed-in tariff contracts that indicate the effective end of the contract if the feed-in tariff legislation is repealed and are you concerned by this?

**MR CORBELL:** I thank Ms Hunter for the question. I was not aware of those allegations prior to Ms Hunter raising them, but if she can provide me with further information, I would be very happy to look into the matter.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Minister, was it the government's intention that 20-year contracts that had been signed by electricity generators could be rendered invalid if a future government were to repeal the electricity feed-in act 2008? And what has the government done to ensure that ActewAGL reflects this intention in their contracts?

**MR CORBELL:** The legislation is quite clear. Contracts entered into under the feed-in tariff legislation are binding commercial contracts between the generator and the electricity retailer for a period of 20 years and any rescission of those contracts is a legal matter between two parties. But what is quite clear in relation to the legislation is that the legislation guarantees payments for a 20-year period and there is a legal obligation that retailers are under when entering into such contracts.

**MR SPEAKER:** Ms Le Couteur, a supplementary?

**MS LE COUTEUR:** Thank you. Minister, are you aware that in order to retrieve your payments from ActewAGL for electricity generated through the feed-in tariff you have to ring up ActewAGL after each account turns up to retrieve your payment?

**MR CORBELL:** How payments are made is a matter between the generator and the electricity retailer. Electricity generators—households with PV on their roof, for example—need to enter into those arrangements with the electricity retailer on terms acceptable to both parties. The legislation does not specify the other terms of the contract beyond the fact that payments must be guaranteed for a 20-year period at the rate set under the legislation. All other matters in relation to the contract are between the retailer and the generator. As in any contract, generators need to exercise caution and make sure they are familiar with and understand the terms of the contract they are entering into.

**MS BRESNAN:** Minister, what will you do to ensure that the concerns about the implementation of the feed-in tariff by the ACT's largest electricity retailer are resolved as soon as possible to provide certainty and convenience to renewable electricity generators in the ACT?

**MR CORBELL:** There is no question in relation to certainty. The legislation guarantees a 20-year contract period. That is a legally binding obligation on the electricity retailer. In relation to the other matters that Ms Hunter has raised, as I have already indicated to Ms Hunter, if she can provide me with further information and details of the claims that she has raised, I am happy to investigate those matters further.

### **Transport—roadside drug testing**

**MR HARGREAVES:** My question is to the Minister for Transport. Chief Minister, can you please inform the Assembly of the advice that you may have received from the Chief Police Officer about a proposal for a random roadside drug testing scheme?

**MR STANHOPE:** I thank Mr Hargreaves for the question. It is an important question on an important issue. Yes, I have received advice from the Chief Police Officer on the Hanson-Bresnan drug testing bill and it is a matter of concern, of course, to me, and I am sure to all Canberrans, that the legislation that the Greens and the Liberals are committed to passing tomorrow is legislation on which ACT Policing has, in the words of the Chief Police Officer, fundamental concerns. He goes on in his advice to list the fundamental concerns that he has with the legislation which the Liberals and the Greens have determined, without consultation with the broader community or with experts or people within the legal field or the human rights commissioner, to pass.

I will not have enough time during this question to detail all of the Chief Police Officer's concerns, but I think it is important to place on the record what we face tomorrow as the Liberals and the Greens crash through this legislation. This is a quote from the Chief Police Officer:

The Hanson Bill does not incorporate formal laboratory testing of an oral fluid sample as part of the analysis process, which is seen by ACT Policing to be a critical requirement for sound and successful prosecutions. Limiting a prosecution so it is based solely on the results obtained from an oral fluid test conducted at the police station, without the added layer of certainty of a laboratory test, and without the further option of an independent test,—

and this is the important part of this particular concern—

creates a precarious situation for both police and prosecutors and has the potential to lead to a substantial number of challenged and, ultimately, failed prosecutions.

In other words, ACT Policing believe that prosecutions that proceed on the basis of the Hanson-Bresnan bill will fail. In other words, the legislation will not work; it will fail. That was the first of the points that the Chief Police Officer makes.

He goes on to say:

Jurisdictional experience, particularly in Western Australia, also shows that current roadside drug detection technology can, and does, show false positive

readings, again reinforcing the need for scientifically defensible laboratory testing where applicable.

The Chief Police Officer goes on to point out that the Hanson-Bresnan bill actually ignores Australian standard AS4760 of 2006—

*Mr Hanson interjecting—*

**MR SPEAKER:** Mr Hanson, thank you.

**MR STANHOPE:** which requires confirmation of results attained on police station testing equipment to be confirmed by a NATA approved laboratory.

*Mr Hanson interjecting—*

**MR SPEAKER:** Thank you, members.

**MR STANHOPE:** He goes on to conclude:

An absence of this independent confirmatory mechanism in the proposed drug driving regimen makes it fallible.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

**MR STANHOPE:** In other words, it is almost essentially guaranteed to fail.

*Members interjecting—*

**MR SPEAKER:** Order, Mr Corbell, Mr Hanson!

**MR STANHOPE:** So now we have the Greens endorsing, absolutely, without compunction, legislation that does not meet a basic Australian standard. I am stunned, in fact, that the Greens would be that gullible. We expect it of the Liberals. But for the Greens to actually publicly endorse and express the determined intention to pass this legislation—without consulting the government, I have to say, on amendments; there are amendments flying all over the place—

*Opposition members interjecting—*

**MR STANHOPE:** In fact, before we go to the rest of this, I think Mr Hanson had a set of amendments out at 9 this morning, based on the Chief Police Officer's advice. They were withdrawn, I understand, by midday. A second set of amendments were actually circulated—

*Mr Hanson interjecting—*

**MR SPEAKER:** Mr Hargreaves, a supplementary question?

**MR HARGREAVES:** Yes, Mr Speaker. Can the Chief Minister please let us know what happened to those mysterious travelling amendments and what else the Chief Police Officer's advice actually said?

**MR STANHOPE:** The Chief Police Officer had a lot more to say about this. As I said, there will not be time during this question time to go to the range of concerns and objections that the Chief Police Officer raised. The most fundamental, of course, were those that I have gone to, where the Chief Police Officer says, for and on behalf of ACT Policing, that the legislation simply will not work; that there will be an appeal—that, on the first occasion there is a prosecution, there will be an appeal. The Chief Police Officer suggests that the appeal will be successful. He then goes on to point out that the drug testing regime outlined in the legislation does not actually comply with Australian standards. He then goes on to comment on the underlying philosophical position; namely, that the bill, in referring to a prescribed concentration of drugs, raises essentially major concerns in relation to the capacity of the current screening devices to deal with the issue of concentration. In relation to that particular issue, he goes on to say:

ACT Policing has repeatedly advocated ... that legislating prescribed concentrations of drugs at any stage of a drug driving program is problematic on a number of levels.

So here we go to this underlying philosophical position, namely, legislation based on a concentration of a drug, and the police say, "We've been saying since ever we've been consulted or been involved in discussions on this that we do not and will not support this essential position adopted by the Liberals and the Greens in the Hanson-Bresnan bill." In other words, prescribing a level of illicit drug concentration of itself creates a whole range of problems.

**Mr Hanson:** Haven't you seen the amendments?

**MR STANHOPE:** Oh, the amendments that are flying around today after you have received the advice you did not want, after I did the consultation that you refused to do? (*Time expired.*)

**MS BRESNAN:** A supplementary?

**MR SPEAKER:** Ms Bresnan, you have a supplementary.

**MS BRESNAN:** Chief Minister, what advice did the government receive from the police commissioner on the Labor Party's bill and can you please table it in the Assembly?

**MR STANHOPE:** Thank you, Ms Bresnan. Yes, the ACT government has consulted across all agencies, indeed, in relation to this particular issue. There have been discussions, there have been conversations, there has been an exposure draft and there has been a discussion paper. In relation to all of those processes that we have been engaged in, there has been significant consultation and, indeed, I will take some advice from the department.

**Mr Corbell:** The police made a submission on the exposure draft.

**MR STANHOPE:** That is what I mean. I was about to say, as the attorney mentions, there is a detailed submission from a number of ACT government agencies, including ACT Policing, on the discussion paper. I would be more than happy, Ms Bresnan, to provide you with a copy of the outcomes of that and I hope you take them into account in your deliberations on the bill tomorrow, which you have publicly promised that you will go through.

I must say, Ms Bresnan, that I gave your comments to the ABC, I think, just last week when I sought, again, to raise these particular issues and said that I thought it important that we take advice from people like the Chief Police Officer and the human rights commissioner and you responded—and I quote from your response about the need for some confirmation around the workability of the legislation and whether or not it might be human rights compliant—that there is nothing wrong with the Liberals’ bill and it’s simply time to move ahead. This is the Liberals-Green approach to issues around whether or not serious criminal law with invasive procedures is fine. You then go on further to say that, to Mr Hanson’s credit, he has consulted widely on the legislation—except with people who know what they are talking about. (*Time expired.*)

**MR SPEAKER:** Ms Porter, a supplementary?

**MS PORTER:** Thank you very much, Mr Speaker. Chief Minister, are you aware of any alternative views on this scheme?

**MR STANHOPE:** Yes, I am. I am aware, most particularly, of views by Ms Bresnan—which I have just referred to—that there is absolutely nothing wrong with the Liberal-Greens bill and why do we not just get on and pass it? I am aware of views expressed by—

*Mr Coe interjecting—*

**MR SPEAKER:** Order! Chief Minister, one moment, please. Mr Coe, you are now warned. I have made interventions a number of times about shouting across the chamber not being acceptable. You are warned. Chief Minister, you have the floor.

**MR STANHOPE:** I am aware of comments expressed on this by Mr Hanson, where he basically repeats the mantra that the Greens and the Liberals have adopted in relation to this particular bill and where he actually says, “There is nothing wrong with it.” He even goes on to say—and this is a brave call—“The Hanson and Bresnan bill”, in the words of Mr Hanson, is “human rights compliant and has been through the scrutiny of bills committee.” Indeed, I think Ms Bresnan refers to the scrutiny of bills committee. I wonder whether they read the report of the scrutiny of bills in relation to this. Here it is. It is only half a page. This is the scrutiny of bills committee report which Ms Bresnan and Mr Hanson rely on to justify that this legislation is human rights compliant. What does it say? What did the scrutiny of bills committee find on this bill, the Hanson-Bresnan bill? This is what it found—

**Mr Hargreaves:** You've got 30 seconds.

**MR STANHOPE:** Mr Hargreaves says I have got 30 seconds and I had better hurry up. I only need 10. This is what the scrutiny of bills committee found: "This is a bill for an act to amend the Road Transport (Alcohol and Drugs) Act to allow for random roadside drug testing to be conducted alongside or independent of random roadside breath testing and provides the testing requirements, procedures, offences and penalties applicable to the introduction of random drug testing." That is it, which both Ms Bresnan and Mr Hanson say provides tripartisan support for this legislation that justifies its rushing through the Assembly tomorrow. (*Time expired.*)

### **Health—expenditure**

**MR SMYTH:** My question is to the Treasurer. Treasurer, by what rate does health spending grow in the ACT annually?

**MS GALLAGHER:** I will get you the exact figure, but it is in the order of nine per cent.

**Mrs Dunne:** You said 10 per cent earlier.

**MR SMYTH:** A supplementary question: I note that we now have two percentages and two answers—10 per cent and nine percent—so, Minister, I refer to Budget Paper 3, page 345, which shows that health spending grows, by my calculations, at 7.8 per cent in the 2010-11 budget, six per cent in the 2011-12 budget, 6.9 per cent in the 2012-13 budget and 7.3 per cent in the 2013-14 year budget. Treasurer, how do you reconcile this with the answer you just gave?

**MS GALLAGHER:** Because the growth factor that we have put into the budget—factored into the forward estimates—on average, funds health growth at 6.3 per cent. If it grows faster than that, we deal with that through use of third party revenues or through the Treasurer's advance.

**MR HARGREAVES:** A supplementary.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Thanks very much. My supplementary to the Minister for Health is: what was the percentage of health growth in the financial year 2000-01?

**MS GALLAGHER:** I do not believe the Liberal government factored any forward growth into their budget for health. We took that—

**Mr Stanhope:** Or for wages either.

**MS GALLAGHER:** That is right. There was some wages growth; what was it? One per cent. They offered 14 per cent to the nurses and they factored in one per cent for it in their budget; that is right.

**Mr Seselja:** Are you correcting your statement?

**MS GALLAGHER:** Sorry, you did; there was one per cent.

**Mr Stanhope:** One per cent for wages.

**MS GALLAGHER:** One per cent for a wages offer that was 14 per cent. The government took the decision in 2006 to—

**Mr Smyth:** How much growth funding for surgery?

**MR SPEAKER:** Mr Smyth!

**MS GALLAGHER:** put health funding on a more sustainable footing so that the health department did not have to come every year—in a sense, the government acknowledged that Health was growing faster than we indexed other agencies. We provided, I think, a realistic growth formula. It sets the challenge to Health to bring down their costs; they have been doing that. They have brought their costs down from 124 per cent of national benchmark to 106 per cent now. So there has been considerable effort on behalf of the department of health to rein in their costs. If we have to top that funding up, we do it based on rigorous analysis of the activity at both hospitals. I would imagine that the opposition would support that. If the activity demonstrates that they need more funding over and above the 6.3 per cent, we deal with that through third party revenues, the Treasurer's advance. And I will point out for the interest of those opposite that this year there was no call on the Treasurer's advance for the department of health; they managed their budget very well.

**MR HANSON:** Supplementary, Mr Speaker. Minister, why is it that we spend more than any other jurisdiction per capita on health, other than the Northern Territory, but we get the worst results in the nation on a broad range of health indicators, including—but not exclusive to it—elective surgery.

**MS GALLAGHER:** Well, I dispute the allegation or the assertion being put by Mr Hanson that we have the worst health indicators in a broad range of areas, and I challenge you to table your "broad range of areas". If it is outside the emergency department and elective surgery, where I have openly admitted the need for improvement and indeed—

**MR HANSON:** Access block?

**MS GALLAGHER:** We are one of the best on access block, Mr Hanson, and I have heard the Liberal Party measure themselves against the Liberal Government in WA: go and have a look at WA's emergency department performance, Mr Hanson. Go and have a look. They report openly on their website in the metropolitan areas. Go and have a look at it, because it measures hospital by hospital, and their emergency department performance is worse than ours.

So there is your measure, if you think we are the worst. But I have been here in this place saying that we need to improve performance. And, indeed, I should say in emergency department, Mr Speaker, I think this is the third consecutive quarter of

improvement in the emergency department, not that the Liberal Party want to acknowledge that. In terms of our costs, we are down to 106 per cent, so we are about six per cent above the national cost for a health episode, and that is largely the difference in superannuation, Mr Hanson. Unless you want to retrospectively change the commonwealth superannuation scheme in the public sector—the CSS and PSS—you are not going to get much movement on that.

### **Land—sales**

**MS LE COUTEUR:** My question is to the Minister for Land and Property Services and concerns the land sales in Wright and Coombs. Minister, given that I understand that the estate development plans for Wright and Coombs have not yet been approved by ACTPLA, how is it that the LDA is able to sell blocks in these suburbs, especially given that the block and section numbers could not presumably have been assigned yet?

**Mr Stanhope:** I beg your pardon, Ms Le Couteur, I missed the start of your question.

**MS LE COUTEUR:** We are talking about selling land in Wright and Coombs.

**Mr Smyth:** He is dreaming of Spain and cycling.

**Mr Stanhope:** I am sorry, I couldn't hear because of the interjections. Please start again.

**MS LE COUTEUR:** Third time, with feeling, yes. This is about selling the land in Wright and Coombs. I understand that ACTPLA has not yet approved the estate development plans in Wright and Coombs. Given that, how could LDA sell the blocks in these suburbs? How would they be able to assign the block and section numbers, given the estate development plan has not yet been approved?

**MR STANHOPE:** Thank you, Ms Le Couteur, and I do beg your pardon for that lack of attention by me to the start of your question. Yes, there has been some commentary on the appropriateness or capacity of selling land in Wright in advance of finalisation, certainly, of the development of the infrastructure and some of the technical aspects of planning.

I have received briefings on the particular issue, most particularly from the Department of Land and Property Services and, indeed, the LDA. They have negotiated and consulted with ACTPLA in relation to the selling timetable. All ACT government agencies—that is, ACTPLA, LAPS and the LDA—are more than comfortable with the processes that were put in place and believe them to be appropriate and believe that it would be reasonable, in the context of overarching government priority and policy in relation to land release and the need to continue to drive our housing market, the best-performing housing market in Australia, to actually deal with continuing pent-up demand and to allow those home buyers, those people who have opted to purchase land in Wright, to actually go through the process of designing, engaging builders and building a house when the land is ready to be built on.

At this stage we expect the first of the blocks in Wright to be able to be built on in the second half of the next calendar year; in other words, from this time on, from this date on, in 2011 onwards. There will be blocks building capable and we believe that appropriate in a context of a forward plan for land release and everything that runs from maintaining land release that would be at the level consistent with our land supply which, in this year, will be in excess of 4,200, including the blocks at Wright.

Technically, my advice is that there is no issue. It certainly imposes the need for some additional discipline but there is no issue, in a technical, legal or practical sense, for the sale of this land at this particular point in its planning and development.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Thank you, Mr Speaker. Minister, are people currently purchasing land in these suburbs without knowing exactly where the blocks are, where they are sited and what the necessary excavation costs will be for building?

**MR STANHOPE:** As to some of the aspects of the site, I will take specific advice on that, Ms Le Couteur. But in the context of an auction and a ballot, the auction that has been held and the ballot which is part-completed and underway, I would be surprised if there was not, in the most general sense, a clear understanding, by those that bid and paid the amounts of money that they have, that they know within a very broad sense exactly and precisely where it is that they are purchasing. But for the sake of absolute certainty, Ms Le Couteur, I will take that question on notice.

**MR SESELJA:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Seselja.

**MR SESELJA:** Thank you, Mr Speaker. Minister, how many of the blocks sold so far in Wright does the ACT government consider to be affordable for first homebuyers?

**MR STANHOPE:** I am not aware that any of the blocks that have been sold to date fall within the affordability definition. But, at the end of the day, of all blocks sold in Wright, 20 per cent will be affordable within the definition of house and land for under \$320,000. It is probably a nice question to ask: of those sold to date, how many are affordable? That is not the way it works. Overall, 20 per cent of all homes sold in Wright, 20 per cent of all homes sold in Coombs, 20 per cent of all homes sold in Crace and Forde will be affordable.

It is interesting that just last week a new indicator of affordability was released, one that has not previously been utilised within the market, which reveals the proportion of houses in each jurisdiction sold with an affordability definition of, say, \$300,000 for house and land. The ACT and New South Wales lead that indicator by a significant margin. Its consistency with the ACT government's policies in relation to affordability is interesting, in that only in the ACT and New South Wales was there anywhere near that proportion of houses, in other words, 15 per cent—and it was

15 per cent in both Sydney and the ACT—of all houses, all homes, sold in the last year were sold for under \$300,000. It is once you get out of Sydney and Canberra that the proportion reduces quite dramatically.

Similarly, in relation to affordability, on the Real Estate Institute of Australia's affordability index, and that is the proportion of disposable income available to service a mortgage or to service rent, the ACT leads the nation by a country mile—indeed, half the rate of other jurisdictions around Australia. (*Time expired.*)

**MR SPEAKER:** Ms Hunter, a supplementary?

**MS HUNTER:** Thank you, Mr Speaker. Minister, what happens if the estate development plan is altered through its approval process with ACTPLA? Will the siting for blocks need to change and will buyers be compensated for any consequential change in the value of their blocks?

**MR STANHOPE:** As I said, the procedure to process and utilise the sale of land in Wright was a process that was discussed and received the support of the three agencies within the ACT charged with responsibility for land disposal sales—ACTPLA, LAPS and the LDA. None of them had major concerns about the process. In the context of the specific information sought by Ms Hunter, I am more than happy to take the question on notice.

### **ACT Health—alleged bullying**

**MR HANSON:** Mr Speaker, my question is to the Minister for Health. Minister, I refer to your answer in response to a question about bullying in your department. You replied, and I quote:

ACT Health have brought in some workplace psychologists to work across different areas of ACT Health where concerns have been raised around the workforce environment.

Minister, when exactly were these psychologists brought into the department to deal with the workforce environment, and how many staff have been seen by the psychologists?

**MS GALLAGHER:** Thank you, Mr Speaker. I will see if I can provide a figure on how many staff have been seen. My understanding is that the psychologist is not necessarily meeting one to one but at times with groups of staff in particular units who have concerns. It would be no surprise to the opposition that, after the concerns around obstetrics and the obstetrics unit at the Canberra Hospital were raised and were raised publicly, there were an increased number of—and we went through this in estimates—staff and ex-staff coming forward with concerns around their workplace environment, so we have sought to respond to that.

The workplace psychologists were brought in, from memory—and I will see if we can get you an exact date—certainly within that first week of concerns in the obstetric department being raised.

**MR SPEAKER:** Mr Hanson, a supplementary?

**MR HANSON:** Yes, Mr Speaker. Minister, has everyone who asked to see a psychologist been able to do so?

**MS GALLAGHER:** I just cannot answer that here today. I do not know that I would ever be able to answer it because I imagine there will be a disgruntled staff member that says they asked to see a psychologist but did not get to see one. From Health's point of view, when someone sought to raise a grievance Health sought very actively indeed, right up to the chief executive's office, to respond to that and to respond to that appropriately. If that required seeing a psychologist or accessing some employee assistance program then my understanding is that has been encouraged as well.

**MRS DUNNE:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Minister, what has been the cost of having workplace psychologists deal with workplace culture issues in your department in this round?

**MS GALLAGHER:** The cost has not been determined yet; it is ongoing, and at this point it is being managed within the Health budget.

**MR HARGREAVES:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Thanks very much. Minister, can you tell us whether or not the psychology services of Health were brought to bear to assist those staff of the Liberal Party here when they actually were hounded out of this building?

**Mrs Dunne:** Mr Speaker—

**MR SPEAKER:** The question is out of order. Mr Hargreaves, your—

**Mr Hargreaves:** No, it is a fair question.

**MR SPEAKER:** It is not a fair question. Mr Hargreaves, sit down, thank you. Mr Hargreaves, I think you know that I am going to rule that question out of order. If you continue to ask questions that are evidently out of order, you are going to push me to have to make a stronger ruling than simply ruling it out of order.

**Mr Hargreaves:** On your ruling, Mr Speaker, with absolute respect, we are seeing questions from those opposite which are talking about workplace bullying. We know that there is a record of two members of staff who were hounded out of this place.

**MR SPEAKER:** Mr Hargreaves, this is not a point of order.

**Mr Hargreaves:** Mr Speaker, I want to know—

**MR SPEAKER:** This is not a point of order.

**Mr Hargreaves:** what assistance they were given. I have not mentioned any members' names; I just want to know the assistance.

**Mrs Dunne:** On the point of order, Mr Speaker, this is frivolous, it is tedious, it is ongoing, and the question would be out of order to the minister because she would not be the minister responsible for those matters, even if it were in order.

**MR SPEAKER:** Yes, Mrs Dunne. Thank you. Mr Doszpot?

**Mr Doszpot:** Minister, will the—

**MR SPEAKER:** Mr Doszpot, there are no further supplementary questions. Mr Hargreaves has used up the quota.

### **Housing—released female prisoners**

**MS BRESNAN:** My question is to the minister for corrections and is in regard to transitional housing services for female prisoners upon their release from the AMC. It is my understanding that there are not any transitional housing services specifically for released prisoners of the AMC and that the tender for this service has been delayed. Minister, can you please advise the Assembly what the criteria for this tender will be and the time line for the tender process?

**MS BURCH:** I can provide some level of response to Ms Bresnan's question. The ACT government has committed \$1.6 million over four years for a new program for women exiting prisons under the national partnership on homelessness. The new program is to provide supported accommodation and outreach support to women exiting the AMC and other criminal justice programs. The program is intended to assist women exiting these facilities in securing and maintaining long-term accommodation, improving basic living skills, addressing complex health and substance abuse issues and re-engaging with clients' families and community. The program was originally expected to be operational from mid 2010 but is now set to commence between September and December of this year.

**MR SPEAKER:** Ms Bresnan, a supplementary.

**MS BRESNAN:** Minister, can you please advise the Assembly what steps you have taken to provide transitional housing services, specifically for female prisoners, until such time as the tender process has been completed? And, as I asked earlier too, what will be the criteria for the tender?

**MS BURCH:** A range of community organisations currently provide support to women in the AMC and upon release, and they include Toora and Inanna. The program is subject to a tender process, managed by the Department of Disability, Housing and Community Services. The select tender process originally instigated by the department will be now replaced by an open tender process due to a change in

service specifications, which include both permanent and transitional outcomes. So it is my understanding that it is still within the procurement process so criteria are being finalised at the minute. But, as I mentioned earlier, Toora and Inanna currently continue to provide our service to women who are exiting the AMC.

**MR SPEAKER:** Ms Hunter, a supplementary?

**MS HUNTER:** Yes, Mr Speaker. Minister, can you please advise the Assembly why housing services for female prisoners were not provided from the time the AMC opened?

**MS BURCH:** My understanding is that, whilst this program was not put in place, certainly, as I have indicated, Toora and Inanna—those services have been available for women transitioning out of the AMC into both permanent and transitional housing outcomes for those women.

**MR SPEAKER:** Ms Le Couteur, a supplementary?

**MS LE COUTEUR:** Thank you. Minister, did you provide additional funding to existing community organisations that were expected to provide services to released female prisoners prior to the specific service being set up?

**MS BURCH:** We have committed \$1.6 million over four years. Whilst I recognise that the numbers of women who have been committed and who are exiting are quite small, it does not mean to say that they do not need that level of support in finding permanent and transitional accommodation. I do not have with me information on whether additional funding has been provided to those services, in addition to the \$1.6 million that has been committed.

### **Parking—fees**

**MR COE:** Thank you, Mr Speaker. My question is to the Treasurer. Treasurer, when you took the decision to sign off on a budget that contained a 30 per cent increase in parking fee revenues, were you aware of how much parking fees would increase in the major employment centres such as Civic?

**MS GALLAGHER:** Yes, Mr Speaker.

**MR SPEAKER:** Mr Coe, a supplementary?

**MR COE:** Given that Canberra Connect staff did not know how much parking costs would increase in the city centre, are you able to tell the Assembly how much they will increase by?

**MS GALLAGHER:** I think we went through this in estimates and it is actually not my portfolio responsibility. It is the Minister for Territory and Municipal Services. I cannot answer why Canberra Connect did not know the answer to that. Maybe Canberra Connect have a different version of events or a diversion of views there. But I can happily provide a list of them. I do not have them in front of me at the moment. In fact, I will try to find them during question time.

**MR SPEAKER:** Mr Seselja, a supplementary?

**MR SESELJA:** Thank you, Mr Speaker. Minister, how much per annum will this parking increase cost families in the outer suburbs who drive to work each day?

**MS GALLAGHER:** I am actually not sure this is my portfolio responsibility.

**Mr Smyth:** It is your revenue line in the budget paper.

**MS GALLAGHER:** Yes, and I have responsibility for the budget overall. But as to questions—

**Mr Smyth:** No, it is your revenue line. It is a Treasury initiative.

**MR SPEAKER:** Mr Smyth!

**MS GALLAGHER:** The government took a decision around parking, that we should continue to increase parking as we try to achieve the goals set under the sustainable transport plan and encourage modal shift to encourage people onto buses. We have had indeed representatives from industry around the cost of parking. Again, we have sought to minimise it. We have sought to minimise the impost on families. I think the maximum is \$1.50. The minister has the list of increases. Again, we think that is a reasonable cost for parking, particularly in the centre of the city. If you look at jurisdictions outside of the ACT, you will see that our rates here are extremely competitive.

**MR STANHOPE:** Mr Speaker, I will conclude the answer to that particular question.

**Mr Smyth:** You've got to get the call.

**MR STANHOPE:** Indeed, I am the responsible minister. The Liberal Party love playing these little tricky games. It sort of reminds them of kindergarten and they just love it as they rush around: "Oh, we'll ask a trick question. We'll ask the wrong minister a question and we'll try and trick her! We'll try and trick her!"

**MR SPEAKER:** Order! Chief Minister, have you got something to add?

**MR STANHOPE:** I have, yes. Two-hour parking in the city will increase by 30c, four-hour parking in the city will increase by a dollar and all-day parking in zone A will increase by \$1.50. Indeed, the government have signalled that these costs will increase into the future as well, as we do strive genuinely to obtain a sustainable public transport system and genuine modal shift. *(Time expired.)*

#### **Department of Environment, Climate Change, Energy and Water— budget**

**MR DOSZPOT:** I have a new question, Mr Speaker—

**Mr Stanhope:** You've given up on bus tickets, have you?

**MR SPEAKER:** Order, Chief Minister!

**MR DOSZPOT:** We have given up on you, Jon, not bus tickets.

**MR SPEAKER:** Order, members! Mr Doszpot is asking a question.

**MR DOSZPOT:** Thank you, Mr Speaker. My question is to the Treasurer. Treasurer, when you took the decision, I referred you to your colleague Mr Corbell's response to a question on notice from the estimates committee—

**Mr Barr:** When you took the decision to pick up the wrong piece of paper, Mr Doszpot.

**MR DOSZPOT:** I was checking something else, Mr Barr, but thank you for noticing. Mr Speaker, my question—

*Members interjecting—*

**MR SPEAKER:** Order! Let us hear Mr Doszpot's question.

*Members interjecting—*

**MR SPEAKER:** Thank you. The humour is over. Mr Doszpot, your question.

**MR DOSZPOT:** Thank you, Mr Speaker. Mr Speaker, my question is to the Treasurer. Treasurer, I refer you to your colleague Mr Corbell's response to a question on notice from the estimates committee where he was asked about the breakdown of costs for the Department of Environment, Climate Change, Energy and Water in 2010-11. The minister could not answer the question as, he said, "Internal budgets have yet to be completed." Treasurer, what scrutiny did you and your department make of the proposed budget for the Department of Environment, Climate Change, Energy and Water for the 2010-11 financial year?

**Mr Stanhope:** Exhaustive.

**MS GALLAGHER:** Yes, exhaustive, close—

**Mr Stanhope:** Exhaustive, close, objective, searching.

**MR DOSZPOT:** Treasurer, how is it possible on your part to sign off on an expenditure for a department, where that department has not prepared appropriate internal budgets?

**MS GALLAGHER:** The budget cabinet processes are extremely rigorous. Very close attention is paid to every department, and I can speak as Treasurer: any increases in appropriation are scrutinised very carefully and handed over very reluctantly.

I speak as Treasurer, so you can rest assured, Mr Doszpot. You are safe to go back to watch the World Cup tonight. Everything is in order. Processes are in place. Treasury liaise very closely with all line agencies.

**MR SMYTH:** Mr Speaker, a supplementary.

**MR SPEAKER:** Yes, Mr Smyth.

*Members interjecting—*

**MR SPEAKER:** Order! Mr Smyth has the floor.

**MR SMYTH:** Treasurer, how can you and your department determine whether a department has satisfied standards for accountability when that department has not established any internal budgets?

**MS GALLAGHER:** I do not know if Treasury are ever completely happy with all the processes that are in place. Certainly, from my discussions with Treasury, any additional expenditure, or indeed global appropriation as it is sought, is monitored closely by Treasury and worked through with me, in consultation with other ministers through the budget process.

**MR SMYTH:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes.

**MR SMYTH:** Treasurer, is it standard practice to provide an envelope of funding to a department and then let that department determine how these funds will be spent?

**MS GALLAGHER:** It is normal for departments to expect an allocation of funding each year. That is what they get. They then have discussions with their minister around priorities within the department, key work to be delivered over the next 12 months. Those decisions about how they structure that are dealt with accordingly at the departmental level, as is appropriate.

### **Childcare—places**

**MRS DUNNE:** My question is to the minister for family services. Minister, on 5 May in this place you said, regarding childcare services in Flynn:

... this announcement delivers another 110 places. That is an incredible increase in childcare places ...

Minister, you go on to use the figure of 110 childcare places on six further occasions throughout your answer. Minister, can you confirm what the actual number of new childcare places at Flynn will be? Will it be 110; if not, how many actual new places will be created?

**MS BURCH:** I thank Mrs Dunne for her question on Flynn. I think it is quite exciting news today that Gumnut and Alkira are indeed over the moon in being able to move in to Flynn when it is completed at the end of next year. These are two organisations, two childcare centres—and I think you, Mrs Dunne, wanted surety and a place for

Gumnut. So that is what we have delivered. What we have done is to deliver security and surety for two local providers.

*Members interjecting—*

**Mrs Dunne:** On a point of order, Mr Speaker, I did not ask the minister about who would be occupying those places. I asked the minister whether there would be 110 new places and, if there were not 110 new places, how many new places there would be.

**MR SPEAKER:** There is no point of order. I think with all the interjections it is actually hard to hear whether the minister has answered the question or not.

**MS BURCH:** Indeed, in the budget papers, we committed \$4 million to Flynn. This initiative provides for the refurbishment of part of the former site at Flynn as a designated childcare centre accommodating between 100 and 120 places. We are yet to have the designers and the builders out there, so until that actually happens, the definitive answer as to whether it is 112, 113, 110 or 120 is probably yet to be delivered. But what we have delivered is more childcare places for Flynn and to provide assurances for both Alkira—

**Mr Hanson:** 110 or more; is that what you are saying?

**MS BURCH:** I am just curious to see if they have got a problem with Gumnut and Alkira moving in to Flynn—

**Mr Hanson:** Answer the question.

**MR SPEAKER:** Mr Hanson!

**MS BURCH:** and with the addition of childcare places in west Belconnen.

**MRS DUNNE:** A supplementary question, Mr Speaker?

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Minister, how can you define these places as new places if they are simply relocation from other centres?

**MS BURCH:** With the relocation in Flynn, both organisations will have the capacity to grow.

**MR SPEAKER:** Mr Coe.

**MR COE:** Thank you, Mr Speaker. Minister, I remind you of your statement that it was an incredible increase in childcare places. Will you apologise for misleading the Assembly and the community by calling these places an increase, when they were in fact a relocation?

**MS BURCH:** What I will do is go to the fact that last year we put in 666 places; this year there will be over 450 places.

**Mrs Dunne:** Mr Speaker, on a point of order, Mr Coe asked a very direct question. Would the minister correct the record and apologise for misleading us—we do not want to know about how many childcare places there were this year; we know the figures. There was a very direct question: did she mislead the Assembly and, if so, did she apologise? She has to answer the question directly.

**MR SPEAKER:** I think the nature of the question, in which Mr Coe has made a level of accusation, invites the minister to provide some context.

**Mrs Dunne:** Mr Speaker, on the point of order, standing order 118A says the answer has to be directly relevant to the question.

**MR SPEAKER:** Yes, but I think, as I said, Mrs Dunne, the nature of Mr Coe's question was to level an allegation at the minister. The minister surely has some latitude to try to answer that allegation.

**Mrs Dunne:** Sorry, on the point of order, the allegation from Mr Coe was: did she mislead the Assembly.

**MR SPEAKER:** Are you expecting a yes or no answer, Mrs Dunne?

**Mrs Dunne:** And therefore, yes, I do expect a yes or no answer. And if the answer is a yes answer, it should be immediately followed by an apology.

**MR SPEAKER:** Minister Burch, would you like to just answer the question?

**Mr Corbell:** Mr Speaker, on a point of order, I simply make the observation that ministers cannot be directed how they answer a question, as long as they remain consistent with the standing orders.

**MR SPEAKER:** This is all relatively clear: I have ruled that Mrs Dunne does not have a point of order. Minister Burch, you have the floor.

**Mr Smyth:** Mr Speaker, on a point of order, just in response to Mr Corbell, referring to standing orders 118A and 118B, 118A says "shall be concise and directly relevant to the subject of the matter" and 118B says "shall not debate the subject to which the question refers".

**MR SPEAKER:** I said "consistent with the standing orders".

**Mr Smyth:** The minister is actually debating, by moving away from the direct question. The questioning has been: were there, as she said, 110 new positions, or were they simply relocations? If they are relocations, they are not new and therefore she should apologise and correct the record. It is very simple, Mr Speaker, under your standing orders.

**MR SPEAKER:** Minister Burch, you have the floor.

**MS BURCH:** Well, I would ask Mr Doszpot and Mr Smyth to apologise. Apparently they were floating around a signed QoN—which you still haven't produced, because it wasn't my signature on the QoN. The answer to that question is no and I will—

**Mr Doszpot:** What has that got to do with this question?

**MS BURCH:** Mr Speaker, please, with respect, I was saying the answer to the question is no.

**MR SPEAKER:** Yes, Mr Coe?

**MR COE:** Minister, in the code of conduct for ministers it states:

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

Minister, given your statements earlier in the year, will you now correct the record?

**MS BURCH:** The Flynn site provides for 110, thereabouts, childcare centres. Just recently, we have secured accommodation for two local providers. They will move and they will have the capacity to grow on that site.

### **ACT Ambulance Service—officer recruitment**

**MS PORTER:** Mr Speaker, my question, through you, is to the Minister for Police and Emergency Services. Minister, can you please update us on the recent successful recruitment campaign conducted by the ACT Ambulance Service?

*Members interjecting—*

**MR SPEAKER:** Order! Before Mr Corbell starts, the previous question is finished and will not be debated across the chamber further. Mr Corbell has the floor.

**MR CORBELL:** I thank Ms Porter for her question. I am so pleased that the Liberal Party is interested in progress to recruit additional staff to the ACT Ambulance Service. I am very pleased that the government has embarked on a new recruitment round for a range of positions in the ACT Ambulance Service.

We have had a very strong response to this recruitment round, with over 230 formal applications being received by the ACT Ambulance Service for this range of positions. This is a strong endorsement of the attractiveness of the ACT Ambulance Service as an employer and as a workplace and reflects the fact that the government is investing in a quality ambulance service for the ACT community.

The government are acting to address the pressures our ambulance service is facing, with an additional range of programs put in place to recruit additional personnel. In

particular, we are recruiting six additional communication centre clinicians, three call takers, a specialised training and development position and one additional management position. These positions will assist us in managing demand in the ambulance service.

I know that many members have been concerned about the pressures placed on our ambulance service and it is a concern shared by the government. The government has responded to this by recruiting these additional positions. These positions mean we will be able to better triage call taking, better triage those calls when they come into the emergency communications centre, and make sure they are appropriately triaged, appropriately given a priority, so that the ambulance is sent to where it is most needed to meet demand and to provide the best quality service to our community. We can do that, of course, by making sure we have a higher level of clinical training amongst the call takers so that they can assess, according to set criteria, the urgency of the case and dispatch ambulances accordingly.

This is an important measure to help us manage demand and, of course, one that I note was dismissed by the Liberal Party but, indeed, one that was recommended by both the Auditor-General and by the Lennox review into ambulance services as an appropriate way of tackling demand, making sure we use our resources effectively and continuing to provide the high quality ambulance service that our community expects.

**MR SPEAKER:** Ms Porter, a supplementary?

**MS PORTER:** Thank you, Mr Speaker. Minister, how has the recent Fair Work Australia decision about pay scales and work value benefited the ACT Ambulance Service in terms of attracting new recruits from over the border?

**MR CORBELL:** There is no doubt that the recent work value case has been a significant incentive for people expressing interest in working with the ACT Ambulance Service. Members would be aware that the recent work value case completed through Fair Work Australia and the decision of Commissioner Deegan has confirmed that base salary rates for intensive care paramedics will be increased by up to 21 per cent as a result of the recognition of the professional standing and expertise of our intensive care paramedics. They perform a vital role in our community.

We are proud as a jurisdiction to have one of the best trained, indeed the best trained, ambulance service in the country. This new work value case has given appropriate recognition of the skill set available from our intensive care paramedics and placed them on a commensurate salary with that of similar health professionals in other parts of the health sector. This will mean that ACT intensive care paramedics will be amongst the highest paid in the country. It will add to our capacity to attract and retain qualified and skilled professionals. That has certainly been confirmed by the recent high level of expressions of interest from the recent advertising round.

**MR HARGREAVES:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, is the ACT consistent with a recent national survey that has labelled the Ambulance Service, once again, as the most trusted profession? And how do those opposite rate?

**MR CORBELL:** Those opposite, of course, I think come in very low on the most trusted of anything, Mr Speaker. But, when it comes to our ambulance officers, I am pleased to say that, once again, the Australian *Reader's Digest* survey has listed ambulance officers and firefighters as the top two trusted professions nationally, and that is certainly the case here in the ACT.

I congratulate all of the staff of the ACT Ambulance Service and the ACT Fire Brigade for achieving this endorsement from the broader community. It highlights the great value that the community places on the work of ambulance officers and indeed firefighters in serving the community at all times and in often dangerous and always trying circumstances. But it again highlights the importance of the government working with the union that represents ambulance officers, working with ambulance officers more broadly, to achieve this very significant outcome in work value and the increase in salary that flows from that, as well as the need to continue to invest in our ambulance service, and I am delighted that we have had such a strong response—230 applications—to the latest advertising round. It means we have a strong field to choose from and I look forward to seeing the results of that recruitment process.

**MR SMYTH:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Minister, in regard to the original question concerning recruitment inside the Emergency Services Agency, when was the last recruitment round for the ACT Fire Brigade and when will the next round occur?

**MR CORBELL:** Mr Speaker, I am not sure whether the question is relevant to the original question; nevertheless, for the sake of assisting the member, I have previously answered this in a question on notice during the estimates process. I will take the question on notice again and provide the answer again to the member.

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

## **Paper**

**Mr Speaker** presented the following paper:

Auditor-General Act—Auditor-General's Report No 4/2010—Water Demand Management: Administration of Selected Initiatives, dated 29 June 2010.

## **Canberra plan—towards our second century 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.

The Canberra Plan—Towards our second century—Report on implementation, dated June 2010.

I seek leave to have the statement incorporated in *Hansard*.

**MR SPEAKER:** Mr Stanhope, as I am sure you are aware, it is not the practice of this place that statements be incorporated into *Hansard*. I am prepared to put the matter to the Assembly but I am just—

**Mr Corbell:** If I can assist, Mr Speaker, it is of course entirely within the agreement of the Assembly to permit that to occur. I understand that no party is objecting to the incorporation of this statement. On that basis, the Chief Minister is seeking the leave of the Assembly to do so.

**MR SPEAKER:** The Chief Minister has asked for leave to incorporate the statement in *Hansard*. I was simply making an observation about the usual practices of this place.

Leave granted.

*The incorporated document appears at attachment 1 on page 2839.*

## Papers

**Mr Stanhope** presented the following papers:

Financial Management Act, pursuant to subsection 99(4)—Statement of approval for a joint venture—Approval for the Land Development Agency to enter into a revised joint venture, dated June 2010.

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2009-2010—Second quarter (1 October to 31 December 2009).

## 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 paper:

Financial Management Act, pursuant to section 17—Instruments, including statements of reasons, varying appropriations relating to Commonwealth funding to—

Legal Aid Commission (ACT), dated 23 June 2010.

Department of Territory and Municipal Services, dated 23 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 an instrument issued under section 17 of the act. The direction and a statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given. Section 17 of the act enables variations to appropriations for any increase in existing commonwealth payments by direction of the Treasurer.

This package includes two instruments authorised under section 17 of the act to increase the appropriation of agencies following the receipt of additional funding from the commonwealth. The Legal Aid Commission has received \$400,000 in additional funding from the commonwealth for the legal aid national partnership program.

The Department of Territory and Municipal Services has received \$33,000 in additional funding from the commonwealth for the interstate road transport and nation building program. In addition, TAMS has also received \$555,000 in capital injection for the nation building program national partnership program. Further detail regarding the instrument is provided in the statement of reasons accompanying each instrument. I commend them to the Assembly.

## Papers

**Mr Corbell** presented the following papers:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 7 of 2010—Final Decision—Retail Prices for Non-contestable Electricity Customers 2010-2012, dated June 2010.

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Building Act and Water and Sewerage Act—Building Legislation Amendment Regulation 2010 (No 2)—Subordinate Law SL2010-21 (LR, 31 May 2010).

Casino Control Act—Casino Control (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-104 (LR, 17 June 2010).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2010 (No 2)—Disallowable Instrument DI2010-102 (LR, 15 June 2010).

Firearms Act—Firearms Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-19 (LR, 27 May 2010).

Gaming Machine Act—Gaming Machine (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-105 (LR, 17 June 2010).

Government Agencies (Campaign Advertising) Act—Government Agencies (Campaign Advertising) Guidelines 2010 (No 1)—Disallowable Instrument DI2010-134 (LR, 25 June 2010).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No 4)—Subordinate Law SL2010-20 (LR, 3 June 2010).

Planning and Development Act—Planning and Development Amendment Regulation 2010 (No 4)—Subordinate Law SL2010-22 (LR, 21 June 2010).

Planning and Development Regulation—Planning and Development (Change of Use Charge on Disused Service Station Sites) Policy Direction 2010 (No 1)—Disallowable Instrument DI2010-103 (LR, 15 June 2010).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-106 (LR, 17 June 2010).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2010 (No 1)—Disallowable Instrument DI2010-46 (LR, 20 May 2010).

Utilities Act—Utilities (Consumer Protection Code) Determination 2010—Disallowable Instrument DI2010-108 (LR, 21 June 2010).

## **Standing and temporary orders—suspension**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.11): Madam Assistant Speaker, on a procedural matter, I move:

That so much of the standing and temporary orders be suspended as would prevent the vote on the motion to take note of the Government response to the report of the Select Committee on Estimates 2010-2011, taken earlier today, being rescinded.

Just by way of explanation for the chamber, it was drawn to the government's attention earlier today that the question that the Assembly take note of the government response to the Select Committee on Estimates had been put to the Assembly and passed. Therefore, it was not available for debate cognately.

This was inadvertent. Obviously, members do wish to reflect on and take note of the government response at the same time as they debate the Appropriation Bill and, indeed, the Select Committee on Estimates report. Therefore, we do need to recommit the vote.

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

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): The question now is that the vote of this morning be rescinded. Mr Corbell, do you want to speak?

**Mr Corbell:** No.

Question resolved in the affirmative.

## **Appropriation Bill 2010-2011**

[Cognate paper: Estimates 2010-2011—Select Committee report—government response]

Debate resumed.

Schedule 1—Appropriations.

Proposed expenditure—Part 1.1—Legislative Assembly Secretariat—\$7,048,000 (net cost of outputs), \$432,000 (capital injection) and \$5,625,000 (payments on behalf of the territory), totalling \$13,105,000.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.13): (*Second speaking period taken.*) It is hard to know where I was up to. But we do come back to the—

*Ms Gallagher interjecting—*

**MR SESELJA:** Sorry, what was that? I missed that interjection. I think it was an important interjection. Could you just speak up a little bit?

**Ms Gallagher:** I was saying you were doing what you normally do.

**MR SESELJA:** Okay. I think I was pointing out the flaws in the government's response. I think that is right. I was pointing to the fact that they were concerned that some of the recommendations appear to question decisions of the government. I do believe that is where I was.

Because we are also debating the government's response to the committee report, it is worth going through, in overall terms, the critique of this budget, because there are significant flaws in it. Firstly, it is not a budget that is fiscally responsible. It delivers massive deficits for years and years to come. It is a budget that is not accurate—and we saw another example of that today in question time, in fact, with the health budget. But it uses unrealistic and incorrect economic indicators—particularly pointed out with the need for a recall, such as employment numbers. It is a budget that is not transparent. We have got countless examples in questions on notice—in answers to questions on notice from ministers—where they simply refuse to say what they are spending the money on.

We have example after example, right across portfolios, where ministers say, “Well, we're not going to tell you; we haven't done our internal budget.” So what they are saying is, “Give us a bucket of money, and we'll spend it how we see fit. We'll spend it how we see fit, but you need to support us, sight unseen. We can't tell you how we are going to spend that money. You just vote for it. You just vote for it, Assembly, and we'll spend it how we like.”

It is the ultimate in hollow logs. They are asking us to endorse their hollow logs—their slush funds. We do not know what they will do with some of that money. We have seen in the past their record for wasting taxpayers' money. We have seen their

addiction to spending money in all sorts of areas—in government propaganda, in wasteful projects, in questionable projects.

This is a government that is addicted to spending, and now it is asking us to pass the budget without telling us what is in it. It will not tell us. We asked a series of questions, many of which were very simple. I believe that one of these questions may even be reflected in the main report of the committee—and perhaps Ms Hunter can comment on that.

But it was a very simple question that was asked in relation to Territory and Municipal Services. I think it was asked of other agencies as well. It says:

Please provide a list of initiatives or programs that are run under each output.

- a. What is the budgeted cost for each ...
- b. How many staff ... work in each ...
- c. What capital equipment is required ...
- d. What specialist skills are required ...

The answer was:

Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from TAMS ongoing business that I am not prepared to authorize.

This is what makes up the budget. What we get in the budget papers—and this is actually commented on in the main report, I understand; it was certainly commented on in the committee discussions—is very basic information about where money is going. We get headline figures on output classes, and we say: “Please provide some more details. Please provide a list of initiatives. Surely, you know what the initiatives will be in your budget, and how much you are expecting they will cost.” And they say, “No, that’s too much work.” It is not too much work. You do not want to tell us. This government do not want to tell us what is actually in their budget, lest it be embarrassing, lest we be able to ask further questions about it.

That is an outrageous answer. And it goes throughout. Across the board, ministers are simply refusing to answer questions. We will go through it line by line in each of these portfolios, where ministers are saying: “Trust me. Trust me on how we’re spending taxpayers’ money. We haven’t actually done the internal budget, we’re not prepared to even give you a basic list of initiatives under output classes.”

One of the frustrations of the committee, across the board, was that there is vague information given in budget papers, and it is reasonable that we ask questions about it. Not even that basic level of detail was provided. So it is a budget that is not transparent. They are hiding the detail, and we know the wasteful spending in it every year that it comes out. We go through the list, and we remember. We recall. While Mr Corbell is in the chamber perhaps we can recall the \$5 million that he wasted on a

busway that was never, ever going to go ahead. I think he was the minister when, with FireLink, \$5 million was spent on a communications facility that does not exist.

We can go through the list. Every year they come out, but what they are saying to us for next year is: "Don't worry; trust us. We can't actually tell you all of the detail of what's in the budget, but we'll spend it wisely." On their previous record of the last nine years, we know that they will not. We know they will find ways to waste it. We know they will find ways to try and get themselves re-elected through government advertising. We know they will continue to waste money. It is a reasonable question that we ask how they are going to spend it.

It is not fiscally responsible. It is not accurate. It is not transparent. It does contain all sorts of examples of wasteful spending, although we know that there would be many more, if they would show some transparency and actually give us some of the detail that we required and requested in order to make our assessments of the budget.

It does need to be said—and we will get to this in other lines—that the \$26 million to be spent on the arboretum at a time when you are cutting money for street trees programs goes to the priorities in this budget. It goes to the heart of this government's priorities: it believes Jon Stanhope's legacy on the hill is worthy of another \$26 million, as opposed to people's street trees that they value so much.

Right across Canberra—this is something that cuts across all areas of Canberra, I believe—our street trees are something that we value about Canberra. Ask anyone in the street. And here we actually have a choice, because this government is choosing to rip money out of the street trees program, as a saving, but choosing to spend \$26 million on the big tree park on the hill, which is Mr Stanhope's legacy.

So we see that it is not fiscally responsible, not accurate, not transparent; it contains wasteful spending and it contains higher taxes. This is a budget that slugs homebuyers. It slugs homebuyers to the tune, potentially, on the minister's own answers, upwards of \$50,000 and \$60,000 per unit. That is not a budget that will encourage infill. That is not a budget that is reasonable for first homebuyers, who are buying many of those units—nor is it reasonable for investors or anyone else buying those units to put such a massive tax slug on them.

It is a budget that is anti family. Not only is there a massive tax on homes, we see car parking is up and bus fares are up. This is a budget that fails all the tests. It fails the test of being fiscally responsible. It fails the test of being accurate. It fails the test of being transparent. It fails to contain wasteful spending. It demonstrates poor and warped priorities. It imposes massive higher taxes, and it does slug the family budget, to the extent that the Treasurer could not even tell us how much it slugs the family budget. But we know that some of those increases amount to hundreds of dollars per year for families.

That is aside from the annual increases, of course. And we saw, during budget week, when we discussed it and when we looked at the numbers, just from a random sample of suburbs—which is reflected right across Canberra—that since this government came to office their rates have gone up upwards of 80 per cent in most suburbs.

That is a massive increase. Now, to suggest that in those nine years the level of services has gone up 80 per cent or that the population has gone up 80 per cent or that inflation has gone up 80 per cent is outrageous. It is not true. It has gone up well above that.

So this is a budget that is not fiscally responsible, not accurate, not transparent. It engages in wasteful spending and higher taxes, and it slugs families. For all those reasons, it is a budget not worth supporting. It is a budget not worth supporting—again—from a government that simply cannot manage. We pay more and we get less. We see it again. It is reflected clearly in this budget, and we will have far more discussions, as this budget debate goes on, on the massive flaws in this ACT Labor budget.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.2—ACT Executive—\$6,345,000 (payments on behalf of the territory), totalling \$6,345,000.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.24): It is worth speaking briefly in relation to the ACT executive. This is the line item that funds our ministers. This is what funds the key decision makers in this government and the support—

**Mr Corbell:** You are like Bill Stefaniak. You sort of read the explanatory statement and make a speech.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Mr Corbell, be quiet. I have asked you to be quiet before.

**MR SESELJA:** I was not sure whether I should devote some special time in ACT executive to Mr Corbell but I think it is worth it.

**Mr Corbell:** Go on. Do it.

**MADAM ASSISTANT SPEAKER:** Mr Corbell, I have told you to be quiet. If you interject again I will—

**MR SESELJA:** He has talked me into it. So it is worth looking at the performance of some of those individual ministers, because we have seen right across the board some of the failings. We discussed what is going on in the health system and the massive increases in waiting lists. Mr Corbell, I think, does deserve special mention.

**Mr Corbell:** Thank you.

**MADAM ASSISTANT SPEAKER:** I warn you, Mr Corbell.

**MR SESELJA:** He does deserve special mention as a performing minister. We have seen, in fact, the prison has been handled in such an amazing way by Mr Corbell. It

was delivered late. We had a false opening. The budget blew out considerably. Not only did the budget blow out, it was blowing out at such a rate, from \$110 million to \$128 million to \$131 million, that, in order to stop that blow-out going any further, what they said was: "What we will do is we will not deliver as much of a prison anymore. The best way to actually get within budget is to not deliver a whole prison. We will just scale it back, cut off 70-odd beds." What did they cut off? They cut it off from 374 to 300, I think. Imagine how much they could have come in under budget if they cut it to 100 beds or 50 beds. That was their way of trying to keep within an ever-expanding budget.

But then we had the minister do a false opening before the election as an election stunt. It was open before the security system was really ready. We had glitches in that. We have seen prisoners walk free when they are not meant to walk free. We have seen people taking guns home. We have seen drugs coming into the prison. We have seen this in a very short space of time, it must be said. Special marks have to go to Mr Corbell.

But it is worth, in the ACT executive, reflecting on some of the questions taken on notice during public hearings. This is one that Mr Corbell answered in response to a question from Mr Smyth. It was in relation to emergency services. It was actually asked:

What have you delivered on time and on budget in Emergency Services since you became the minister?

The answer was:

The answer to the Member's question is as follows:

Then there was the complete list of Mr Corbell's on-time, on-target achievements. I do not think the emergency services headquarters gets a mention. Does it get a mention in here? No. It is fair to say most of the big things did not get mentioned. I know it is a different portfolio, but the prison would not have been mentioned because that was not on time and on budget. ESA, the busway, no, they were not delivered. FireLink? Was FireLink in here? No. That was \$5 million. I do not know what the original budget was but we actually got nothing for that. We got zero.

The first in the list is some fuel tank removal and remediation. We have a list here from Mr Corbell. No 2 is asbestos removal. No 3 is water-saving shower heads. That is the No 3 achievement, on time, on budget—water-saving showerheads, low-flow spouts and dual flush toilets at all sites not fed from water tanks. And then we have got a number of others. We have got personal protective equipment storage for all ACT Fire Brigade facilities. A cupboard was delivered on time and on budget. This is what the minister is telling us about his record of delivery, of fiscal responsibility. The best he can come up with is this thin list which includes, at No 3, water-saving showerheads, and a cupboard.

This goes to some of our critique of the executive government. I have touched on their refusal to answer basic questions about their budgets. But we expect that ministers will answer these questions, some very simple questions, about their portfolios. They have refused to.

“Are we getting value?” is the question for this line of expenditure. “Are we getting value for money? Is the taxpayer getting value for money for the money that is being expended on the ACT executive, the \$6.345 million on the ACT executive?” On that alone, on the case study of Mr Corbell, we could argue perhaps not. We have not seen the delivery of projects. We can go back and forth about a lot of the various issues that we disagree on but one would have thought that a very reasonable thing for committees to be asking of ministers of the ACT executive is for some basic transparency around their budget and their budget process. We simply have not got it.

There are a range of non-answered questions. I refer to some basic questions of the Minister for Territory and Municipal Services, the Chief Minister: “How much are you budgeting for internet, telecommunications, travel for senior executive staff, printing, paper?” It is a pretty basic list. The reply was:

This level of detail is determined at the beginning of each year for that year, therefore this information is not available for future years.

We have another example of where a minister has not done the work or is refusing to tell us what work has been done to actually tell us what they are going to be spending. We asked ACTPLA. We asked the Minister for Planning:

Output programs for ACTPLA;

1. Please provide a list of initiatives or programs that are run under each output.

That is a fairly basic question. The reply was:

To extract the information in the form requested would require a significant diversion of resources.

What have they been doing in the lead-up to the budget? Why would they not have done this work? Why would they not have done this work in relation to their budgets? We would expect that, instead of simply asking for a bucket of money and saying, “We will tell you later on how we are going to spend it,” they would actually have done the budgets. By the time we get to 29 June, by the time we get to the end of the financial year, we would expect that ministers would have been able to quantify for us in some level of detail exactly how they propose to spend taxpayers’ money. And we have not seen it. We have not seen it from minister after minister. They were giving these non-answers to questions.

Mr Corbell spent a lot of time searching through the records to try to find the things that had been delivered on time and on budget, to show us—the water-saving showerheads and the cupboard—but he did not spend the time actually answering basic questions about this year’s budget, about the budget we are being asked to pass.

This Assembly is being asked to pass this budget, and the government are saying, “Pass it on trust.” If we were to go on their previous record we would not, in any way, trust that they will be looking to save taxpayers’ money, that they will be looking to

spend money wisely. They will do anything, including spend every cent that they can get their hands on and then come to the Treasurer at the end of the year and ask for more. At the end of that process, of course, they increase taxes so that they can get somewhere near funding the ever-increasing spending.

We have not had those basic answers. It is reasonable that the Assembly ask for those and receive those. And it goes again to the point I made earlier, which is that this is not a transparent budget. This is a cabinet who are saying: "Trust us. We will spend the money how we see fit. We will give you the headlines but we will not give you any of the detail that members would reasonably expect." This work clearly has not been done. I put on record the opposition's concern that this set of ministers believes that they can show such contempt to the Assembly by not even giving this basic information to the Assembly, not even giving us the basic information.

I simply cannot believe that much of this work has not already been done. And you do question it sometimes, when you get some of those answers where they say, "We will take X resources." We heard the Chief Minister come up with his figure last year that it was costing something like \$2 million or something to answer questions. What a load of rubbish. We expect that we will get these questions answered. They have not answered them and, as an executive, they have therefore failed and they have failed this budget process.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.34): I have a very brief response to this line item. The budget papers indicated that the increase in this year's expenditure from last year's outcome of around two per cent comes about because of indexation. The forecast staffing outcome is, in fact, lower than was provided for in last year's budget. The Greens accept that this is a reasonable appropriation to ensure the efficient and effective operation of the ACT executive which, of course, the Legislative Assembly entrusts with the vital role of the effective governance of the territory.

It is worth considering the vast array of decisions we entrust the executive with the powers to make. Many hundreds of regulations, disallowable instruments and notifiable instruments must be approved by the various ministers and adequate resources must be provided to ensure the best outcomes. We therefore support this appropriation.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.3—Auditor-General—\$2,165,000 (net cost of outputs), totalling \$2,165,000.

**MS LE COUTEUR** (Molonglo) (3.36): Last year the Assembly spent a considerable amount of time during the budget debate talking about the Auditor-General's Office and the level of resourcing, and that huge amount of time that we spent on it last year reflected the enormous esteem in which the Auditor-General and her office are held in Canberra. I guess from that point of view it was positive. However, it was a bit

negative from the point of view of the reasons we had to debate it at such length in the Assembly.

I am disappointed that we need to raise this issue in the financial context again this year. But we did hear in this year's hearings that the audit office sought a very modest increase in funding of \$151,000 to comply with new auditing standard requirements. Given that this request for extra funding was not agreed to by the government, I believe it will be very challenging for the office to meet its target of eight performance audits. I note that it has been doing eight performance audits over the last few years, but it has unfortunately been doing this at the cost of running a deficit, and that clearly is not sustainable. I think this year may be the year when push comes to shove as far as the audit office's funding is concerned.

One key point that we would like to make and which Ms Tu Pham raised in her presentation to the estimates committee is that the recent independent review of the audit office by Bob Sendt concluded that the office is efficient and effective and provides value for money. However, the review noted also that the performance audit function is viable, but only just. It is cost effective on the current numbers. Were it to become smaller, it would run the risk of becoming a lot more expensive per unit because it has gone beyond the critical minimum, and I am concerned that, given that the Auditor-General did not receive the funding she asked for, that is possibly what is going to happen. It would be very distressing if in the future, due to lack of funding, the audit office became unviable and unsustainable.

I note that the increased auditing standards required by the quality assurance project have taken away resources from the usual delivery of audit reports and contributed to the office not being able to meet the usual number of performance audits in the last financial year. I also note the high level of staff turnover in the Auditor-General's Office and the unfortunate situation that we have in the small ACT Auditor-General's Office—and, in fact, I guess, the small ACT public service in general—that there simply are not enough career opportunities so that many of our best staff go over to the commonwealth government or to the private sector.

Given the cost of just recruiting new staff, which was about \$50,000 last year, the request for an additional \$151,000 seems quite reasonable. The estimates committee also noted that for the last four financial years the ACT audit office has not received any increase in funding beyond the normal CPI increase. Further, the committee noted that, notwithstanding a strong performance mandate provided to the audit office through the Auditor-General Act 1996, funding to the office in terms of whole-of-government expenditure has declined from 0.16 per cent to 0.13 per cent.

In conclusion, I would like to say that the Greens see the audit office as one of the very important oversight authorities, oversight offices, as part of our government. It is a vital part of our government. There is no way that the Assembly, without the Auditor-General's assistance, can dig into the details of what happens to some of our more problematic programs.

It is essential for our parliamentary democracy that we have a strong, well-managed and well-funded audit office. On the basis of Bob Sendt's report, we clearly have a

well-managed and strong Auditor-General's Office. My concern is that we may not in the future have a well-funded Auditor-General's Office, and I will watch, and the Greens will watch, with interest and care the funding for the Auditor-General in the future, to ensure that it remains at at least the critical minimum to keep the Auditor-General's Office viable, productive, functioning and adding to parliamentary democracy in the ACT.

**MR SMYTH** (Brindabella) (3.41): Consideration of this line in the budget comes in the wake of some controversy concerning the funding of the ACT Auditor-General's Office, and I note the comments that have been made by the Chief Minister in recent times. I think these comments set the scene for the Auditor-General's funding in the budget. You only have to consider the Chief Minister's comment to PAC in March this year when he said:

We have, over the last 10 years, increased funding for the ACT Auditor-General by, on average, nine per cent a year. We have, over the last five years, increased funding for the ACT Auditor-General by 17 per cent a year. That is a level of growth greater than the Canberra Hospital receives. The ACT Auditor-General increase in funding under this government is greater than the funding received by the Canberra Hospital.

That is from 12 March 2010. These comments show the Chief Minister at his misleading best. It is a classic "how to lie with statistics" approach. Of course the Auditor-General has received on average a funding increase over the past 10 years, and on average an increase of 17 per cent over the past five years to 2008-09. But what the Chief Minister did not say is that in 2004-05 the Auditor-General received a funding increase over the previous year of 33 per cent and in 2006-07 there was an increase of 41 per cent. And why were these boosts provided? In 2004-05, \$300,000 was provided, and of course \$1,000 of this was utilised for increased costs for services from InTACT, which hardly delivered a new report, and the balance was predominantly for two additional performance staff and CPI increases. In 2006-07, \$500,000 was provided. While this was meant to provide for three new performance audit staff, much of it was used, unfortunately, for salary increases—that was good for the staff; we do not quibble over the staff needing extra funding—required superannuation costs, increased workers compensation premium, increased InTACT costs, increased accommodation costs and CPI increases.

So none of it, unfortunately, certainly in the 2006-07 budget, resulted in increased performance audits. And that is what the Canberra Liberals have been on about. The Auditor-General has also had to provide for the implementation of changes to new auditing standards out of these funds—and all of these increases have been provided, we must recall, on a very low base of funding that is provided from the budget for the activities of the Auditor-General. Furthermore, if these two substantial boosts are removed, annual increases have either been in line with or indeed below increases in CPI.

For the Chief Minister then to say that the Auditor-General has received an increase in funding that is greater than the Canberra Hospital receives is incredibly disingenuous. But that is what we get to expect from a Chief Minister who has certainly lost interest in leading the ACT.

If there is an increase from \$1 million to \$2 million, that is an increase of \$1 million, a 100 per cent or a doubling of the funding. On the other hand, if there is an increase from \$400 million to \$450 million, that is an increase of \$50 million or 13 per cent. Obviously, an increase from a small base can be exaggerated, whereas the Canberra Hospital has received an additional \$50 million, which is 50 times the annual funding that the Auditor-General gets from the budget. So the Chief Minister's rhetoric must not go unchallenged. Moreover, his criticisms—indeed, many times personal criticisms—of the ACT Auditor-General have been repudiated by the recent report, the independent audit, by the former Auditor-General of New South Wales, Mr Bob Sendt.

You only have to look at what was said in the report. Mr Sendt found:

... the ACT Audit Office is providing an important service in an efficient and effective manner, and the Legislative Assembly and people of the Australian Capital Territory are achieving good value from the Office's use of the taxpayer's dollar. It achieves this notwithstanding the relatively small size of the Office, the complexity of its role and the demands upon it.

That is quite clearly a slap in the face for the Chief Minister after what he has been saying. Mr Sendt went on to say about the small size of the office:

The ACT Audit Office's relatively small size does not appear to have impacted significantly on its cost structure or the quality of services it provides.

So the allegation put forward by the Chief Minister that somehow the Auditor-General had the best funded service in the country per capita is blown out of the water. In regard to performance audits, Mr Sendt went on to say:

... the ACT Legislative Assembly and the public obtain a valuable and professional service from the Office for the funds allocated to it for undertaking performance audits.

I guess the real question is: will the Chief Minister come and apologise for all of the allegations that he has made and the doubt that he has cast on the audit office and its fairness in treatment of audit issues? It is interesting to look at page 37 of the report about performance audits. People have to understand there are two sorts of audits the Auditor-General does. She does the financial audits. She has to do those; they are legislated for. She charges fees for those, and they provide a certain amount of her budget.

The allocation in the budget from this appropriation bill, of course, pays for then any other additional costs to run the office, and what is left over goes to performance audits. It is often the performance audits that are the most interesting of the audits that the Auditor-General does. The financial audits, given the day and age, the computing and the accounting standards that we have in place, tend to be very non-controversial. The performance audits, of course, are the ones that raise the hackles of the Chief Minister. And what does Bob Sendt say about the funding of performance audits? He says:

In my view the existing performance audit function is viable, but just so.

That is the shame of this: it is just viable. Bob Sendt mentioned, and I have mentioned many times, that you need to look at the return on investment. That is what it is when you invest in the Auditor-General's Office; that is what it is when you appropriate money for the Auditor-General: it is an investment in efficiency. It is an investment in delivering better services for the people of the ACT. It is an investment in the future.

The UK audit office says that for every pound you spend you get nine back. The review done of audit proceedings federally here in this country said that perhaps for every dollar you spend you get 10 back. The US Congress said for every dollar their audit office spends they might get \$120 back, given the size and the scope of some of the programs that are rolled out in America. Whichever way you look at it, if you take on board the recommendations that the auditor makes and you use them to drive efficiencies, you use them to deliver more services or you use them to deliver savings, it is good money; it is well-spent money. But, unfortunately, because of the personal view that the Chief Minister takes, that is not found here in the ACT.

There are a number of other things mentioned in the report, such as: does the auditor have good practices? The Chief Minister was very concerned about the practice of running the office, and it was found that the auditor does have good practices. If there were any concerns about whether or not there was any bias, the report says no bias was found in the topics that were picked. Mr Sendt said there was a good process that led to the selection of topics, and I think we are all pleased with that. In regard to the quality of the product that the auditor's office produces, Mr Sendt said that they are well put together reports, they are sound reports, they are very readable, they are very user friendly and they make very sound recommendations.

So, on just about every base that you wish to go to, the independent review of the Auditor-General's Office really does show that we have an outstanding audit office. Does he make recommendations? Yes, he does. He makes suggestions about, for instance, the time frame in which these independent reviews should be carried out, and these are things that of course the public accounts committee will look at. But it is very clear from the quality of the report that it is important to take this information on board and to fund the audit office properly.

What we have said in the dissenting report, given that little or nothing is said about the audit office in the main report, is that we would like to see a progression. Currently, the auditor will tell you the split between financial audits—compulsory under the law; she has to do those—and performance audits is about 60-40; maybe it is 70-30. The audit office says that, based on looking around Australia and around the world, ideally where people want to be is about 50 per cent of your expenditure on financial audits, which sets the mark; therefore you should be able to achieve 50 per cent on performance audits.

Currently, the auditor is really struggling to do six or seven performance audits a year. The auditor has said her office lack the ability—again I think it is in the report—to do follow-up audits. (*Second speaking period taken.*) They lack the ability to do a

sequence of audits in a specific area—things like the delivery of capital works; things like elective surgery waiting lists; things that are constantly brought to the attention of members or are of concern to the public. The audit office cannot do that. So currently we are doing between six or seven audits a year. Ideally, what we would like to get up to are probably 12, 13 or 14 audits a year. The average cost of a performance audit, the auditor has told PAC and other places, I believe, is somewhere in the vicinity of \$170,000 to \$200,000.

No-one is suggesting that the Auditor-General should get all the money straight up; that we just suddenly lash out and say: “Auditor-General, you are special. You can have the extra money.” (1), the auditor has said she does not have the staff to be able to do that, but, (2), it takes time to build up the capacity. There are a number of reasonable recommendations in the dissenting report, starting at about page 110. Recommendation 1:

It is recommended that the ACT Legislative Assembly approve the annual appropriation for the ACT Auditor-General.

As we can see from this budget, she is not going to get from this government the assistance that she needs to do the job properly on behalf of the people of the ACT. So it is quite reasonable then that that appropriation come back to this Assembly. Indeed, Bob Sendt said in his report that it is up to the elected representatives to set the budget. The next recommendation says:

It is recommended that funding be appropriated to the ACT Auditor-General such that, by 2012-13, the budget of the Office is funded to the extent of 50 per cent from fees for financial audits and 50 per cent from an annual appropriation.

Then the final recommendation is:

It is recommended that, by 2013-14, the appropriation provided to the ACT Auditor-General be sufficient to enable a minimum of 12 performance audits to be conducted each year.

Given the size of the growth of functions that the ACT government covers, both at the territory level and at the municipal level, given the complexity of the delivery of a number of those programs, it is not inappropriate for the auditor to be doing a minimum of 12 performance audits a year. I think it is important that they are done. It is important that the capacity for follow-up is given. It is important that the office actually have a structure that enables it to keep staff, because there are very strong competing issues in the ACT for staff. Financial staff of this nature are a very important commodity, so it is important that we adequately fund them.

The budget this year is inadequate. It does not allow for growth for the performance audits, certainly. It does not open the government up to scrutiny. We remember that back in 2001 the catchcry of Mr Stanhope then was “more honest, more open, more accountable”. That finished in October 2001—because the government has not been honest, open or accountable since.

I would have no difficulty in supporting the increase in funding for the Auditor-General. It is a shame that it has not happened in this budget. We could just

do it incrementally. If \$200,000 a year were added, such that she could build up the capacity to do the performance audits, to hold the government to account, that would be a good thing. Indeed, I favour changing the way in which this funding is provided, and that will be a matter for another day. In general terms, the Canberra Liberals support an increase in funding for the Auditor-General, to increase the capacity of the office of the Auditor-General to undertake more performance audits. They are a valuable means of enhancing accountability and responsibility in the activities of the government.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.4—Chief Minister’s Department—\$57,771,000 (net cost of outputs) and \$8,443,000 (capital injection), totalling \$66,214,000.

**MS LE COUTEUR** (Molonglo) (3.56): I have a range of issues to deal with today with respect to the Chief Minister’s Department budget line, including the ones that I am specifically interested in, arts and business. So I will try to be succinct to fit them into my allotted time. I also note that I will not be the only speaker from the Greens as far as the Chief Minister’s Department is concerned. My colleagues Ms Bresnan and Ms Hunter will also be speaking on some of the items relating to this department.

Last week an updated set of Chief Minister’s annual report directions was tabled. They improve the reporting requirements considerably over a range of reporting areas for the next three years. One of these areas that are new this year is the triple-bottom-line reporting requirement. This is an area which stems from the Labor-Greens parliamentary agreement. I cannot imagine that there has been an ACT budget since Ted Quinlan was Treasurer where the Greens did not raise triple bottom line as an issue.

Firstly, I have to congratulate the government on its inclusion in the directions. Last year Ms Hunter raised this issue in her speech on the budget, and was hopeful that this year’s budget would be able to be framed by a triple-bottom-line accounting analysis. However, it is a slow wheel to turn and perhaps we will see it in future budgets.

What we have instead is another shift towards a more holistic way of analysing the way we spend our territory funds and examining how our expenditure relates to achieving our key government strategies. If you look at this year’s annual report directions, you can clearly see this prism filtering through the various reporting requirements. This is new ground for the ACT government. It is a step in the right direction and a new direction which we will continue to work on.

This is not a plan to make more work for agencies but to measure up agencies against what key government strategies suggest they should be working on. If the agency activities and spending do not correlate with the key government strategies then we clearly have problems. You can see that this level of reporting requirements is not intended to be a burden on government agencies, but a check to ensure that they are working smarter and more strategically. Thus, it will be clear through annual reports whether we are achieving the aims in our key government strategies.

Many government strategies have been through exhaustive community consultation processes and already have the right balance of addressing environmental, social and economic needs. Thus, when agencies report against strategic indicators which relate to these reports, it will be clearer whether or not we need to put more resources into various areas in the following budget year.

I do not believe that this year's budget indicators truly capture the key facets of all of our key government strategies, but I think that this is a work in progress, which we can and I am sure will visit again next year. In the meanwhile, I look forward to the next edition of *Measuring our progress*, the progress report on people, place prosperity, which I hope we will see in the next couple of weeks.

Another very important part of this process of moving the government towards triple-bottom-line analysis overall is to establish an evaluation process for new policies and programs, to undertake both climate change impact and poverty impact analysis. The evaluation processes and tools are not available for these as yet, but the Greens will continue to raise this issue until they are and until they are applied.

These processes are also key to evaluating what new infrastructure we need, and when we need it. I believe that we are not truly planning for our future needs when we are not thinking about how our investments will hold up for a zero emissions territory. Towns around the world are becoming transition towns or zero emission towns or neighbourhoods. We as a territory need to be making those sorts of steps too. We want to become a transition territory with a transition town in it.

I note the items funded through COAG that were raised through the estimates process. I have to express my concern at this stage at the growing list of funds which the commonwealth government now owes the ACT and does not appear to be paying. This list includes the land on Constitution Avenue, the money owing for the Olympic torch relay many years ago and, especially because it has not yet occurred, decent funding from the federal government to help Canberra celebrate its centenary as a national capital. I hope that now we have a new Prime Minister, we may have some movement on that front. I hope that up at the house on the hill, they may be a little focused on the federal elections for the next little while.

I note the general level of satisfaction expressed in the estimates hearing regarding community engagement improvements, especially regarding the community noticeboard. I see similar pages in newspapers in other cities around the place and in the consolidated format of information, events and consultation, which makes sense. It makes it clearer that it is government-related information.

Consultation will, I am sure, continue to be an area where there is considerable community interest and concern. As Greens planning spokesperson, I have been to many consultations and community groups. Almost always there are complaints. People feel they do not hear about the consultation in time or that the government has already made up its mind. I am aware that it is hard and it is possibly impossible to have people who have lost an argument feel that the consultation process was right. But this is an area where the government must continue work with the aim of improving.

In this context, I do note that the Chief Minister's Department's plan for improving consultation processes and information shared at such consultation events is to increase training across the board through the various government agencies to improve capacity and capability of community engagement. I thoroughly support this, and I hope that part of this process will also be encouraging staff to liaise with relevant agencies about related government processes and projects as well as the benefits of the more deliberative democracy style of consultation—that is, informing people and sharing as much relevant information as possible before asking people to input into the process. For the input to be meaningful, it needs to be informed input. Again, this is an area where we have had some issues in the past.

I now want to move on to talk about the arts. In this context, I would like to point out that the estimates committee has recommended that the accountability indicators for arts policy, advice and programs need to be refined so we can better understand how our arts indicators are progressed. I look forward to seeing more about that next year.

I want to raise one issue that is very important for the arts and music community. That is the fact that arts and music groups actually need somewhere to undertake their activities. They need space and they need venues. It is not sufficient just to have spaces which accommodate high-end arts and music. Canberra has a serious lack of venues for live music and community groups, particularly ones that are affordable to smaller groups, accessible by public transport, and appropriate when it comes to organisations which may have noise issues, such as live music and other music venues.

While there are places in Canberra for large professional groups such as the Canberra Theatre next to us, we are seeing a pattern of smaller community groups being pushed out. It is very disappointing to see that there is nothing in the budget to help address this issue, because it is an issue that needs to be addressed. What it might mean, for example, is giving some assistance for subsidies for new venues to set up in appropriate places and to try to get non-high-end events happening again in the central parts of Canberra.

It means that when we redevelop areas, we need to look at existing public spaces and ensure that there are going to be sufficient indoor public spaces and sufficient community spaces, sufficient spaces for things other than meetings, for community events that are not just meetings—although, of course, including meetings. We need to ensure that these spaces will continue as well as ensure that there is sufficient outdoor community space when there is redevelopment. We have tended in the past to look largely at ensuring there is sufficient outdoor community space. That is important, but it is not the only thing that is necessary for a vibrant community. It is something that we are losing.

Instead, we keep on hearing reports that it is costs, government pressure and bureaucracy, and a lack of spaces that is making life more difficult for our small arts and music groups. The availability of dance space is an issue. Yes, there is space at the new Belconnen Arts Centre, but it remains completely booked out. This is clearly an indication that the ACT probably needs more dance space. The government has a general statement about providing space for dance artists in its strategic directions statement on dance. (*Second speaking period taken.*)

What is the government actually doing to increase the amount of space and provide more government-run or more affordable non-government-run dance spaces in the future? These are issues that do not appear to be addressed and certainly have not been addressed through this budget. Another example is the National Capital Orchestra. For example, it has no affordable venue in Canberra, despite being called the National Capital Orchestra. So it is having to head out to Queanbeyan for its performances.

I asked Mr Stanhope about orchestra venues in the estimates process. He responded by saying that there was a range of venues for orchestras to perform in central parts of Canberra, including the Canberra Theatre Centre, the Canberra Convention Centre, the recently renovated Albert Hall, the Ainslie Arts Centre, Llewellyn Hall, the National Museum of Australia, the National Gallery of Australia, and the Great Hall at Parliament House.

That is all true but unfortunately the situation is not as simple as Mr Stanhope described. The National Capital Orchestra used to perform at Llewellyn Hall but a reduction in the NCO's subsidy and an increase in the Llewellyn Hall's hire fees, together with the requirement to use the more expensive Ticketek for sales—a contract which used to be held, I believe, by the Cultural Facilities Corporation—now make it unaffordable. Likewise, the Canberra Theatre is too expensive and the convention centre, the National Museum and Parliament House are not appropriate acoustically. I also suspect that they might well be too expensive.

In addition to this, Albert Hall, the Fairfax theatre at the NCA, Ainslie Arts Centre and Erindale do not have stage areas which are large enough for a full symphony orchestra. I have spoken to the NCO who have informed me that they intend to continue using Queanbeyan for the foreseeable future unless the situation changes and improves. It is worth noting, unfortunately, that the NCO's Queanbeyan venue does not have public transport options. That means that audience members must drive. Many of their audience members are also elderly and they find that the drive is somewhat daunting to them.

Then we come to McGregor Hall, which is soon due for demolition. It is one of the few affordable, centrally located, noise-appropriate community spaces in Canberra. The government sold this space to the ANU a few years ago and the ANU is about to demolish it. There is no plan to replace this, as Mr Stanhope confirmed last week in questions without notice.

Also, on the basis of that question and other things in the budget, there does not appear to be any plan to halt the continued displacement of arts and music groups, especially the small local arts and music groups. Due to a range of issues, the smaller groups are the ones that are having the real problems. The large high-end groups have got facilities. But if you want to go out somewhere locally and listen to a band, if you want to do it in an affordable way so you can do it every week or every couple of weeks, or even every month, these are areas where we need more venues. This is the area where there is a problem.

The other problem is the issue of public liability insurance for arts organisations. I raised this in annual reports hearings. The government said it would follow it up. We requested the government to look into extending cheaper insurance to arts groups, just as the Treasury has looked into this and is extending it to community organisations. The responses from the estimates hearing make it clear to me that nothing has been done on this issue. It still needs to be pursued. I note that the Canberra musicians club is doing some work in this area, but it is an area where the government could quite usefully and positively intervene, as it has done for other community organisations.

I also want to mention the issue of board membership of arts organisations. I have argued before that the government needs to look at the onerous requirement relating to conflict of interest, requiring that people who have done any kind of paid work for the organisation cannot be part of the board.

Last year's estimates committee asked that this process be reviewed. I understand from this year's estimates process that the government has new governance procedures for key arts organisations requiring office bearers of boards to be independent of business management and/or artistic relationships with organisations, and that a majority of board members should also be independent.

In my view this is a significant improvement. It brings it into line with what is done with corporate governance normally in the private sector. It still has some degree of stricture in terms of independent governance, but it does allow organisations to include valuable people on the board who would otherwise have to be excluded and whose loss could be very negative for the organisation. We will keep a watching brief on this issue to ensure that arts organisations operate effectively under the new rules.

Moving now to business and industry development, I was very pleased to hear that the green economy paper is to be released for public comment next month. I call it the green economy paper because, of course, that is what it was called in the Labor-Green agreement, which was the genesis of the paper.

I believe, however, that the government has decided to rename it the clean economy paper, but either way I hope to see it and I hope that it is going to give the ACT a boost in shifting our spending towards a more sustainable economic base. I regret that the government did not release the UCan-commissioned paper before this year's budget because it could have been a useful input into the budget.

I hope that the process will speed up enough so that the paper will in fact drive some changes for next year's budget. I hope that this paper identifies key industry support and incentive proposals as well as a training plan to identify the key areas which we need to introduce into our many levels of tertiary education and apprenticeships to ensure that we have sufficient skills in our workforce to run the industries which we need for a more sustainable, cleaner and greener future.

This paper and the strategy which comes out of it generally will be very important in the coming years as we adapt our budget and, indeed, our whole territory's activities to ensure that we meet our reduced greenhouse gas emissions targets. Strengthening

our economy in this way is, of course, a key way to move our economy away from our current heavy dependence on land releases and sales.

We know that land sales revenue is selling our capital and we only have a limited quantity of land for sale. Now is the time to start making other plans for our budget. A zero emissions future may sound scary to some people, but it is also an opportunity. It is an opportunity to identify the things that the ACT does well, apart from selling land for residential use.

I am referring to things like the knowledge economy so that we can maximise our business and economic opportunities. I note here the estimates committee recommendation:

... further work be undertaken into the economic opportunities and prospects and appropriate strategic direction for the ACT economy to achieve zero net emissions by 2050 and annual updates be provided as a separate chapter in each budget paper.

I support this recommendation and the need for a green economy strategy paper with action plans and a guide to ensure that fiscal policy directions not only reduce emissions in the short term but also actively position us to withstand economic changes that will occur as a result of climate change.

I believe the key part of this is the development of a climate change impact analysis tool which I understand is in development. I look forward to hearing more about it in the very near future. What I would also like to see is our ACT-based businesses which fit into a sustainable economy plan get sufficient support in the start-up and establishment phase.

There is no point in giving contracts and tenders to businesses to fulfil key roles in our cities if we do not nurture them by giving them the right support at the right time to ensure they do not go bust immediately and then leave the government in the situation where it again has to find a business to fulfil that particular role. I am concerned to note particularly that in the waste management industry there seems to be the possibility that this is occurring once again.

In summary, I am very pleased to see that there will be some moves towards better triple-bottom-line accounting, but I am concerned that we need to do a lot more in terms of arts venues and a clean and green economy.

**MR SMYTH** (Brindabella) (4.15): It was interesting to get to the Chief Minister's portfolio in the estimates, because one was able to ask the Chief Minister about his litany of dealings with the federal government. Yet again, we found out that the money we were promised for the Beijing torch relay is now a dead rubber—we are not getting that money from his Labor colleagues; that the money we are owed for the car park up at Defence has not been forthcoming; that there is no money for Constitution Avenue; that there is no money for the Majura parkway, even though apparently, according to Wayne Swan, this roads money will go to every corner of the land; and, indeed, that there is still no money for the centenary of Canberra, which is coming very closely.

What we did find out from the federal budget is that there is money to start the discussion about the celebration of the 100th anniversary of Gallipoli, which is five years away, and we support that money. It is worth that work starting early. Unfortunately, what we do not have from the Chief Minister's federal Labor colleagues is a commitment to the nation's capital. That is a shame: 2013 is a fabulous opportunity to make a statement about Canberra and put Canberra on the map, both nationally and internationally, for its second century and to say some things about the aspiration that the nation's capital says about where we see ourselves as a country. Unfortunately, federal Labor is not interested and, unfortunately for the people of the ACT, the Chief Minister of the ACT does not have the clout to get the money that we are owed or the money that is deserved for this celebration. I think that is a shame—but not unexpected from a Chief Minister who displayed such poor knowledge of the aspects of his department.

You only have to go to output class 2.1, business and industry development. Business, as all would know, is very dear to my heart. It is also the future of the ACT. Clearly, we cannot rely on funding from the federal government, and the only way is to make our own way in the world and develop the ACT. Ms Le Couteur got to it before I did, but in the plan that the Chief Minister released in August 2008 about developing the ACT economy—and discussions on that plan—we heard from both the Chief Minister and from the head of the Chief Minister's Department that it was the strategy and that a whole lot of plans were coming underneath it.

But when you go to the discussion in the *Hansard* on estimates, it is very unclear what the plans will be. There is something about, I think, how it has now morphed into the clean economy or the green economy, but it is very unclear when that will be available. There is something about film, and there is money there for film, but we are now going to have a roundtable to determine how that money will be spent.

How many roundtables is that? How many roundtables do you have to have? This is the budget; it is the expression of where you are going and where you are taking the territory for specifically the next year and then for the four-year period in front of us. But there is no strategy, there is no commitment here, particularly to the business community.

It is important to provide the right environment in which business can prosper. Yet we learn in this budget that there is an extra \$58 million on taxpayers. If you are taking it out of business and taxpayers' pockets, they are not spending that money in businesses around the ACT. So there is the first problem with this budget. What they are doing is hurting business.

We would have thought that the Chief Minister might well have been up on the environment that he is creating and, indeed, the assistance that he is giving to the business community, but the Chief Minister was not even aware that the government's 2010-11 budget had actually reduced the business budget. You only have to go to the *Hansard* for 19 May and look at page 631 to know how badly they got this wrong:

**Mr Nesar:** ... If you go through it, the base funding for business and industry development is \$8.7 million in their estimated outcome, and it is \$8.1 million in their 2010-11 budget. I can provide you—

**MR SMYTH:** So it has gone down by \$800,000.

**Mr Nesar:** That is right.

**MR SMYTH:** Okay. What is the thinking behind reducing funding for business by \$800,000 when you yourself, Chief Minister, just a few days ago admitted the economy was still in a precarious position? Let me quote it properly: “The ACT’s economic future is precarious.”

**Mr Stanhope:** I am not sure about precarious, but—

**MR SMYTH:** It is in your press release, Chief Minister.

**Mr Stanhope:** Precarious?

**MR SMYTH:** Yes, precarious. You do not remember saying that?

And the Chief Minister had absolutely no idea that he had said that. The Chief Minister was totally unaware of what was in his press release. But I guess after “infrastructure”, what is “precarious” amongst friends? If you are sending these messages out—

**Mrs Dunne:** Did he spell it correctly?

**MR SMYTH:** He did spell “precarious” right in this case. But, given that he did not have anything to do with it, I am not surprised it was spelt properly. The sad thing is, when you send emails out like that, saying, “We are in a precarious position,” so much of investment and so much about business is about confidence, and this is the supposed leader of the ACT. If he is not interested, he should just get on his bike and go cycling in Spain or wherever it is he is going later in the year. I then asked him:

So why have you reduced the business budget by 10 per cent?

Mr Stanhope said:

I would have to take advice on exactly what the reduction—I must say that I cannot recall a conscious decision in relation to that.

So we have actually cut the budget and the man whose job it was to steer the budget through the budget process was either vagueing out somewhere or wondering whether you should have a mountain bike or a road bike for touring Spain, depending on which shrines you should visit—or whether or not he is just going to the bar. He was so vague that he had absolutely no idea about where he was at the time, and he certainly had no idea in the estimates that he had overseen a cut to the business budget.

We had Ms Gallagher saying during question time that this budget is investing in business. I am not sure a reduction of 10 per cent in the business budget is seen as an

investment. Yes, you are investing some, but it is less than you invested last year and, given that you have got a precarious budget, you have a series of internal inconsistencies in this budget. We have got higher taxes. It is a budget that contains higher taxes. It is a budget that is anti family. It is a budget that is anti business and it is a budget put together by a minister who had no idea what he was doing. And that is most unfortunate.

We then had the whole notion of the revenue that would be received and the figures that led to the recall day, where we saw that, in fact, the estimates that were in the budget predicted a drop in employment. To achieve the estimates that were in the budget, we would have had to have seen a drop in employment in the ACT in May and June of this year. That obviously did not happen, and it was obvious that it was never going to happen. But there he was doggedly defending this. The Treasurer was away—off in France drinking rose—and the Chief Minister is about to go to Spain to go cycling. It is a wonderful government we have got, so vague, so out of touch, just off and away—and at a time when we have seen the private sector fall from 59 per cent of the employment in the ACT to 51 per cent and we have seen the public sector grow from 41 per cent to 49 per cent.

We have got a paper on the table, *Capital development: towards our second century*, and that is all it is—it is a paper; it is probably not worth the paper that it was written on or the tree that was destroyed to put it out on—and the problem is that this government has failed to diversify the ACT economy. The opportunities were there, the start had been made, we had seen growth in the private sector so that we were not reliant on the public service. We all know that the public service will always be the number one business in the ACT, and it is great to have that as the base. But, if you want additional revenue into the future, to deliver the projects that you would like to deliver, then of course what you need to do is make sure that the economy is sound and that you have the programs to deliver it.

One of the other programs, of course, that they quote as underpinning capital development is the skills shortage and their response to skills shortage. That had happened well and truly before the capital development paper was put out. So to claim that is a bit disingenuous. They have said there will be something on film, but what we have said in the dissenting report—and these are good recommendations—is, and I quote the recommendation on page 66:

That the Minister for Business and Economic Development table in the Legislative Assembly by the last sitting day in August 2010 the list of plans to be developed and the timetable for their release to deliver *Capital Development: Towards Our Second Century*.

I notice that the Treasurer in her inadequacy and inability to argue cogently against the dissenting report just simply says—(*Second speaking period taken.*) She says—and this is my particular favourite, on page 1 of her references to the dissenting report—“The government is concerned about the incorrect and unfair conclusions drawn by the dissenting members that it has sought to avoid scrutiny.” It is quite clear that the government has sought to avoid scrutiny by the number of questions that it has taken on notice and the number of questions that it has failed to answer.

Mr Corbell is here; he has still got a couple of corks. We will get to that in ESA, though, about the cost of the headquarters.

But, when you look at the two-pager that Ms Gallagher has written, she says, for instance, “The above list are examples and are not exhaustive, rather they are illustrative,” and she runs through the errors in the report. But there is detail in the report. We go to the nub of the matter. It is concise. It is accurate. It has analysis, and the government has failed to answer it.

I hope the Chief Minister will speak about this. I hope he will actually give us a timetable of the plans and their release—about how he will deliver capital development towards our second century. But then again he might be on his bike, he might not be interested about capital development shortly anyway, so who knows.

The other recommendation on that page is that the Minister for Business and Economic Development inform the Legislative Assembly of the outcomes of the roundtable concerning the ACT Film Investment Fund as soon as possible after the roundtable. We are very interested in that.

Of course, the third recommendation is that the Minister for Business and Economic Development table in the Legislative Assembly, before the commencement of the budget debate, the clean economy paper. The government apparently has the paper. I am not sure why it is being withheld; it would be reasonable to have it for the debate today. But perhaps, if you have got no intention of following through with it, that might be the real reason you would not want to deliver it.

The other part in the portfolio of great interest to me is output class 3, which is tourism. I think tourism, as was spoken about in the estimates, is really a sad case of the approach taken by the Labor government. Anything in the 2010 budget does not change that view. Where do we start?

First and foremost, there is a mishmash of coordination of tourism activities. There is an extreme lack of funding for the Tourism Industry Council. It is the worst funded tourism industry council in the country—bar none. It is our biggest industry independent of government; it is the worst assisted by government.

We have got this ephemeral new autumn tourism event—something about lights. There has been funding for the convention bureau, but I believe there should be more. We have got the saga of low-cost accommodation, and, of course, there is the whole issue of growth in tourism from China. According to the national figures, the number one destination for the Chinese is Australia and yet we abandoned our tourism activities in China. There is a failure to make additional investment in tourism in 2010, and I think the biggest losers from this are the people of Canberra—and, in that, particularly young people and women, who are often most likely to be employed in tourism.

Mr Barr lauds this investment in tourism, but he does not deliver. It is all words and no action. He lauds the *Masterpieces* exhibition, but then fails to explain how this was a new autumn event. It is not a new autumn event. It was a one-off opportunity that

dropped in the laps of government. That they put the money towards it was a good thing, because it actually got Mr Barr and Mr Stanhope saying, "Investing in tourism got a return for the territory." So they finally understand that investing in tourism gives you a return. I welcome that—it has taken nine years for them to get to that—but it does expose the new autumn event. We have got two years gestation and there is still nothing of a general lasting concept, still nothing to compete with what could have been, for instance, a world-class balloon festival. What is this new event, what are we getting for our \$5 million and how is the broader community from the ACT going to be involved?

The interesting thing is that one of the statements made about it was that it would generate overnight stays. That is a good thing, if it does, but we are yet to have any evidence to present that it would. I asked the question, therefore: would we need extra accommodation? The response was, "No, we've got enough extra accommodation for this sort of event." But then, when we talked about the minister having an accommodation strategy, his strategy was just a list of sites thrown out there willy-nilly. There is one in Watson, there is one at EPIC, there is one at Stromlo and then he drops the two sites on Northbourne Avenue, both of which were passed in, because the market is not ready for them.

But having a list of sites is not a strategy. A strategy tells you where you want to go and tells you how you get there and then out of that you have an action list, which might be the sale of sites to meet that need. But where is the analysis? Where is the consultation with the community? Where is the direct link with the new convention facility? Indeed, Minister Barr said: "Well, that's a private sector thing. We're not connected to the new convention centre." Yet the Chief Minister, in his infrastructure report, says that they are actively working with the Canberra Business Council on delivering the new convention centre.

So who is right and who is wrong? This government is confused on tourism. I asked the minister where his attractions strategy was. He said, "We don't have to have an attractions strategy; that's for the federal government to have." Why have we got a tourism minister? If you are not going to look at developing attractions, what are we going to do?

For instance, the National Museum, Mr Assistant Speaker—and you have heard me say this before—was conceived in 1980. It took until 2000 for it to arrive—20 years. If we are going to wait that long for another significant attraction, we will be in desperate straits. We have seen no interest in new attractions from the current federal government—the Labor government.

We have seen upgrades to the major attractions—the National Museum and certainly the National Portrait Gallery—and I can rattle off a long list of other upgrades and things that the previous Liberal government did. The previous Liberal government actually had an interest in developing the nation's capital and its attractions. From the current federal government, all we get is cuts to the attractions, efficiency dividends, pressure, which the chief cheerleader over there for these cuts, Mr Barr, thought was a good idea, because we would cut travelling exhibitions and then he thought people might come to Canberra instead. But we do not have a coherent attractions strategy.

We do not have a coherent training strategy. He said, “We tabled that in education and training.” But I want to know how he fits that into his tourism portfolio. I am not saying I was lucky enough to have a document in another portfolio. We do not have a blockbuster strategy. Again, the minister said: “Not my problem, not my bother. That’s the purview of the federal government.” Well, the federal government is not doing a great deal on tourism in general for the ACT and it is up to Mr Barr to have an opinion, to have a policy and to actually be doing something. He should write to some of these attractions overseas.

There are galleries closed—art galleries, museums, libraries—for refurbishment every day. But what we do not have is a minister who is interested in this, and what we do not have is a minister who is willing to do something. For instance, members might not be aware that the Da Vinci Museum from Florence has some working examples of the machines that Leonardo da Vinci invented. The exhibition has been to Newcastle, and it is now at the Powerhouse Museum in Sydney, but I am not aware that it is coming to Canberra. What has the minister done about it? Nothing. If we got a schedule of upgrades being proposed by galleries from around the world, for instance, the *European Masters* exhibition from the Stadel Museum Frankfurt is now in the National Gallery of Victoria. How about a program of successive exhibitions at the NGA, with its new galleries, replicating the *Masterpieces* scenario? We all loved that and we all were willing to take credit for it, but where is the next one? Just sitting on your laurels is not acceptable.

Other matters in tourism include funding for the Tourism Industry Council. They are the lowest—or the least funded—of any government in the country. Significant funds in other jurisdictions—hundreds of thousands of dollars—are put to helping coordinate the tourism effort. We are all willing to take the credit for tourism successes, but where is the assistance?

Tourism from China was basically written off by Mr Barr in 2007. The latest forecast from the Tourism Forecasting Committee, out last week, clearly showed that China is the growth area. It clearly showed that more Chinese are coming to Australia and we will continue to expect them to come from China. The contribution to growth in international visitor consumption from 2009 to 2019 is expected to be 21 per cent from China. From the tourism forecasting, in terms of international visitor consumption, China is forecast to be the dominant source of growth over the next 10 years to 2019.

What did we do? We walked away from it. Minister Barr walked away from China, and that is a shame. We have no plans there to capitalise on it. It is a disappointing approach to his tourism responsibility and it is a disappointing approach to the development of strategy for tourism in the ACT.

We have seen the flimsies that we have had done on tourism as a strategy and on Floriade. What we need is concrete plans to underpin these. What we need is an accommodation strategy that meets the needs of the city, complements the existing accommodation and delivers jobs for the people of the ACT. What we need is an attractions strategy for the next 10 or 20 years. I would like to see a bushfire museum

in Australia. There were letters in the paper the other day saying we need a natural history museum to celebrate and understand our environment better—that would be a great thing. What has Mr Barr got? Nothing.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.36): The first item I would like to cover is triple-bottom-line reporting. Page 265 of BP3 states:

In 2010-11, the Government will finalise development on a new triple bottom line assessment tool, and implement its use across Government.

I certainly hope this is the case. However, I do have a few concerns. The first is that the evidence that was given to the estimates committee was not nearly so unequivocal. Whilst there was a level of certainty in the application of the tool for reporting purposes, most notably in annual reports, there was only secondary consideration given to an assessment tool. The second and more substantive concern was well expressed in the ACIL Tasman report. Page 29 says:

... while Chapter 8 provides a useful recitation on ACT Government policy settings in relation to the environment, the material provided does not provide any indicators on progress towards achieving particular environmental policy goals.

This is a key concern that the Greens have consistently expressed. It is no good putting resources into developing something that is not of any real use. Unless we can actually evaluate policy or outcomes against established targets or criteria, such a tool is of little real value. In relation to the government's ability to develop a framework of performance measures, it is doubtful as to whether separating initiatives into social, environmental and economic outcomes without linking them in any way to any financial expenditure information contributes to a deeper level of understanding of the triple bottom line.

Each of the three tests must be applied so the relative implications of all can be assessed. A summary of measures or policies grouped together is not what triple-bottom-line reporting is about. Whilst there have been some positive developments and some greater understanding shown by the government with regard to developing a "line of sight" approach, the slow progress and limited recognition of the need to analyse all the impacts of each policy decision rather than grouping them into categories remains a concern.

This year's estimates committee made specific reference to the need for a prospective analysis to aid our ability to evaluate all legislation and budget initiatives. I would again make the point that, as responsible legislators, it is essential that we have all the relevant information available to us and that we consistently endeavour to develop new means of assessing and presenting information to ensure the best outcomes.

I must note with disappointment the very limited government responses to the estimates committee recommendation No 4. It may well be that the government does take into account the economic, social and environmental impacts, but we have no means of knowing how comprehensive the analysis is, if it is correct or even if it actually exists. As members, we have no capacity to assess the adequacy of these

factors that the government is asserting it considers or to weigh them up in our own minds. I would be very pleased if the Chief Minister could confirm that, both for the purposes of reporting and for analysis, a comprehensive tool will be used across government in time for this year's annual reports and next year's budget and the nature and scope of those tools.

With regard to the provision of information on the government's decisions on resource allocation, it is still not clear how spending is prioritised, nor where this information is to be reported. There is still little apparent link between the numerous government plans and strategies and the expenditure items. Again, the estimates committee has made a recommendation relating to this.

The adequate implementation of both short and long-term strategies and plans that have been publicly adopted by the government, which have been subject to public consultations and have had significant public money and executive time devoted to their development, remains a significant issue. Indicators from these strategies and plans should be included in the budget. I think it would be appropriate for CMD to develop a whole-of-government approach to ensure that the public can identify where and why priority is allocated to various initiatives over others. I note that ACTPLA does this, but I have not seen any of the other government departments do it, unfortunately, including the government policy and strategy part of CMD.

One other point that should be raised, as it is a whole-of-government issue, is the reporting of gender disaggregated data. I note that a trial is underway in ACT Health and that the Minister for Women is pursuing the issue of pay equity in the ACT public service. In addition to these initiatives, there needs to be a whole-of-government approach so that we can develop robust analysis tools as part of triple-bottom-line reporting and have a comprehensive understanding of the particular gender impacts of any initiatives we agree to.

On the issue of the infrastructure, again we have an exceptionally large infrastructure spend and it is important that we consider how that spend is evaluated. As I said during the in-principle debate, it is essential that we properly evaluate the expenditure measures to ensure the long-term benefits for the community and both environmentally and socially sustainable outcomes.

CMD plays an important role not only in delivering the infrastructure plan but also in developing a robust means of assessing expenditure proposals. Whilst discussing infrastructure, again it is disappointing that the government has failed to agree to committee recommendation 5 that implementation plans for major infrastructure projects be provided with budget papers. The reason given is that this would not be practical or cost-effective. I hope that, in spite of this, the government can see that it is reasonable for members to request this type of information and that it should be provided to inform our decision making on the approval of projects.

I would like to briefly raise the issue of the ACT Demographer, their role and the use we make of the information provided. There has been significant interest in the population debate recently. I do not wish to engage in that other than to say that I look forward to the inquiry into the ecological carrying capacity that will be undertaken as provided for by the Labor-Greens parliamentary agreement.

Undoubtedly, the information provided by the demographer is essential in planning the services for the city and addressing areas of disadvantage, particularly for Aboriginal and Torres Strait Islander people. I note the estimates committee report makes a specific recommendation for the use of this material across agencies, particularly by the Department of Disability, Housing and Community Services.

In relation to public sector management, I would like to draw the Assembly's attention to a couple of answers that I received to questions I put on notice during the estimates process. Firstly, in the answer to question on notice E10-160, the Chief Minister indicated:

It is anticipated that changes to the Public Sector Management Act will be brought to the Assembly later this year, while changes to industrial agreements are currently the subject of negotiation.

The ACT Greens look forward to working with the government in the development of these amendments. Secondly, in the same answer the minister also indicated:

The development of the ACTPS Aboriginal and Torres Strait Islander Employment Strategy has been endorsed as a priority for the Commissioner for Public Administration in 2010. Development of the Strategy is consistent with the recommendations of the ACT Indigenous Elected Body and the National Partnership Agreement on Indigenous Economic Participation. Consultation with the stakeholders will commence shortly.

This is a very positive step, and the Greens are very pleased that this issue will be progressed this year. We look forward to participating in the consultations. Thirdly, the minister also indicated that an endorsed commissioner priority for 2010—that is, the Commissioner for Public Administration—is the revision and expansion of the current ACT public service equity and diversity framework. Again, this is a positive initiative and a valuable use of resources to ensure that the ACT public service is a diverse, productive and respectful workplace.

One final point that I would make in relation to public sector management is that in the same answer the government indicated that it intends to develop new public interest disclosure legislation reflecting current best practice principles, including the findings of the national “whistling while they work” project, where appropriate. An exposure draft will be made available for public consultation later in the year, following consultation with key internal stakeholders. Again, the Greens very much look forward to participating in the project and ensuring that there is adequate protection for those who make public interest disclosures.

On community engagement, the minister, in answer to question on notice E10-156, said that new draft guidelines for consultation have been developed and that feedback on the draft will be sought from community groups and the public generally. Whilst this is a positive step and the Greens are very concerned to ensure that there is an improved process for community consultation, I would like to take the opportunity to ask the minister when this will be and how the government plans to ensure the application of the new guidelines across agencies. (*Second speaking period taken.*)

One further concern that I would raise is that in the same answer the minister said:

The responsibility for evaluation reporting on consultation processes is the responsibility of individual agencies.

The Greens' view is that there should be some sort of oversight evaluative role to ensure that agencies are fulfilling their responsibilities correctly and being given constructive feedback where appropriate to ensure that the best engagement does happen. It is also around being able to support other agencies, other departments, with tools and, I guess, suggestions and assistance to be able to carry out appropriate community engagement. As we know, different situations require different types of engagements.

On the centenary, I would echo Mr Smyth's words and my words last year—that is, I find it very disappointing that the federal government has again neglected and overlooked the fact that we will be celebrating 100 years in Canberra in 2013. Still no announcement or no commitment to allocate funds for this event for the ACT has been made by the federal government. This, I believe, is something that needs to be rectified. I know it is something that we will continue to push for. We will also continue to encourage the Chief Minister to take up this issue at the federal level.

I find it interesting—or pleasing, rather—that the Canberra Liberals are so supportive now of the centenary and are pushing that case along. In last year's budget reply I noted that the proposed cuts that the Canberra Liberals were going to make to the ACT budget—this was when they were out there campaigning—were actually to the centenary budget. I remember saying last year that they wanted the centenary to be more like a sausage sizzle in Zed Seselja's backyard. I am very pleased that they have now come on board, so much so that Mr Smyth used his study leave to go to Florence to give a paper on the centenary of Canberra at a centenary conference. I think that just goes to show the real commitment that is being made by the Canberra Liberals to the centenary and their support for the centenary. But of course we would like to see more commitment from the federal government and I encourage the Chief Minister to continue that.

Just to conclude, I have put forward a series of reasons and some concerns around this particular output. With all of that in mind, the Greens support the appropriation for the Chief Minister's Department.

**MRS DUNNE** (Ginninderra) (4.49): The rather pressing issue of artsACT's governance requirements for the boards of key arts organisations continues to be of concern to our community's arts organisations.

Last year, this ACT Labor government placed two funding conditions on key arts organisations. The first required that persons receiving remuneration from organisations must not be members of the board, and the second was that board members must not receive a benefit from the organisation's activities. To his credit, the Chief Minister undertook to review the policy before the end of 2009, following the recommendations of the estimates committee last year.

He did so and he advised me by letter that the 2011 funding handbook would carry a revised condition, such that—and I quote from Mr Stanhope’s letter:

Office bearers of boards should be independent of business management and/or artistic relationships with the organisation, and a majority of board members should also be independent.

His letter went on to say:

The onus of managing conflicts of interest should be placed onto Key Arts Organisations. However, board or staff members should limit actual or perceived conflicts of interest and ensure that any conflicts do not unfairly disadvantage members of the public.

I do not see any real departure from the current requirements that are in place this year. In other words, the ACT government will continue to govern the internal governance arrangements of our key arts organisations. It will continue to interfere with the internal management of those organisations. It will continue to impact on the human rights of members of the organisation to enjoy the benefits of that membership, one of which is the privilege of serving on their boards. It will continue to impact on the ability of those organisations to attract the kind of expertise their boards need. It will continue to divert the attention of boards away from the strategic development of their organisation, focusing instead on the autocracy of this ACT Labor government. Most important of all, it will continue to cast doubt on the ability of our key arts organisations to have policies and procedures in place to deal with any actual or perceived conflicts of interest that may arise on their boards.

I am not sure of any other funding programs of this ACT Labor government that have similar governance demands as those made on key arts organisations. So in that sense, this governance requirement placed on our key arts organisations is discriminatory. I will continue to pursue this matter until this government sees reason and pragmatism.

I turn to the Belconnen Arts Centre. This budget gives no certainty to the arts community and the people of Belconnen about stage 2 of the Belconnen Arts Centre. In 2008, we were told that the estimated cost of stage 2 of the Belconnen Arts Centre was \$15 million and it would provide—and I quote from *Hansard*—“an expansion of the workshop facilities, greater community access and workshop spaces for arts-related companies to set themselves up and also the building of a large theatre”. Two years on, and any mention of stage 2 has disappeared from the budget.

So we look to the infamous infrastructure plan and find that, over the next five years, the government only expects to complete the feasibility study for stage 2 of the Belconnen Arts Centre and, over the next 10 years, the government will do no more than explore construction of a new community theatre at the centre. In the infrastructure report, there is no mention of the other aspects of stage 2 which were outlined in 2008—no mention of the estimated cost, just vague words. I also note from the infrastructure plan that it comes with a caveat—and I note “infrastructure” is correctly spelt here:

Infrastructure priorities in the infrastructure plan do not represent a commitment to construction.

Mr Stanhope has put a caveat on it too, saying in the media that although long-term projects could be delivered with a high degree of certainty, we must accept that—and I quote:

... nothing in life is certain except death and taxes.

With the ACT government, taxes are very much certain.

So here we have got a plan that, on one hand, raises our hopes for stage 2 of the Belconnen Arts Centre but, on the other, throws us into the depths of uncertainty. I doubt it ever will happen under an ACT Labor government. It is just another example of the ACT Labor government's lack of courage and honesty. It is another insult to the people of Belconnen.

Finally, a word about portable long service leave for community organisations. This scheme has been surrounded in controversy and uncertainty from the word go. I was heartened at the estimates hearing to hear that the CEO of the Long Service Leave Authority had been able to identify and talk with most of the organisations that will be caught up in the scheme. What is of most concern, however, is the authority's admission—and I quote from the *Hansard*:

There is no doubt that organisations generally are aware that their costs are going to increase to some extent.

I will repeat that:

There is no doubt that organisations generally are aware that their costs are going to increase to some extent.

This has been the primary concern of the community sector right from the start. Until now, they had been making provision for long service leave for their employees, usually after four or five years of service. They have had to pay it only when an employee became entitled to it. If that employee left without becoming entitled, the employer would not have to pay out that money, and they do not necessarily sock it away. More often than not, any unpaid long service leave provisions are put back into the service provided to the community. Now, however, the employer must pay actual payments to the authority for all its employees, regardless of their length of service. Furthermore, there is no prospect of getting any of that money back if an employee leaves the sector before becoming entitled.

So this policy has both a cash flow and an expense impact on our community sector organisations. It impacts on their ability to provide services to the community, often where it is desperately needed. Almost all of the organisations caught up in the scheme rely almost 100 per cent on government funding. So I was heartened to hear from the Treasurer during estimates—and I quote from the *Hansard*:

If those organisations can demonstrate that they are under financial stress in the short term because of the long service leave scheme coming in, obviously we will have to work with those organisations. It is not as if we will allow an organisation to collapse because they are trying to implement the long service leave scheme.

All that remains to be explained is how the government will in fact work with affected community organisations. Does “work with” mean “provide additional funding for”? I call on the Treasurer and, if necessary, the Minister for Disability, Housing and Community Services to provide that explanation to the community.

**MS BRESNAN** (Brindabella) (4.57): I stand to briefly comment upon the industrial relations portfolio within the Chief Minister’s Department. This portfolio, as it stands, is focusing on development of ACT government employment frameworks and developing federally harmonised occupational health and safety legislation. The ACT Greens have expressed our concerns regarding the national harmonisation process, particularly in relation to the analysis as to whether the harmonised legislation would actually increase safety standards in Canberra workplaces.

We recognise that the ACT government took part in a governmental agreement to harmonise OHS legislation. However, we would urge and hope that the implications of this agreement will not downgrade ACT OHS legislation, which is recognised as being very strong.

The harmonised legislation takes away some elements of the ACT Work Safety Act, such as the private prosecution provisions. While we recognise that this provision has not yet been used, we believe that it is a useful safeguard in the event of a failure of government regulators to act. Furthermore, given that, by the government’s own figures, only 75 per cent of businesses comply with the relevant OHS legislation, including a provision which lessens deterrence is problematic.

Additionally, under output 1.3 for the Chief Minister’s Department, the budget papers identify “providing advice to Government on developments in the national workplace safety agenda”.

The ACT Greens suggest that the government examine workplace stress and mental health hazards as a matter of urgency. Both workplace safety legislation and workplace culture do not recognise mental health matters as a grave and urgent risk to the workplace. Indeed, the current state of affairs is such that workers are, for the most part, discouraged from identifying and reporting psychosocial risks in the workplace. We have a huge number of white-collar workers in Canberra, for whom workplace mental health hazards are the biggest danger in the workplace. The ACT Greens believe that facilitating both a change in legislation and a change in culture should be a focus of workplace safety legislation.

The ACT can and should be a leader in recognising that mental illnesses such as depression are often attributable to unhealthy work environments, in the same way as physical injuries stem from unsafe physical environments. We will encourage CMD to work together with WorkSafe and the Office of Regulatory Services, as well as

mental health professionals in ACT Health, to better diagnose and address problems of mental health hazards in ACT workplaces, as a first step in developing strategies to combat this problem.

We recognise the role that CMD plays in developing employment frameworks for the ACT public service and welcome the prioritisation of the equity and diversity framework, as well as Aboriginal and Torres Strait Islander and disability employment strategies. The government should be a leader in best-practice employment, particularly in demonstrating the viability and productivity benefits of employing people from a diverse range of backgrounds, including those who are often marginalised in employment. The ACT Greens would encourage the government to increase employment of people with a disability, Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds.

I would also like to take the opportunity to comment on the structural separation between the industrial relations policy unit within CMD and the OHS enforcement arm within ORS and the complicating factor of the department of housing and community services conducting an industrial relations survey. Acknowledging the government's claim that such splits are usual, it seems impractical to have one minister and department responsible for the development of policy and another for the implementation and enforcement of that policy. This can lead to a lack of clarity over who is ultimately responsible for problems within that policy area.

The ACT Greens believe that the industrial relations portfolio within CMD should be looking to ensure that our industrial relations policy and legislation represent best practice for the people of the ACT.

**MR RATTENBURY** (Molonglo) (5.02): I would like to speak briefly on behalf of the Greens on the issue of tourism as part of 1.4 under the Chief Minister's Department. I think there is an acknowledgement in this place, across all parties, of the importance of the tourism sector in the ACT as a vital part of our local economy.

The impact of the *Masterpieces from Paris* exhibition illustrated that point very well. I think, across the city, the economic benefits were felt and I think we all saw that in the occupation of the hotels, the crowds in the restaurants and cafes around town. But I think, across the city, people also felt the cultural benefits and, frankly, the joy the exhibition brought to so many people. And certainly I was one that went. Unfortunately I left it until the last minute and was in with the crowds. Nonetheless it was very enjoyable.

I think it is fair to acknowledge the role the government played in making a contribution to bringing that exhibition to Canberra. There are some good lessons in that. They are opportunities we should be looking for in the future. Of course, in saying that, it raises a discussion about which events the government should invest in. That is a difficult question.

It was interesting in the estimates process that Mr Barr acknowledged that events can be procured if you have got the money to pay for them. I thought it was a fascinating choice of words. I had never really thought about going out and procuring events such

as state of origin and the like. For the ACT, with a relatively small budget and relatively small population base compared to, say, Sydney or Melbourne, we need to be very strategic in making these choices. They are hard questions and government will sometimes perhaps make some wrong choices about what events to invest in and whether they end up being a success or not.

**Mr Barr:** The V8 supercar race.

**MR RATTENBURY:** Mr Barr suggested the V8 supercars. I am not going to go into specifics but the observation is a general one which—

**Mr Coe:** What have you got against major sporting events?

**Mr Barr:** That is right. It was such a success, that one.

**MADAM DEPUTY SPEAKER:** Members!

**MR RATTENBURY:** Let us not test Ms Porter's voice. I think she is struggling in the chair.

**MADAM DEPUTY SPEAKER:** Thank you.

**MR RATTENBURY:** My observation was not about particular events but was simply that I think it is difficult for the ACT government. That is not a reason not to go for it. I think we do need to make these choices. We need to be mindful of what niche it is that Canberra should be seeking to fill in bidding for such events and what areas of, I guess, speciality and expertise we have, as a city, as a destination, and, therefore, be very mindful of these factors in our budgetary limitations when we consider what events we should be bidding for.

Ms Hunter already spoke about it but I want to touch briefly on the centenary. With tourism now located in the Chief Minister's Department, there is a clear opportunity to exploit the synergies between centenary events and our tourism targets and the success we are trying to achieve there. It is very important that the centenary is not seen as a Canberra event but as a national event.

I think that you have to meet some of the tourists that come to Canberra. They feel a sense of pride and a sense of ownership in this city in a way which reflects very well on the city and reflects on what the city means to the nation. I think it is sad, in that context, that in recent times a range of federal governments have perhaps not been as enthusiastic in investing in this city as a national asset. I hope that the centenary of Canberra might be an opportunity where we move away from that perhaps national pastime of a bit of Canberra bashing and actually see the country, as a whole, embrace that major moment in Australia's political history and, in a sense, in the history of the nation.

That theme brings me to the issue of the federal government and the role of Canberra as the federal capital versus Canberra as the city of the ACT in the tourism context. Again, there were some discussions in the estimates hearings where it was very clear

and I think self-evident in some ways that the ACT does not stand alone from our place as the national capital and, when it comes to tourism, we need a clear and strong relationship between Tourism ACT's strategy and our national institutions. I think to some extent that does already happen.

Certainly, at some of the events I have been to with the Canberra Convention Bureau, working very closely with the national institutions as part of a package of bringing major business conferences to Canberra, those synergies are being developed. I think some of that is a little individual based, people working very well together—and that is to be welcomed—but it is also a pointer to needing not to be complacent and ensuring that we maintain those linkages in the future.

That brings me to the final point I want to touch on in tourism, the strategic relationship between tourism events and sport and recreation. This was touched on briefly in the estimates report. Again, we had an interesting discussion in the estimates process where one of the members of the committee, whose name escapes me now, asked about how Tourism ACT, the TVE section—

**Mr Barr:** Territory venues and events section.

**MR RATTENBURY:** The territory venues and events section of TAMS, thank you, Mr Barr, fitted together with—and this is where the coordination came from—the events section of the Chief Minister's Department. It became quite clear that events in Chief Minister's is much more about locally oriented events. So that moves out of the equation.

Again, the estimates discussion highlighted that quite a few of those arrangements operate on perhaps an individual's expertise, their knowledge, their relationships with each other across government. I think that is a positive that we do not want to lose. At the same time, it is one that we need to be mindful of in the future so that, with those perhaps more informal relationships, if somebody moves on, we do not lose that strategic coordination.

We talked about events such as the mountain biking world championships which clearly are not only a sporting event run by TVE at Stromlo forest park but are also a major tourism drawcard. We could name a whole lot of others. Certainly, I am a fan of those kinds of events being brought to Canberra as a way of providing a tourism focus that reflects well on the city, takes advantage of Canberra's natural assets as an open and healthy city and at the same time brings people to our city as tourists and brings money into the economy.

With those few comments, I think that overall tourism is going quite well in the ACT. It is clearly a vital part of our economy, although there are some challenges ahead. There are areas we need to be mindful of in the future and I look forward to continuing those discussions with various people involved in the industry.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.09): I will be commenting, in part 1.4 relating to Chief Minister's, on the

tourism portfolio. The government is of course listening, investing and delivering in the tourism portfolio and, as I think a number of speakers have referred to in their contributions, all parties in this chamber recognise the importance of the tourism industry to the territory.

The government continues its engagement, listening to the tourism industry, listening to Canberra Convention Bureau and, most importantly, listening to the views of the thousands of visitors who come to Canberra and the region.

The government continues its investment—investment in marketing campaigns, in events and in new festivals. The government continues through this budget its investment in the city's tourism infrastructure and in new campaigns—everything from Wrap in Winter to Culture Shock to our support of the *Masterpieces from Paris* exhibition—and our investment in events and festivals, from Floriade and Floriade NightFest to our new autumn event. We continue to invest in infrastructure such as Stromlo forest park, Exhibition Park and the arboretum, and to support new, low-cost accommodation in the territory.

The government continues its record of delivery. We have very strong support from the government for the tourism industry. We recognise its contribution of around \$1.3 billion to the territory economy and the fact that it employs over 13,000 Canberrans. It remains a growth industry for the territory, with almost 500 new jobs being created in the tourism industry in recent years. In this year's budget, the government is providing an extra \$2.1 million over four years for our city's premier tourist event, Floriade. This extra funding brings the total budget for Australian Capital Tourism to over \$18 million. Floriade continues to be the premier event in our tourism calendar and it is the key contributor in the tourism calendar to our local economy.

In 2009 Floriade contributed \$22.7 million to the territory economy, making it the second most successful Floriade ever, second only to the record-breaking \$25.3 million for the 2008 event. To put that in context, 2009 was set against the backdrop of the global financial crisis and what I think we would all agree was a pretty poor run of weather through that September—I think some of the coldest September days in 40 years—but the event still attracted an attendance of 362,684 people through the gates. That was down a little on the previous year, which was just over 400,000.

Floriade NightFest has now been running for two years and has attracted over 46,000 attendees in that time, and the government's view is that it is essential we continue to invest in this event for visitors and also for our local community. That is why this budget contains \$1.8 million over four years for the future delivery of Floriade and Floriade NightFest and a special allocation of \$300,000 for a concept design for the development and improvement of Commonwealth Park. We know that this investment will continue to maintain one of our city's most cherished local events and continue to bring more visitors to Canberra and the region.

2010 saw the first year of our autumn event, and it was undoubtedly a success, off the back of the *Masterpieces from Paris* exhibition. The National Gallery's results here

show that the exhibition made an economic contribution of more than \$90 million to the territory and attracted an Australian record of around 460,000 visitors. Indeed, the exhibition was so popular that it had to be extended for two weeks, and for the first time a 24-hour opening was held to cater for the demand. That night-time opening and the special events that coincided with the *Masterpieces* exhibition indicate the direction and partnership that the government continues to want to progress with our national institutions.

We have now some data on the first quarter of 2010. The most recent national visitor survey released by Tourism Research Australia showed that in that March quarter the ACT received 612,000 domestic overnight visitors, and this was a 21.2 per cent increase when compared with the 2009 March quarter. It is a significant result when compared to the national scene. In that same quarter, domestic overnight visitation decreased by 0.5 per cent in the nation as a whole but was up by 21.2 per cent in the ACT.

Visitor nights in the territory increased by 32.4 per cent, up from 1.3 million to 1.7 million, and this compared with a flat result nationally for that corresponding period. The average length of stay increased from 2.6 to 2.8 nights and domestic overnight visitation to the ACT in the category of holiday or leisure increased by 63.6 per cent. The fact that so many visitors came to Canberra between January and March this year clearly showed that the *Masterpieces* exhibition had real pulling power.

I am, of course, pleased that all parties have acknowledged the ACT government's investment—that it was a good investment for the territory. Of course, there was some scepticism from some in the tourism industry when we first announced this investment, but it was pleasing to see that at the conclusion of the event everyone was in agreement that it was one of the best decisions that the government has made in the tourism portfolio in recent times.

As speakers have alluded to, the government promised a new autumn event for the city. We have invested in that autumn event. Last year's budget provided that allocation and it kicked off with the Starry Nights events as part of the *Masterpieces* exhibition. This was the first step in developing this new autumn event partnership between the ACT government and national institutions, in this instance starting with the National Gallery, involving special night-time openings and events.

Starry Nights was held over two weekends, coinciding with the 2010 Canberra Festival. Patrons enjoyed special evening viewings of the exhibition, introductory art talks, music and shopping at the gallery. There was live entertainment and gourmet food and wine were available.

*Masterpieces from Paris* was the biggest blockbuster ever staged in the capital and Starry Nights was a terrific success off the back of that. We can build on that initial success and see a steady evolution in Canberra's autumn event, recognising that it will be a 20-year journey for it to rival Floriade in terms of our major anchor event for the autumn period. Floriade started off very small more than 20 years ago and has built up over time. That is what we intend with the autumn event.

In addition to Floriade and Starry Nights, the government continues its investment in tourism. There is over \$340,000 in this budget for the events assistance program, shared between a number of local tourism events. Some of those include the AFL Masters National Carnival, Summernats and the Foreshore Summer Music Festival. Each of these events has great potential to attract visitors to the region and again bring direct benefits to the local economy.

In 2009-10 support was provided for events such as the Australia Day celebrations, the Futsal national championships, the Australian Open squash championships, Canberra Challenge triathlon, the Canberra half ironman triathlon and the Canberra International Music Festival. The government will continue to support these events through the events assistance program, another key element of the tourism budget.

We will also continue to invest in our online presence, better linking visitors from around the globe to ACT tourism businesses. The government will continue its investment of more than \$1 million in the Canberra Convention Bureau to help target the highly lucrative business tourism market. It is expected that this market will inject more than \$23 million into our local economy in the next few years.

We will also continue to support the infrastructure needed to grow tourism in the city. We recently announced plans to release more land for accommodation, most particularly low-cost accommodation. Sites at Braybrook Street in Bruce and near Exhibition Park in Watson will provide for more low-cost accommodation into the future. The government is also planning to release land at Stromlo forest park and the Lyneham sports precinct in the years ahead.

I have taken an active role at a national level in working with other tourism ministers. (*Second speaking period taken.*) The government continue to be engaged in the national long-term tourism strategy. Tourism ministers met in Canberra about eight weeks ago to sign off on 41 practical actions to progress the national long-term tourism strategy. We have also agreed to allocate an additional \$2.2 million in funding to implement this strategy. It is worth noting that this funding is the first time tourism ministers across Australia have jointly funded projects to develop a broad range of supply issues. It complements the marketing and support initiatives in train for the tourism industry.

I thought I would just briefly run through some of those important national long-term tourism strategy priority actions, as they are particularly relevant to the ACT. In the area of labour and skills we are working to progress findings and data around regional needs for tourism labour and skills. We are working to establish a uniform national approach to the responsible service of alcohol. We are looking at impediments to the transferability or recognition of training qualifications across all Australian jurisdictions; looking at the area of investment and regulatory reform; looking at a review of regulatory barriers to tourism investment and identification of key priorities; looking at a review of depreciation schedules that apply to the tourism industry; a review of GST impacts on commercial accommodation versus serviced apartments; and, particularly important and a crossover in my portfolios, the development of tourism definitions for planning schemes to assist in tourism development approvals.

In the destination management planning area, Australian Capital Tourism is involved in this national working group, looking particularly at the Sustainable Tourism Cooperative Research Council portal area on destination management, and looking at identifying gaps in research and dissemination that prevent key stakeholders from undertaking effective destination management planning. That work is vital for regional tourism areas such as the ACT. In the tourism access area, Canberra airport is involved as part of that national working group, looking particularly, obviously, at the national aviation strategy.

In the area of industry resilience, we are working to distribute a user-friendly web brochure to industry to provide a climate change current policy snapshot that can be easily updated as policy settings progress and change across the country, and working to identify programs to assist tourism small businesses to adapt to climate change.

Another important area of work is in quality assurance and accreditation. The Tourism Quality Council of Australia membership is to be finalised and we will launch the tourism quality TQUAL brand to industry shortly.

There is also work underway in the area of Indigenous tourism—obviously not a major component of the ACT's tourism strategy but nonetheless an important and developing one for the territory. We will be working with Indigenous representatives both locally and nationally on that strategy. An area that we are particularly focused on relates to digital distribution, the national online distribution action plan to enhance online product and distribution. The ACT has taken a leading role here with our e-strategy, and we will continue to develop a program and resources to improve the tourism industry's capability to become more proficient in digital marketing and distribution.

We have signed up as part of the research and development advisory process. We will be participating in the state of the industry outlook conference and reporting that commences, I understand, at a one-day launch conference later this year, in November.

Through our engagement with the national long-term tourism strategy, we are working on specific ACT areas of supply side need but also working with the Australian government and with other states and territories, and particularly New South Wales as we are part of the capital tourism region, to ensure that there is a consistency in tourism policy across those levels of government. That is important. We must work in a collaborative way with Tourism Australia, Tourism New South Wales and indeed Tourism Victoria as we are all within the one tourism region and it is important that we have that cooperative working relationship.

In conclusion, the government will continue our investment in the tourism industry, delivering more jobs, more low-cost accommodation, more events and more visitors to our city. We value the economic contribution of tourism. We value the jobs for more than 13,000 Canberrans that the industry employs and, therefore, I commend the investments in this budget to the Assembly.

Last year, the Canberra Liberals voted against funding measures for Canberra's tourism industry as part of their doctrine of opposition for opposition's sake. The

industry and 13,000 Canberrans are now asking the Canberra Liberals and their shadow minister, “Where is your support for the tourism industry?” You can show that support this week. You can throw off that tired doctrine of opposition for opposition’s sake. I, and everyone involved in the tourism sector, hope that all members in this place will vote in favour of these tourism investments and by doing so will show their support of the territory’s tourism industry.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.25): It is worth responding to a couple of the things that have been said in the debate before I get on to some of the other aspects of the Chief Minister’s portfolio. I think it is becoming a bit laughable now when Minister Barr says “opposition for opposition’s sake” given how badly he was embarrassed last week when he used that term and had to come into this place and do a major backflip. In fact, we were putting forward something positive. In the end, the minister had to acknowledge and agree to it. So I think his sloganeering will be seen in that light in future.

Mr Rattenbury had something to say about the centenary of Canberra and the federal government’s investment in Canberra. It is worth putting on the record that we do hear a lot of criticism particularly of the Liberal Party by those on the left in relation to their contribution to Canberra. But if you look at the last few decades in particular and at some of the major institutions that have been delivered by Liberal governments at a federal level, the record is a very strong one.

Just in the last Howard government, we saw finally the National Museum of Australia, which had been promised for so long and never delivered in 13 years of Labor government before that. We saw the National Portrait Gallery delivered. We saw the expansion and the major renovations in relation to the Australian War Memorial. We also saw things that are not national institutions but are major constructions for Canberra. I refer to things like the ASIO building which is now going up. Indeed, they promised and they budgeted for the duplication of Constitution Avenue, which has not been honoured by the Labor government.

I go back to things like Parliament House, which was started by Malcolm Fraser. I go back even further to Menzies. He really did in many ways build Canberra from a very small town and turned it into a true national capital. So I think it is worth getting those on the record, given that we do hear arguments without any backing to the contrary so often from those on the left. If you compare that record to that of the Hawke-Keating government, I think it stacks up very well.

I think one of the key things in the Chief Minister’s portfolio that is worth spending a little time on is infrastructure. We know that the government’s infrastructure plan has been widely condemned, with good reason. It has been widely condemned because it does not actually do what is needed. The work simply has not been done by this government in relation to the development of a comprehensive infrastructure plan on the back of a process of consultation with industry. What we need is a genuine infrastructure plan that does look forward and actually provides a vision for infrastructure into the future.

We had a debate in this place not long ago about all of the ways in which the government’s infrastructure plan simply does not do that. It does not. It skates over

issues. It gives a grab bag of projects that have been budgeted for. In the estimates hearing we asked about the infrastructure plan and the process. I asked how much direct consultation there had been. This is before it was released. Mr Cappie-Wood answered:

Each of the individual agencies in their own right has obviously been speaking with their stakeholder groups, which include industry in some circumstances. So I cannot speak exactly for them because this has been, as the Chief Minister pointed out, a collaborative process where the individual agencies are the ones who come forward with what their projections are in terms of the future infrastructure needs.

I think this goes to the heart of some of the concerns of industry in relation to the development of this plan. Effectively, the government went to each of the agencies and said, "What have you got on and what would you like to put in our infrastructure plan?" There does not appear to have been any genuine coordination and consultation with industry in a comprehensive way where the government was actually listening to industry and saying, "What do we need?"

They talk about some roundtables but when you see that industry is underwhelmed, as they were when this infrastructure plan was delivered, I think it is fair to say that they have not really been listened to. I think it is fair to say that what has been delivered is a substandard product. It is a substandard plan that rightly was widely canned. It is not just because it was error riddled. I think the fact that it had so many errors was simply indicative of the rushed nature, the fact that the work had not been done, the fact that it had not been a comprehensive process.

In the end what we get is a very disappointing document. It is one that does not address the serious infrastructure problems in the territory, the serious infrastructure bottlenecks. It is one that does not deal in any serious way with the infrastructure challenges and how we are going to meet them. How are we going to finance future infrastructure? How will maintenance be dealt with? That is skimmed over. What will be these key projects and how will we get there? What will the city look like? What is our end point? Where do we want to be in 10 years time? Where do we want to be in 20 years time? Where do we want to be in 50 years time? None of those questions are answered by that document.

It remains unclear how much money was spent on the development of that by the government. But what we do know is that what has been produced is something that is not going to be of any real guidance to industry. It is not going to give any real confidence to the community that the kind of infrastructure problems that they are faced with at the moment are going to be fixed. There is a whole range of them. The ones that we focus on, and rightly so because they affect people's lives, are things like the road bottlenecks.

There will be no confidence from the community that as the territory grows, and it will grow and the region will grow, that the infrastructure will be there to meet it. It is interesting even when you look at what was said in the press yesterday by ordinary members of the community. They were asked their views on population growth and the like. Many of them were not in any way hostile to population growth provided we had the infrastructure to meet it.

I think that that is the critical thing. When we see people in western Sydney and other places saying, “Look, no more; no more growth,” I think it is out of frustration with the fact that the growth has not been matched by those state and territory Labor governments with the infrastructure investment that is needed.

Many people have come to equate growth with a worse standard of living. That is unfortunate. It is a result of that lack of infrastructure investment. The real concern, the real missed opportunity here, has been that we do not have a genuine plan. What we have, as Ms Le Couteur so succinctly put it, is the budget with pictures. That is unfortunately what we got.

Let us look at what the Auditor-General has had to say. During this process we have seen the Auditor-General’s report confirming that basic project management practices are not in place. Only half of capital works are delivered on time, with millions rolled over or wasted on long delays or cost overruns. That is not us saying it. It is the Auditor-General saying it. It is the Auditor-General saying that you need to do better. Of course, Jon Stanhope’s response to that was to blame his public servants. He said that this is the report that he actually welcomes. He said that this is the report that he welcomes because he can bash his public servants over the head with it.

What does that say about the leadership that has been shown by this government and this minister when you need an Auditor-General’s report after nine years that again highlights that you are not delivering for the community? The best he can do is turn around and say: “Thank you. I am now going to blame those people who work for me.” He referred to particular projects that had not been delivered.

Why have they not been delivered? What lack of leadership has there been from this minister and from other ministers in not making sure these things happened? Surely, after nine years, you would be in a position where you would actually have shown the leadership, put in place the structural changes so that that infrastructure could be delivered—so that it could be delivered on time and delivered on budget. It is not being delivered and Jon Stanhope’s response is to blame his public servants. (*Second speaking period taken.*) It appears that no-one else is speaking. I was expecting that the Chief Minister might contribute to this debate. I come back to the point I was making. It is not actually the opposition that are the only ones who are saying it. What we have here is an independent Auditor-General who has said that basic implementation plans are not being put in place.

Things as simple as an implementation plan for each project identifying the skills and expertise required to manage budget-funded projects are not in place. This is really simple, straightforward stuff. When the Auditor-General says that it is not happening in many cases, we have to ask the question: what are we actually getting for this expenditure? We are spending roughly \$4 billion a year as a territory. Much of this is spent in areas around capital works and a whole range of other programs.

The Auditor-General has commented on a number of things, but I will focus on infrastructure for now. The Auditor-General has said that really simple things like identifying the task and what skills are needed are not being done. The Chief Minister

and ministers across the board need to answer why that is the case. If the answer is that the public servants are not doing what they are told, that is a hard one to buy.

I think most public servants respond when their minister calls. I would say that the vast bulk of public servants in this territory are not only hard working but when their minister gives them a call or when ministers give direction about what they want, most public servants respond very quickly and often very effectively. If it is not happening, you have to go back to why the leadership is not being shown. Why is the leadership not being shown by the government on these issues?

We can only conclude that it is because ministers are not interested in showing the kind of leadership that we would expect and which the community deserves. The community does deserve this. The community does deserve better than what we are getting.

I will finish on infrastructure. In relation to infrastructure, what it requires is the will, the desire and the vision to make things better. It requires the will and desire to implement better the infrastructure, the will and desire to make the structural reforms that are needed. There are no structural reforms here. There is nothing that says how things are going to be done better. There are simply a few words on a few pages that were shoddily and hastily put together. It can only undermine confidence in terms of investment in our city.

We see the failure to sell blocks of land just recently. We can surmise. We can certainly hypothesise about what are some of the reasons why those investments have not been made and why those blocks were not sold. Part of it is the uncertainty because there is not the kind of leadership we would like to see.

I would pose a question to Mr Barr. Mr Barr mentioned in his earlier contribution about releasing blocks of land in terms of low-cost accommodation. How much rigour and analysis went into those announcements? Was that part of a broader plan? Was that part of a general broader plan which really set out some targets, which set out some milestones in terms of the release of that type of land? If you get that happening then you have more potential to get some investor certainty. We are not seeing that at the moment and I think that we do see the results of that.

I would like to make mention of the RSPCA. The committee heard from the RSPCA on the first day of hearings. Mr Michael Linke, the chief executive officer, noted:

In terms of our funding base, our need for funding and our operational expenditure have more than doubled in the last five years, and we have enjoyed some increased funding from the government. Our funding has increased from about \$200,000 a year to a peak last year of \$780,000, which included a \$100,000 emergency payment as a result of the global financial crisis.

We submitted a budget proposal to the ACT government seeking similar funding this year. We have been advised that our core funding will not increase but there will be other avenues to add additional funding to try and match that level of \$780,000 in the 2009-10 financial year. So we are hoping that that funding is matched in the coming year.

Mr Linke further noted:

I would prefer to have core funding and have some certainty around the funding. It allows me then to put in place a strategic plan for our staff and gives my staff certainty.

I think that that is a legitimate call for an organisation like the RSPCA. I would like to put on record just how much respect we have for the RSPCA and the work that Michael Linke and his team do in the community. They sometimes cop criticism from others who claim to be interested in animal welfare. I think that no-one could question legitimately Mr Michael Linke and the RSPCA's commitment to looking after animals in the territory. Indeed, this is the case with the RSPCA right around Australia.

I would like to put on record our support for the work that they do. I think it is important that in an ongoing way we see some certainty there. That is a legitimate and a reasonable thing for Mr Linke to call for. It is certainly something that we would support. That is reflected in our dissenting report. I will just finish on that note in relation to the RSPCA. We look forward to seeing the RSPCA flourish and grow in the very important work that it does in years to come.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.5—Department of Territory and Municipal Services—\$306,193,000 (net cost of outputs), \$261,101,000 (capital injection), and \$685,000 (payments on behalf of the territory), totalling \$567,979,000.

**MR COE** (Ginninderra) (5:43): As has already clearly been articulated by my colleagues, the Canberra Liberals will not be supporting this budget. We have questions about how fiscally responsible it is, about its accuracy, about its transparency, about the high levels of waste and about the high level of taxation. Of course, all these contribute to it being an anti-family budget and one that we in opposition cannot be supportive of. It is interesting that, in spite of all the reasons articulated by my colleagues, the Greens have blindly signed up to this budget, as they did on day one when they signed the agreement. It is bitterly disappointing that the people of Canberra are not getting the scrutiny they expect from their elected members of the Assembly when it comes to the budget process.

To put into context where we are at with the financial year that we are entering and the financial year that has just been, in August last year the government reluctantly tabled the Ernst & Young report which looked into the Department of Territory and Municipal Services in their strategic budget review. EY, it must be said, gave a scathing assessment of the Department of Territory and Municipal Services. The document I have here documents a lack of financial transparency, a lack of control by managers and an excess of political influence. The document reveals a lack of financial discipline. It says that management has "limited visibility of the activities

performed within the department”, the financial systems “appear not to rigorously adhere to core financial management requirements” and that cost allocation “is not transparent”. Since the department was established in 2007, almost \$900 million has been spent up until the report was issued without a performance framework. It is absolutely amazing that Ernst & Young had to recommend the development of key performance indicators when that should have been done years ago.

This culture of underperformance was again highlighted just recently—in the last few days, in fact—with the Treasurer having to table the amount of rollover and the amount of Treasurer’s advance that have had to be put forward. The rollover for the Department of Territory and Municipal Services includes \$633,000 for the net cost of outputs and a rollover of \$27.766 million for capital injection, in addition to the rollover of \$429,000 of expenses on behalf of the territory for heritage grants. This is not the sign of a minister in control. These are not the financials of a department which is performing well and adhering to the high standards that the people of Canberra expect from the custodians of our budget.

In addition to that, we saw a Treasurer’s advance of \$3,168,000 being issued to the Department of Territory and Municipal Services because they could not meet their expenses. And where was it? It was in that great agency ACTION—the very agency that Jon Stanhope a few weeks ago put out a media release slamming, saying that it was out of control. Of that \$3.168 million, \$2.066 million was for general operating cost pressures. That is a minister and an agency with no control whatsoever. That lack of control is hurting the taxpayers of Canberra. It is for that reason that the ACT opposition will not be supporting the ACT government’s budget.

Now, this budget and this particular part of the budget—the Territory and Municipal Services component—has some very important threshold questions that need to be asked, and the Greens in particular need to answer them. Zed Seselja spoke earlier, at about the time of the budget, of the need to prioritise street trees ahead of the arboretum. Jon Stanhope has cut \$10 million from the trees out the front of people’s houses and poured it into trees at the national arboretum. We do not have \$10 million to replant trees that are dying in Canberra’s suburbs, yet we do have \$26 million to pour into the arboretum, in spite of all the other budget pressures that this government continues to talk about.

This is a clear line in the sand and the Greens have to choose. Are they going to be with the government on a \$26 million arboretum push, which also takes \$10 million out of suburban trees, or are they going to join the opposition in campaigning and advocating for families in Canberra who want street trees out the front of their house? A vote for this budget and a vote for this component within the budget is indeed a clear proclamation that Jon Stanhope’s approach of pouring money into the arboretum instead of street trees is the way to go. It is a clear opportunity for the Greens to show that they do not have a collectivist world view and that they are thinking about the individuals and the families of Canberra—that they are actually thinking about the urban amenity that Canberrans expect to be delivered by this government.

In addition to the cultural problems that were highlighted earlier when I spoke about the Ernst & Young report, just last week we had a good opportunity in the chamber to

talk about the government's infrastructure plan. This is an infrastructure plan that was riddled with errors. In addition, it was pretty much a rehash of budgets past and current and pie-in-the-sky ideas that this government will never be held to account for. Where was the genuine mid-term strategic planning? It simply was not there.

It was all too easy for this government to just rebadge existing projects—most of them are running late, I might add—and then put in some plans for 10 years down the track which Jon Stanhope will never have to be held accountable for. It is a disgraceful document and is a real letdown. I think many people in Canberra were expecting much better. Of course, like so many other state Labor governments around the place, there simply is not a vision. There simply is not a plan for Canberra's future for the taxpayers of Canberra.

There are many problems with this budget. I think Caroline Le Couteur spoke earlier about the lack of detail in this budget. That was clearly visible insofar as I put in a question on notice, question No 727, asking the Minister for Territory and Municipal Services to provide an operating statement and a balance sheet for the Capital Linen Service, the ACT Property Group and the Yarralumla Nursery. I also asked which ACT government agencies have contracts with the Capital Linen Service. I asked for the total revenue for each of the agencies and I also asked for a staff profile. They seemed like pretty reasonable things to request, I would have thought. Like with so many other questions that we put in, this is how the Chief Minister responded:

The ACT Government prepares its budgets on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. Similar information on actual performance is published in annual reports including audited financial statements. Certain figures you request are publicly available in the TAMS Annual Report or ACT Government Budget Papers. Data is not available in the form and at the level of disaggregation requested in other questions without diversion of significant resources from TAMS ongoing business that I am not prepared to authorize.

What this Chief Minister has said is that he does not want to provide the information; it is all too hard. What is this Chief Minister trying to hide? Is it really that unreasonable for the opposition to request an operating statement and a balance sheet for the Capital Linen Service? Is it really that unreasonable to ask for such documents from the ACT Property Group or the Yarralumla Nursery? Of course it is not. It just shows that this government is unwilling to be transparent and unwilling to cooperate with other legislators in this place.

Many times in this chamber I have spoken about the problems and the many opportunities that lie within ACTION for reform to ensure that the people of Canberra continue to get good value for money. The \$100 million operation, of which \$80 million or so comes from a subsidy, is simply not sustainable. That is not a viable way to run a government agency. The \$20 million that we get from fare revenue is probably from people that are reluctantly catching ACTION buses. I think there are very few people in Canberra that are voluntarily hopping on an ACTION bus. (*Second speaking period taken.*) That is not to say that everyone is disgruntled, but I think many people do so because they have to. That is why the increase in bus fares that we are going to see from 1 July is simply unreasonable when you take into account the

service standards. If service standards are going to improve then I think people would expect to see an increase in the cost of catching a bus. But there is nothing reasonable about increasing service charges at the same time that services are obviously going backwards.

On 7 May the Chief Minister put out a press release saying, “Benchmarking shows room for bus efficiencies”. This is the independent benchmarking assessment which the government refused to release last year. Simply because it was in their interests politically, they chose not to do so. In the Chief Minister’s own words, the press release stated:

ACTION drivers are paid well above efficient benchmark—costing ACTION \$8.5 million more per annum;  
 ACTION drivers spend 14 per cent of their time not driving ...  
 ACTION employs more mechanics ...  
 ACTION mechanical staff, including mechanics, cleaners and refuellers, are paid well above the efficient benchmark ...  
 ACTION drivers take more leave than the efficient benchmark ...  
 ACTION’s higher proportion of air-conditioned buses than the efficient benchmark costs ACTION \$1.1 million more per annum;  
 ACTION has a higher level of minor bus accident repair ...  
 ACTION services operate longer hours than the efficient benchmark, with about 23.3 per cent of ACTION’s bus hours delivered after 7 pm on weekdays and on weekends and public holidays, compared to the efficient benchmark of 17.7 per cent ...

By the Chief Minister’s own words, there are efficiencies to be made—\$30 million per year. If that \$30 million were extrapolated over his time in government it would be in excess of \$250 million, perhaps, of waste within ACTION. Yet Mr Stanhope has been unable or unwilling to take any action. At some point Mr Stanhope must show leadership. He must exercise some control, step up to the TWU and reform ACTION. There are many ways of doing that without cutting wages. I urge Mr Stanhope to consider those.

One of the many reasons why I think the government needs to reform ACTION is its own commitment to the sustainable transport plan which it published some years ago, I think when Simon Corbell was the minister. When you go through the different modes as listed in the back of the document, you see just how much this government has failed when it comes to ACTION. Goal No 2:

Shift the balance of travel from private vehicles towards greater use of walking, cycling and public transport.

How does that tie in with the fact that modal share has actually gone backwards and that fewer people are getting the bus as a proportion of overall transport than did so last year? Part of the government’s goal No 3 was to complete the conversion of the ACTION bus fleet to CNG fuel. That got axed. That was another one of Mr Corbell’s less than bright ideas. Goal No 4:

Ensure the transport system contributes positively to the ACT economy.

Fewer people are getting on ACTION buses—1.33 million people fewer than expected. I do not know how that goal can possibly be met. Goal No 5:

Ensure the transport system helps make Canberra a more socially just city.

Tell me what is socially just about increasing the cost of parking and increasing the cost of a ride on a bus when services and parking spaces are getting worse. There is nothing strategic and there is nothing just about that way of running the show. Goal No 9:

Price transport use to make it efficient, equitable and transparent.

Again, this is a government that for the last two years has increased the cost of parking and has increased the cost of getting on a bus. There is absolutely nothing strategic about doing that. It is all very well for Jon Stanhope to say, “We’re going to increase the cost of parking to try and get people onto buses.” It is a two-edged sword because he also increases the cost of getting on a bus. Why? Because this government is unable to manage its expenditure; it is unable to curb its wasteful spending.

Finally, goal No 10:

Change community attitudes and behaviours to support sustainable transport throughout the city.

This government has failed. It has failed because 1.33 million people fewer than this government planned are getting on an ACTION bus. This all translates to fares representing only 20.1 per cent of the cost of ACTION and the cost per passenger being \$6.30 per passenger boarding.

In addition, just last week we saw a story that got exposed through a question on notice where three in 100 passengers are riding free of charge on an ACTION bus because of faulty ticket machines. That equates to \$547,000 per year, which is being lost because of faulty ticket machines. This problem did not happen overnight. Mr Stanhope may well say, “Well, we’re getting a new ticketing system.” But this ticketing system is running late. This ticketing system is overdue. It is a ticketing system that was called for years ago and, in fact, the Chief Minister said it would be delivered years ago. It still has not happened.

Also through a question on notice I requested information about dead running. We heard that each day an ACTION bus drives 12,665 kilometres empty, going from the depot to where it starts its route, and a further 3,500 on Saturday and 2,500 on Sunday, totalling 69,190 kilometres every week—more than 1½ times the world an empty bus goes around.

*At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR COE:** That equates to \$161,000 every single week. That is what it costs for an empty ACTION bus to start its route after travelling from the depot. The new ticketing machine means that there will be only five agents in the whole of Belconnen which will serve as a smartcard reload station—only five. At the moment there are well over a dozen places in Belconnen where you can buy a bus ticket. It will make it much harder to recharge your ticket or buy a ticket. Again, I do not think there is anything equitable about that arrangement. This budget is not fiscally responsible, it is not accurate and it is not transparent. It features wasteful spending, it includes higher taxation and it is anti family.

By the Greens supporting the TAMS component of this budget and by supporting the budget on the whole, they are quite explicitly supporting an increase in the cost of bus tickets and an increase in the cost of parking. They are supporting ACTION, which has more accidents and which has more dead running. It has an antiquated IR system and it has a modal share which is going backwards.

In addition to that, we have more waste going into landfill than last year. The government's cost of collecting rubbish from the kerbside is increasing. As has been said before, it is also prioritising the arboretum above street trees. It comes down to a core value set as to whether you want to support Canberra families with their urban amenity or whether you want to support Mr Stanhope's grandiose plans for the National Arboretum. The opposition will not be supporting those plans. The Canberra Liberals will be supporting families—supporting families in their urban amenity and in their local communities to make sure that they have street trees well into the future. I urge those present to vote against this measure.

### **Sitting suspended from 6.03 to 7.30 pm.**

**MS BRESNAN** (Brindabella) (7.30): I would like to talk about transport under this item. The ACT Greens have long campaigned on improving the ACT's public transport system. The reality of the situation is that we have one main mode of public transport and we need to provide a reliable, efficient service to encourage people to use it.

We believe that a world-class public transport system should be a goal of government, as transport should be a valid choice for all. A service that can provide commuters with a reliable and fast way of getting to work provides rich rewards socially, environmentally and economically. It is with this in mind that I acknowledge and commend the steps the ACT government has taken, in line with the parliamentary agreement, to build a better transport system for all Canberrans.

The transport for Canberra program builds upon the noted success of the Redex service that provided the first glimpse of a public transport network that represents a true rapid transit network. The ACT Greens believe that providing a genuine and effective transport alternative for everyone is a responsible investment and should be a priority for this and future governments.

Providing the infrastructure to facilitate frequent, limited-stop express routes that connect major stops at employment zones is a first step to a transit network that can

realistically compete with or even beat private car transport in terms of gross travel time. Measures in the budget that facilitate bus priority, particularly those which potentially create dedicated separate busways, help us in the shift towards a rapid transit network and are a method proven to work in other cities.

The ACT Greens support increasing modal share of public and active transport and we believe the best means of doing so is improving the service. Where public transport services effectively provide for the transport requirements of families and individuals, people, out of economic self-interest, will use public transport.

Access to effective public transport is also a major determinant of social inclusion. The ability to access services in the community is dependent upon the ability to get to and from shops, schools, work and friends. If people are not provided with adequate public transport then the vulnerable in our community are often the most heavily hit. This is why we are concerned that there are areas in Canberra where public transport is insufficient.

A particular concern is not providing public transport services to new developments in Canberra. In addition to denying Canberrans who move to these areas public transport services that those living in a modern sustainable city would reasonably expect, it increases the chance that vulnerable Canberrans in these areas will be cut off from the services they need.

The provision to extend Redex is a welcome one. Whilst the ACT Greens are somewhat disappointed that the government has not taken the opportunity to replicate the success of a rapid express route for other areas of Canberra in need of public transport improvements, the retention and improvement of the route signals a positive move to address congestion throughout Canberra.

We note that the government has been in talks with the Mayor of Queanbeyan, presumably with an eye to extending the Redex service beyond our borders to service the thousands of commuters and students who travel on Canberra Avenue every day. Such a move would provide substantial relief to the congestion which this major road experiences.

On the topic of congestion, we believe that the government should strongly consider providing a service down the Gungahlin Drive extension. The level of congestion repeatedly seen during peak hour travelling down the GDE between Gungahlin and Woden indicates that there is substantial travel between those destinations which could provide sufficient demand to operate a public transport service. In addition, the operation of a service would go a long way to alleviating the congestion problems commuters are facing each morning.

The decision to invest in infrastructure around major stops is another positive step in improving the accessibility and functionality of the public transport system, particularly along major trunk routes. However, it should be noted that substantial work needs to be done to improve infrastructure at suburban stops as well; in particular, ensuring connectivity with the footpath network. Failure to connect along footpaths provides a major barrier for people who are dependent on wheelchairs, who are often some of the most dependent on the public transport system.

This brings me to a point of significant concern in regard to the efficiency of ACTION services, particularly wheelchair accessible and bicycle rack equipped buses. The government needs to take steps to substantially improve the reliability of these services, as even occasional failure to provide service leads to a substantial disincentive to use that service. The ACT Greens recognise that, as the government gradually replaces the existing fleet with buses that are wheelchair accessible, this problem will diminish. However, during the transition period, the government needs to measure and improve the reliability of these specific services.

The government also made a commitment to have bicycle racks on all buses, and this commitment has not been met yet, which leaves the problem of unreliable bus services that I have just highlighted. The minister, in response to a question on notice, admitted that occasionally buses without racks service these routes. This all impacts on people's views on the reliability of the ACTION network and impacts their choice to use the service.

I would also like to briefly address the topic of the current and future ticketing system. We are concerned about the level of failure in the existing ticketing system. However, we look forward to the implementation of the MyWay card as the means to rectify the concern. The ACT Greens recognise the shortfalls in the current ticketing system, particularly the lack of data collected on usage patterns that is crucial to determining future route design decisions. We would also expect the number of ticketing system failures to drastically fall as a result of this new system.

We welcome the government's decision to construct park and rides at Erindale, Exhibition Park, Belconnen and Fyshwick. For commuters who work along major public transport routes, as many Canberrans do, this provides the opportunity to park for free while simultaneously combating congestion in our town centres and getting people onto our bus system. Along these areas we expect the throughput of bus users to provide not only transport benefits but a benefit to local businesses as patrons shop on their way to or from work.

We would note that consideration of the park-and-ride in Erindale will likely be a part of the Erindale master planning process that the Greens called for in a motion in this place and we would recommend that the government engage in similar consultative processes with businesses and communities in the vicinity of these new planned park and rides. We would also like to see more park and ride locations considered, in particular in Calwell and Weston Creek, to encourage public transport use in those areas and offer the same benefits to those local communities.

This and future governments face a choice when it comes to transport. We can choose to provide public transport alternatives that lower the weekly transport costs for thousands of families, reduce congestion on our roads and provide society with the ability to minimise the impact of projected rises in fuel costs, or we can choose to constantly widen roads, slow down traffic and in the long term ensure that only those who can afford ever increasing car costs have genuine and effective mobility.

While we have expressed some concerns with elements of ACTION's operations, on balance we believe that the decisions the government have made in this budget to

invest in a better public transport system are the right ones. Improving the public transport system to the point it needs to be to secure a sustainable transport future is a long process, but there now have been steps taken in the right direction.

I would also like, just briefly in the time I have got, to mention one other issue in the TAMS portfolio in my electorate, the Tuggeranong Town Park outdoor stage. It is my understanding that in the current budget there may be insufficient funding to complete the actual stage and that at this point further funding has not been forecast. It is my understanding that the current funding would mainly complete earthworks and also some of the initial foundations for the stage but that to complete the stage some other substantial work needs to be undertaken.

I would note that the Chief Minister did announce in a media release of 11 May that the funding allocated in the budget would allow for the completion of all necessary works, and it is my understanding this may be the case. We do need to recognise that this is a very important part of, particularly, the Tuggeranong Festival for it to grow and also to increase availability of that area for future events. So I look forward to hearing further from the Chief Minister on when the stage will be completed, particularly for the certainty of the Tuggeranong Festival and all of the people in the area. This will be a very important addition to the area and I think they need some certainty around when that will be completed and when they can expect to see this funding.

**MRS DUNNE** (Ginninderra) (7.40): I will speak briefly now on areas covering planning and management of ACT parks, reserves and open spaces, and a little later in the debate I will concentrate on the issue of urban trees.

Output class 1.4 in the TAMS portfolio covers planning and management of Canberra's parks, reserves and open space system. It is the work of Parks, Conservation and Lands. The total budget for output class 1.4 in the 2009-10 budget was just over \$75 million. Its estimated outcome for 2009-10 is in fact \$87½ million, which is \$12½ million or 17 per cent more than was budgeted.

On top of that overspend, it was announced in this place last week that Parks, Conservation and Lands will receive almost \$3 million from the Treasurer's advance during 2009-10. According to the Treasurer's tabling statement, it was to enable PCL to maintain its service levels. Going back a little further, I see that the total cost budget for 2008-09 was \$76.7 million, with an estimated outcome disclosed in the 2009-10 budget of \$84.2 million. So Parks, Conservation and Lands, in that period, had a budget overspend of \$7½ million or almost 10 per cent.

One thing, or a combination of three things, is happening in Parks, Conservation and Lands. One possibility is that Mr Stanhope, as the minister responsible, is incapable of understanding that PCL needs more money to be able to do what it has to do. Another is that Mr Stanhope, yet again, is so distracted by his personal legacy projects such as the arboretum and public art that he has taken his eye off the ball and allowed inefficiencies to perpetuate within this agency. The third possibility is that Mr Stanhope simply cannot do the numbers; so let me do them for him.

For the last two years in a row, PCL has overspent its budget. Against a total cost budget of \$76.7 million for 2008-09, PCL disclosed an estimated outcome of \$84.2 million. But for the 2009-10 budget the minister was unable to convince his cabinet colleagues that PCL needed more money to be able to do its job. So they set the total budget at \$75 million. Not only was this less than the estimated outcome for 2008-09, it was actually less than the total cost budget for the previous year, \$1.7 million less.

So in 2009-10 the inevitable happened. Again, a total cost budget of \$75 million ended up being \$87½ million, with a further \$3 million on top of that from the Treasurer's advance, announced last week. We can only speculate on the reasons for this budget overrun. And why is it that we can only speculate? It is because this government, under the leadership of Jon Stanhope, have an aversion to accountability, openness and transparency. Question after question is returned either with a non-answer or with no answer at all because it is too hard for them to pull together.

Earlier in the day, Mr Seselja touched on the level of questioning in relation to how output classes work, what programs there are in each output class and how much money is allocated to them, and I noticed that Mr Rattenbury asked questions in this area in relation to PCL in the estimates. He got an answer, but he got an answer for the financial year which is about to conclude, not for what the government proposes to do in PCL in this coming financial year, which begins the day after tomorrow.

When we ask questions about the budget that starts the day after tomorrow, the government are either incapable or unwilling to tell other members of the Legislative Assembly, and through them the people of the ACT, what they propose to do. PCL is an important area. It is the area that does all the mowing. It is the area that looks after all of the reserves in the ACT. The ACT has as a proportion of land mass more reserves than any other jurisdiction in Australia. It is an extraordinarily important area. It is the area that is responsible for maintaining our biodiversity. As we spoke about last week, it is the area that is responsible when the awful inevitability comes of conducting culls of kangaroos. It is also the area that is responsible for culling and eradicating feral animals. All of this is designed to ensure the continuance of our biodiversity.

But this minister and this government are incapable of telling us with any degree of certainty what they do and what they propose to spend money on this year. And they are incapable of giving reliable answers with any degree of certainty about how effective the programs were for previous years. There is one exception: I did find quite fulsome answers from the Chief Minister, in his guise as the minister responsible for PCL, about the rabbit eradication program over the last few years at Mount Painter, Mount Majura and the Pinnacles. I have to congratulate the staff, through the minister, for the strong work that they have done in that area. But, generally speaking, I have found reluctance from the Chief Minister to answer questions about what is being done in this important area and, because of that, we are in a situation where we are not able to offer sufficient support to the people on the ground who are doing hard work.

This is an area of quite significant importance in relation to maintaining our biodiversity. But, because of the incapacity of the minister to communicate in this area, there is no way that people interested in the area can offer their assistance, critique or support for the work that is being done, and there is substantial important work that needs to be done in relation to the large number of action plans for endangered species and endangered communities.

All of this work comes within the \$75 million to \$85 million which is spent in this area every year. It is important work in the area of our land management. It is important for weed control, for biodiversity maintenance, for eradication of feral animals and for maintaining the balance of the large species that can get out of population balance because we do not have large predators very much in an urban area. These are issues that need attention and need support from this government.

But the minister, as usual, is not interested; he is madly texting away rather than listening to the critique of what is happening in his department and, therefore, not supporting the highly professional people who work in his department and the highly professional people in agencies and institutions across the ACT who want to participate in protecting our biodiversity across our reserve lands, in particular, but also in our urban parks and places.

There is a lot of work to be done; but I think the minister is not capable of concentrating on what needs to be done there—and we are the poorer for it.

**MR RATTENBURY** (Molonglo) (7.49): In August last year the Chief Minister came out and said that Canberrans would be asked to make a gold coin donation to help the upgrade of walking trails in the Canberra nature park network. I think this was an attempt to raise money to help with the upkeep of our parks, particularly Namadgi and Tidbinbilla, as the TAMS budget blew out.

At the time, the Chief Minister acknowledged that the city was growing, that the TAMS budget was under pressure, that 54 per cent of the ACT falls into the national park and reserve systems and that the management of these comes “at a very, very significant cost”. The Chief Minister also said at the time that the collection of gold coins was part of a conversation with the Canberra community about what level of service they think is appropriate, how they think we should pay for it and the idea of engaging with the community about how precious national parks are and what their views on that were.

I want to reflect on these comments in discussing the TAMS budget for parks and conservation. Mrs Dunne has already spent some time on this and I think highlighted some of the problems. Firstly, let me say that we believe the Chief Minister when he says that management of parks and reserves costs money, although sometimes it is difficult to find out exactly how much money it really does cost.

I make this point because there is a very strong community of people out there who want to know exactly how we are resourcing the management of our parks. What are we spending our money on and where in the ACT is it being spent? And whether or

not resources allocated are growing in response to identified needs and our expanding reserve system. The concerns of many who care about our parks and reserves is that resourcing is barely keeping up and that those who look after our parks, paid staff and the many park care volunteers around the ACT, are struggling to meet the challenges of feral animals and plants, erosion and habitat protection.

For me at least, this came through very strongly when I attended one of the public sessions of the commissioner for the environment's current inquiry into the state of Canberra nature parks. I think the theme that came through was—and there were a lot of people in the room who were very passionate about the nature parks—a real sense of frustration and a real sense of despair at the state of the parks and some of the gaps in resourcing.

I think in terms of the challenges that our parks face, the challenges are not going away. It is likely that we will add to our reserve areas, hopefully through additions such as the central Molonglo valley. But we know that the African lovegrass, the rabbits, the willows and the wasps do not take a holiday. Protecting our natural areas is an ongoing challenge from which we will not even really be able to rest. And as we add to our reserve system, we must continue to add the resources required to maintain them in good order, to protect biodiversity in habitats but also to make them places that we can enjoy. The truth is that parks do not look after themselves and, the closer they are to urban areas such as in Canberra, the more prone to threats they are. And many of those threats come from us human beings.

I would like to take this opportunity to pay homage to the work that is undertaken by park care groups in the ACT, particularly in light of this budget debate, because there is no doubt that park care groups have a great capacity to assist the government in their management of reserves. There are 17 active park care groups in the ACT—12 in the Canberra nature park, four in the rural regions of the ACT and one at the Watson woodlands. In 2008 and 2009 they contributed upwards of 10,000 hours of time towards our parks and reserves. Considering the return, the government invests a very small amount into the park care groups, around \$65,000 per year, which includes salaries and operational costs such as tools and equipment and support from rangers.

In terms of this year's budget, the Greens welcome additional funding for the Jerrabomberra wetlands, Mount Taylor and Mulligans Flat, which we understand were prioritised for new funding as a result of internal discussions at PCL. There is no doubt that Jerrabomberra was in need of some care and, having been out there, I am all too aware of the willows and the blackberries clogging up the creek. I know that there is much to do at Jerrabomberra and, while it cannot all happen at the same time, it was well beyond time to get started. This is a welcome start. Hopefully the renewed focus on the wetland as a result of the East Lake development will drive its renewal over the next few years because the wetland is a precious natural asset right in the heart of our city.

It is hard sometimes to understand, aside from new measures, where funding in PCL is allocated on an annual basis. I now understand that the detailed prioritisation happens after the money is allocated inside the department and as a result of feedback

from park care groups and rangers. So between now and the annual reports hearings we will be trying to piece together the puzzle that is our non-urban parks management to see whether we can get a clearer picture of the direction of our resourcing across the board, because through estimates hearings it is becoming increasingly obvious that we cannot get the detail that we seek in parameters that we think are useful and meaningful to those constituents who value our natural areas.

Indeed, we were told in estimates that TAMS has “deliberately integrated its land management activities” and that there is not a regularly distinct breakdown between urban and non-urban parks. This intrinsically makes it more difficult to determine the value that we put on our non-urban areas as opposed to our urban areas.

This takes me back to the comments made by the Chief Minister in his press release last August when he said he was keen to engage with the Canberra community about what level of service is appropriate and about how precious our parks are. Can I say to the Chief Minister that it is very hard to engage in that conversation when we do not actually have an easy understanding of how much is spent on our non-urban parks.

I turn to some specific issues that were not funded in this year’s budget, at least as far as I can determine. Firstly, it was confirmed there is no funding in 2010-11 for a state-of-the-park report for Namadgi, which is a disappointment. I am not really sure how focused the government is on Namadgi. The management plan is still to be released. The revised draft management plan was debated publicly in mid 2008 in the Sixth Assembly, the previous Assembly, and yet we still have not seen the final version. So we are unclear whether a requirement for a state-of-the-park report will be included in that plan. But the signs are not looking too positive.

It has taken a long time for the government to get a management plan in place for Namadgi. I know the National Parks Association released a document in 2002—that is right, 2002—indicating what they thought should go into a new management plan. Nearly eight years later we still do not have the plan. I am sure that the National Parks Association awaits this publication with some anticipation.

One of the things that the NPA wanted to see in the management plan was a requirement for a state-of-the-park report. Such a report would come into its own as an indicator of the ecological values of the park. This would seem important to me, especially against the backdrop of a government that seems more concerned about the anthropocentric indicators for parks and reserves in their budget report. Indeed, while I can sense some frustration at using the report on the delivery of programs for pest plants and feral animals as a budget indicator, as has been used over the last couple of years, I am more perplexed at the new budget indicators that Parks, Conservation and Lands have set as targets for next year—that is, customer satisfaction with the management of nature parks.

From questioning in estimates, it appears that this is to be the only indicator of successful outcomes in our nature parks. While I too think it is not a bad thing to know whether people like the toilet blocks, the barbecues or even whether there are enough rubbish bins, what about the fundamental reason these places, in particular Namadgi, exist?

It seems to me that the intrinsic value of our parks gets lost if we do not keep at the front of our minds what the objective of our national parks really are—to protect our flora and fauna, our natural environment and cultural heritage. While we, the community, might enjoy appropriate use of our parks—and indeed we should so that we are exposed to their value and their beauty—this is not their primary objective. I would urge the government to revisit these indicators and to seriously consider how they can make a valid assessment of the ecological state of our national parks in particular.

I know, as I touched on earlier, that the environment commissioner is conducting an investigation into the Canberra nature park. I welcome and look forward to that assessment but we must continue to monitor the state of reserves and park areas effectively; otherwise we cannot effectively advocate for the funding they need to be well managed.

I would like to speak about rangers for a moment. We welcome the government's assurances during estimates hearings that the number of rangers is not going to drop this year but remain concerned that rangers are under pressure. There is not going to be less work and, indeed, concerns in the sector are that parks and conservation staff remain stretched, are spending too much time on administration and that the demands on them will only increase. This is an issue that I look forward to pursuing with the government over the next few months.

I would also like to talk about weed and feral animal management. We know that this is a difficult area and that we can probably always throw more money at this issue. I did put a question on notice to the department about the projected spending on weeds and feral animals for the 2010-11 year and I must say that, while I can appreciate being told that it had not yet been determined and that it would be about the same as last year, it was not especially helpful not to be told what last year's spending actually was. *(Second speaking period taken.)*

It is my understanding that there are still some deficiencies in spending on weeds in particular, with the annual spend over the last few years gradually diminishing, and it is clear that we are not getting a hold on our weed problem in the ACT. Rather, it is getting a hold on us. It is not just in the reserves and park areas where this is a problem but it is also a problem in open-space road corridors that are adjacent to reserve areas and seem to just serve as a space for weeds to prosper. Yet information provided by the department to stakeholders has also indicated that the annual hours of ranger time spent on weed management has dropped since 2007.

I would like to spend a little time on one of those nasties, the wasps. In the middle of 2008, the National Parks Association raised concerns with the government that we are seeing an increase in the prevalence of wasps in the ACT, with movement occurring from the urban to the non-urban areas. This problem has not gone away, and wasps are now spreading through Namadgi and have been seen as far away as Gudgenby. Still we have seen no action.

This is a problem because, by the time we get around to funding any work on this, the problem will be a whole lot bigger. And it is not the way to manage pests. We need to

take a much more proactive approach. Rather than just leaving the problem and hoping it will go away, we need to get on the front foot. I note that in 2008 the minister said he was happy to consider any requests for funding in the context of the next budget. We have had two budgets since then and still we have not seen this issue dealt with.

With regard to the recreational management plan, unfortunately I have also become aware that there is to be no funding for a recreational management plan for our parks and reserves. This is a real shame, because we know that there are competing uses for our parks and we absolutely do not want to see clashes between community members who are looking to use our parks for recreational purposes such as horse riding and trail biking.

We have already seen this year elevated levels of concern with the large-scale orienteering event that was held in Namadgi at Easter and concerns that the impact of the event on the park may be detrimental. It would not have cost the government much to have run a consultation with user groups to move forward on this sooner rather than later and we really think that the government needs to get moving on this.

In conclusion, I understand that there are many competing priorities in a budget and that in all portfolios there will be a case made for expenditure that the government chose this year not to fund. But I believe strongly that we must advocate for our natural environment, because it is repeatedly missing out, because it is so important for this city and because it cannot advocate for itself and is so easily forgotten. I hope that the visual created by the Chief Minister of Canberrans donating gold coins to help out with the funding of our parks is not the funding vision we will have to rely on, because in the end our parks deserve more, much more.

**MR DOSZPOT** (Brindabella) (8.01): The Canberra Liberals will not be supporting this unreliable, unbelievable, anti-family and distinctly poorly prioritised budget. Leading up to the budget announcement and estimates, the sports and recreation portfolio had a seemingly schizophrenic personality. On the one hand, community sports groups were alerting the government to an acute shortage in community sports fields and the subsequent impacts of that on many Canberrans' ability to participate.

This was no marginal community group dissatisfaction lashing out at the minister. On the contrary, according to the *Canberra Times*, this was the sentiment of clubs from sports associations such as football, AFL, rugby union, rugby league, hockey, basketball, tennis, and volleyball representing approximately 95,000 Canberrans. What they were highlighting made perfect, intuitive sense. Community sports facilities are running at capacity and are being stretched to meet demand.

This had several implications. Firstly, an increase in demand will lead to an increase in the cost of participation. Secondly, with limited facilities and increased costs, this will result in a decrease in community sports participation and will ultimately impact on social and physical health within our communities.

On the other hand, the minister's response was typical. Communicating through photo ops and media releases, the message and intent was clear: \$8.65 million for several

large-scale sports and recreational projects; \$15.61 million in capital funding for a range of targeted investments in sports; \$13 million for upgrading and developing sports facilities.

It is incredible how the minister uses a few figures here and there, mixes and matches them, re-announces them, reuses projects, and comes up with a plethora of media releases. He hopes that the public oohs and ahs at these announcements. Of course, there is that other media release that proudly proclaimed the government was bringing on line six sporting fields.

The minister is fond of blaming the opposition for opposing for opposition's sake, but the only truth here is his consistent myopic usage of this phrase in a vain attempt to hide the fact that the Canberra Liberals are working hard at holding the minister and ACT Labor accountable.

Returning to the issue of community fields, sift through the minister's legacy construction projects and media buzz and we see that this is what he has to say:

I think there are some that, given that they have been out of circulation for so long, could have an alternative recreation usage. One of the things I am interested in looking at is the model that we are establishing in Crace ... if this model works ... an option to consider in the future is to look at what other sorts of sports and recreation could be supported rather than just rehabilitating grass if we do not need that.

Madam Assistant Speaker, that statement speaks for itself. It requires no further elaboration. Sporting clubs want their community fields back, and the minister is waxing on about half a tennis court and picnic facilities. As is slowly becoming apparent, the word "need" is a subjective one. Community sports organisations need their fields back. The minister needs his publicity fix. According to the government, since 2002, 41 fields have been taken offline due to stage 3 water restrictions and have not yet been fully brought back online.

I find it incredible that the ACT Labor government had since 2002 to address this issue and has yet to come up with nothing substantial in bringing these 41 fields back online. Upon inquiring about the government's \$8 million "where will we play" outdoor sports facilities water reduction strategies, the response was clear. The initiative has been moved to 2011-2013 due to project complexities and scale viability issues.

But according to another of the minister's media releases, this government has spent \$30 million on drought-proofing sportsgrounds to ensure that Canberrans have access to sporting facilities even in the face of ongoing drought. Well, Mr Barr, 95,000 Canberrans may not fully agree with you and six sports fields out of 41 since 2002 is just not good enough given the amount of taxpayer money already spent. I think your position on rehabilitating grass for community sports fields is moot. You already feel that the community does not need it.

2002 seems to have been a watershed year for ACT Labor government in the sports and recreation portfolio. In addition to taking 41 community fields offline, it was also

the last year the government conducted any review on its triennial funding program. Through my questions and Ms Hunter's questions on the issue in estimates, the government conceded that hire fees increase every year by CPI. The reason why triennial funding did not match increases in CPI, Mr Barr conceded, is just a budget issue. Even as it was noted by the government that hire fees increased by CPI, Mr Barr was insistent on not having increased funding thresholds over the last eight years. In his words:

We have not indexed the operational assistance to CPI. Undoubtedly, there would be the argument: why pick CPI; why not pick some other form of indexation? Ultimately, it is a budget issue. It means your grants program would just spiral out and out, potentially out of control.

I suppose this would happen when the territory's revenues are channelled to fund the minister's legacy projects and not to community programs. It was, however, surprising to see that the minister came to his senses. In a June media release it was announced:

Local peak sporting groups will be able to apply for ACT Government funding of up to \$60,000 a year from 2011 to help them run and grow their sport, Minister for Tourism, Sport and Recreation Andrew Barr announced today.

The minister was quoted in saying:

We recognise that increases in salaries, insurance and facilities hiring costs are placing increased pressure on the ACT's community sporting organisations. In order to ensure the ACT remains the most active and healthy community in Australia we are increasing the amount of operational assistance peak local sporting groups can apply for through the Sport and Recreation Grants Program.

It only took eight years for that realisation to sink in with Mr Barr, and it is obviously only a coincidence that this Andrew Barr backflip occurred after this glaring anomaly was highlighted through estimates.

Instances like this do make being an elected member of this Assembly meaningful. We have enabled the minister to consider his position and to do the right thing by Canberrans. Yet at the same time we can say that Mr Barr has yet again done a backflip, a backflip that we are becoming more and more used to. That said, I do hope that the minister is genuinely increasing financial support for the triennial funding program and not merely shifting funds from other initiatives that will then be left short of funds themselves.

Lastly, I would like to express our interest in following developments on how the government would be assisting sports organisations in the ACT to generate their own revenue streams. The minister did not articulate whether the economic impact study would be used as a foundation to look into possible revenue generation models for sport in the ACT or as an initial basis for a more commercially focused sports industry plan. If this were not the case, this would seem like a wasted opportunity.

This is a budget that is not accurate. It has unrealistically pessimistic and incorrect economic indicators such as employment numbers, which forced the Treasury recall.

It also contains precious little information about how much GST will be withheld by the commonwealth under its health reforms.

It is a budget that is not transparent, with ministers failing to inform the estimates committee of the most basic of information through the questions on notice process and refusing to detail their spending due to internal budgets having not yet been determined. Madam Assistant Speaker, the Canberra Liberals will not be supporting this budget.

**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) (8.11): I will respond very briefly to the issues raised and thank members for their contribution. I think it is important in relation to any discussion around the TAMS budget and the role and function of TAMS to appreciate the particular pressures which we as a jurisdiction face in relation to supporting our city, our urban amenity, and our nature reserves and parks.

Of course, the ACT is blessed with the highest proportion of nature reserves—in excess of 50 per cent. It is interesting to reflect on that by comparing it with the level of nature reserves and parks in other jurisdictions and, of course, the relative level of effort required to support those parks and nature reserves to the extent that you would like or that you know people would expect.

The comparison is somewhere in the order of 52 to 54 per cent of the ACT is nature reserve. I am relying at one level here on my memory. But the next highest level, percentage-wise, for a jurisdiction in relation to nature reserves is Victoria where I believe it is 16 per cent. I could be corrected on that figure, but I believe it is in the order of 16 per cent.

Victoria, with its capacity, its size and its economy has the second largest area of nature reserve in Australia at about 16 per cent of its land mass. This compares with the ACT—certainly with a budget now approaching \$3.5 billion—with 54 per cent of the territory as nature reserve.

The position is similar with our urban area. The level of urban open space, with the number of trees and the relative effort and resource required here in the territory to manage this garden city, is far in excess of any other council, city or jurisdiction in Australia. I understand that the ACT has 17 times more open space on a pro rata basis than the city of Sydney, a city of four million people. We have 17 times as much open space to maintain.

I just use those two examples to explain some of the particular issues or pressures that an ACT government, any ACT government, faces in the management of this city. Members need to be aware of that and sensitive to it in any reflection on funding decisions that are made.

As far as TAMS is concerned, in this budget there was very little new money, additional discretionary funding. We need to remind ourselves of the parameters

within which this particular budget was drafted. It is a small budget in relation to the proportion of increase in operational expenditure reflected in it. It is tiny as a proportion of the overall budget.

The budget is devoted to maintaining core services, whether they be in health, education or territory and municipal services. The overall focus of the budget was to continue to maintain existing services. To the extent that it could expand those existing services, we have done our best. But it needs to be understood in an operational sense that the additional operational expenditure in this budget, mindful of the fact that we are still predicting deficits of somewhere in the order of \$200 million over the term, is in the order of about \$40 million spread across all departments. That is, of course, reflected in our capacity for extra expenditure in territory and municipal services.

Members have raised particular issues of particular concern to them. We have all got those issues. The government has attempted to be objective and clinical in identifying those areas where in this budget we felt we could invest additional funds. In that regard in this budget we focused particularly on public transport. There is reflected in this budget somewhere in the order of \$100 million in both operational and capital funding directed specifically at public transport.

It is a very significant part and parcel of the overall budget. It is a first payment on a new burst of investment in public transport. I have absolutely no doubt that it will be repeated in years to come as we roll out funding to pursue the design and feasibility of all of the projects that have been identified in this particular budget. I think it is tremendous for the government to find \$100 million in a single budget for public transport initiatives across the board. It is for additional bus services, expansion of Redex, bus priority lanes, park and ride, bike paths, lighting, footpaths and design studies.

We are attacking some of the big and intractable issues that this community faces. Most particularly, we are attacking some of the issues in relation to priority bus lanes on major routes—the north, south, east and west routes. I refer to Northbourne Avenue, the busiest road in the ACT. Canberra Avenue also has issues which we are determined to tackle through this budget.

I will conclude by actually thanking the estimates committee, most particularly those that worked cooperatively to produce the consensus majority report. The government has responded to all of the recommendations made in relation to Territory and Municipal Services. We are happy to agree to, or note those that really are not requiring specific action, all of the recommendations made. I thank the consensus majority-based committee for its work.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (8.17): The 2010-11 ACT budget provides a significant increase in funding for the sport and recreation sector, most particularly \$15 million in capital funding for a range of targeted investments.

This is because the government value the contribution that sport makes to the social and economic life of the territory. It is why we will continue to promote active and healthy lifestyles and to encourage community participation in sporting activities. In this year's budget a total of \$4.2 million has been provided to continue the significant redevelopment of the Lyneham precinct, in accordance with the master plan for the area. This funding will go towards significant landscaping work, a children's playground, an amenities kiosk, directional signage and establishing sealed car parking in the precinct.

The budget also includes a range of upgrades to Canberra stadium, Manuka oval and Narrabundah ball park. Just over \$2.5 million has been allocated to replace the old video screen and scoreboard at Canberra stadium. It will also upgrade the stadium's internal television distribution system to digital and undertake a range of other improvements.

Throughout the coming year, six sporting ovals, some new and some refurbished, will become open to the public. These new ovals will add to the more than 256 hectares of irrigated, fully maintained sportsgrounds that the territory government manages. The ovals to come online this year are the Harrison neighbourhood oval and the northern end of the Harrison district playing fields, Ngunnawal neighbourhood oval, the Nicholls synthetic oval, Phillip oval, including its new pavilion and, later, the southern end of the Harrison district playing fields, and the Bonner neighbourhood oval. This is a great outcome for community sport.

To address various safety and compliance issues, a range of works totalling \$407,000 will be undertaken to the Hawke stand and the Menzies stand and to the scoreboard at Manuka oval. This includes repairing cracking in stairs, replacing stairs, adding extra rails and installing a fire sprinkler system in the scoreboard structure.

Following the very exciting announcement that a Canberra team will be entering into the new Australian Baseball League this year, the government has provided over \$1 million to upgrade the Narrabundah ball park. This involves improving the playing surface, upgrading lighting towers, installing a new electric scoreboard and improving player amenities.

As informed members of the sporting and wider community know, the government have made massive investments in keeping sporting facilities online, even in the face of the ongoing drought. If there is one thing that we have learnt from the drought, it is that we need to invest and to innovate, to ensure Canberrans continue to have access to quality sporting facilities, and this year's budget continues our investment in this area, with allocations to a range of sensible water saving projects.

These projects include \$300,000 to help reduce reliance on our precious drinking water supply at the Murrumbidgee Country Club and Yowani Country Club. Funding will enable the Murrumbidgee Country Club to build a pipeline for the Murrumbidgee River and an associated pumping station. It will also allow Yowani to construct a pipe and dam to harvest stormwater from Sullivan's Creek, to help water their golf course and bowling greens.

This will complement other drought proofing initiatives funded through the “where will we play” initiative. This year’s budget provides a further \$2.599 million to continue the program of community and major sports facility upgrades, ranging from upgrading pavilions to improving playing surfaces. As part of these upgrades, a total of \$1 million has been provided to deliver a range of water demand management initiatives at priority ACT government sportsgrounds.

This includes the replacement of old and inefficient irrigation systems and greater use of drought tolerant grass. Nearly all of our irrigation systems are over 20 years old, and some are 40 years old. Recent audits have recommended that systems older than 20 years should be replaced or renewed, and this will lead to water savings of up to 20 per cent.

It will ensure water is applied in a highly efficient manner, which will make for a more uniform and healthy turf cover. Where possible, we are converting sportsgrounds to couch grass, which provides water savings of up to 50 per cent. This follows on from similar couch conversion work that has recently been completed at the Hawker international softball centre and the Narrabundah ball park facilities.

The government makes sound investments, building facilities where they are most needed, in areas of increased demand and growth. It is the same whether it is in the schools or the sports portfolio. That is why I would like to draw particular attention to what this budget provides by way of sport and recreation facilities for the growing community in Gungahlin.

Gungahlin will benefit from more than \$8.6 million for several large-scale sport and recreation projects. Gungahlin is one of the fastest growing regions in the country and it is imperative that this community continues to be provided with sporting facilities and recreation opportunities to keep pace with that growth.

The budget provides a further \$6.5 million for the construction of infrastructure works to support the Gungahlin wellbeing precinct. This precinct includes an enclosed oval, recreation centre and town park. The oval, funded in last year’s budget, will cater for all major football codes to a senior level. It will provide grandstand seating for 580 people and open seating for a further 850. There will be two official change rooms, public toilets, a first aid room, a kiosk, a function room and storage facilities. This new oval will provide a high quality competition venue and be comparable to similar facilities in other regions of the city. The budget also provides more than \$1.4 million towards the forward design of the Gungahlin leisure centre component of the precinct. It is envisaged that this centre will offer aquatic facilities, courts, a gymnasium, an aerobics room, meeting rooms, cafes, a creche, change rooms and toilets. This project will provide a significant boost to recreation opportunities in the Gungahlin region for both organised and non-organised sport.

To allow the government to continue to plan for the future expansion of Gungahlin, the budget provides \$500,000 to progress the design of the Throsby multi-sports complex. This complex will cater for numerous sports. It is proposed to feature irrigated sports fields with training lights, a pavilion, netball courts, tennis courts and

a central amenities building with squash courts, change rooms, toilets, meeting and office space, a cafe and a child minding centre.

The government recognises that increases in salaries and in insurance, facilities and hiring costs, are placing pressure on the ACT's community sporting organisations. In January of this year, I undertook to review funding levels for the next triennial funding agreements. These agreements come up for three years at the next grants round. I was pleased to recently announce, following that review, improved funding arrangements for local sporting organisations, so in the next triennial funding round, under the sport and recreation grants program, local peak sporting groups will be able to apply for ACT government funding of up to \$60,000 a year from 2011 to help them run and grow their sport. This represents a possible increase of up to \$18,000 a year for some organisations. So, from 2011, the large category A organisations, such as Basketball ACT and Hockey ACT, will be able to apply for up to \$60,000 per year. Category B organisations will receive up to \$38,000, up \$12,000. Category C organisations can apply for up to \$22,000, an increase of \$8,000, and category D organisations can apply for up to \$14,000, an increase of \$5,000.

Our investments in sport and recreation are important, and they are well targeted. The government recognises that sporting groups provide opportunities to get fit, to stay healthy and to develop new skills as sportspeople, members of the community and administrators. The government recognises they provide opportunities for Canberrans of all ages to get involved in our community and to socialise. By encouraging Canberrans to be active and healthy, sport and recreation organisations are already helping to ensure our health system will cope into the future with our ageing population.

The continued high level support the government is providing is designed to help local sporting organisations hire more staff, provide a broader range of programs for Canberrans, and to further invest in their facilities. Ours is the most active and healthy community in the country. This fact was recently reinforced with national and local data. The government, through its sound financial management and targeted investment, aims to keep our city leading the nation.

I commend the sport and recreation investments in this budget to the Assembly. Last year the Canberra Liberals voted against funding measures for sport and recreation, as part of the doctrine of opposition for opposition's sake. This year, it appears, will be no different. That said, I welcome the support of other members of this place, who will vote in favour of these investments and, by doing so, will show their support for all those involved in sport and recreation.

**MR SMYTH** (Brindabella) (8.27): I am surprised the minister has got the nerve to use his old line of opposition for opposition's sake, given that he scurried in here very quickly on Thursday morning last week—and he scurries out of the chamber now, as he does so often—having lambasted the opposition for opposition for opposition's sake on the Wednesday over concerns about the Shepherd Centre and Noah's Ark and then coming in here and very quickly saying, "We have reversed the decision," and then bolting as he does so often. "Opposition for opposition's sake" is a line he uses often but that is what you would expect from one bereft of any originality in his thought or his actions.

TAMS is a very important part of the budget. All parts of the budget are important but this is municipal services. This is at the heart of how the city operates—a very important part of the budget. Of course one of the big issues across all portfolios was the savings and how the savings were to be achieved. If members go to page 98 of budget paper 3, a large percentage of the savings comes from the fact that the government is going to rip \$11.238 million out of street trees, deferral of tree planting. Of course that is in TAMS.

I did not hear the Chief Minister talk about it. I am not sure I have heard anybody from the Greens talk about it. Indeed, when you go to volume 1 of the report looking for recommendations perhaps for the deferral of this, there is nothing. There is no mention of street trees in territory and municipal services.

I thought that it must be in the environment. So I went to the environment section. There is absolutely no recommendation at all in the environment section of the budget for the Department of the Environment, Climate Change, Energy and Water. Mr Speaker, you, Ms Hunter, Ms Bresnan and Mr Hargreaves would be shocked.

I thought that it must be in LAPS. So I went looking for the recommendations in LAPS, LDA or ACTPLA. There are lots of dot points and there is a nice index to the budget and the estimates but unfortunately there is no recommendation.

So I am quite shocked that those that purport to represent the environment in this place and those that purport to love trees the most are actually not saying a word on the \$11.238 million that is being ripped out of this budget by the Chief Minister, a self-confessed lover of trees, without any objection—absolutely no objection. But the only saving, the only significant saving, that can be found is street trees.

This is the bush capital. We are extremely proud of the bush capital. We all talk about Canberra being the bush capital. But the bush capital is slowly being chopped down by the Chief Minister and not renewed. And I think that is a shame. That is an extreme shame and it really is a reflection of the shallow words of the Chief Minister when he says he loves trees. But we are not going to proceed with this program.

I think it is a flawed decision and it is a decision that in fact I would like the Chief Minister to stand up and change. He could reinstate that money. He could take that money out of the arboretum. It will slow down the process of the arboretum some. It would appear that this is a report more interested in vanity projects than looking after the community.

In the estimates response that the Treasurer tabled this morning—it is quite interesting—one of the paragraphs is:

The Government is concerned about the direct criticism of the Chair, who the Government believes conducted the hearings in an efficient and professional manner.

Yet when you look, the efficient and professional manner has not managed to find a single fault or flaw in the environment department or, indeed, in LAPS, LDA or

ACTPLA—a fairly significant proportion of the budget, fairly significant portfolios in the budget. But of course the professional manner has given us a dot point summary of what happened in the hearings but has not given us any recommendation—no work, no recommendations, no consideration, no thought, nothing in the report really, except a useful guide to the *Hansard* of the estimates process. And I am sure people will note that.

Oddly enough, in the dissenting report, recommendation 1 is:

... before committing to discretionary spending on projects such as the Arboretum, the ACT Government should ensure that all the basic needs of the community are being met.

That is a reasonable recommendation. Recommendation 2 is:

... given their importance to the Community, the Government should divert funding from the Arboretum to the replacement of street trees to maintain the unique look and feel of Canberra's suburbs.

So people may well question who in this place actually stands up for the suburbs and who stands up for the trees. It is clearly the Canberra Liberals who do. It is clearly not the Labor Party and, surprisingly, not the Greens in this case. That is most disappointing. Then again, we are used to third party insurance fraud, are we not?

It is interesting that the Chief Minister has chosen to rip out this \$11 million from the budget, rip it out root and branch no doubt, to cover the other mismanagement that is so chronic in this budget. There is no budget plan. It will be interesting to see what savings are achieved, given the \$18 million or \$19 million splurge last week in the Treasurer's advance where a number of the departments were unable to control their budgets, including TAMS and ACTION, that yet again had to be bailed out because the government cannot control its spending. It is the attention to detail from the minister and from the government about how they deal with the TAMS budget that really needs to be questioned.

The Chief Minister, when he spoke, said it is a transport budget but you really do not see a plan in this budget for a considered delivery of all elements of a transport network, whether it be roads, whether it be public transport, whether it be things like cycling, whether it be walking paths. When you have got a minister who just seems to have to spend money, without any concerted plan or any considered plan—and certainly one of the criticism around the city at the moment is that there is so much going on in such a higgledy-piggledy fashion—people are querying what is going on.

You have got enormous roadworks on Gungahlin Drive because of the ineffective management of the budget to deliver that project. A lot of traffic really is coming down Northbourne Avenue. What do we do? We start a project on Northbourne Avenue and London Circuit at the same time.

To compound that, there is still no action on the Majura parkway. The poor relationship that the Chief Minister has with the federal government, his federal Labor colleagues, is not doing the people of the ACT any service. It is a national road. It

should be funded. They have been there for nine years. The government is not getting anywhere with it. They really have to deliver a plan some time soon on how they will deliver this key road.

For years, they neglected the roads around the airport—absolutely years. And we see the road network there coming together now, largely through the effort of the Canberra Airport Group who have managed that program quite well and have done very well with the delivery of that project. Perhaps we should outsource all the road management in the ACT to the Canberra Airport Group. They seem to be better at it than the Chief Minister is. But we do have to have some answers, particularly about Majura parkway, as the population of Gungahlin grows. The needs and requirements will be there. The Chief Minister really does have to answer that question.

It is also interesting, of course, that the fifth budget paper disappeared. The initiatives are in budget paper 3.

**Mrs Dunne:** It is because they could not spell it.

**MR SMYTH:** As Mrs Dunne points out, they could not spell “infrastructure”. They had “infastucture”. In the index I think it is spelt differently again. It is quite interesting that you can misspell “infrastructure” two or three ways in the space of two or three pages in a document. The lack of attention to detail really is evident in the way that the Chief Minister is not across his portfolio.

It brings me to the next area that I would like to speak about, which is the Pialligo quarry. There are two quarries at Pialligo. This is a matter that has been ongoing over a number of years. One of the quarries is quite active. I am not sure of the status of the other one. But it is the site for all of that honeysuckle stone, the honey-coloured stone that we see around Canberra in so many retaining walls and buildings, that is the Canberra stone. This is the site for it. If you want to do earthworks, if you want to do retaining walls, if you want to do bridges and anything else that you need with this sort of stone, this is where it comes from.

There has been an ongoing issue over a number of years and it is clear that the Chief Minister, as Minister for Territory and Municipal Services, had no idea of the history of the matter, given his answer in estimates this year. There are concerns about the delay in dealing with the issue relating to these commercial activities, particularly concerns about the inability of at least one of the quarry operators to get any sense out of his dealings with the ACT government departments and agencies. I know Mr Coe has written to the government on this matter and I have raised it with the Chief Minister’s office.

In particular, I am very concerned with the Chief Minister’s comment that the government could proceed unilaterally with this matter if no responses were received. And it is not really a correct representation of the situation for at least one of the quarries involved.

I noted a response to me from the office of the Chief Minister of 14 April this year in relation to one of the quarries. (*Second speaking period taken.*) That response was quite clear. I read from the Chief Minister’s chief of staff:

Dear Mr Smyth,

I am responding to your query regarding the Pialligo Quarry. I apologise for the delay in getting back to you.

As you are aware TaMS has been seeking a solution on this matter with Mr Barac for some time. A 2009 offer of licence over two blocks for a ten-year term initially received in-principle support. However, Mr Barac subsequently rejected the offer. It was not until September 2009 that Mr Barac indicated that he would be willing to accept the two-block proposal.

That was in September 2009. This is now May 2010. The letter continues:

Senior managers have since been working to identify the legislative and logistical requirements that will be applied to the new licence, which they will shortly provide as a draft to the quarry operators. This will include advice of an appropriate licence fee, determined by the Australian Valuation Office.

Correspondence to Mr Barac confirming this offer and associated conditions is currently being prepared and will be forwarded to him with advice from the AVO when it is received.

That was on 14 April. I speak to Mr Stanhope. We ask him some questions. I say:

What does “proceed unilaterally” mean?

This was on 20 May. He replied:

We need to resolve it. The lease management or governance arrangements around the quarry have always been clouded in some confusion and we are seeking to regularise it. We are seeking to take it forward. We are seeking to protect the public position in relation to it. We have had some difficulty engaging with the proponents. We have set time lines for responses to correspondence or proposals.

And it just goes on. Some of what Mr Stanhope said, I think, is contradicted by what a departmental witness said:

I think we are still waiting for final responses from both of the operators.

Yet the operators were actually waiting for a response from the government. I said:

The Chief Minister said you are awaiting a response. How was the question posed?

Mr Stanhope replied:

How are we dealing with him? In person, by email or by letter?

And it just goes on. The lack of clarity in this is quite sad. But in the interim, a business has been put at great risk. I did get a response from the Chief Minister:

I have recently written to Mr Barac advising that a licence, inclusive of clean fill, for a 10 year period will be offered to him.

This was on 18 June. They were about to proceed unilaterally, but suddenly the minister is writing to him on 18 June. He goes on to say:

I have requested that Mr Barac provide a response to this offer in writing by 30 June 2010.

So there is confusion here and it really is symptomatic of how badly this government treats business and how this Chief Minister treats his Territory and Municipal Services portfolio. This matter needs to be handled expeditiously. Mr Barac has been given until 30 June. I understand the operator will come back to the government and I trust that there will be a speedy and satisfactory conclusion to this imbroglio. It certainly has been a particularly poor mess that we have been landed with.

Mr Speaker, there are other areas in TAMS that do require attention. You certainly raised some of them. The Chief Minister does make some interesting points about the size of the area that we have to look after. We are all well aware of that, Chief Minister. It is a big area. But it has always been a big area. Before self-government, since self-government, whether it has been a Labor or a Liberal government, that area has been the area that we have had to look after. But it is really about getting your priorities right. There is a real question, Chief Minister, as to whether or not you do have your priorities right.

To take \$11 million out of street trees is unfortunate. There is an answer; that is, to move some of the money from Treasury. You should read the dissenting report and you might be able to take that up.

**MS LE COUTEUR** (Molonglo) (8.41): I would like to start by acknowledging that the TAMS budget is one of the biggest areas of spending. To use the Chief Minister's words, which he has pretty much repeated this evening:

It behoves all members of this place ... to understand just how massive in a proportionate sense is the task which we have here in the ACT.

The Chief Minister, as the minister for TAMS, did go through some of that earlier. It is impossible for TAMS to manage everything in the ACT—its nature reserves, its urban landscape et cetera to the level that everybody would like, and certainly to the level that this Assembly would like. I am sure that the staff members of TAMS have a challenging job, often dealing with an unhappy public and having to manage with a limited budget and limited staff. So it is critical that the government allocates its limited funding wisely and that these limited funds are managed well and used strategically to achieve the best delivery of services.

I am pleased to note that 15 recommendations from the 2008 strategic budget review of TAMS have now been implemented by the department. It will be a challenge for the government and other parties to establish exactly how TAMS and its service delivery have been affected by the strategic budget review and by the 2010 staffing freeze.

I note that in the estimates hearings TAMS officials referred to the continuing high levels of public satisfaction with TAMS's service delivery. They were commonly around 80, 90 or 95 per cent, as quoted in the budget. These are good results, but like Mr Rattenbury I have some questions about them. They only cover a few areas of TAMS's operations. Where do they actually get their responses from? One of them, for instance, was an 80 per cent satisfaction with maintenance and pruning of street trees. Where do they find the people who said that, because there is certainly quite a different feeling from the emails I have been getting in my office?

Another example, which I am sure is actually more accurate, was that 95 per cent of saleable stray and abandoned dogs were re-homed. That is a very good result. It is going to be very interesting for the Assembly and the public to keep on with these new areas of monitoring, find out how TAMS is improving and find out the impact that the funding management issues have had on TAMS's service delivery.

Another key issue, of course, is what the government chooses to prioritise within its limited funding for TAMS. The Greens are not confident here that the government is making the right strategic decisions through the budget to position Canberra for the future. Business as usual is not going to provide us with long-term prosperity. In fact, all it will do is create more problems for future generations and future governments to deal with. We can see this in the TAMS budget. I want to pick up on Mr Stanhope's comments from the estimates hearings. He said:

In an ideal world, of course, we would have loved to provide significant additional funding to enhance our capacity to divert waste from landfill.

This is what the government says every year. I would contend that providing this extra funding is a matter of prioritisation. It should be a priority. Diverting waste from landfill is a priority that continually falls too low on the government's list. Since I have been in the Assembly I have seen the government answer every waste question in the same way. It boasts that the ACT has the best resource recovery rates in the country. But we must be close to losing this record. The budget papers now paint a picture of how the government has continually de-prioritised waste over the last five years or so.

Our peak of resource recovery occurred in the 2005-06 financial year. It has dipped since. Even the Greens' cost-efficient budget initiatives in the area of waste were ignored in this budget. For example, we could have started the organic waste recycling residential trial with a mere half a million dollars. Battery or compact fluorescent light globe recycling drop-off points could have been implemented for about \$12,000 and this would have kept toxic materials out of landfill. They are cheap, effective measures to keep mercury and other highly toxic materials out of our environment.

As Ms Bresnan pointed out in the estimates hearings, the government's lack of attention to waste funding comes despite the warning of the 2008 independent review of the no waste strategy. It said:

Faced with growing total quantities of waste, it is an unacceptable expectation that the ACT Government can consider reducing, or even containing at current levels, the current budget.

It is referring, of course, to the waste budget here. The review also said that government budget data had considerably under-forecast the demand for forward capital expenditure in waste management. I fear that this is still the case. I would suggest that with our historically high residential diversion rate, the government is not prioritising waste because it can still say that our diversion rate remains comparatively high compared to other states.

But really what we are talking about in the budget is not what we have done in the past; it is what we are going to do in the future. A cost-benefit analysis of our approach to waste, as was done in that 2008 review, shows that by aiming for 90 per cent or greater of waste diverted from landfill will bring the greatest net benefits into the future. It is all detailed in this independent review.

The government's target, however, has been 75 per cent for many years. However positively this budget flags it, it will increase to 80 per cent by 2014-15 when the new waste strategy comes into place. This is a positive, although modest, increase. But I guess the concern that we have, having not yet been able to see the waste strategy, is what is going to happen to this document.

Among many things, what will happen to the diverted waste? Is it going to be reused? Is it going to be recycled? Will it be burnt to produce energy? Even more worryingly, we are seeing an increase of the total quantity of waste generated in the ACT every year. The question I ask the government is this: what are you doing to reduce that total quantity of waste being generated in the ACT? What are we doing to stop that increasing every year?

While Mr Stanhope said he would have loved to provide additional significant funding for waste, he did provide additional significant funding in other areas. During our discussions about the budget, Mr Stanhope revealed that there is currently \$186 million in new road contracts. So the question we should ask, I guess, is: are all these roads necessary? Could any of them have been postponed, even for a short period of time, so that we can set up some of the initiatives that I have been talking about with waste that will carry us into a prosperous, sustainable future, and more environmentally and economically sound future?

If we look again at the \$186 million currently out in new road contracts and we calculate the costs of transport initiatives in this year's budget, this provides some interesting figures. Initiatives that could loosely be termed as sustainable, such as bus infrastructure, pedestrian initiatives, transit ways, lighting and cycling total about \$40 million. On the other hand, the funding for road upgrades, intersection upgrades, road extensions, widening roads and new roads comes in at \$74 million, which is almost double. What that is really saying is that we are spending about twice as much money on roads as we are spending on sustainable transport infrastructure.

This is not good for the future. We know that there are a lot of problems with locking in reliance on roads and car travel. Last week's *Sunday Herald* even had a paper which documented new research. It shows that living within half a kilometre from a major road is bad for your health because of the connections to asthma, lung and heart-related disease.

Also, we are well aware of the issues related to active transport and health. We know that while Canberra may be a comparatively well-exercising part of Australia, we do

not have enough exercise. Our health would be better if we had more exercise. Active transport is a way that we can improve the health of the inhabitants of Canberra.

At the same time, we can save money for both the individual and for the government because active transport infrastructure is a lot cheaper than roads and we can create a better environment. Spending money on active transport—that is cycling, pedestrians, and the buses that interface into that—is a much better investment in our transport future than spending more and more money on roads.

I would like at this point to disagree with some of the comments that Mr Coe made in his speech. There are people who do voluntarily go on buses. Many people find them convenient. (*Second speaking period taken.*) I catch buses frequently, especially going to Woden. They are much more relaxing and obviously more convenient than driving a car.

Peak oil is also something that this government and, in fact, all of Canberra need to be aware of. If it has not already happened, it surely will happen in the fairly near future. It is something that we need to be planning for. We need to be planning for a transport future which is less petrol dependent. Another fact is clear: if we have a key objective of decreasing carbon emissions from our transport system then building more roads is not a sustainable approach.

This was in fact pointed out by the government's own light rail submission. It perceptively analysed different solutions for Canberra's sustainability and congestion problems. Building more roads came out, in fact, as the worst option. It was assessed as having a negative impact against criteria such as reducing carbon emissions, reducing accidents and improving equity.

The only criteria against which building more roads scored positively was consumer preference and, I guess given the current context I should also say, political preference.

**Mr Rattenbury:** It was a nationwide poll.

**MS LE COUTEUR:** Yes. It tells us about the government's short-term approach to transport and environmental problems. Those people who attended the recent transport forum held in the Assembly by the Greens and the Conservation Council would have heard Dr Paul Mees, a well-known Australian transport expert and author of *Canberra at the Crossroads*. He lamented the continued unjustifiable focus of the ACT government on roads, a practice that will lock us into an unsustainable future.

Ms Bresnan also spoke at great length about transport, so I will wind up on transport. But I do say this: I do acknowledge that the government has made some shifts in focus in the recent budget so that sustainable transport has more priority than in previous budgets. In particular, I would like to mention the Canberra Avenue transit lane. But there is still a long way to go.

I would like now to move on to another area which has been de-prioritised and where the Greens are very disappointed. The government has removed almost all the funding for the urban forest renewal project in this budget. Canberra's urban forest plays a key

role in the carbon cycle. It provides habitat for wildlife species, it improves landscape amenity and it improves the liveability of our city. Yet the government de-funded the future program to manage this forest almost completely. We have \$1 million a year instead of \$4 million a year. The urban forest renewal program is intended to ensure that a quality urban forest remains for Canberrans in the future.

The government acknowledged in the past how important it is. It has said:

There is a pressing need to commence replacement of Canberra's urban forest.

Mr Stanhope has also described the problems facing Canberra's urban forest by saying:

On the basis of expert advice from the ANU and the CSIRO ... we face, with our urban forest, something of a tsunami of decline.

Faced with these acknowledged pressing needs and the tsunami of decline, there is no excuse for delaying this program unnecessarily. In addition to tree replacement, this is a program which requires significant planning, education, public education and public consultation. We are very concerned that the momentum that has already started on the program will be lost if it is delayed for a few years.

Momentum could also be lost if the program is delayed beyond the next election. The environment commissioner's report on this was initially due in July. We now understand it is going to be September this year. As soon as that report is out we do not believe there will be any reason to delay the program. I guess that we do need to read the commissioner's report but my expectation would be there would be no reason to delay the program.

Mr Stanhope in fact even acknowledged in the estimates hearing that the funding left for this crucial program is not adequate. I said to him:

Do you really think that \$1 million is all that we are going to require going forward?

Mr Stanhope answered, "No." He said that it would not be enough. I would like to now move on to Gungahlin and make a few comments on the initiatives for Gungahlin which are coming through the TAMS budget. We are pleased to see that there is \$100,000 for a feasibility study for a Gungahlin shopfront. However, I must say that we do have some doubts about its necessity, given that the correspondence we have received from Mr Stanhope last year suggests that the government had already examined options for the shopfront. We would like to see the shopfront get underway sooner rather than later.

The estimates process established that these studies should be completed by early 2011; so we would expect action shortly after that. Initiatives such as the new leisure centre for Gungahlin are also good and will help Gungahlin develop into a self-sufficient, enjoyable place to live, to recreate and enjoy yourself. I am also curious while I am talking about Gungahlin to see how the government will progress the dirt jumps project in Gungahlin for young people. It is an issue which I and other people wrote about to the Chief Minister earlier this year.

Just briefly on heritage, I do need to mention that the Heritage Council has not been given any additional funds in this budget. This is a problem because there is a 10-year backlog of heritage applications to clear. I will in passing, as I am getting close to the end of time, mention one particular heritage building, the Yarralumla brickworks.

I understand that the LDA is still developing the management plan for this site and that public consultation is ongoing for this. We are very hopeful that there will be a good result here. We want one that takes into account the heritage value of the site and that is responsive to the needs of the community. I understand that there have been some problems with the initial consultation and this has resulted in the government returning the plan to its drawing board.

I would like to mention briefly the Public Cemeteries Authority, which I understand from a budgetary point of view comes under TAMS. We could not find it anywhere else. We are very anxious to see that the moves for the southern cemetery are well thought out. The government seems to be going full speed ahead on the idea of a crematorium, although the existing crematorium in Mitchell is not operating at full capacity. In fact, as a result of what we learnt at the estimates hearings, I understand it is barely operating at 50 per cent capacity. There really does not seem any reason why we would want to build another crematorium when we have two in Mitchell which are under-utilised.

There was a suggestion that another chapel could be built in Mitchell, because that, I understand, is the limiting feature of capacity for the crematorium in Mitchell, rather than the actual crematorium space itself. It presumably would be a lot cheaper and cost-effective to build a chapel rather than a whole crematorium.

The Greens, as is well known, strongly support the concept of a natural burial facility in Tuggeranong. We think that this would be a way of preserving some of the landscape values of the existing site while utilising it for burial purposes. As well as people being concerned about the environment, there are people who would like to see their final resting place be a place which preserves the environment. There are also some religious traditions for which natural burials are the most appropriate.

In conclusion, I would like to say that there are some good things in this TAMS budget, especially in the area of transport. There are also some bad things. I guess that trees and waste are ones that come to mind. The bits that are missing in transport come to mind.

In general, the budget is just a bit too business as usual. It is not really looking towards the future. It is looking to business as usual. I would be looking forward in the next budget to seeing more improvements, more looking to the future.

**MR SESELJA** (Molonglo—Leader of the Opposition) (9.01): I will take up where Ms Le Couteur left off, I think—on street trees—and I will say to Ms Le Couteur and the Greens: it does not have to be this way. There are enough numbers in this Assembly to say: “We do not want to see the street tree program slashed. We actually believe this is a bad idea, a bad use of resources and there can be savings found in

other areas that would more than offset the money that is being ripped out of the street trees program.” So I say to the Greens: if you are serious about it, come and talk to us. We should be able to actually negotiate to get this money back into the budget, because there is more than a majority in the Assembly who, at least on the record, are now saying they do not support this. But I suspect that the Greens will end up supporting this ripping out of money for street trees.

So there is a decision to be made. We believe that it should not be this way. We believe that the money—for instance, the extra \$26 million that is being put into the arboretum—would be far better utilised on street trees so that people get the kind of services and amenity that they expect and deserve. Luxury items like the arboretum are one thing. Some people support it; some people do not. But there are very few who would argue against having street trees, having the renewal of their street trees and the amenity, the aesthetics and all of the benefits that come from that program.

So there is a choice here for the Greens. Will they support this ripping out of \$10 million on street trees? I suspect that in the end they will. We believe that money should be diverted. We believe there are a number of things that Canberrans value about our city—many wonderful things. We value the open space. We value, up until recently, the lack of congestion relative to other cities. Whilst we are still better off than many big cities, things, unfortunately, in that area have gone backwards over the last several years and are nowhere near as good as they were just three or four years ago.

We value our street trees, our street amenity and our streetscapes. That is something that is wonderful about Canberra, whether you go to the older suburbs with very old established trees in places like Braddon, Griffith, Forrest and Deakin, or indeed to the newer suburbs, particularly the suburbs of Tuggeranong, and see a lot of the eucalypts in places like Wanniasa and Kambah. You see casuarinas in parts. You can go to places like Fadden and Calwell, in Belconnen you can go to places like Aranda and Evatt, and in all of these suburbs, I think across the board, regardless of the shape of those suburbs, regardless of whether they are inner suburbs or outer suburbs, people value their street trees.

What we are seeing from this government and what we will see from this budget that will be voted for by the Labor Party and the Greens is a clear lack of priorities. They are saying that the money for the arboretum is more important than money for street trees. They are saying that they will rip \$11 million out of our street tree program to put around \$26 million extra over the next few years into the arboretum.

It is worth looking at what the ACT government says about the value of renewing Canberra’s urban forest. The ACT government, on its website, talks about renewing Canberra’s urban forest. It goes on to talk about open space being part of people’s daily lives in Canberra and about how wonderful it is:

The ACT Government is committed to ensuring Canberra’s urban forest is maintained and further enhanced through the Urban Forest Renewal Program.

It goes on:

Mature trees from over 300 different species fill Canberra. They significantly contribute to the aesthetics, and have direct economic value and environmental benefits.

Hear, hear! We agree with that. We agree with that indeed.

The Australian National University has calculated this value at more than \$15 million annually—

So there is actually an economic benefit.

**Mr Coe:** So you can put a price on it.

**MR SESELJA:** We can actually put a price on it. But of course there are other aspects of it that are priceless. The economists can always find a way to put a price on these things, and they have. They have put a price on it. It states:

The ANU has calculated this value at more than \$15 million annually, including \$3.9 million annually in energy reduction, that is cooling and heating; \$7.9 million annually for pollution mitigation; and \$3.5 million annually for stormwater mitigation.

Those are just the tangibles.

**Mr Smyth:** What about the intangibles?

**MR SESELJA:** What about the intangibles of sitting under a tree?

**Mr Smyth:** Personal amenity.

**Mr Coe:** It means you are a free man.

**MR SESELJA:** Indeed. There are the intangibles which we could dwell on but we will not, except to say that Canberrans do value it and they do put a value far beyond the economic that the economists may be able to assign to it. So we have got this recognition of the importance of it. It goes on to say:

Trees have also contributed to the reduction in Canberra's wind speeds by up to 50% from the once open and windy plains and provide a buffer for extreme temperatures.

So, again, that is amenity, which you cannot put a price on. This government wants to slash \$11 million out of this program. It goes on:

Climate change and associated drought is having on-going ill-effects on the health of Canberra's trees. Mature trees are dying faster than expected and younger trees take longer and cost more to establish. Over the next 25 years substantial numbers of trees will need to be replaced. There is a pressing need to commence replacement of Canberra's urban forest. As urban growth continues the principles behind the urban forest must be redefined to ensure the landscape

remains cohesive. Past experiences provide valuable lessons when planning the treescape in Canberra's new suburbs.

There is one other aspect that I neglected from the ACT government's own website on this issue:

These trees are aging and reaching the end of their life simultaneously. They also need greater levels of maintenance to minimise risk to community and property.

That is the other aspect of this, of not going ahead and replacing these trees, of not investing in the renewal of this great community asset. There are all sorts of other flow-ons in relation to that lack of maintenance.

So we have here a stark example of priorities. Government is about making choices. It is about prioritising a limited pool of public funds for the maximum public good. And what this government has said in this budget is that there is more public good in spending \$26 million extra on the arboretum than there is maintaining our street trees.

We have been canvassing widely in the community on this issue, and that is not the view of Canberrans. There are mixed views on the arboretum. Some people are dead against it; some people think it is not a bad thing; some people think it is a very good thing. We do not believe it is a priority. This has been canvassed through various online polls, through various vox pops and through our own consultation—and very, very few people say, “Yes, I would value the money going to the arboretum more than I would value the money going to my street trees.”

Lest we say, “Well, let's just have both,” let us remember that this government are delivering massive deficits. Maybe if they were delivering massive surpluses in the next few years there might be the opportunity to have both. In a perfect world, there would be all sorts of wonderful things we would like to spend money on. But they are delivering deficits. So we should be looking for savings and we should be looking to put the dollar where it is most valued, where it is most important and where the community wants it. I am happy if people want to get up in this place and say that they have had an overwhelming community opinion that says: “Yes, this is a good use of taxpayers' money. We should be stripping money from the street tree program and putting it into the arboretum.” But I have not heard that. I have not heard that, and we certainly do not buy that. We do not believe it and we do not support it. That is why we do not support this. That is why we will call on the government. We will be calling on the government tomorrow.

But there is the opportunity for the government to amend this line in the budget. It is up to the government to deliver this budget responsibly. They could do it right now, and I call on them to do it. I call on the Greens to insist that they do it—to insist that they renew our street tree program, ensure we have the streetscapes we deserve, at the expense of the arboretum, so we can be fiscally responsible and we can maintain the amenity that Canberrans deserve.

**MRS DUNNE** (Ginninderra) (9:11): (*Second speaking period taken.*) I want to congratulate Mr Seselja on the stand that he has taken in relation to street trees because it is sound policy that meets the needs of the people of the ACT.

One of the things that everyone values about Canberra is its treescape, its urban forest. It is the thing that we all marvel about. When we have visitors coming to the ACT they say, "I can't believe that we are in the middle of a large city and there is so much green space; there are so many trees." If you live where I do, it is a great joy to drive down Ginninderra Drive and come over the hill, with North Lyneham on your left and Lyneham on your right and look at the vista of north Canberra.

**Mr Coe:** Shame it goes to two lanes, though.

**MRS DUNNE:** Yes, shame about the road. But look at the vista of north Canberra and think that you are looking out across suburb after suburb, with thousands of houses—most of which you cannot see because of the investment, the time and the care that has been put in by previous governments and previous administrations before self-government; the vision to make Canberra an urban forest.

There are differences in application, the way we have dealt with street trees in particular places. Some of the suburbs of Belconnen I think have been not so well served by previous administrations that took away the order of the street tree policy and had a bit of a hotchpotch approach. There are some problems there.

But it does not matter where you live, as Mr Seselja says, whether it is in the inner north or the inner south with majestic deciduous exotic trees, or in the suburbs of Belconnen where you have mainly eucalypts, especially suburbs like Aranda, which is quite well planted with eucalypts, people value their street trees. People value them and have tried to work hard over the years to maintain them. They also augment them by plantings on their own property.

One of the most common issues raised with me by people in the ACT is a bemoaning of the fact that their street trees are dying. Yes, we are in a drought, and we have been in a prolonged drought. I suppose one of the hardy perennial themes of my time in this Assembly is that there was never planning; there was never work done to say, "What can we do to maintain the trees?" At various times we are taking out a large number of dead and dying trees every year, or we have been, and then there has to be the prudential judgement, if we are deep in drought, as to whether we replant now or wait for better times.

But what we have seen with Mr Stanhope in this place over the last few years is a complete mismanagement of the issue of the replacement of the urban trees. This is brought to its logical conclusion because it has just all become too hard for Mr Stanhope and he said: "Blow this for a lark. I am just not going to worry about it anymore and I will take the money and I will put it into my own personal tree farm, the tree farm that I am interested in, and I don't care about the rest of the people."

The people of the ACT do put a higher value on the trees that are in their yard or at the front of their house than the ones that are up on Dairy Farmers Hill. And Mr Stanhope always asks the question when he gets agitated about these issues: "Well, which one would you choose? Which one would you choose, Mrs Dunne? Would you prefer that we did this or that?"

I will actually tell you, Chief Minister, through the Speaker, that the people of the ACT, without a doubt, would choose the trees in their suburb. The residents of perhaps my favourite street in all of Canberra, Blacket Street—a modest street, but made majestic by the trees there—will choose the trees in their street over the trees that the Chief Minister wants to plant on Dairy Farmers Hill. The people in street after street in north Canberra, in south Canberra, in Aranda, will choose the street tree in their area—perhaps the one that is under stress, perhaps the one that is dying, perhaps one that needs something doing to it—over the wanton misspending of money at the International Arboretum and Gardens.

The quantum of money that has been thrown away on Jon Stanhope's vanity project is a disgrace when we cannot have all that we would like to have in this budget and the previous budget.

*Members interjecting—*

**MRS DUNNE:** If we go back to the very first time that the arboretum appeared in the budget—

*Members interjecting—*

**MR SPEAKER:** Order!

**MRS DUNNE:** I think it was the 2004-05 budget. The government committed then to spend \$10 million to develop the arboretum.

*Opposition members interjecting—*

**MR SPEAKER:** Order! Mrs Dunne is trying to be heard.

**MRS DUNNE:** The government committed to spend \$10 million and on top of that over the years there has been \$6 million here and \$7 million there and now in the outyears there is \$26 million—

*Members interjecting—*

**MRS DUNNE:** So we are now up to well over \$40 million on Mr Stanhope's personal tree—

*Members interjecting—*

**MR SPEAKER:** Sorry, Mrs Dunne, one minute. The clocks, thank you. Gentlemen, let us hear Mrs Dunne, please. She has been waiting a long time.

*Mr Stanhope interjecting—*

**MR SPEAKER:** Mr Stanhope, thank you.

**MRS DUNNE:** Fair crack of the whip, boys.

**Mr Hanson:** We are hanging on every word, Mrs Dunne.

**MRS DUNNE:** Yes, I know.

**MR SPEAKER:** Thank you. Mrs Dunne.

**MRS DUNNE:** Thank you. Over the years we have seen in the vicinity of \$40 million spent on Mr Stanhope's personal tree farm, his own personal jolly, to the detriment of the urban amenity that people in the ACT hope to enjoy, would want to enjoy. We are now at a point where the Canberra Liberals say enough is enough. We are actually making a choice. And we are encouraging the Greens to do the same. We are saying that if we have got to choose between trees do we choose Mr Stanhope's jolly on the hill or do we choose the trees in Blacket Street, in Pigot Street—in all of those streets in north Canberra—

*Mr Seselja interjecting—*

**MRS DUNNE:** That is a bit personal. The point is that we have made the decision that we will stand up for the people of the ACT and their street trees. And the real question here today is whether the Greens are prepared—although they make sympathetic noises—to tell the Chief Minister that enough is enough and to take the money out of the arboretum and put it back in the street tree program, because the people of the ACT deserve the amenity and the benefits that trees in their streets give them.

Mr Seselja has touched on this. Trees make a better microclimate. We all hear about the urban heat island effect and the most important antidote to that is the planting of trees. We have heard how it improves not just the amenity but the climate. Something that I have always talked about is that it actually improves the value of people's property. There is an intangible—most people think it is intangible—and when we first started looking at this issue back in 2004 I actually went to property valuers and said, "What do you think it is worth?" And back in 2004 the senior property valuers around this town were saying that, if you went to value a house and it did not have good street trees and the garden was dead or dying, before you did anything else you took \$10,000 off the value of the property. That was six years ago. That will have increased significantly because the value of land has increased significantly. So every time we fail to spend taxpayers' money maintaining the public domain in relation to street trees we are devaluing the property values of everybody in the ACT.

Some people may not think that is important, but the people who are paying the taxes need the property values to be maintained; otherwise they will not be able to pay the taxes. This is why the Canberra Liberals have taken this stand and said enough is enough. This is the time we draw a line in the sand and say, "Take the money out of the arboretum, put it back in the street trees and start providing some amenity to the people of the ACT."

**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) (9:21): Mr Speaker, just to bust a few of the myths that have been perpetrated here—a bit of myth busting—it is important, as it always is in a debate, to provide just a touch of context and a bit of a brush with reality. We need it here in relation to issues around trees—street trees, urban trees and tree planting in the ACT.

As they researched their motion for tomorrow in relation to this issue, I am sure the Liberal Party would have looked at their record in government on tree planting. The Leader of the Opposition, essentially, I think, summarised his understanding of the issue of trees by basically advising the Assembly that trees did not die when the Liberals were in government so they did not need to be replaced. That perhaps explains why in their period in government the Liberals averaged somewhere in the order of \$150,000 a year in urban tree planting and planted somewhere, we think, in the order of 1,000 trees a year.

I have the numbers here. I think that in the context of a reasonable, educated debate around trees, the urban tree renewal program and what the government is seeking to achieve you need to look at the numbers in relation to urban tree planting in the ACT over the last 10 years. In 2001, 1,400 urban trees were planted in the ACT; in 2002, 969; in 2003, 1,600; in 2004, 2,700; in 2005, 3,900; and, in 2006, 3,300. In 2007-08—and this is a significant change in government attention to this particular issue, investment in and understanding of the importance of street trees in our urban amenity—we planted 7,181 urban trees. In 2008-09, we planted 11,162 urban trees. In this last financial year—just to provide the absolute context here—we removed 1,700 dead trees in the urban area and we planted 12,146 trees in the urban area. We removed 1,700 and we planted 12,000. That was just urban trees. As part of the major commitment which I have to trees, and not just urban renewal, in the last three years—and it is interesting going back through the Liberal years in relation to non-urban tree plantings—

**Mr Hargreaves:** How many in 2001?

**MR STANHOPE:** There was none. Indeed, in the first five years of this government there was none either. Three years ago, I decided to change that. In 2007-08, after a decade of no non-pine, non-urban tree planting—three years ago—in a major reforestation, we planted 252,000. In 2008-09, we planted 177,000 and, in 2009-10, we planted 270,000—a total of 699,000 non-urban tree plantings in the Cotter catchment over three years by contract and in partnership with Greening Australia, whom we funded.

Just to go to the numbers—in other words, the dollars—in relation to this, under the Liberals we averaged, as I said, somewhere in the order of \$150,000 a year for tree maintenance. In 2002, this government spent \$173,000. In 2003, we were spending \$130,000 a year. In 2004, we jumped to \$500,000. In 2005, we spent \$668,000 and, in 2006, \$860,000. Then in 2007, when we began to invest, as I indicated, in relation to

the number of trees planted, when we jumped to—what was it, 7,000 or 8,000?—we invested \$2.2 million in urban trees. In 2008, we spent \$1.6 million. In 2009, the year just completed, we expended \$2.3 million to plant 12,000 trees. Over that three-year period—when I referred to trees in the non-urban area—in 2007, we invested \$684,000; in 2008, \$660,000; and, in 2009, \$1 million.

This year, as we strive to determine an appropriate process to maintain this enhanced level of investment in trees, most particularly urban trees, through a dedicated urban renewal forest program, we referred the issue, with the encouragement of the Greens, I have to say, to the Commissioner for Sustainability and the Environment. She will be producing a detailed report which she regrets will not be available till September. It is my intention that that report be referred to a standing committee of the Assembly for inquiry and report. I hope to receive the same level of support that we hear tonight from the Greens and the Liberals for an urban forest renewal program going forward.

There remains in the budget sufficient funds to replace all trees that die next year and the year after. The government's intention in delaying the major funding of the urban tree renewal program was to actually ensure that we embraced a program endorsed by the Commissioner for Sustainability and the Environment and a standing committee of this place so that we could agree on the process. As I have said—and Ms Le Couteur, to her credit, mentioned this in her presentation—I have acknowledged the \$1 million that remains specifically for the urban tree renewal program in the budget and it is there year on year. It is there. It was retained to ensure that there was no question that we could not continue to replace every dead tree that we remove. There is sufficient funding in this budget. As for this nonsense about not maintaining our streets, we intend to replace every single tree that is removed in this financial year. Then we will have—

**Mr Smyth:** But it was urgent.

**MR STANHOPE:** It remains urgent. That is why we are acting. That is why we planted 12,000 trees in this last financial year from an average of 1,000 under you. That is why we planted 12,000 trees—because we are committed to this issue of our urban forest and we show it through our actions. We planted twice as many trees last year as the Liberal Party planted in six years in government. We planted double the number of trees in the urban area last year that you planted in six years.

**Mr Coe:** Do you sleep well at night because of that?

**MR STANHOPE:** I sleep extremely well.

**Mr Coe:** Mr Assistant Speaker—

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Excuse me, Leader of the Opposition. Mr Coe, you have a question?

**Mr Coe:** Mr Assistant Speaker, under standing order 213, I seek that Mr Stanhope table the document he was quoting from.

**MR ASSISTANT SPEAKER:** The question is whether or not the Chief Minister wishes to table those documents.

**MR STANHOPE:** It is a private paper and I do not intend to table it.

**Mr Seselja:** Well, he's moving the motion, I think, under standing order 213.

**Mrs Dunne:** He is moving the motion.

**MR STANHOPE:** Well, move it then.

**Mr Seselja:** He's moved it.

**MR ASSISTANT SPEAKER:** No. Excuse me, members, I am just taking some advice from the—

**Mr Smyth:** You do that, Mr Assistant Speaker.

**Mr Seselja:** Thank you, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Members, I am advised that the member requesting the tabling, once a minister has indicated he is not prepared to do so, needs to move a substantive motion to get the minister to do that and the Assembly has to then agree. If the Assembly does agree then we will see what happens after that. Mr Coe.

**Mr Coe:** I am happy to move that substantive motion.

**MR ASSISTANT SPEAKER:** What was that exactly?

**Mr Coe:** That the document regarding the tree plantings and the inputs over the last 10 or 15 years or so be tabled.

**MR STANHOPE:** I have the attachment that I referred to. I am more than happy to table the attachment if it would satisfy the Liberals. I am not prepared to table all the documents, which were private, and private to me, but I will table the numbers that I quoted.

**Mr Hanson:** It doesn't matter whether they're private or not. He's got to table them.

*Mrs Dunne interjecting—*

**MR ASSISTANT SPEAKER:** Members, excuse me. Would you like to keep your opinions to yourself for a second? Mr Coe, Mr Stanhope has offered to table certain documents. Is that sufficient for you or do you wish to proceed with the substantive motion?

**MR COE (Ginninderra) (9.30):** I would like to proceed with the motion. I move:

That the documents quoted from by Mr Stanhope (Minister for Territory and Municipal Services) in his speech be presented to the Assembly.

Question put:

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

The Assembly voted—

Ayes 9		Noes 6	
Ms Bresnan	Ms Le Couteur	Mr Barr	Mr Stanhope
Mr Coe	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	
Mr Hanson	Mr Smyth	Ms Gallagher	
Ms Hunter		Mr Hargreaves	

Question so resolved in the affirmative.

**Mr Seselja:** Mr Assistant Speaker, I am just seeking your ruling. Is the document now to be tabled?

**MR ASSISTANT SPEAKER:** It is my understanding, Mr Seselja, that the motion that has just been passed by the Assembly asked the Chief Minister to table those documents, but no time frame was put on that motion. There would need to be another one. I am sorry if I appear to be pedantic. I am just trying to get it absolutely straight.

**Mr Seselja:** Do we need another substantive motion?

**MR ASSISTANT SPEAKER:** At this stage of the game there is nothing before the Assembly for me to rule on, Mr Seselja.

**Mr Seselja:** We will come back to that.

**MR ASSISTANT SPEAKER:** Mr Seselja, are you speaking on this particular item? This is your second 10 minutes.

**MR SESELJA** (Molonglo—Leader of the Opposition) (9:36): Yes, Mr Assistant Speaker, this is my second 10 minutes. We have seen the sensitivity of the Chief Minister on this issue. He fears that he is going to be remembered as the great tree killer of Canberra, who was all in favour of trees at the arboretum on Dairy Farmers Hill but was very happy for the other trees in Canberra to die. He will be remembered as the man who killed the trees in Canberra's suburbs.

We saw the embarrassment of Mr Stanhope as he responded—as it dawned upon him just how poor this choice was. We have given him the opportunity to actually fix this and take money from the appropriation for the arboretum and put it into our street trees. He is ripping millions of dollars out of our street tree program, in order to pursue his personal legacy project. So his legacy in relation to trees will be that he

allowed the trees to die. He will be the great tree killer of Canberra. He will allow them to die, and Canberrans will suffer the lack of amenity as a result of not having the street trees that we have come to enjoy—not having them properly replaced and not having them properly maintained.

Of course, that is despite what the government says in relation to the urgency of this program. Apparently it is not as urgent as the arboretum; according to this government, according to the Chief Minister, according to the Labor Party in the ACT.

I did want to speak about some other issues in the TAMS portfolio, and it is worth looking at the issues around waste and our public transport system. I would just make the point again that we heard in relation to this budget—I think it was the Treasurer who said it—that, in relation to public transport, they were taking “a bit of a carrot and stick approach”. I think that was the term that was used—a carrot and stick approach. It is not clear to us what the carrot is, but clearly we know what the stick is. The stick is higher parking fees—to try and force people out of their cars.

The message to people in the outer suburbs is to catch the bus. Of course, for the vast bulk of people living in the outer suburbs, working in Civic, working in Woden, working in the parliamentary triangle, working in Belconnen, working in any of the major employment centres, the reality is public transport will simply not serve the needs of the community. So the carrot has not been taken care of—not even close. In fact, we see bus fares actually going up as part of this carrot and stick approach. It is the stick and stick approach, where the government is actually increasing bus fares, increasing parking fees, slugging families and saying, “Well, it is so that we can get more people on the bus.”

Is it working? No; we are seeing fewer people get on the bus. But the message is loud and clear, and it is saying to people in Tuggeranong and to mothers in Banks, Amaroo, Evatt, Holder and right around the territory, “You should catch the bus.” It is interesting that it is those who do not catch the bus who are often preaching to others that they should be catching the bus.

So we see this approach, which is, “What we will do is make it harder for people to park and maybe that will get them on the bus.” But for the mother who is living in Calwell, who has to drop the kids off at childcare or preschool or school—and the father who has to do the same—and go to work in Civic or in Belconnen, the reality is it is simply not an option. So what we see from this government is that they are not giving real solutions to people. What they are doing is simply saying, “We will slug you more.” The main reason, of course, they want to slug them more is that they have not been able to manage the budget.

We get to the issue of waste. We have seen over time the Ernst & Young report, which actually dealt with the issue of waste within territory and municipal services and the significant cost overruns that were not dealt with. Now we see the government acknowledging the significant waste in ACTION—the millions of dollars, which Mr Coe touched on, including half a million dollars from just not collecting the fares.

**Mr Coe:** That is a lot of trees.

**MR SESELJA:** It is a lot of trees—and it is a lot of other important services to the community as well. Several million dollars a year from dead running: are they fixing that? What are they doing to fix dead running, so that the several millions of dollars that we see empty buses costing us—that is apart from all the empty buses on routes that we see from time to time; these are the empty buses when the route's service is finished—are reduced. Millions of dollars are wasted. We see the grip that the TWU has on this government and the inability to actually find real savings and make real reforms. We see that, in fact, this government has no interest in actually finding savings. It makes noises from time to time about finding these savings, but it has done nothing to actually bring that about.

I want to touch on the issue of shopping centres and the maintenance of our local shops. We have seen in recent months a number of communities saying to us—whether it be shopkeepers, whether it be shoppers, whether it be local residents—that in so many cases their local shops are not up to scratch and that the government has not committed the maintenance to them that they need.

We have corresponded in relation to Hughes shops and Deakin shops and Manuka shops. We have heard in relation to Evatt and Spence. There are issues at Giralang and Weetangera. When we highlighted the issues that have not been addressed at Manuka, the Chief Minister, in fact, said, “That may well be true in relation to Manuka, but look at all the other shops that we have not maintained properly. What about all the other shops that are run down?”

**Mrs Dunne:** They are awful too.

**MR SESELJA:** Indeed—and we are highlighting the lot. We agree with the Chief Minister that it is not just one, it is not two; it is so many. We have seen in relation to Manuka that it is important to locals and it is also important for tourism. It is somewhere that tourists tend to congregate. It is a very nice part of Canberra, and we would like to keep it that way. At Deakin shops, of course, there has been a refurbishment, but it was handled so poorly that it put the shop owners out significantly, time and time again. It was not done in genuine consultation and it seemed to cause maximum disruption to some of the businesses.

We have seen recently in relation to Hughes shops several basic maintenance issues around lighting at the back. I draw that to the attention of the Chief Minister—and I already have through correspondence. That is an urgent priority. There are many elderly residents living in and around Hughes, and the lack of lighting at the back of the shops is an important and significant safety issue. It is an issue of real concern, and it should be pushed up the priority chain.

We take an old-fashioned view that an ACT local government should actually first and foremost focus on local issues. First and foremost, it should look at things like replacing street trees, maintaining our local shops, delivering an efficient public transport system—and it should not do this by slugging families. It should not do this by applying this “do as we say, not as we do” approach to public transport, where they tell the families in the suburbs, “You have to get on the bus.” It is fine for those

of us who have access to a car park. But this government and this Labor Party are saying to them, “Get on the bus, regardless of what we do.”

The government needs to refocus on delivering local services, on fiscal responsibility, and on ensuring that the important things are taken care of, before the legacy items and before the luxury items that we see funded in this budget and funded by the ACT Labor Party.

**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): Consistent with the motion that was passed, I table the following papers from which I quoted:

Tree planting—

Urban and catchment areas in the ACT.

Budget—Urban and catchment 2001-2010.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Before we proceed, members—please resume your seat, Mr Coe; I appreciate your youthful exuberance and eagerness—I would like to advise members of the *Companion to the Standing Orders of the Legislative Assembly*. I am sure Mr Smyth can you tell the page number and Mrs Dunne can tell you the quote. I will quote to you from the compendium, because it shows a precedent. It says, on page 260, paragraph 13.19:

There has been an informal agreement in this place—

and “this place” refers to the Legislative Assembly of the ACT; it is not talking about the House of Representatives—

that members are entitled to read from briefs or speaking notes without having to table those notes. Where a member reads from, say, a letter or a document, that is another matter. Members would certainly expect to have to table that document if they use it on the floor of the house. This is a speaking note prepared for Mr Stefaniak in his office and he has read it in full.

That is the precedent that was quoted—in other words, that ministers, for example, need not necessarily table those pages. However, the Chief Minister has tabled the papers to which he was referring in his speech, and it is my understanding that he may have satisfied the content of the motion. Mr Coe?

**Mr Coe:** Mr Assistant Speaker, firstly, I find it interesting that the Chief Minister is quite free to leak documents regarding the AFP Chief Police Officer, yet here we have—

**MR ASSISTANT SPEAKER:** Excuse me, Mr Coe, can you come to the point of order a bit more quickly.

**Mr Coe:** We have a situation where he is clearly quoting something which is relevant, prepared by public servants, with taxpayers' money, but he will not table it. The—

**MR ASSISTANT SPEAKER:** I am sorry, Mr Coe; I have to pull you up there. I am still not getting it. Mr Stanhope has tabled the document.

**Mr Coe:** The Assembly has resolved, through a motion, that he table the full document. That was what we resolved.

**Mr Stanhope:** No, you did not.

**Mrs Dunne:** Yes, we did.

**Mr Seselja:** The document you were reading from when you tabled the attachment.

**Mr Stanhope:** I tabled the document that I—

**Mrs Dunne:** It is the full document; it is not your edited version.

**Mr Coe:** With that in mind, he has only tabled—

**Mr Rattenbury:** A point of order, Mr Speaker.

**MR ASSISTANT SPEAKER:** Excuse me, Mr Coe; on the point of order, Mr Rattenbury?

**Mr Rattenbury:** We may want to spend a little bit of time thinking about this. It is entirely unclear what the motion was—the exact wording of the motion that Mr Coe put forward.

**Mrs Dunne:** On the point of order, Mr Speaker, Mr Coe's motion—

**MR ASSISTANT SPEAKER:** Wait a second, Mrs Dunne; you may not speak until you get the call. Resume your seat. I want to take some advice from the Clerk as to the motion. My advice is that the motion referred to the document that Mr Stanhope was quoting from. My understanding is that Mr Stanhope, to satisfy the motion before the house, has stood up and tabled the documents from which he was quoting.

**Mrs Dunne:** The whole document?

**Mr Seselja:** He tabled the attachment.

**MR ASSISTANT SPEAKER:** That is the ruling. If you want to dissent from the ruling, feel free.

**Mrs Dunne:** I actually want to seek your advice, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Can I ask you two to work out which one of you wants to stand first?

**Mr Smyth:** No; she can go first.

**MR ASSISTANT SPEAKER:** Because you are the same height and I cannot work it out.

**Mrs Dunne:** Can I seek your advice, Mr Assistant Speaker?

**MR ASSISTANT SPEAKER:** Yes, certainly, Mrs Dunne.

**Mrs Dunne:** Was the thing that Mr Stanhope tabled the whole document?

**Mr Stanhope:** The whole document I quoted.

**MR ASSISTANT SPEAKER:** My understanding, Mrs Dunne, is that it was in satisfaction of the motion that was put before. It was the truth, the whole truth and nothing but. Please resume your seat. Mr Smyth?

**Mr Smyth:** Going to your ruling, Mr Assistant Speaker, could you read paragraph 13.20—which, of course, modifies the interpretation of paragraph 13.19—and give us your wisdom?

**MR ASSISTANT SPEAKER:** The short answer to your question is no, I have not got it in front of me. I will, though, get it and read it to you, since you are having trouble reading it.

**Mr Smyth:** No, I have read it.

**MR ASSISTANT SPEAKER:** You have got it? Mr Smyth, I invite you to stand up and share it with us and save us a little bit of time.

**Mr Smyth:** No, I have read it.

**MR ASSISTANT SPEAKER:** Just save us a bit of time.

**Mr Smyth:** I am seeking your interpretation, Mr Assistant Speaker. It is a perfectly reasonable request. I notice the parody in the tone in your voice, but perhaps you might read 13.20 and give us your wisdom.

**Mr Stanhope:** On the point of order, just so that we get some context in this, I noticed Mr Smyth reading from his computer. Could I move, consistent with that, that Mr Smyth table his computer? If so, I will—

**Mr Smyth:** On the point of order, note that I do not touch the screen, Mr Stanhope—my computer is blank. It has just come back; it is locked out. I did not read from my computer.

**MR ASSISTANT SPEAKER:** Members, order!

**Mr Smyth:** In fact, I read from paragraph 13.20 of the *Companion*.

**MR ASSISTANT SPEAKER:** Mr Smyth!

**Mr Smyth:** Mr Assistant Speaker—

**MR ASSISTANT SPEAKER:** Order!

**Mr Smyth:** I seek leave—

**MR ASSISTANT SPEAKER:** That is enough. Sit down, Mr Smyth; resume your seat. We have a point of order before us, and we will decide on it, then we can move on. If you want to move on to that, we will. Right now, we do not. You have asked me to give you an interpretation of 13.20. It talks about Mr Stefaniak reading from a document, which was a ministerial statement. However, it says not “speaking notes”. However, the ruling that I have given you is that the document to which Mr Stanhope was referring was neither a ministerial statement nor a document. He was quoting from a paper, which he duly tabled. The matter, unless you want to pursue it further, in my view is closed.

**Mr Coe:** Mr Assistant Speaker, on your ruling, have you sighted the document? Have you made that call yourself?

**MR ASSISTANT SPEAKER:** Resume your seat. There is no point of order.

**Mrs Dunne:** No, there is a point of order.

**MR ASSISTANT SPEAKER:** Mrs Dunne, I will not hear comments like that from the floor. If you want to pursue it, stand on your feet and take a point of order; otherwise we will warn you about it.

**Mrs Dunne:** On the point of order, Mr Assistant Speaker—

**MR ASSISTANT SPEAKER:** No, you had not made one.

**Mrs Dunne:** I am on Mr Coe’s point of order.

**MR ASSISTANT SPEAKER:** All right; go on.

**Mrs Dunne:** Mr Coe asked you a question: have you sighted the document?

**Mr Corbell:** That is not a relevant consideration.

**MR ASSISTANT SPEAKER:** Mr Corbell, on a point of order?

**Mr Corbell:** Yes, Mr Assistant Speaker—

**Mrs Dunne:** No, Mr Corbell was not on his feet.

**MR ASSISTANT SPEAKER:** Excuse me, Mr Corbell is on his feet. Resume your seat, thank you, Mrs Dunne; otherwise I shall warn you.

**Mr Corbell:** Mr Assistant Speaker, you have made a ruling. If the opposition are dissatisfied with your ruling, they can move dissent from your ruling and follow the appropriate norms of this place. But it is not open to the opposition to question you further in relation to the matter. You have made it quite clear what your position is, and members of the opposition either need to accept that or they need to move a substantive motion because they disagree with your ruling.

**MR ASSISTANT SPEAKER:** Thank you very much, Mr Corbell. My final response is this: I have taken advice from the Clerk as to the content of the document that the Chief Minister has tabled, and I have made the ruling. Unless somebody wants to jump to their feet and dissent from the ruling, we will now move on to the next speaker on part 1.5, the Department of Territory and Municipal Services, \$306,193,000 as the net cost of outputs, \$261,101,000 as capital injection, and \$685,000 as payments on behalf of the territory, totalling \$567,979,000. The question is that the proposed expenditure be agreed to.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.6—Shared Services Centre—\$6,182,000 (net cost of outputs) and \$7,674,000 (capital injection), totalling \$13,856,000.

**MS LE COUTEUR** (Molonglo) (9.55): Shared Services is the corporate housekeeping section for the ACT government and, as such, they are absolutely essential. But sometimes people do not really think of them as that exciting. The Shared Services Centre provides information and communication technology, procurement, publishing and records services, as well as transactional human resource and financial services to ACT government departments and agencies.

I will first start with output 1.1, InTACT. In March this year I asked whether InTACT had an IT strategic plan and I was shocked, truly shocked, when the response came back to my QON that it did not in fact have an IT strategy. IT is essential to the ACT government; so it is essential that we have an IT strategic plan. With a good IT strategic plan and current technology directions, as well as being a more efficient government, we could also be a more cost-effective government.

It was also revealed in the estimates hearings that InTACT in fact does not even measure the power use of its computers. Based on other jurisdictions, we would assume that energy usage financially is probably around 10 per cent of the ACT government's IT costs. An IT strategy, including a program for virtualisation, would almost certainly provide significant power reduction and cost savings.

I also note in this context, talking about IT strategies or otherwise, that the government in estimates and the question on notice earlier revealed that it is not even committed to finalising the IT strategy by the end of the 2010-11 financial year. If the government does not measure its energy use, it is hard to imagine that it is actually managing it effectively. And even if you were not a Green and concerned about

environmental considerations, why, I ask, would the government want to pay more for IT services than it has to? If the government started looking strategically at IT, it would find it is as much about saving money as it is about being green. It is about not needlessly spending money on power when some vision, not even any significant investment, is all it takes to reduce power use in IT.

The commonwealth government Australian national audit report on sustainability in ICT practices reported that zero or thin client trials had indicated power savings of up to 83 per cent. Zero/thin clients are where, on your desk, there is just a screen and a keyboard and all the computing is done centrally in a server. That is what we used to have 20 years ago. We called them dumb terminals but now the servers are much more powerful than that and it works just the same as the desktop that we currently have on our desks.

The report found that the added benefits of zero or thin client technology were that refreshment of the desktop computers was not required as often and, of course, because you are using less power to run those desktops, you do not need to use as much power to cool the office. You do not need to use as much air-conditioning.

Sadly, however, in the estimates hearings, InTACT admitted that they had not done any modelling of the impact of thin clients. They were concerned, they did say, about possible impacts on the network but they did admit they had not actually done any modelling on this.

Reducing energy use in IT is an easy win for the ACT government. It is an easy win financially, it is an easy win from an IT security point of view and it is an easy win from an environmental point of view. And it should look to the federal government, who is working on this, to start saving power and to save money. In this context I would like to point out that the Greens support estimates committee recommendation No 26:

The Committee recommends that the ACT Government investigate the potential energy and financial savings of moving the ACT Government ICT system to 'thin client' and 'virtualisation' technologies.

I would also like to point out the most important green IT decision is the purchasing or procurement decision. What is important with IT is that you purchase the right equipment and the equipment is designed to last. Most of the energy use in IT and certainly all of the production of toxic materials and toxic waste and rare elements et cetera is in the production of the equipment and then its eventual disposal.

Given that, I am concerned that the government do not appear to be concerned about the environment credentials of the products they are buying. And I was very sorry to hear that they do not use EPEAT, the electronic product environmental assessment tool. EPEAT is an American system which the American government has introduced for all its purchases, in the same way as it introduced energy stars many years ago. That drove energy efficiency in Australia. EPEAT is a system to help purchasers evaluate, compare and select electronic products based on their environmental attributes. The system currently covers desktop and laptop computers, workstations and computer monitors.

I would also point out, though, that there is one positive thing that InTACT have done in the last year or so. Whereas they were previously leasing the computers that we use and the lease had a three-year turnaround cycle—it meant every three years computers had to be disposed of and purchases made again—they are now buying rather than leasing. I understand that they are aiming at least a four-year life of desktop machines and they are aiming at a proper disposal method, a more environmentally sound disposal. So that is very positive.

InTACT as whole, though, I would have to say, has been somewhat slow to adopt new technologies. Interestingly, in the last week, the government has been very proud of its new fix my street form. And while that is good—it actually uses Google maps—it is not as sophisticated as other jurisdictions who, for instance, use iPhone applications to report faults. They have the geographic information and the picture uploaded directly from an iPhone.

Another Google-related aid, Google transit, which is a version of Google maps, can display bus timetables and routes, and it does not cost anything to use that. All you would have to do to use it would be to provide our information to Google in the format that they want. This would make it a lot easier for people in Canberra who are trying to plan bus travel. They could go to the map, they could see where they were wanting to go, and they could see the timetable. It would all be simple for them.

The other option, if they do not want to use that, I am sure, is that we could work out some friendly relationship with the people in Melbourne and use their bus route planner, which is a really brilliant little planner. They have multi modes. They have buses and trams. It enables you to put in a start and end address and it will tell you where you have to walk, where you catch the bus, what time it is going to be there. It will give you a whole timetable like that for a day. We could do something like that. At present, in Canberra, if you want to catch a bus, which is not your normal bus, if you are going out of your way, you could easily spend 10 or 15 minutes on the ACTION bus site trying to work out when and where you are going to find your bus.

Another issue that InTACT is not looking at is open source. This is government policy but it is policy that InTACT is not implementing. Again, this is an area where we could make significant financial savings. I quote, as an example of InTACT's lack of interest, Firefox. After the estimates hearings I managed to get Firefox on my computer. But this morning my staff and I found that it had gone again. So it lasted maybe two weeks.

InTACT, it seems, does not really have the energy to lead the ACT government into the things that it could improve. As I have mentioned, power and even issues around open source are being very patchily addressed. Is the issue relentless work pressures, having to do more with less, staff shortages, lack of training, IT no longer being a very attractive employment niche? Is this what is the problem?

IT, I think even in the ACT government, does have a seat at the senior management table but it is not managing to sell a vision effectively. The pressure does seem to be just to get along with minimum budget and not have any embarrassing system failures.

This could be the reason why we did not buy an integrated document management system in the past. (*Second speaking period taken.*) As I said, these pressures could be possibly why we have the embarrassment of the W drive security issues, which I will not rehash at length because they already have been significantly rehashed.

But on a more positive note, it is good to see that InTACT is reducing storage costs and introducing different layers of storage and different tiers of storage. This should lead to significant agency savings, and I note that ACTPLA seemed to think that it was going to save it several hundred thousand dollars a year.

I know that mobile phone cost is an area that is of concern to some members and it is not clear how InTACT is actually managing its pricing.

I will now move on to Procurement Solutions. This is an area where it seems, much to my surprise, the government is not in fact pushing its positive innovations. To my knowledge, there have been two. On 10 June, Ms Bresnan and I attended the launch of Woden's Cafe Ink. Cafe Ink is a wonderful new initiative of Woden Community Services. It is a great cafe in the Woden Valley which provides employment for people who are struggling to enter the workforce. Cafe Ink is an example of how social inclusion can be achieved in the workplace. I think it is going to be a great success. I have eaten its food twice and it has been very nice each time. At that launch the Chief Minister announced:

The ACT government is changing its tender process to favour organisations that employ people with disabilities and the long-term unemployed.

He said:

This ACT Government initiative aims to break down some of the barriers faced by people with disabilities wanting to enter the workforce by making it easier for organisations that employ people with disabilities to win Government contracts. These changes will mean that ACT Government departments and agencies must consider the social benefits of awarding contracts to such organisations alongside some of the more competitive requirements.

This is an outcome that the Greens have been pushing for for years. The Greens see the government's announcement as only the first step. The Greens would now like to see the government commit to a set percentage of contracts being awarded to social ventures. We would like to see Housing ACT and Spotless start a venture to employ public housing tenants in undertaking cleaning and maintenance of Housing ACT properties. This has been done successfully in New South Wales and Victoria, so we believe it could be done in the ACT.

We can no longer accept the argument the ACT is too small, so it could not really take on a social barrier. The Greens see the ACT's comparative small size as a plus. It is a way that we can innovate more easily. It is not a barrier. We are pleased that procurement is looking at social tendering but we are also concerned that procurement does not appear to be taking environmental issues into account.

Another small area of improvement in procurement is in employing smaller local architectural firms. Last Saturday I had the pleasure of attending the ACT architecture

awards. One of the things the president cited as a success was that ACT procurement was establishing a way to allow smaller local firms to tender for work. I guess my concern is just that both of these two positive changes actually take place and are not really window-dressing. I also note that procurement ACT's website has steadily improved and I hope that it will continue to improve in the future, especially in terms of its search functionality.

I will briefly mention some of the other areas in Shared Services. While human resources clearly have been impacted by the recruitment freeze, it does appear that they are able to manage that change in their operations without too many problems. In regard to finance services, again it is pleasing to see the Oracle system is now fully implemented, with only one instance across the ACT government. This is another example of the savings that are possible with good IT—getting back to my earlier theme.

In conclusion, I would just like to say Shared Services is a very important area that keeps the government going. I do think it needs more attention, specifically, of course, in IT and procurement.

**MR COE** (Ginninderra) (10.10): The Shared Services area is an area of the government which performs some very important roles, including HR, finance, procurement and others. It is interesting that when you go back to the Ernst & Young strategic budget review, tabled by the Chief Minister last year, it talks about Shared Services being an important part of the strategic future of the government. The review compiled by Ernst & Young discusses the aim when setting up TAMS, by bringing all these different functions under one umbrella, and that it has not necessarily delivered all the benefits and efficiencies that it was intended to deliver. However, it does state that perhaps more services could be incorporated within Shared Services.

**Ms Gallagher:** I'm listening, Alistair.

**MR COE:** Very good. I am glad—

**Ms Gallagher:** Let's just wrap it all up, shall we?

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Are you drawing my attention to the state of the house?

**Ms Gallagher:** No, I'm not. Everyone has just gone for a cup of tea.

**MR COE:** I am glad the Treasurer is listening, as are the many tens of thousands of people listening to the webstream, I am sure, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Well, hello to Alistair Coe's mother in that case.

**MR COE:** A big cheerio.

**MR ASSISTANT SPEAKER:** Cheerio to Mrs Coe.

**MR COE:** It is interesting that the Ernst & Young report states:

Longer term cost effectiveness and efficiency initiatives should include:

continued consolidation of administration practices, facilitating an integrated business model across TAMS

a parallel of procurement strategies, including bundling of outsourced services, and Asset Management Plans to determine if there are alternative methods to packaging and supporting requirements which will promote increased savings for TAMS

It also states:

Review of services provided which can be delivered through alternative business models, including

shared services

outsourcing

related services

The role that Shared Services plays is very important. When you have an area of government which has the reach, the tentacles, that Shared Services has, it means that when things go wrong they have potential to go very badly wrong. An example of that is, of course, the W drive saga which happened last month. As has been mentioned in estimates and was played out in the *Canberra Times*, six or so weeks ago I alerted the Chief Minister to a problem, or a perceived problem, with the common drive of the ACT government computer system. I said that about four files were not intended to be there. I alerted the Chief Minister to it and there was very little action. It appeared that these documents were not meant to be there. In fact, it appeared that they might even be cabinet-in-confidence documents. They also appeared to have information about personnel in the public service, including their names, their employee numbers and even their salary.

When I alerted the Chief Minister to this tremendous breach of security, you would have thought that he would have moved heaven and earth to make sure that this breach was fixed. But instead there was very little action from the Chief Minister, in spite of the obvious security risk. That was on Wednesday, 12 May. By Thursday, 13 May nothing had happened until the afternoon, I believe, when the government set up a new folder within the W drive, the shared drive, called “security”. The irony of having a security folder that was not secure is not lost on me, nor on my colleagues, but it does highlight just how amateur this Chief Minister really is.

I alerted the appropriate authorities that there were these files and they were available. It was not until late on Friday afternoon—that is, Friday the 14th, I believe—that these files were removed. One of those files contained the names, ID numbers and salary information of 15,000 ACT public servants. It is not known how many people accessed it and it is not known exactly how long it has been on that common drive. But one thing is for sure: it was a clear breach of trust. The ACT government, in particular the Chief Minister and Minister for Territory and Municipal Services,

should apologise to all those who had their security compromised. It is for that reason that the dissenting report put together by Mr Smyth and Mr Seselja included a recommendation that the ACT government apologise in writing to the ACT public servants who had their privacy breached by the security breach of the W drive.

As a result of this and as a result of the public pressure—I fear it was only because of the media attention—the Chief Minister requested a security audit to be undertaken. On 28 May, the Chief Minister took on notice the following question:

In relation to: The external and internal reviews currently being undertaken on the security of the “W” drive. Can the committee be provided with the terms of reference for both the external and internal review.

The Chief Minister has provided the terms of reference for this review. It is an extremely broad inquiry that will be undertaken. I understand, based on estimates, that it will cost \$50,000 or thereabouts to undertake this review. I will be very interested to see the results of this review and to see whether, in fact, it leads to any substantial changes in the ACT government’s security policy. Quite frankly, if 15,000 people have been compromised by this government’s amateur attitude towards privacy then I think it is very much up to the government to take it extremely seriously and, as I said earlier, to apologise to those affected.

On the broad issue of procurement, finances and HR within Shared Services and also within IT, as I said, it is important that we get it right. If we do not get it right then the effect of the situation is magnified because it affects the entire public service. I think the state of the internet in this building and the appalling speeds that we all have to endure are testimony to the problems that can go wrong when you have a central agency looking after IT services. I think we have to be ever vigilant in ensuring that the ACT government, including the ACT Legislative Assembly building, are not losing considerable productivity as a result of the poor arrangements.

It comes down to governance and it comes down to making sure that we are managing the contracts properly. Obviously, when there are 15,000 to 20,000 people on the ACT government network that are being adversely affected by very average internet speeds, it is going to be to the detriment of the entire public service and, of course, the taxpayers who are subsidising this. I urge the government to look into what efficiencies they can provide within Shared Services and what improvements they can provide to ensure that all services across the ACT government are delivered in a much more efficient and effective way.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.7—Department of Land and Property Services—\$8,610,000 (net cost of outputs) and \$24,708,000 (capital injection), totalling \$33,318,000.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10:20): The first thing to say about this line item is that it brings us back to where we were in TAMS. This is the

completion of the great legacy item of Jon Stanhope, which is the arboretum. So we have in this line \$26 million of funding for the arboretum so that Jon Stanhope can become the great tree killer of Canberra by not spending—in fact, by ripping \$11 million out of street tree replacement programs. An amount of \$11.2 million for people's street tree amenity is being ripped out so that Jon Stanhope can put more money into the arboretum.

This will be his legacy, a legacy where he does not listen to the community. It is a legacy of wasted opportunities. In this case, it is a legacy of barren streetscapes when we do not see the money that is needed put into this street tree replacement program. We have seen this in an ongoing way over many years in relation to the arboretum but it has become stark this year as this government are delivering large deficits. They are delivering a slashing of the street tree program and at the same time finding \$26 million to spend on the arboretum.

It is used as an example when you speak to people about the priorities. I think Mr Hanson quoted today from the carer of an individual who was waiting more than a year for elective surgery.

**Mr Hanson:** Allan McFarlane.

**MR SESELJA:** Yes, Allan McFarlane. She said that they seem to have a lot of money to spend on other things. I think she said that they spend a lot of money on artwork but they cannot get these basic things done. We see so many examples of that, don't we? I will read what was said in the newspaper:

Miss Arrol is at a loss to understand why Mr McFarlane, who moved into aged-care accommodation last year, is still waiting for surgery. "I just thought, you know, we've got lots of money to spend on bicycle paths and bits of art and things like that, but we can't get him in to have an operation."

We see that everywhere. We see this money that is in this line item being spent on the arboretum at a time when maintenance in so many other areas is not happening, when we see basic services not being delivered. In this very stark example we see a deliberate decision to rip money out of the street tree program at the same time as spending \$26 million on the arboretum.

I would like to move on to the issue of land release. The government have said that they are going to release 17,000 blocks over the next four years. There are real concerns about their ability to do it and their ability to get it to market quickly. We have received answers to some questions on notice on this issue. We see massive delays between when they announce blocks and when they actually get to market.

The recent sales of land in Molonglo that were reported are interesting. We saw that even those who did get through the process and eventually ended up buying—they did not know what the price was going to be and they did not know what they were going to buy—were not going to be building for a couple of years. They were not actually going to be getting the land until 2012.

We need to take it with a grain of salt when the government says that it is releasing land because it seems to have an amazing incapacity to actually get it out. We can ask, “Why is this?” There are a number of reasons, it seems to me. Firstly, it insists on doing far too much of the development itself through the Land Development Agency. It does not encourage competition. Secondly, we see issues with our planning system. Thirdly, there is not the investment in infrastructure and infrastructure planning to actually get out in front.

We have known about the position for many years. In fact, all the time I have been in the Assembly I think we have been talking about Molonglo valley and when it will come online. For at least the last six years and well before that we have been talking about this in a serious way, not as some pipedream or something that is offered in the future.

Yet we get to the point now where we are finally selling blocks. They are trickling out. They are trickling out, Mr Assistant Speaker, a couple of hundred at a time. They are coming out at an extraordinary price. That is not surprising given how much pent-up demand there is and given how little land has been coming on the market. Of course, particularly on the south side there has been nothing. There has been virtually nothing in terms of greenfields over the last few years.

We see a situation where in some cases blocks are costing almost \$1,000 a square metre; \$1,000 per square metre! We asked the Chief Minister today how many were affordable. The answer was: none so far. Of course, they will say that some things are affordable. But when you look at even some of those so-called affordable blocks, you have got to look at what they are getting for the price. The cost per square metre is still exorbitant. It is an exorbitant per square metre price.

When they say “affordable”, they just mean tiny. We simply did not have blocks this small before. We did not have houses generally this small for many years. So when they say “affordable”, they mean a very, very, very small block. In some cases, they are 200 to 250 square metres and a very, very small house. But what is happening at the moment in Molonglo must call into question the ability of this government to get these blocks out when they can barely get a few out. Even when they do, not only are they very highly priced; they are also facing a significant delay before they even get access to that block to build on.

We have talked about the fact that this budget is not open. The government is not giving us the information in order to know everything that is in this budget. We see it even with LAPS. This is a new department. You would think that they would be able to give us answers to some of these basic questions. Yet we got the same answer in relation to LAPS that we got from a number of other agencies. We were told today—it was implied—that this is a process where it is about new initiatives and the like.

But this is a new department. We asked them the simple question: please provide a list of initiatives or programs that are run under each output. We got nothing. We got an answer that said:

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers ...

Well, no, it is not.

**Mr Smyth:** It is not.

**MR SESELJA:** It is actually not. That is the point. A list of initiatives or programs that are run under each output is not published in the budget papers. In response to a simple question, we got the response:

Certain figures you request will be publicly available ... Data is not available in the form in other questions and at the level of disaggregation requested in other questions without diversion of significant resources ...

What a load of rubbish! What a load of absolute rubbish! Again, we are hearing from this government that they cannot tell us what is in this budget. They are saying again in relation to LAPS: "Pass this budget and trust us—trust us that the way we spend this money will be prudent and reasonable and that we will spend it on good things. But we cannot tell you what we are actually going to spend it on. We can only tell you in the broadest possible terms. We will fill it with hollow logs. We will have a situation where it is a discretionary decision of individual ministers and individual agencies as to how they are going to spend this money without any recourse to this Assembly." They will not tell us.

They will not tell us what is in this budget and we fundamentally believe that this is basic information that should be provided to the Assembly prior to the passage of this budget. If the Greens genuinely believed in openness and accountability, they would be asking for exactly the same thing before they voted for this appropriation. But they do not have the guts. They do not stand up to the Labor Party. As it is, we will not get the kind of information that the community deserves so we know how our taxpayer dollars are being spent. *(Time expired.)*

**MS LE COUTEUR (Molonglo) (10:30):** I will start with talking about the property services arm of LAPS. First off, I will talk about the energy efficiency targets set by the property group, I am very pleased to see that property services are working on implementing their green leasing schedule and on achieving accommodation of 4.5 NABERS energy efficiency ratings for existing buildings and five star minimum for all newly built ones in the future.

This is vital if we are to reduce the government's greenhouse gas emissions, and, of course, this will soon be a COAG requirement, through the national framework for energy efficiency, so it was going to happen anyway. My understanding is that this is one of the key drivers in the ACT government wanting to consolidate its department and agency buildings into one brand-new, hopefully efficient, building here in Civic, next to the Assembly.

I also note, in the context of energy, that the government's renewable energy purchase is a fixed amount purchase, rather than a percentage of its use purchase. As a result,

and given that the government has failed to meet its agreed renewable energy purchase this year—due to, it has said, budget constraints—the government has a dual cost incentive to reduce its energy use: firstly, to save energy and reduce greenhouse gas emissions generally; and, secondly, to increase the proportion of renewable energy the government uses, which will mean meeting the renewable energy purchase targets in the Labor-Greens parliamentary agreement and thus saving funds in subsequent budgets.

I am glad to hear that, as part of the retrofitting of its office buildings, the government is installing smart meters. Hopefully, when the government has actually had experience of them, which will be shortly, it will start to understand just how useful they can be for people and agencies to better monitor their energy use. Then, for instance, it might be keen to install them in public housing tenancies, which would help low income households reduce their energy use. I am also hopeful this monitoring will enable individual agencies to improve—or rather reduce—their tenancy energy use.

One of the most interesting things that the government is doing in the LAPS department is the move towards an ACT government office building. I have some mixed feelings about this, but it certainly sounds like there are some positives in it, and I can understand the benefits to the ACT government of centralising its workforce, reducing its building and property leasing and management paperwork—and, of course, it will make it easier for ACT public servants to communicate with each other without travelling. I certainly look forward to improvements in intra-government communications, as those do seem to be a lot more complicated than they should be, judging from some of the responses that we get from various ministers and departments. I also recognise the benefit to the business sector, who may need to liaise with a multitude of ACT government agencies. Once this is established, they will know where to find them. It will be more of a one-stop shop for them.

In the context, however, of the new office building, I would think that the government need to look quite seriously at the capital improvement they do to their existing buildings. Two come to mind: data centres. In the InTACT budget they revealed that they were planning to upgrade the air conditioning in their data centres in Macarthur House and the Callum building. If we are going to no longer use those in a few years time, as is predicted with the ACT government office building, this would seem to possibly be a foolish investment—as would, possibly, the rainwater tanks at the Dickson Motor Vehicle Registry. I understand from the *Canberra Times* that there was well over \$100,000—I think closer to \$200,000—expended on this and, again, if the planned government office building eventuates, this will soon no longer be an ACT government building, and it is almost certain that any new owner would make significant changes, such that the rainwater tanks are unlikely to be in the most efficient place.

It does seem that the construction of the centralised ACT government building will just be the beginning of a whole heap of changes for ACT Property Group. If we move out of all of the current buildings that our agencies occupy, this is going to leave a huge amount of vacant office space across the city. Of course, the government appears to see this as providing huge redevelopment opportunities. If we think about

where the government buildings currently are, they are on Northbourne Avenue, they are in Dickson, they are in Woden, they are in Belconnen and they are mainly on what could only be described as good sites. I can hear the excitement at the concept of the redevelopments already.

One of the things that I am concerned about with the potential new government office building is that the government does not seem to have a strategy to increase local employment in town centres. In this, I point particularly to Gungahlin. When I asked about it at estimates, LAPS did not even seem to think that a government priority should in fact be to strengthen the Gungahlin economy and workforce. It is also disappointing to hear that the government has not considered that the reduction of transport pressure into the city involves increasing employment in Gungahlin town centre in the context of this new office building proposal, although in this context it is pleasing to see that a large parcel of land in the Gungahlin town centre, enough to fit two sites, has been set aside for commercial purposes. However, on the same note but on a different side of town, Molonglo appears to be being planned to have the same problem—that it will have little or no local employment.

Moving on with urban infill opportunities, it is pleasing to see that the government are actually giving a little bit of thought to that. I am particularly glad to see that they have been thinking about how they are going to manage some of the community consultation aspects of this. As we in this place are all aware, while many people support urban infill in principle, when it comes to actually developing a block near their house, it just becomes a bit more difficult, and the objections come. So I am very pleased to see that there is a plan to give people a year's notice when the government are planning to infill certain areas, which should help.

But there is more to the urban density challenge than just consultation. I believe there is also a strong need for large-scale community fora, as well as public education, to discuss the future of Canberra's residential growth and its implications. I guess that consultation and education need to happen within the ACT government as well, because I note that the government is planning 17,000 greenfield sites to be released over the next four years, and the government is supposedly committed to fifty-fifty greenfield and infill development. Currently we are having at least 90 per cent greenfield development. I really would like to see LAPS—LAPS, plus the LDA, in particular—looking at how are we actually going to achieve this, because there does not seem to be a plan to do it at this stage.

In fact, you could argue we are even planning not to do it. I refer here to change of use charges. This is something that makes me wonder whether the government considers the impact of its policies in one area on its policies in other areas. With change of use there does not appear so far to have been any analysis or modelling of the impact of the change of use charge, which admittedly has been part of our planned legislation for a number of years but, we have been told, has not been applied properly.

Has there been any modelling done by the government of the impacts of rectification—of applying it properly? Has there been any modelling of the impact on urban infill of the proposed codification program? It appears at this stage, having asked these questions in estimates, that there has not. While I appreciate, with this,

that there are two public policy objectives here—there is revenue and there is urban densification—both parts of these need to be considered, and it does not appear at this stage that the government is doing that.

I will move now to affordable housing. I note with pleasure the increased target from 15 to 20 per cent of affordable housing now required in new greenfield suburbs. This is commendable. But I also need to note that for many people \$320,000 is completely unaffordable. It is completely unaffordable for many renters. (*Second speaking period taken.*) For the money, these houses tend to be on very small blocks and to be very small houses.

Another issue around affordability, which at this stage the government seems to have just not got, is that housing needs to be affordable not just at the time of purchase; it needs to be affordable to run, it needs to be affordable to live in. This means we need to make sure that houses are energy efficient, which will reduce the heating and cooling bills and reduce the energy impact. We need to ensure that residents have good access to reliable and frequent public transport, which reduces the cost of fuel and car maintenance. In the TAMS portfolio we talked about that at some greater length. In the issue of energy efficiency, the Greens are calling for the government to adopt seven star energy efficiency ratings in Molonglo. We believe this would be a very positive step forward. The cost of it is minimal, the capital cost is minimal and the savings continue on into the future.

I note also the discussion in the estimates hearings about the growing number of homeless people in the ACT and the need for us to address the gap in delivery and in need. Another issue relating to housing affordability is the number of people who fall into the low income category but who are not eligible for public housing. These people often end up renting privately for years or decades, in houses which have slightly cheaper rates but tend to have very high running costs as they are uninsulated, zero energy rated and have not been renovated for decades, if ever. For these people purchasing their own home is completely unattainable, so they get stuck in the private rental market, with high living expenses, in a totally inescapable cycle.

I understand that the land rent scheme is designed to address the needs of these people, and I do believe that its pick-up is growing. I look forward to hearing more about its uptake in the future. I do believe there is far more to be done in this area, as well as in the community housing sector.

Community housing has done quite well out of the federal government's stimulus packaging funding, but I hope that the level of investment in community housing in the ACT will continue in years to come, even without a stimulus package. My colleague Ms Bresnan will address some of the issues related to public housing when we get to that output.

Just briefly, I will mention some issues with the Land Development Agency. On the solar hot water rebates, we are very pleased that the LDA considers that solar hot water is a good initiative for housing in new suburbs. It has been running a solar hot water rebate scheme in Bonner, which makes the purchase of these systems cost free. We are pleased that the LDA understands the long-term savings involved in installing

energy efficient hot-water services and that it is doing its bit to drive best practice. However, now that installing an energy efficient hot-water service is mandatory, I do suggest this rebate should probably be adapted, maybe to some other part of sustainability.

On the LDA, one of the biggest changes in the land release program in Molonglo so far has been the fact that the LDA seem to have decided to go it alone on delivering land to the market directly, rather than being part of a joint venture, as in Forde, or selling off sections englobo to developers, as in west Macgregor. We understand that one of the reasons for doing this is to increase the revenue to government, as well as, they believe, speeding up the land release process, due to only needing one estate development plan. However, I do understand that some parts of the development industry have been very disappointed with the move, which has precluded developers who have been waiting for some time for this opportunity. Some of these developers may well have been prepared to develop Molonglo more sustainably—something closer to the Greens’ proposal for Molonglo, something closer to excellence in sustainable design, which is what the government committed to for Molonglo and what the Greens really want to see delivered.

Also I can say that over the last couple of weeks releasing this amount of residential land directly clearly has been a learning process for the LDA, judging from the issues with the sales process so far. Hopefully, they will be able to do it better. I think it is quite an interesting, exciting concept, selling land in Wright and Coombs this financial year, despite the fact the estate development plan has not yet been approved. The debacle over the last couple of weeks where people flocked to be part of the land ballot only to find the government has not got an actual list of blocks and does not know exactly how much each block will be, but is still trying to sell them, is making life very difficult for the unfortunate people who are simply trying to purchase a block of land to build a home on.

I guess I am concerned that there must have been pressure to balance this year’s financial budget, or possibly someone had a key performance indicator which said “has to sell land in Molonglo this year”, because it does seem that there was a big pressure to get the land sold this year. If the LDA had waited a few more weeks, I suspect that the land release and sales could have been a lot more smooth.

One thing I had to laugh about at the estimates hearing was that Mr Stanhope claimed that the increase in revenue from selling land directly through the LDA would give the government more funds for public housing. Yet we have been unable to get an assurance from the government that they will provide 10 per cent public housing in Wright and Coombs, or in fact any indication of how much public housing there will be in Molonglo.

The Greens will continue to pursue higher sustainability goals than those currently being offered for these new suburbs in Molonglo. As I mentioned earlier, we will be pursuing a seven star energy efficiency rating for buildings. Another thing we will be pursuing is solar access for the buildings and good solar orientation for the blocks. This again was something that was part of the Green-Labor agreement. We are pleased to see that the draft territory plan variation has come out on this. It is nearly

two years since that agreement, and we want to see change. We want to see solar access for everybody, and I look forward to seeing sustainability and riparian strategies for Wright and Coombs. I imagine that my Greens colleagues and I will have further commentary on that when they are released.

So, in summary, LAPS is a very important part of the government, and we are concerned to see that it moves in the most sustainable direction possible.

**MR SMYTH** (Brindabella) (10.47): I went to the majority committee report on the estimates to see what they had said about the Department of Land and Property Services, the Land Development Agency and ACTPLA. You would imagine my surprise, Mr Speaker, when all I found was a list, on pages 107, 108, 109, 110 and 111, and not a single recommendation in sight, as to these three very important areas of the budget. I am then reminded to go to what the Treasurer said about the dissenting report:

The Government is concerned about the direct criticism of the Chair, who the Government believes conducted the hearings in an efficient and professional manner.

It is interesting that we had Ms Hunter in the committee running interference for the Treasurer, then we had the Treasurer running interference for Ms Hunter. It is an incredibly professional report that manages not to find one recommendation for the Department of Land and Property Services, the Land Development Agency and ACTPLA. As Ms Hunter said, it is a very useful guide to the budget. It is a fabulous index to the estimates hearings. There are all the issues and page references, but no analysis and no recommendations. And that is the problem with the majority report.

It is a problem because there are a number of very serious issues in this area, some of which have been covered by Ms Le Couteur as well as by Mr Seselja, in this area—things like the whole-of-government office building, which, of course, we got very few answers on, and the arboretum. Right up front in the dissenting report, there are two recommendations about the arboretum—I read them before and I think I will read them again—which go straight to the heart of what this government is doing. Recommendation 1:

... before committing to discretionary spending on projects such as the Arboretum, the ACT Government should ensure that all the basic needs of the community are being met.

Recommendation 2:

... given their importance to the Community, the Government should divert funding from the Arboretum to the replacement of street trees to maintain the unique look and feel of Canberra's suburbs.

I do not see how the Treasurer in her commentary on the dissenting report can claim that this is unsubstantiated. She says a whole lot of things:

The Government is concerned about the incorrect and unfair conclusion drawn by the dissenting Members that it has sought to avoid scrutiny.

What is incorrect and unfair about that? There is a list. She says:

The Dissenting Report demonstrates the authors have little comprehension of the ACT economy and the drivers of key budget outcomes. Further, it chooses to ignore expert advice ... in an effort to undermine the Budget's ...

It goes on and on, and it really is just a load of drivel, quite frankly, that the Treasurer has presented here, in her efforts to cover the failings of the chair, Ms Hunter, to do her job—a job which she was paid for. Of course, the chair of the estimates committee is paid and her job is to provide guidance—not to give an index to the estimates. That is the problem.

But there are recommendations in the dissenting report. For instance, when you go to the ACT government whole-of-government office building, the recommendation is that the minister present to the Assembly a detailed business case for the whole-of-government office project. I looked at the two-page summation of what the Treasurer has said about the dissenting report:

The Government considers the report from Mr Seselja and Mr Smyth lacks balance, objectivity, evidence, research, accuracy and relevance to the issues concerning an Estimates Committee.

We asked for the business case on this, but, of course, we have not got it. We have not got a business case for the whole-of-government building. We have not got any of the work that backs it up. Perhaps, Madam Treasurer, you might like to provide some objectivity, evidence, research, accuracy and relevance in regard to the whole-of-government office building, because we could not get it from the Chief Minister. The Chief Minister did not like answering questions on this at all.

It really is important. Indeed, Ms Le Couteur gets it, because she raised the issues about the departments that are located up and around Dickson and what will occur on Northbourne Avenue and asked where the 3,475 public servants who will be housed in the whole-of-government office building will park. Will they park? Will they not? Will there be bus services to cater for them? Will there not? What will happen to the empty buildings?

There are 442 coming from ACT Health, so that is just across Civic, and 307 from ACTPLA, so they are coming down Northbourne Avenue from Dickson. The Chief Minister's Department is just across the road. DECCEW is coming down from Macarthur House. Education and Training, I assume, are coming from Tuggeranong, so there will be some more on the Monaro Highway and more on the parkway. Then there are justice and community services, 65 from the Land Development Agency, 76 from Land and Property Services and 568 from TAMS—they are all up at Mac House. Treasury is probably just coming across the road. But what we do not have is a business case and what we know is that the two scenarios that the government has looked at show that they are so very close in terms of their effect that you could go either way without any trouble.

**Mr Seselja:** They can't tell you.

**MR SMYTH:** But they cannot tell us. So, Mr Seselja, we are accused of lacking balance, objectivity, evidence, research, accuracy and relevance—but we get none of that from the Treasurer, and we certainly get none of it from the Chief Minister, who cannot make the case.

**Mr Seselja:** You couldn't back it up.

**MR SMYTH:** You cannot back it up.

**Mr Seselja:** You didn't bother to do the work.

**MR SMYTH:** We have actually done the work. The dissenting report states:

Question E10-627 taken on notice also reveals that the difference in annual rent, operating refurbishment, refit, procurement and finance costs of an ACT Government Office and a “business as usual” scenario that included “relocation/upgrading to current Government environmental standards”...

It further states that the cost of these two scenarios would be \$47 million annually, while open market leasing of a single office building would cost \$49 million annually.

Whilst it is clear from figures presented by the Government that the financial case of the new building is marginal, it is unclear which other benefits would flow to the ACT Government and ACT taxpayers.

The Project appears to have little merit other than the co-location of staff.

When we ask the questions, all we get is vitriol from the Treasurer, instead of getting answers from the Chief Minister. You only have to look at the lack of answers on this project to know that the government have not done the work. If they had done the work, they would be able to table it.

Then, of course, also included in the Department of Land and Property Services is the arboretum. Given that the Treasurer has not done the work—and we will get to this in Treasury, about what really has been done to the budget plan—

**Mr Seselja:** Do you think Jon Stanhope is a tree killer?

**MR SMYTH:** A tree killer? He is about to kill \$11,238,000 worth of trees. They will be stillborn in this case, because they simply will not be planted. \$11,238,000 is being ripped out of the tree planting budget. It is interesting that we are funding a legacy program so that the Chief Minister can go off on his cycling holiday in Spain when he quits the Assembly later in the year. But it is interesting that he does not have an answer to this.

We had the disgraceful exhibition earlier this evening of the Chief Minister purporting to be quoting from certain documents that proved he planted more trees than everybody else. But he only tabled half of them. Apparently, he was provided with a

document from his department that only had attachment B and attachment D to it. That is really interesting. I am surprised that TAMS would supply only half the attachments and I wonder if the Chief Minister would love to come down here and give us attachments A and C.

It would be really quite interesting to go back and compare—and I will look at the *Hansard* when it comes out tomorrow—exactly what the Chief Minister said against what is in these tables, because I suspect, as always with this Chief Minister, that it is more about spin than substance. We have only got half of the attachments, or at most half. We know we have got B and D; I do not know if there is an E, F, G, H, I, J, K or whatever, but A and C are missing, and it would be nice if the Chief Minister would come down and table attachments A and C, to give us the full picture of tree plantings in the ACT.

We know \$11,238,000 worth of trees are not going to be planted in the next three years as a result of this budget. Jon Stanhope will become known as the great tree killer, rather than the tree lover that he professes to be. But it is interesting that he has gone to such lengths to hide the other two attachments.

The Assembly did pass a resolution calling for the documents he was quoting from to be tabled. I cannot believe that the professional officers that work in the Department of Territory and Municipal Services would send the Chief Minister down with only two attachments out of four. We all know what the Chief Minister is like when he gets going. We all know about the spin. But, if we are going to have an informed argument about the future of street trees in this city and an informed argument about the cut of \$11,238,000, which the Assembly will support because the Greens have said they will be supporting the budget—they are supporting the withdrawal of almost \$12 million—

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

## **Adjournment**

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

That the Assembly do now adjourn.

## **Canberra Knights**

**MR COE** (Ginninderra) (11.00): I rise tonight to pay tribute to one of Canberra's sporting teams—one of Canberra's sporting teams that do not always get all the recognition they deserve and all the media attention that they deserve but, nonetheless, a fantastic team.

The Canberra Knights play in the Australian Ice Hockey League and do a great job. Ice hockey is a growing sport in the ACT, and indeed across Australia, and one that is very entertaining and exciting to watch and one that I very much enjoyed watching on 5 June when I saw the Knights play the Penrith Bears. It is a sport I am not overly familiar with but one that I hope to become more familiar with as I get to more of the games and get more involved in the ACT ice hockey community.

I would like to pay credit to those involved with the Canberra Knights—the players, the managers and also the sponsors. In particular, of the managers, I would like to commend the general manager, John Raut; the head coach, Dave Rogina; the assistant coach, Matthew Luoma; the manager, Andrew Deans; the photographer, Guido Rozdarz; the media liaison person, Kevin Teo; the sports medicine person, Melissa Rogina; the soft tissue therapist, Danielle Hobbs; and the merchandise person, Judy Deans.

I would like to commend those on the roster for the 2010 season: the forwards, Steven Deans, Garrett Delaquis, Jordan Gavin, Mike Johnston, Matti Luoma, Luke Philps, Stuart Philps, Alain Reisin, Ollie Rozdarz, Sean Scarbrough and Vadim Vrijassov; the defence; Alistair Band, Aaron Clayworth, Chris McPhail, Mark Rummukainen and Peter Taylor; and the goal tenders, Nickolas Eckhardt, Ryan Lowe, Justin Mendham and Stuart Woodall. Also in the squad are Blake Cameron, Daniel Ferrett, Sean McNeil, Bernard MacNamarra, Thomas O'Malley and Eric Bobbyn.

I commend the many Canberra businesses that are getting behind the Canberra Knights this season, in addition to the players and the crowd that go along to each of their home games. The 2010 sponsors are 104.7, Canberra Tourism, ActewAGL, the *National Indigenous Times*, Capital Signs, Chopperworks, Cinco Electrical Services, Climate Master, Coca-Cola, Diverse Data Communications, Full Boar, House of Cars, IGA, Jax Quickfit Tyres, Kitchen Connection, Lenobel, LJ Hooker, Ocean Fresh Seafoods, Paddywack Promotional Products, Popes Electrical and Data Supplies, Prime Canberra, Risetop, Canberra Indoor Rock Climbing, Southern Cross Health Club, Sport & Recreation ACT, Stuart Philps, Supreme Dry Cleaners, the *Canberra Times*, Tony Farrugia Bodyworks, Vili's Pies, VIP, and Win Television.

I commend all those involved in the team and I wish them all the best for their remaining games for the season.

**MR SPEAKER:** Thank you, Mr Coe. You will be disappointed to hear that the Canberra Knights went down 6-2 on Saturday night.

### **Childcare—places**

**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) 11.03): I would like to take this opportunity to provide some clarification regarding childcare numbers at the Flynn site.

Since the budget, I have said that the redevelopment of Flynn would allow for approximately 110 childcare places on site. Today, Mrs Dunne referred to an answer I had provided on 5 May and further asked if the number I had stated was for actual new places.

On the same matter, Mr Coe referred to the ministerial code of conduct which asks that ministers correct any inadvertent error at the earliest convenience.

This afternoon, I have reviewed *Hansard* and I make the following comments. In May, it was still undetermined which provider would operate from the Flynn site. The decision had not been made whether Flynn would have a community or a commercial provider, whether the provider would be relocating, an expansion to an existing service or be a new provider for the ACT. At that point in time, it was my understanding that the most likely outcome was that this would result in new places, which was reflected in the language that I used at the time.

Now the negotiations are complete and Gumnut and Alkira are confirmed to move into the site. Gumnut and Alkira, combined, are licensed for 97 places. The budget papers refer to Flynn as a childcare centre of up to 120 places. Once the final planning and design of the centre is complete, we will know the growth numbers available for those services. I also note that the 450 new childcare places earmarked for this year do not include and are quite separate from any new or growth numbers delivered at Flynn.

Mr Speaker, I do regret if I have created any inadvertent confusion or misunderstanding in regard to the numbers of new places that will now be available at Flynn. Finally, I do note Mrs Dunne's continuing strong interest in the provision of childcare, particularly on the north side, and would also like to take this opportunity to offer a detailed briefing to Mrs Dunne, or indeed any member, as to the government's actions in providing childcare for ACT families.

Question resolved in the affirmative.

**The Assembly adjourned at 11.05 pm.**

## **Attachment 1**

### **Document incorporated by the Chief Minister**

Mr Speaker, it gives me great pleasure to provide the members of the Assembly with an update on the Government's progress in achieving the goals of *The Canberra Plan: Towards our Second Century*. This is the second update since we released the Plan in 2008, and once again the news is good for our community.

"*The Canberra Plan – Towards Our Second Century*" revolves around seven key themes and I'd like to take the opportunity to outline some of the milestones against each of the key themes.

#### **Quality Health Care**

Mr Speaker, the delivery of quality health care is important to the people of Canberra, and the ACT Government strives to constantly improve health care for all Canberrans.

I mentioned in my 2009 report that community demand for health services is projected to increase rapidly over the next 15 years, and beyond. By 2022, the ACT's public hospital admissions are projected to increase by 77 percent and overnight hospital admissions will increase by 49 percent. The ACT can not effectively manage this increased level of demand alone.

At the April 2010 COAG meeting, with the ACT agreed to a new National Health and Hospitals Network Agreement. Over the next four years, the ACT health system will be enhanced through Commonwealth investment of around \$90 million. From 2014-15 to 2019-20, the reforms are estimated to provide at least \$248 million in benefits to the ACT.

The ACT Government committed \$300 million over 4 years in the 2008-09 budget, a further \$148 million in the 2009-2010 budget and an additional \$33.1 million in the 2010-11 Budget for the implementation of the ACT Health Capital Asset Development Plan. We also received a further \$27.9 million from the Commonwealth for phase 1 of the ACT's Capital Region Cancer Centre.

The Capital Asset Development Plan provides the blueprint to respond to the pressures of an ageing population and continued growth in demand for health services. Some notable achievements in implementing the plan include:

Two additional operating theatres at the Canberra Hospital;

43 additional beds at the Canberra Hospital Campus;

A Mental Health Assessment Unit;

The Walk-In-Centre at the Canberra Hospital;

Construction commencement of the neurosurgery suite at Canberra Hospital and a new 16 bed high intensity care facilities at Calvary Hospital.

*access health*, released in August 2007, states that the Government's top priority is timely access to care, based on clinical priority. Performance against *access health*'s key performance indicators has again been strong in the last year. Of particular note:

The occupancy rate of overnight hospital beds in the ACT has decreased from 97 percent in 2005/06 to 85 percent for the first nine months of the 2009-10 financial year; and

For the first nine months of 2009-10, 96 percent of the most urgent elective surgery patients were admitted for surgery within the standard 30 day maximum waiting time.

Mr Speaker, the ACT Mental Health Services plan, launched in 2009, commits to establishing several new services including a new access and information service, mental health assessment services at the Emergency Departments of the Canberra Hospital and Calvary Hospital and the building of new acute inpatient facilities for young persons and adults, including a secure care unit. In addition, the range of step-up, step-down services in the community will be enhanced under the Plan. Crisis services will be more flexible with home based and day treatment options available. These are just some of the commitments under the Plan.

### **A Fair and Safe Community**

The objective of the Fair and Safe Community theme, Mr Speaker, is to ensure that all Canberrans enjoy the benefits of living in a community that is safe, socially inclusive and respectful of human rights, that all Canberrans are able to fully participate in community life and that the most vulnerable in our community are respected and supported.

The ACT Human Rights Act was reviewed after five years of operation. The review indicated that implementation of the Act has generally advanced the Act's objectives and states that 'One of the clearest effects of the Human Rights Act has been to improve the quality of law-making in the Territory to ensure that human rights concerns are given due consideration in the framing of new legislation and policy.'

The ACT's Child and Family Centres continue to provide a one-stop shop for families in the Gungahlin and Tuggeranong Communities. The Australian Government via the Indigenous Early Childhood Development National Partnership is providing just over \$8 million over five years to the ACT for a Child and Family Centre targeting Aboriginal and Torres Strait Islander families which is to be built in west Belconnen.

The 2010-11 budget provides \$379,000 for staffing to implement the ACT's commitments to the Indigenous Early Childhood Development National Partnership and the National Quality Agenda Partnership Agreement.

The Government recently launched a refresh of the ACT Children's Plan which includes a focus on consulting with children to enhance Canberra as a child friendly city.

The important work of Canberra's carers has been recognised with the establishment of the Carers Advocacy Service. Carers will now be able to get financial and legal assistance, information from one central point about respite care.

Our emergency services have also been boosted in the last year, Mr Speaker, with an additional six Community Fire Units in the 2009-10 financial year. It is anticipated a further six Community Fire Units will be established in the 2010-11 financial year.

The 2010-11 budget provided for the establishment of 11 further positions in the ACT Ambulance Service. In a further investment in our emergency services, Mr Speaker, the 2010-11 budget provided over \$4.0 million over four years to ACT Policing for the introduction of the Recognition and Analysis of Plates Identified system.

### **Excellent Education, Quality Teaching and Skills Development**

Mr Speaker, we are providing for the education needs of our residents through a number of capital works programs. Three new schools are currently under construction. These are:

Gungahlin College which is due to open at the start of the 2011 school year;

Kambah P-10 School where Stage 1, being Pre-school to Year 8, is to open at the start of the 2011 school year and Stage 2, the remaining Year 9 to Year 10 facilities to open in mid 2011; and

Harrison Secondary School which is scheduled to open at the start of the 2012 school year.

In addition, upgrades of both Red Hill and Torrens Primary Schools are scheduled for 2010-11, and additional classrooms at Ngunnawal Primary School will be provided. Funding has also been allocated in the 2010-11 Budget to prepare the design documentation for Bonner Primary School, Franklin Early Childhood School and Molonglo Primary School.

Mr Speaker, in 2009 the ACT implemented 15 hours of preschool education in five early childhood schools, including at the new Early Childhood Schools at Narrabundah, Isabella Plains, Lyons and Southern Cross. In 2010, an additional eight schools are offering 15 hours of preschool education. The Hall Preschool also commenced the implementation of 15 hours of preschool education in 2010.

The Government has put in place several new initiatives to support students in school including the Australian School Based Apprenticeships initiative with \$350,000 provided in 2009-10 to employ 100 young Canberrans. I am pleased to advise the Assembly that in 2010 we have an overwhelming success rate, with 56 ACT public schools hosting all 100 apprentices.

### **Strong and Dynamic Economy**

Mr Speaker, the ACT Government is committed to ensuring that the ACT has a strong and dynamic economy. Importantly, the Territory developed a seven year plan to return to surplus. The plan was updated in the 2010-11 Budget and the return to surplus target date has been advanced by two years to 2013-14.

The ACT economy has continued growing despite the global economic downturn. The fiscal stimulus measures of the Commonwealth Government and local initiatives by the ACT Government helped sustain economic growth and minimise job losses in the Territory during the global economic downturn.

The trend unemployment rate for the ACT in May 2010 declined to 3.3 percent - the second lowest of all Australian jurisdictions. The adult average weekly ordinary time earnings in the ACT in the February 2010 quarter was \$1,443 – which is more than 16 percent higher than the national average. In

the year to the September quarter 2009, the ACT experienced strong population growth of 1.9 per cent.

Tourism plays a major part in the ACT economy and the past year has been a busy one for our tourism industry. The ACT's greatest success story in tourism for 2009-10 was the hosting of the landmark post-impressionism Masterpieces from Paris exhibition from the Musée D'Orsay from 3 December 2009 to 18 April 2010. The ACT Government committed \$500,000 to the National Gallery of Australia (NGA) to host the exhibition, and in return the ACT had a total visitation of 473,201 with 80 percent of them being from interstate, and an estimated economic benefit to the ACT of \$95.2m.

### **A Vibrant City and Great Neighbourhoods**

Mr Speaker, the ACT Government considers that investment in the arts in the ACT is an important part of ensuring a vibrant city and great neighbourhoods. The 2010 Canberra Festival saw the pilot test of a new city based arts event; Flipart. This three-day event brought street and physical theatre to Canberra's city streets.

We continue to develop a program of activities to celebrate our Centenary, including allocating \$100,000 in the 2010-2011 budget to commission an Australian composer to write a symphony for performance by the Canberra Symphony Orchestra in 2013.

Improvements to the Look and Feel of the City centre continued with active support from Canberra CBD Limited. The West Row Park upgrade was completed in 2009-10 for \$700,000 with majority partnership funding from Canberra CBD Ltd and \$100,000 from the ACT Government towards the project. The new draft Greater Canberra City Area Co-ordinated Action Plan 2010-2016 will guide the upgrading of the City centre over the next four years.

Beyond the City centre other investments have been made in shopping centres at a cost of between \$1.6 and \$1.1 million each, including the Garran, Deakin and Ainslie shops upgrades and forward designs for the Waramanga, Farrer, and Lyons, Red Hill and Scullin centres. Centres already refurbished include Holder, Griffith, Mawson, Higgins and Holt.

### **A Sustainable Future**

Mr Speaker, this Government is ensuring that developments in the ACT incorporate a range of sustainability initiatives. The LDA estates of Coombs and Wright in Molonglo will feature a range of sustainability initiatives, including the use of Water Sensitive Urban Design principles. Non-potable water will be used to irrigate public open space. In addition, new homes will be required to save water through the use of rainwater tanks or grey-water recycling, consistent with the Territory Plan. Higher density developments will also occur close to major transport routes, which include dedicated public transport and cycle lanes.

On 17 November 2009, the Government announced a target of carbon neutrality by 2060, with a peak in per capita greenhouse gas emissions by 2013 as part of the Government's response to the ACT Legislative Assembly Inquiry's interim report into Greenhouse Gas Reduction Targets for the Territory.

A new action plan, *Transport for Canberra*, is currently in development. This plan will draw together transport policies and programs, including the *Transport Infrastructure Plan*, the next stage of the *Sustainable Transport Plan*. The 2010-

11 ACT Budget dedicated \$97 million over four years to *Transport for Canberra*, including \$6.1 million to deliver enhanced ACTION public transport services and \$1.0 million for enhanced road safety awareness campaigns. This also includes \$70m of capital funding over 4 years for a range of initiatives including real time passenger information, Park and Ride and Bike and Ride facilities, major bus stations, bus priority measures and cycling infrastructure.

In the context of Transport for Canberra, in late 2009 ACTION commenced the trial of Rapid Express Direct, or REDEX, a new, high frequency service from Gungahlin, through the City and Kingston to the Railway Station. It operates every 15 minutes between 7am and 7pm, Monday to Friday. The success of the trial has led to a decision by Government to adopt Redex as part of the main network and it will be extended to the Direct Factory Outlet in Fyshwick in late 2010.

Urban tree management attracts a high level of public interest. Work continued to remove dead and hazardous trees across Canberra. In all cases tree removal is the last option and pruning or corrective tree surgery work is undertaken if possible. Large-scale tree plantings of 6,250 trees and shrubs planted as a part of the One Million Trees initiative commenced in Autumn 2010 to continue replacing gaps in our streets and parks landscape.

### **High Quality Services**

Mr Speaker, central to the delivery of high-quality services in the ACT is the quality of the people we employ in the ACT Public Service. In September 2008 the ACT Public Service Attraction and Retention Framework was launched.

In a new initiative for 2010-11, the Attraction and Retention Framework team will focus on the enhancement of attraction and retention initiatives to support the employment of representatives of identified employment groups. Priority groups are people of Aboriginal and Torres Straits Island background, and people who identify as having a disability. The first initiative targeting those who identify as having a disability is a Pilot Traineeship Scheme for People with an Intellectual Disability. On offer will be five or more administrative traineeships for people with an intellectual disability, providing participants with the opportunity to gain both work experience in an administrative environment, and a nationally recognised qualification in business and administrative skills.

As a Government we recognise the crucial involvement of the community in informing Government decision making. Engaging the community in big picture issues facing Canberra will form part of the Government's ongoing commitment to engage citizens in decision making.

The upcoming *Canberra Conversation* will provide greater opportunities than ever before for broad ranging community discussions on how we achieve a sustainable urban form in the ACT. The conversation will range across social, economic, environmental and spatial planning and strategy. It will engage a broad cross section of the community, especially those groups who are frequently not involved in discussions with government in questions affecting their future, including young people.

Mr Speaker in closing I would like to reaffirm this Government's commitment to the vision, key themes and objectives of *The Canberra Plan: Towards Our Second Century* and commend the 2010 Annual report to members of the Assembly.