



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

17 AUGUST 2010

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**Tuesday, 17 August 2010**

Petition: Planning—Hawker—petition No 109 .....	3323
Leave of absence .....	3323
Administration and Procedure—Standing Committee .....	3323
Minister for Health (Motion of want of confidence) .....	3324
Justice and Community Safety—Standing Committee.....	3358
Planning, Public Works and Territory and Municipal Services— Standing Committee .....	3359
Climate Change, Environment and Water—Standing Committee .....	3363
Public Accounts—Standing Committee .....	3364
Questions without notice:	
Gungahlin Drive extension—bridge collapse.....	3367
Bimberi Youth Justice Centre—drugs.....	3369
Calvary Public Hospital—proposed purchase .....	3370
Roads—Civic.....	3372
Canberra Hospital—alleged bullying .....	3375
Economy—federal public service .....	3378
Canberra Hospital—alleged bullying .....	3382
Hospitals—staffing .....	3384
Schools—information and communications technology education .....	3386
Canberra Hospital—alleged bullying .....	3389
Papers .....	3390
Answers to questions on notice:	
Questions Nos 1010 and 1012 .....	3391
Question No 980 .....	3391
Executive contracts .....	3392
Papers .....	3393
Legislation program—spring 2010 .....	3394
Papers .....	3397
Financial Management Act—instruments .....	3398
Financial Management Act—instrument .....	3398
Financial Management Act—instrument .....	3399
Financial Management Act—instrument .....	3400
Financial Management Act—consolidated financial report .....	3401
Papers .....	3404
Independent Competition and Regulatory Commission .....	3404
Papers .....	3405
Education, Training and Youth Affairs—Standing Committee .....	3410
Planning and Development Act 2007—schedule of leases .....	3414
Paper .....	3414
Economy—commonwealth public service (Matter of public importance).....	3414
Road Transport (Drink Driving) Legislation Amendment Bill 2010 .....	3431
Victims of Crime Amendment Bill 2010.....	3432
Adjournment:	
Mr John Hargreaves.....	3445
Diabetes ACT .....	3445
Australian Hotels Association awards .....	3446
Dr Brian Hennessy.....	3447
Ms Sandra Lambert .....	3447

Schedules of amendments:

Schedule 1: Victims of Crime Amendment Bill 2010.....	3450
Schedule 2: Victims of Crime Amendment Bill 2010.....	3451
Schedule 3: Victims of Crime Amendment Bill 2010.....	3451

**Tuesday, 17 August 2010**

**The Assembly met at 10 am.**

*(Quorum formed).*

**MR SPEAKER** (Mr Rattenbury) took the chair, 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.

## **Petition**

*The following petition was lodged for presentation, by Ms Porter, from 729 residents:*

### **Planning—Hawker—petition No 109**

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that development of Blocks 8 and 10, Section 34 Hawker, will adversely affect parking for the Hawker Group Centre.

You petitioners therefore request the Assembly to ensure that any future development on Blocks 8 and 10, Section 34 Hawker isn't at the expense of adequate parking for the Hawker Group Centre.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

## **Leave of absence**

Motion (by **Ms Hunter**) agreed to:

That leave of absence be granted to Ms Bresnan for the period 17 to 23 August 2010 for personal reasons.

## **Administration and Procedure—Standing Committee Membership**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens): Pursuant to standing order 223, I move:

That Ms Bresnan be discharged from the Standing Committee on Administration and Procedure and that Ms Hunter be appointed in her place for the period 17 to 23 August 2010.

Question resolved in the affirmative.

## Minister for Health

### Motion of want of confidence

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.03), by leave: I move:

That this Assembly no longer has confidence in Minister for Health, Katy Gallagher, for her continued mismanagement and neglect of the Health portfolio, most particularly:

- (1) the many serious issues raised in the *Review into Service Delivery and Clinical Outcomes at Public Maternity Units in the Australian Capital Territory*, including management failures, staff bullying, overworking and poor processes;
- (2) the complete failure in management of the Calvary Hospital purchase, including failing to inform the public by holding negotiations throughout an election in secret, failure of consultation once the proposal was made public, failure of economic rigour and ignoring expert advice;
- (3) the many instances of attacking those who made complaints, ignoring those who gave advice, and dealing with the problems through denial and neglect; and
- (4) the ongoing poor performance of the ACT health system.

This motion today is about competence, it is about diligence and it is about judgement. This motion is about a health system that is one of the worst in the country, and the neglect and denial of this minister that led to those outcomes. This motion is about a management system so bereft of direction and so lacking in control that a recent report provided a damning indictment against nearly every level of executive control.

This motion is about a sale process so flawed that it is only by the diligence of the opposition and others that this territory has averted spending \$77 million completely unnecessarily. It is about a minister who is so disconnected that she denied the truth of bullying problems, now proven, who is so arrogant that she attacked those who sought to bring the truth to light, who had such poor judgement that the purchase process that the minister, and the minister alone, had control over is now finally and thankfully shown to have been based on a completely false premise. Most of all, it is about a minister who has proven beyond doubt to be incapable of competently discharging her responsibilities to the people of the ACT in the Health portfolio.

We could spend a lot of time on, and there are different aspects of this motion that go to, the ongoing performance of the ACT health system. We have spent a lot of time in this place talking about that—having the longest elective surgery waiting times in the country, amongst other poor indicators. But today we are going to focus on two areas which have highlighted the lack of judgement, the lack of competence of this health minister—the issue of Calvary hospital and the proposed purchase. How can we have confidence in a minister who handled this process so badly and who was prepared to throw away \$77 million of taxpayers' money for no benefit?

Let us look at the history of this process. Before the election, there were secret negotiations when Katy Gallagher claimed that all of her plans were on the table. She continued negotiating in secret after the election, until the deal was leaked to the media. The minister was warned that spending the \$77 million was a bad idea. It was not just the opposition. The opposition certainly warned her, but we were not alone. We can go through some of the warnings that we saw from experts in relation to this process. Sinclair Davidson stated:

Contrary to what they imply the ACT Treasury calculations do not support the purchase of the Calvary Hospital—rather they support the status quo or base case.

He went on to say, on 17 December 2009:

The Treasury analysis is not just in dispute, it is disreputable.

Here is a quote from Terry Dwyer:

... the Treasury analysis shows that, far from saving money, the proposed Government takeover of Calvary Hospital means the people of the ACT are to be made to pay extra tax to the tune of \$160 million extra in cold hard cash.

Andrew Podger, President of the Institute of Public Affairs and a former secretary of the federal health department, said:

The ACT Government's buy-out of Calvary Hospital seems to be based primarily on arguments about accounting practices and the financial risk to the ACT if it invests heavily in a hospital someone else owns.

It turns out that those accounting practices that it was based on were wrong. It was flawed; the advice was flawed. He went on to say:

It reminds me of the nonsense accounting arguments used a few years ago to support selling government assets even where there was clear evidence of better management by government.

He went on to say:

If not, then someone please get the accountants to fix a problem that is theirs, not the taxpayers' or the hospital users'.

You have to ask the question, Mr Speaker: would this not have given some pause to the health minister? This advice comes from several sources—Sinclair Davidson, Andrew Podger, Terence Dwyer, and we have Tony Harris. Tony Harris, the former New South Wales Auditor-General, said that the argument was a contrivance. Are we to believe that Tony Harris was never to be believed, that he is not a credible figure who this Treasurer and this health minister should not have listened to? She was keen to quote Tony Harris when his conclusions suited her arguments, but when he gave contrary advice, she ignored it, and she was prepared to go ahead and spend

\$77 million of taxpayers' money, despite all of the advice to the contrary—all of the credible advice.

We saw the attitude of Katy Gallagher in relation to it:

The point which I have been making is that nobody has been able to dispute the fact that, under the three models, there is a \$145 million improved outcome on our budget, according to the Treasury analysis ...

Well, they did dispute it, they have disputed it and they have been proven right. This minister has again been proven wrong. She was prepared, on poor advice, ignoring a wide array of expert advice, to take the ACT down a path where we would spend \$77 million of taxpayers' money on a public hospital that was already providing public hospital services—\$77 million on the back of flawed accounting arguments that would have had absolutely no benefit to the community whatsoever. The Treasurer showed her arrogance in relation to this in ignoring this advice, and she showed a complete lack of judgement.

Just last week, we heard that actually they do not need to buy it. They no longer need to buy it. It turns out that the Treasurer was wrong. It turns out that the health minister was wrong. It turns out that the experts whose advice she was ignoring were right. She was prepared to throw away this \$77 million. And we can only imagine the looks on the faces of Katy Gallagher and Jon Stanhope when they were advised that they were wrong, when they were advised that they almost took us down a path of wasting \$77 million. They wanted to take us down a path of wasting \$77 million. Were they not blocked in other ways, they would have taken us down a path of wasting \$77 million. What if they had gone down that path and then got the advice—the advice that they never bothered to seek earlier, until they got blocked and had to look for other options?

This has been a complete failure of process, a complete failure of judgement. And the consequences are broader than just the bullet that we dodged—the \$77 million bullet that we dodged. What we have had is a government that has been distracted by this over the past couple of years. We have had the uncertainty that has been created. We have had the government actually saying they cannot properly invest in Calvary. So we have seen a delay in investment in Calvary because they simply got it wrong, because they did not bother to do the due diligence, because they did not bother to seek genuine external counsel. They got it wrong, and now we see the consequences.

All the while, while we have seen this distraction of the Calvary hospital purchase, of the proposal to throw away \$77 million of taxpayers' money, we have seen the health system fraying in other ways. We have seen waiting lists getting longer. We have seen all sorts of examples that showed something was not right. We had bills being sent to grieving parents. We had the issues around TB—a whole range of issues that came up and about which we were told, "They're just individual issues; there's nothing there."

Of course, we saw the concerns crystallised when the obstetricians started speaking out. The obstetricians started speaking out, and what did the health minister do? What did the health minister do when the obstetricians started speaking out? She attacked

them. She was not prepared to consider that they might have a case and that some of what they said might be correct. She ignored them. She attacked them.

I will go through some of those quotes from the health minister in terms of the concerns raised by doctors. She said:

I think there is a fair bit of doctor politics and mud-slinging in how it has unfolded in the media over the past week ... I believe that something good can come out of the way that this mud-slinging has occurred, and I do believe it is mud-slinging.

Is it mud-slinging to raise legitimate concerns? Is it mud-slinging to bring this to the attention of the community and the minister? I would have thought that the minister would be desperate to get to the bottom of these problems. But perhaps it was because it highlighted what she has not been doing for the past few years that her reaction was as it has been.

So was it just mud-slinging? What does the review say? Let us look at the review. There are a number of findings. I will not have time to go through all of them but no doubt my colleagues will touch on some of the others. It starts by saying:

The current review panel did not have access to the conclusions, recommendations and subsequent actions for most of these reviews ... There was a general feeling of tension amongst all levels of management ... The review panel identified an apparent systematic and long-standing reticence by management ...

*Ms Gallagher interjecting—*

**MR SESELJA:** Perhaps the health minister should listen to this:

The review panel identified an apparent systematic and long-standing reticence by management to address disruptive or inappropriate behaviour by certain medical staff.

Did she know about this? Did she ask questions about it? Did she care? Did she find out? Apparently not, because when there were concerns raised along these lines, she said: "It's just mud-slinging. It's just doctor politics." This review, commissioned by the government, says otherwise. This review says that this minister has not done her job properly. This review highlights how poorly she has managed the health system. It goes on to say:

Both medical and midwifery staff reported that they had discussed their concerns about disruptive behaviour within the unit with their line manager and with various executive team members; however they did not believe these issues were addressed. Several staff reported that they had been asked to put their concerns in writing and understood that unless the issue was put in writing no action could be taken. These staff indicated considerable reticence to become directly involved in a formal disciplinary process, particularly when this involved a senior clinician with whom they work on a daily basis. Those who indicated that they had written to the responsible manager felt their complaints had not been followed through. Many of the staff appeared to demonstrate a culture of learned helplessness.

We have a situation where there are serious cultural failings under this minister's leadership. And when those serious cultural failings finally see the light of day, she reinforces the view that you cannot complain about problems in the health system. She says on radio that this is just mud-slinging and doctor politics, instead of doing what a diligent minister should have done and listened to these and dealt with these concerns, and dealt with them far earlier. When did you know, minister? You did not know any of this was going on, apparently, until we saw it on the ABC. Apparently, before it was on the ABC, you knew nothing. Is that what you are telling us? Is that your position? If you did know nothing, that shows a lack of leadership and not doing your job. If you did know something and did nothing, that is even worse. Which is it? Did you not bother?

When they came out and raised these concerns, she did not address them properly; she attacked them and reinforced that culture, reinforced the very things that are found in this review, which is that if you complain, you get nowhere. You get blocked. "You've got to put it in writing because we don't want to deal with it." And the health minister confirmed it. This is not just a problem for people working for her; this is her problem. It is her problem because she did not do anything about it. It is her problem because she reinforced it with her public comments, her shameful public comments, which have now comprehensively been proven to be wrong by this review.

Either of these issues, on their own, would be enough for us not to have confidence in this minister. How could you have confidence in a minister who was prepared to throw away \$77 million of taxpayers' money for no reason, a minister who handled that process so badly? Putting that to one side, how can you have confidence in a minister who ignored these concerns, who ignored the serious systemic concerns in her department? And when someone finally had the courage to speak out, she attacked them and she reinforced that sense that you do not complain, and if you do complain, you will not get a reasonable hearing.

Either of these issues, on its own, and having regard to the way it has been handled by this minister, is enough for this Assembly to express no confidence. The two combined, along with the litany of poor results in our health system under her management, are more than enough for this Assembly to express it. In the end, we have to say that enough is enough. There has been so much. This litany says that this minister should no longer enjoy the confidence of this Assembly.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.18): Welcome back to those opposite after your lovely long winter break. It is nice to see you back at work again.

**Mr Seselja:** How long was your holiday?

**Mr Hanson:** How many weeks did you take off?

**MS GALLAGHER:** Well, my holiday was actually a lot shorter than the winter recess when you guys disappeared for the entire time.

**MR SPEAKER:** Order, members!

**MS GALLAGHER:** Mr Speaker, Mr Seselja started by saying that we have one of the worst health systems in the country, and I reject that completely. I think it is negligent of Mr Seselja to stand up in this place and say that we have one of the worst health systems in the country.

**Mr Hanson:** Which is worse?

**MS GALLAGHER:** I think that on any rational analysis—

**Mr Hanson:** Whose is worse, Katy?

**MS GALLAGHER:** of all of the performance indicators used to measure the health of a health system, you will see that that statement is incorrect.

**Mr Hanson:** Whose system is worse?

**Mr Smyth:** So which one is worse?

**MS GALLAGHER:** Mr Speaker, this motion is all about politics.

**Mr Smyth:** Which one is worse?

**MS GALLAGHER:** It is the—

**MR SPEAKER:** Ms Gallagher, one moment. Please stop the clocks, Clerk. Members, Mr Seselja was essentially heard in silence, except for the cheering from his own benches. I expect Ms Gallagher to be able to mount her defence in the same context. Ms Gallagher.

**MS GALLAGHER:** Thank you, Mr Speaker. This motion is all about politics. It is all about the Liberals' quest to continue to seek to damage my reputation. That is open to them as politicians in this place, but it should be seen in that light. This is not about the performance of the health system. In respect of the issues of the obstetrics unit and Calvary, again, on my analysis the government has responded fairly to both of those situations and I can go through the detail around them.

Mr Seselja talks about Calvary and how we were going to throw away \$77 million for no benefit at all. I stand by the government's decision to negotiate around the future of Calvary. It is a long and complex discussion to have. I think it is an unusual situation where 30 per cent of a public health system is managed by a third-party provider.

These negotiations started with the intention of the public system being managed by the public provider. The government had formed the view over a number of years that having a disjointed, un-networked, two-public-hospital town, with one of those public hospitals managed by another organisation, was not in the long-term best interests of this community. I stand by the decision to look at alternative ways of managing the health system. We did seek to buy the hospital and operate it. That was the original

discussions that we had with LCM. That proposal did not get the support of the Catholic Church and we started negotiating around the next best way through.

The opposition say that we were going to fritter away money on the pretence that we could not invest in that building and that we had neglected Calvary for two years while we worked through those issues. That is absolutely incorrect. Calvary Public Hospital has the best intensive care unit in this city because of the investments we made. They have a better intensive care unit in terms of facilities than Canberra Hospital does. That \$10 million hit our bottom line in accordance with the accounting standards—

**Mr Smyth:** So it was all about accounting.

**MS GALLAGHER:** Just like, Mr Smyth, every investment you ever made in Calvary hit your budget's bottom line. That is the way the accounting standards operated and, indeed, still operate. To sit here and say that this was not an issue and that all of you already knew and could see into the future around the potential changes to accounting standards—

**Mr Smyth:** This issue is that you said there was no other way.

**MS GALLAGHER:** I do not think that Sinclair Davidson even mentioned accounting standards. Andrew Podger's essential argument was that if this is an accounting issue, let the accountants fix it. Under the standard that was released on 21 April, it appears that the accountants have sought to fix these situations. But that was not an option open to the government when we commenced those discussions back in February with the archbishop.

As much as it will hurt the opposition to hear this, during those discussions with LCM I sought independent expert advice on the accounting standards to ensure that if we did purchase the hospital, we were able to capitalise the investment in it. It was my decision, because what I did not want to happen—

**Mr Seselja:** Yes, but you did not seek advice as to whether there was another way.

**MS GALLAGHER:** Mr Seselja, you have raised a whole range of questions and I am seeking to answer them for you. I know your concentration span after your winter hibernation makes it a little hard to get back into work but if I could just explain it, I sought advice to make sure that if we did purchase the asset we would be able to capitalise the investment, because there is an argument around economic control.

Who has economic control? You can own the building but if you do not control what goes on in the building does that mean you can invest that capital in the building? I know this is complicated for the opposition to understand but this is the real story. That advice was being commissioned. That overlapped the period of this exposure draft 194 being released on 21 April. Our accountants came back to us and said, "If you sign the new agreement"—the networking agreement, which is the new contract that we have negotiated with Little Company of Mary Health Care—"a service concession arrangement will apply and you can capitalise the asset". The response from Little Company of Mary was—

**Mr Hanson:** Not my fault.

**Mr Smyth:** Everyone else's fault.

**MS GALLAGHER:** Can I just point out that Little Company of Mary do not agree with our accountants' advice. They have actually commissioned Queen's Counsel to dispute it; so the pathway forward is not clear. It is not clear.

The opposition are in this position where they are saying: "We always knew this. We knew this. We knew you never had to buy it. We knew it was just an accounting problem which was based on incorrect advice." So they knew that. They had not looked into their crystal ball to see the future but apparently they knew it, even though it never, ever was the way they dealt with Calvary in their accounts, Mr Smyth, when you were in government.

**Mr Smyth:** We never sought to buy it.

**Mr Hanson:** Were we right or were you wrong?

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

**MS GALLAGHER:** So this is the way it has always been. The opposition somehow know that that is all incorrect. They were never able to demonstrate just how it was incorrect, but they all knew it; so there you go.

**Mr Coe:** Were we right? Were we right?

**Mrs Dunne:** Were we right? Yes, we were.

**MS GALLAGHER:** Little Company of Mary—

**MR SPEAKER:** Ms Gallagher, thank you. Members, I have already outlined my expectations. Mr Seselja was contentious. He was not heckled. Ms Gallagher should have the freedom to make her points without being interrupted or shouted down. The next person who does will be warned and the next person after that will leave the chamber. Ms Gallagher.

**MS GALLAGHER:** Thank you, Mr Speaker. Little Company of Mary disagree with the accounting advice, even though those opposite obviously agree with it. They knew it ahead of time, but they agree with it. Little Company of Mary do not agree with it. They do not think we needed to purchase the hospital in order to capitalise the asset. So essentially, we have a disagreement between the two parties involved in the health system around accounting treatment for that asset. That is where we are at today. There is no agreement on it.

I can certainly stand here and say that the negotiations with Calvary will continue. They will continue in good faith but they will be complex and I could not put a timetable on when they will finish. But I can certainly stand here and say that I know

every single thing I have ever done in relation to Calvary and that this government has ever done has been about the long-term best interests of the health system of this city. That is what has been directing it. I stand here and say that I do not think it is in the long-term best interests of this city's health system to have two separate operators of two public hospitals. I have formed this view after years in this job and looking at where we need to be in the future. It is a view that I still hold.

However, regardless of my personal opinion about that, we will seek to resolve this with Little Company of Mary as quickly as we can to ensure that the north-side hospital, whatever form that takes, is the hospital that suits the needs of this community, and the government negotiations will be directed to that line alone.

I cannot predict where Calvary will go. I do not think there is a clear pathway through. But the argument that we have not invested in Calvary because of this is simply incorrect. We have invested. It just has not been an open blank cheque in moving forward. It was not able to be sustained off our bottom line.

In relation to the obstetrics review, I have been verballed a number of times by the opposition in relation to this. I think Mr Hanson had better have a look at his media release around some of the slant that the Liberals have put on comments that I made. Mr Seselja, I think, repeated the claim today that I bullied people who came forward to make complaints. That is incorrect. I have not. The comments that you use in relation to my response around doctor politics, I have to say, I still stand by. I think there is a fair bit of doctor politics in this. I do. I said it to all the doctors involved. I have seen evidence of it. I have seen written evidence of the doctor politics alive and well in this debate. I stand by that. However, the review that I commissioned—and let us remember I commissioned this review—

**Mr Smyth:** Yes, under pressure.

**Mrs Dunne:** Under pressure.

**MS GALLAGHER:** No, not under pressure. Not under pressure—seeking to respond to the issues that have been raised that again attacked confidence in our health system. Let us remember what I was responding to. The clinical review was not responding to issues of bullying and harassment. The clinical review was responding to claims of inadequate quality of care being delivered through the public health system's maternity service. So let us just get that right from the beginning. That is what I was responding to. We had women fronting up at Canberra Hospital worried about the quality of care they would receive. That is what I was responding to.

What has the clinical review found? It found that there are no concerns around the quality of care at the Canberra Hospital. Indeed, it found that the quality of care at Canberra Hospital on 16 of the 19 indicators assessed is superior to any other maternity service benchmark. That is what the review found, and that is the concern that I was responding to.

Let us look at the review and go through some of the issues that the review has found. I think it is relevant to go through what led to these issues being raised. The review asks: why now? It states:

The review team was unable to identify a specific trigger for the media comments in February 2010. A number of factors appeared to compound the disquiet of VMOs working outside the Canberra Hospital and triggered their writing to the Minister—

And that is the letter that I responded to. The moment I got those letters, I wrote back and I asked, “What are your concerns?” The report goes on:

These factors include:

- The resignation of two staff specialists in late 2009 ...
- The placement of advertisements for staff specialists in September and then for VMOs in November raised discussion amongst potential applicants about the positions. This raised awareness amongst clinicians of the perceived problems in the maternity service ...
- The recently-announced changes to the safety net provisions which are anticipated by some to reduce demand for private obstetric services ...
- The moves by ACT Health to purchase Calvary Hospital, which raises the spectre of a takeover of Territory obstetric services by the Canberra Hospital ...
- The development of a new Women’s and Children’s facility at the Canberra Hospital, which has raised the potential that the Canberra Hospital could absorb a greater portion of public births, making the Calvary public obstetric service less viable.

So the reviewers note that themselves and within that there is a little bit of doctor politics. I hate to say it, but there is. I can certainly stand here and say that there are doctor politics involved in this. The review has also identified a number of areas where we can improve the public maternity service, and we intend to do that.

No-one asked me to commission this review. You did not ask me to do it. I commissioned the clinical review of this service outside of the Assembly to respond and to make sure that when we move into the new women’s and children’s hospital we have the best maternity service for the people of the ACT. That is why this government is acting on all of those recommendations. There are a number of contentious recommendations which require further work with the clinicians involved.

Mr Seselja asked me what I knew. I think I have been through this a number of times in this place. I had asked my department a number of times after I received the letters. I can say to you that prior to receiving those letters from a number of VMOs, I did not have one complaint raised with me around the public maternity service at Canberra Hospital. There was not one complaint raised with me.

I get complaints and I get compliments. Indeed, it was probably the area of the hospital where I received the most compliments about the standard and quality of care. Since this review, I have received a number of representations from staff with complaints and probably almost an equal number of staff who have written with support around individuals working within that unit.

So what did I do? On receipt of these letters, I contacted the Chief Executive of ACT Health. I asked that they go and speak to people within the maternity unit around whether there were any concerns, any issues. (*Extension of time granted.*)

I received assurances back through the Chief Executive of ACT Health that there were no issues within the maternity unit at the Canberra Hospital. I recall making another phone call specifically around this issue asking him to go and retest that advice. That advice came back to me saying that there were no issues, that the ongoing turbulence between a number of obstetricians within the community continued and that, outside of that, relations within the unit were good.

I then met the director of the unit and put questions to that doctor about any concerns that had been raised with that individual and any of her staff around concerns within the unit. I was given an assurance that there were not any.

The ABC was filming a story about a woman who complained around the quality of care that she received at the Canberra Hospital. I went back and retested that advice. But the advice there was around a concern relating to quality of care, and those issues presumably will be covered off through any legal action that might ensue. But that was not related to bullying and harassment. I did not get one complaint of bullying or harassment coming to me. The department itself did not get a complaint of bullying and harassment around that unit.

In a sense, if I reflect back, the doctors themselves that raised the concerns with me did not raise concerns around bullying and harassment. They did not. For Mr Hanson and Mr Seselja to say that I criticised people who made complaints around bullying and harassment is simply incorrect and cannot be left to stand on the public record. It is not correct. The obstetricians wrote to me saying that they had concerns around the workplace environment. That is the same word. They used the same word in each letter and I think there were four of them that wrote to me. They used the same word. When I wrote back to them, I asked them what they meant by that language, and they did not reply.

It is incorrect to say that I criticised people who made concerns around bullying and harassment. It is simply incorrect and not true. No matter which way Mr Hanson puts his slippery slant on it, you cannot do it. I had not received one complaint.

The morning after the TV interview on ABC, I asked that Health go down to the unit and convene a staff meeting around people's perception of what occurred the night before, because things like that always impact heavily. We might be slightly immune from it in here—it is all fun and games and everyone can sling mud—but for the clinicians who work in that unit, I was concerned about them.

Health went in there. The interim chief executive went in there to talk with staff around the case that went to air the night before. It was during that meeting that staff began to raise concerns around some of the management within their unit. It was on that day that the advice to me changed and said that there are issues in this workplace that we need to manage and need to investigate further. Health put a management plan to me around that. From that time, I guess the rest is history.

The reviews were commissioned, the clinical review is in and the public interest disclosure review is still underway. As a minister, my job is to respond. I responded every time someone raised a concern. The obstetricians wrote to me. I asked for advice from my department. I replied to the obstetricians. I asked for them to provide me with more advice. They did not. The minute issues were raised in the workplace, I went and met with the unit. I put my questions directly to the unit. No concerns existed. That changed the morning after the TV news bulletin went to air on ABC.

I cannot explain why that was the catalyst that resulted in this workplace deciding that they wanted to see some change, but they did. We have sought to respond to that. My job is to respond to it. My job is to put in extra support. My job is to commission independent advice that enables us to move forward. My job is to go back to that unit and talk to them, and I have done that. I have asked them how they were feeling.

**Mr Smyth:** Your job is to make sure it doesn't happen.

**MS GALLAGHER:** No, Mr Smyth. So nothing ever happened outside your control when you were a minister, did it? Nothing? You micromanaged everything. You knew what everyone was doing all the time. What a load of rubbish. A minister responds, and responds quickly, and that is exactly what I have done.

I stand here and I take my job as health minister very seriously. In fact, I take all of my responsibilities to the community very seriously, and that is why you just cannot cop these sorts of motions, I guess. They do affect you and you do look at yourself and wonder: "Am I doing the right job? Should I be here? Have I done something wrong?" I do take the time to reflect on my own performance—I go back and look at whether I missed anything and how I responded. But on these two matters, unfortunately for the opposition, you have failed the test again—you have failed to indicate how my involvement has been negligent.

I can stand here and say that I come to work every day to do the best for the ACT and to do the best for the ACT health system and for everybody who works within it. That is in stark contrast to the approach that you take when you come to work every day, because the approach you take is, "How can we do Katy Gallagher over today?" That is the approach you take. You could not give a care about the people who work in the maternity unit at Canberra Hospital. I doubt you have even spent a second worrying about them.

You have not even asked for a briefing around these matters. You have not even asked what we are doing. You have not even asked: "Have you got extra staff in there? What's the workload like now? How are people feeling? How's your recruitment going?" You have not even bothered, because you simply do not care. That is why the government will not be supporting this motion today.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.41): The Greens take motions of no confidence extremely seriously, and we hope that all parties in this Assembly treat this matter with the same level of seriousness. Yesterday afternoon I emailed Mr Seselja, asking him whether there was going to be a motion

today and what the text of any motion would be. I then followed up with a visit to his office to let him know that that email had been sent. Before I left the building last night just before 6 o'clock, I went to Mr Seselja's office again seeking whether there was going to be a motion today and also the text of that motion. I was told that Mr Seselja was too busy to see me and so were his staff. It was only at 10 past nine this morning that we actually received by email a text of this motion. I find it very disappointing that the Liberals were unwilling to put the arguments to us so that we had a reasonable opportunity to evaluate the merits of their claims.

Moving along, I would like to address what a vote of no confidence means to my party. We note that sections 41 and 43 of the self-government act provide that it is the Chief Minister who appoints ministers and allocates the matters that they administer. While there are no clear rules throughout Australian parliaments that a minister should automatically resign or be relieved of the post following a motion of no confidence, it is the ACT Greens' view that, where a minister does not enjoy the confidence of the Assembly, it is no longer appropriate that they continue in that role. This is consistent with basic principles of ministerial accountability to the parliament and parliamentary supremacy as opposed to executive supremacy in the government of the territory.

Continuing on, resolution 5 of the Legislative Assembly sets out the code of conduct that applies to all members of this place. It sets out the broad standards for us all in the fulfilment of our respective duties, and it should probably be the first port of call in evaluating members' performance. In addition to the code of conduct for all members, the first, but by no means exhaustive, test that should be applied when considering a vote of no confidence is: has the minister breached the ministerial code of conduct? The code states on page 1 that ministers are personally responsible for justifying their actions and conduct to the Legislative Assembly.

It is reasonable that serious concerns are raised by the Assembly and explanations sought from and given by ministers for their actions. In examining whether a minister's actions or inactions warrant a vote of no confidence, or perhaps at times a censure, the Greens look to these codes of conduct as a guide, and the codes assist us in objectively assessing whether or not the conduct of a minister warrants formal criticism from the Assembly or, even more seriously, relief of their ministerial responsibilities. The most serious aspects of these codes are those regarding matters of corruption, as such actions can severely breach the public's confidence in our system of parliament. But a case of corruption is not what has been drawn to our attention today.

I have attempted to distil a number of the tests based directly on the text of the codes. The tests differ in their generality. For some of them, a breach should clearly effect withdrawal of responsibility while, for others, further context may be required before a determination can be made.

The most relevant tests for today's debate are as follows: did the action bring the Assembly into disrepute or damage public confidence in the system of government or public sector management? Did the minister wilfully or knowingly mislead the Assembly in respect of her ministerial responsibilities? Has the minister fully and

effectively accounted for all money spent, forgone, invested or borrowed on behalf of the territory? Did the minister's conduct adversely affect the ability of other MLAs or public officials to perform their duties? Has the minister acted responsively in the performance of her public duties? Has the minister acted honestly and respectfully towards all MLAs, public officials and the public? These tests relate directly to identified conduct. Whilst for some of them a standard needs to sit alongside the test—for example, the test of due diligence and at what point we can say this has been achieved—for the most part, they can operate as stand-alone tests.

The next issue is: how do we assess policy decisions and general poor performance as opposed to identified misconduct, such as the inappropriate use of public funds? This is a much more difficult question and requires a broader consideration about the level of direction the Assembly should exercise over the executive.

Naturally, we all have different views on different policy matters, and outcomes would be different if a different person or party were making the decisions. The question is how we assess misconduct or ineptitude as opposed to policy differences. It is not appropriate to express no confidence in a minister for a policy difference—only for a significant error. It is also not appropriate to express no confidence in a minister simply because, with the benefit of hindsight, things have not worked out as we would have liked when there are many factors beyond their control. As a parliamentary Assembly we need to offer more than “we just don't like what happened”. To further encourage and improve our system, we need to carefully explain why we think something, how we have arrived at the decision and provide objective tests that can be followed and improved upon in the future.

Turning to the substantive issues—firstly, Calvary—I think it is fair to say on the issue of Calvary that there have been three different policy positions in this chamber. It has been a long and arduous process, as you would expect the possible purchase by a government of a privately owned hospital to be. Recent news about the draft accounting standards means that the government does not have to buy the hospital to represent investment in Calvary's infrastructure on the government's books. The minister did not seek to hide this news nor take inappropriate action because of it. In fact, she called off the current deal because of it, as was appropriate to do.

To debate the matter of Calvary with the seriousness it deserves, the government should have prosecuted the facts about the Auditor-General's findings more openly from the beginning, because that is the heart or a significant part of the issue with Calvary and why the government needed to own it. The Auditor-General had previously found that, because there was a private and public hospital operating within the same facility and poor accounting procedures were being used, the public taxpayer dollars were essentially being used to subsidise the private hospital. That is, of course, unacceptable.

Since then, the minister has said that Calvary has tried to change its systems so that the accounting is more accurate and better reflects the divide between the two parts of the hospital, thus facilitating greater transparency and accountability. But the minister did say during estimates that this has led to a lower level of throughput and efficiency. The Greens believe the issue of having a public and private hospital within the same facility stills needs to be sorted out.

The nature of the Calvary debate in this chamber is more akin to policy differences than mismanagement, and so the Greens cannot agree to a no-confidence motion on this matter. There are things that have gone wrong along the way, but it appears they have been outside the minister's control. Take, for example, the intervention by the archbishop or the time it would take for the Catholic Church to discuss and approve any proposal. These are things outside the minister's control. Also out of her hands is the introduction of the new accounting standard. But, given its introduction, we think the minister has acted appropriately.

In concluding the Greens' response today on the matter of Calvary, can I say how pleased we are that we did not agree to the proposal that the hospice be part of the deal. The Greens sought to break the nexus between the Calvary hospital and the hospice, and we remain glad that we stood our ground.

Moving to the issue of the obstetricians, this is much more a debate of management rather than policy differences. Part of the problem with the recent obstetrician issues has been how the history of this conflict has continued to impact on how more recent allegations have been assessed. I take the chamber back to the events of 2003 to 2005.

In 2003, the Chairman of the ACT State Committee of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists made similar allegations about clinical outcomes and the obstetrics unit at the Canberra Hospital. The health commissioner conducted an investigation and found the allegations to be false. The commissioner also recommended that private obstetricians be reminded that they should use the proper process available to make complaints about other obstetricians.

The health commissioner's report, while appropriate at the time, is likely to have been the cause of some confusion for those outsiders who were more recently involved in trying to determine whether there was any truth in the allegations of poor clinical outcomes and bullying and harassment within the obstetrics unit.

The questions about the minister's actions come down to how she responded to the latest allegations of bullying and harassment. It seems reasonable for a person, having heard about the allegations that were raised in February of this year through the media, to assume that the latest set of allegations had a link with those that had been raised in the past and had been found to be unsubstantiated, although one would need to be cautious as something may have changed since then.

Statements that the minister made in February of this year implied that the allegations were all part of the ongoing conflict between the private and public obstetricians. She did not completely discount their substantiation but implied that their substantiation was unlikely. A summary of some of the things she said on 18 February to the media include: "If there is an issue let's deal with it. But if there aren't any issues that can be substantiated, stop throwing stones and damaging the unit." "Obstetrics in the ACT has a long and troubled history over a number of years; the politics go back 15 years." "I don't want to discount anyone raising issues." "At this point all I've seen is a lot of mud being slung around and no substantiation."

The minister also said that she could not launch an investigation into the bullying claims because no-one had made specific allegations. When Mr Hanson moved his motion calling for an inquiry in February—that was on 24 February—the minister proposed to the Greens that a review be conducted internally. The Greens responded, using our balance of power in this place in a responsible manner, by saying that the review needed to be conducted independently and in a sensitive manner.

I agree that the matter would not have been looked into if it had not been brought to the Assembly's attention by Mr Hanson. However, I also believe that, if we followed Mr Hanson's proposal, the unit could be a lot worse off now as many of its staff would have been forcibly made to appear before a judicial inquiry. That is no way in which to deal with a workplace conflict and achieve better outcomes for any alleged victims. On the other hand, conducting an internal investigation, as the minister proposed, was unlikely to be the best path forward to uncover all of the information.

The first investigation is now complete, and the clinical outcomes have been cleared. The clinical outcomes for the obstetrics unit at the Canberra Hospital and at Calvary are good, but we need to let the second investigation being conducted through the public interest disclosure run its course. It may well be the case that only a small summary of that review will come to the public, and that is as it should be under the public interest disclosure legislative requirements.

In recent weeks we have heard from the minister through the media that her actions and statements of February this year were based on advice she had received from ACT Health. But there, in fact, is the dilemma. She trusted the advice she was receiving from the department that the complaints were being made about. One could see there was some reason in her trusting the department's advice because of findings that had previously been made in response to allegations being raised by private obstetricians. In any case, the one thing that the Greens believe is that allegations of bullying and harassment must be taken seriously, treated sensitively and use independent parties to assist in investigating and resolving matters.

Now to address the ministerial code of conduct and the tests it provides: the Greens' response is that the minister did not breach the code of conduct. If the minister had proceeded with an internal investigation and the truth had been covered up somehow, that would have seriously harmed public confidence in the management of the hospitals. Luckily, this path was not taken; another path was chosen and, therefore, for this reason and those I have stated above, the ACT Greens cannot support this motion of no confidence in the Minister for Health today.

**MR HANSON** (Molonglo) (10.56): The great apologist. Mr Speaker, I have lost confidence in this minister, the community has lost confidence in this minister, patients have lost confidence in this minister, and, increasingly, health professionals that I talk to have lost confidence in this minister.

Let me turn firstly to the issues that are plaguing our health system—issues that Katy Gallagher says do not exist. Elective surgery waiting times in this town are a disaster; they are the worst in the country by a long way. We have a crisis in the number of

GPs that we have in this country. Bulk-billing rates are the lowest in this country. The hospital car park is a fiasco. We have systemic bullying and workplace cultural issues across ACT Health. We have seen serious problems in the oncology department. Our emergency department times for certain categories are pathetic. We have regular breakdowns in communication in ACT Health. We have had the mismanagement of the TB scare. We have had the mismanagement of the first swine flu death. We have had delays in the delivery of the secure mental health facility. Last year we had rollovers of \$57 million in the budget; this year we have rollovers of \$50 million.

The AIHW, in their reports, tell us that we have the least efficient hospitals in the health system in the country. That is what the minister says is a great health system. That is ridiculous.

But two issues stand out: the minister's monumental incompetence with regard to the Calvary hospital debacle and her wilful negligence with regard to the very serious allegations regarding TCH obstetrics.

Let me first turn to those allegations. In February this year a number of very brave obstetricians came forward and made some very serious allegations about patient safety and a dysfunctional workplace—

**Ms Gallagher:** It wasn't February.

**Mr Seselja:** It's funny, is it? It is funny?

**Ms Gallagher:** It was not February—

**MR HANSON:** It is so funny, is it, minister—

**Ms Gallagher:** No—

**MR HANSON:** Let me quote to you—

**Ms Gallagher:** No; it was not February—

**MR HANSON:** what one of those obstetricians said.

**Ms Gallagher:** You are wrong. It was not February.

**MR HANSON:** If it is so funny—

**Ms Gallagher:** It was last year.

**MR HANSON:** If it is so funny—

**Mr Stanhope:** Come on, Jeremy.

**MR HANSON:** I will tell you what they said. Dr Elizabeth Gallagher, in the *Canberra Times*, raised verbal concerns about harassment with the general manager of the Canberra Hospital in 2007. She said:

I resigned in 2008. I felt that I could no longer work at the hospital to the best of my ability because I was very concerned about what was going on around me. I was starting to lose sleep ...

Many others made complaints. In fact, nine people resigned. Numerous complaints were made. These complaints were prominent throughout the media in February and were the subject of a motion, led by me, calling on the government to establish a board of inquiry. I am glad that at least the Greens acknowledge that the only reason we had these reports, the only reason we had these investigations, is that motion. When Katy Gallagher said in her speech that she instigated these of her own volition, that was another lie; that was another mislead. That was not true. And even Meredith Hunter, the great apologist for Katy Gallagher, says that that is true.

At the time, the minister denied that there were any legitimate concerns. She described the serious complaints made by the obstetricians as internal doctor politics and mud-slinging. She said that the claims were without substance. The minister actually attacked the doctors and their credibility. This is what she said in the *Canberra Times*:

... stop throwing stones and damaging the unit ....

... all I've seen is a lot of mud being slung around and no substantiation.

She then said in this place in February:

I believe that something good can come out of the way that this mud-slinging has occurred, and I do believe it is mud-slinging. It is an approach that I have not seen—the nature of the attacks on the credibility of hardworking individuals within the Canberra Hospital—before in my time in this place. I think it is immensely regrettable and has done extraordinary damage to a number of individuals. I regret that.

The minister was picking sides before the review had even started. She was publicly protecting the people who were the bullies and she was publicly protecting the bureaucrats rather than looking out for the interests of the medical staff, the doctors and the midwives. Andrew Foote, who is the chairman of the royal college of obstetricians and gynaecologists, said:

We were concerned that the Minister was trivialising this issue and writing it off as doctor politics, but it's really about patient safety and the safety for women and babies.

Then Katy Gallagher and Jon Stanhope, who were laughing at the doctors' complaints just five minutes ago, went one step further and wanted a witch-hunt. They wanted to go after the obstetricians and they threatened. What they wanted was an audit of all of the complaints that had been made to the medical boards over the last 10 years that involved obstetricians. That was rightly described by the doctors as a witch-hunt, as a thinly veiled threat. And that is what it was. It was only as a result of pressure from the media, the opposition and the doctors themselves that the minister was dragged

and forced in this Assembly to instigate the reviews that we had. Let us be very clear that that is what occurred.

There is no doubt that the other review, which was commissioned, under the public disclosure act, will not see the light of day. I know that, although the minister plays the innocent party, it is well understood in this town that the minister and some senior bureaucrats really do not want that report to see the light of day. If you think that this clinical review is bad, just imagine how bad that review will be.

Let me turn to some of the quotes from the clinical review. The minister said that it is a great review. Let us see what it actually said:

The review panel identified an apparent systemic and long-standing reticence by management to address disruptive or inappropriate behaviour ...

... medical and midwifery staff reported they had discussed their concerns about disruptive behaviour within the unit with their line manager and with various executive team members; however they did not believe these issues were addressed.

And this is where she said that they had not had any complaints made:

Management team members ... acknowledged that they had received complaints about inappropriate behaviour by a senior clinician over a number of years.

But in her speech Katy Gallagher said no complaints had been made. The report said:

The clinical governance at the Canberra Hospital maternity unit appears to be inadequate ...

There is evidence of systemic reticence to address staff performance issues ...

There was an apparent lack of cohesion amongst the executive team at the Canberra Hospital.

There appears to be considerable confusion over the role and delineation of some senior management positions ...

It appears that the chain of command often fails ...

There is a lack of understanding by staff at all levels within the Canberra Hospital as to how a complaint should be made and to whom it should be addressed.

And on and on. It is an absolutely shocking report from a shocking minister.

The denials that no complaints had been made were false. They were a lie. The attacks the minister made on the obstetricians were completely unfounded. There are very serious problems within TCH obstetrics, and that has been found in this report. The minister was either unaware of those reports and was negligent or she was aware of them and she was misleading the community and withholding that information, protecting the bullies. I will let her tell us which that is.

Despite all of this, four days after this report was tabled—we have quoted from it, and I assure you that there are a lot more quotes about the fact that complaints were made and that they were ignored—the minister came out and said on WIN News, “You can’t investigate allegations that don’t exist.” Four days after that report was tabled, four days after the evidence that says that there were complaints and that they were systemically ignored by management, she came out on WIN News and said, “You can’t investigate allegations that don’t exist.” That was her excuse for her disgraceful behaviour in relation to this whole inquiry. She is still accusing the doctors and the midwives of being at fault, when it is actually her management and her administration that ignored the complaints systemically over a number of years. And that has been found in this independent report.

If you think that the minister has got an appalling disregard for people, you have also got to look at her appalling disregard for the Treasury and the finances of this town. If Katy Gallagher had her way, we would be \$77 million worse off. A lot has been said about the Calvary deal; there are a lot of opinions. But right up front let us make it crystal clear that if Katy Gallagher had had her way on the time line that she wanted, she would have wasted \$77 million of taxpayers’ money. That is beyond dispute—absolutely beyond dispute. We would have spent \$77 million on something we did not need to spend a cent on.

Katy Gallagher started this secretive process in August 2008. She said that all her plans were on the table before the last election. That was another lie. She said that they were on the table. She refused—

**Mr Stanhope:** On a point of order—

**MR HANSON:** Stop the clocks, please.

**Mr Stanhope:** On a point of order, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** Stop the clock, thank you. Mr Stanhope.

**Mr Stanhope:** Madam Deputy Speaker, it is completely unparliamentary and unacceptable for Mr Hanson to be alleging that the minister lied. There is a no-confidence motion. The no-confidence motion at no stage goes to issues around Ms Gallagher’s honesty or integrity. It is simply unparliamentary. Allegations of lying or of deceit are unparliamentary and must be withdrawn.

**MADAM DEPUTY SPEAKER:** Mr Hanson, will you withdraw, please?

**MR HANSON:** I will withdraw, because there is so much information here that I am quite happy to withdraw and move on.

**Mr Stanhope:** On a point of order, Madam Deputy Speaker, the allegations must be withdrawn unconditionally.

**MR HANSON:** I did say that I withdraw.

**MADAM DEPUTY SPEAKER:** Mr Hanson, there is no need for anything—

**MR HANSON:** I said I would withdraw and continue, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** That is fine. Continue.

**MR HANSON:** Thank you. The point is that, when she said, “All our plans are on the table,” I ask you: was that true?

**Mr Corbell:** On a point of order—

**MR HANSON:** Stop the clocks, please.

**Mr Corbell:** Madam Deputy Speaker, as Mr Hanson is well aware, imputations are grossly disorderly. That was a clear imputation. It was an attempt to make the claim that you have just instructed him to withdraw. It was a clear imputation that the Deputy Chief Minister was lying. It is unparliamentary and he must withdraw it.

**Mr Seselja:** Madam Deputy Speaker, we constantly in this place, on both sides, point out when someone says something and whether it is correct or not. You have said that he can’t use the term “liar”, but he is completely entitled to say that something that the minister said was not true. He is absolutely entitled to say that.

**Mr Corbell:** That is not what he said.

**Mr Seselja:** Much of what we debate is about whether things are true or not, so it is a ridiculous point of order.

**Mr Corbell:** That is not what he said, Mr Seselja.

**Mr Seselja:** Madam Deputy Speaker, I ask you to allow Mr Hanson to continue and not have vexatious points of order from Mr Corbell.

**Mr Corbell:** That is not what he said.

**MR HANSON:** Madam Deputy Speaker, on the point of order, what I said was: when the minister said, “All our plans are on the table,” was that true? That is a good question to ask. I think that that is a reasonable question to ask, and it is up to people in this chamber to make the decision as to whether that was indeed true or not. That is quite a reasonable question to ask, because, quite clearly, when she said that, it was a very important part of the election campaign. It needs to be brought in as part of this debate. I said why that would be in any way a breach of—

**MADAM DEPUTY SPEAKER:** Mr Hanson, I will allow you to continue, but will you just note your language and make sure that you do not run into this problem again.

**MR HANSON:** Certainly, Madam Deputy Speaker; thank you. What the minister also did was use Clare Holland House as a bargaining chip. She was condemned for

that, and rightly so. She refused to listen to the experts. She refused to listen to Andrew Podger, President of the Institute of Public Administration Australia, who said, “Please get the accountants to fix a problem that is theirs.” Why didn’t she do that back in May 2009? She refused to listen to Professor Sinclair Davidson, who described her budgetary arguments as “simply nonsense”. She refused to listen to Terry Dwyer, an economist with a PhD from Harvard. And she refused to listen to—

**MADAM DEPUTY SPEAKER:** Mr Hanson, your time has expired.

**Mr Hanson:** I ask for an extension, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** Is leave granted?

**Mr Corbell:** No.

**Mr Smyth:** Katy was given an extension.

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

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.08): I move:

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

Question put:

That **Mr Seselja’s** motion be agreed to.

The Assembly voted—

Ayes 9

Noes 7

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

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

**MR HANSON** (Molonglo) (11.12): Madam Deputy Speaker, what a waste of time that was. I would have finished by now. To reiterate: she refused to listen to the experts. She refused to listen to Andrew Podger, who said, “Please get someone to speak to the accountants.” She refused to listen to Professor Sinclair Davidson. She refused to listen to Terry Dwyer, an economist with a PhD from Harvard, and she refused to listen to Tony Harris, a former New South Wales Auditor-General, who described her budgetary arguments as “a contrivance”.

This minister told us again and again that the only way that she could get around her budgetary problems was to purchase the hospital. The minister was wrong and she

was negligently wrong. She was negligently wrong to the tune of \$77 million. I remind the Assembly that I moved a motion last October, nearly a year ago, calling on the Calvary hospital purchase to be put to the Auditor-General so that she could look at it, so she could examine these sorts of issues, and that was voted down. I remind the Greens that they supported the government—what a surprise!—in voting that down. Had we got that motion up and had the Auditor-General been able to look at this then I think we could have all wasted, saved, a lot of time.

**Mr Stanhope:** Wasted, yes. You got it right first time.

**MR HANSON:** Well, we know who the waster is, Jon. If the opposition and others had not delayed this minister, if we had not stepped in her way with some very credible arguments that we put up and, in part, if the minister had not been so bungling that this proposal kept on being delayed then what is beyond dispute is that we would have spent, or she would have spent, \$77 million of taxpayers' money entirely unnecessarily.

This has not been without pain. Although we have saved the money, thankfully—how many doctors, how many nurses, is that?—this has not been without pain. It has been a significant aggravation to the staff of the hospital. It has been an aggravation to patients and numerous community groups. Even the union came out against the minister. It has disrupted and distracted the Little Company of Mary, ACT Treasury, ACT Health and the Assembly. If you look at the performance of our health system, the way elective surgery is going, the way that GP numbers are going and so on, clearly for the last two years it has entirely distracted this negligent health minister.

On so many levels Katy Gallagher is a failed health minister. She is failing our patients, the people that use the health system. They have lost their confidence in her. She is failing the doctors and the nurses, the people whom she failed to support through this whole obstetrics review. The numerous doctors and nurses that I speak to that are now calling into my office have clearly lost confidence in their minister. She has failed every taxpayer in the ACT. They would have lost \$77 million if Katy Gallagher had had her way. It is a shame that the Greens will not stand up. The Greens in this town talk about being the third force in politics, but at every step of the way, despite the evidence, they automatically leap to the defence of Katy Gallagher.

We should have had a board of inquiry into what was going on at the Canberra Hospital, but the Greens stopped it. The Calvary purchase plans should have gone to the Auditor-General, and the Greens stopped it. We should have had a censure of Katy Gallagher over her mismanagement of the elective surgery list and her contrivance when she was moving category 1 patients to category 2, but the Greens stopped it.

I am disappointed, but not in the least surprised, that Meredith Hunter spent the bulk of her speech today defending Katy Gallagher. She did not even go to the substance of the motion, or hardly went to the substance of the motion. She brushed over that and spent as much time as she could attacking Mr Seselja and defending Katy Gallagher. I think that that goes to the nature of the Greens. We have a left-wing party and a far-left-wing party working together in cahoots. If we need further evidence in this town that that is the case, we see it again today from Meredith Hunter and the Greens.

The minister has failed the people of this territory by delivering some of the worst health performance indicators in this country. She has failed the doctors and the nurses by not supporting them, by not protecting them and by not making sure that when there is bullying, when there is harassment, she will treat it fairly and impartially rather than protecting the bullies and protecting her bureaucrats. She has failed every single taxpayer in this territory with her ridiculous plans to waste \$77 million of their money. (*Time expired.*)

**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) (11.18): As the Minister for Health said at the outset of her presentation, this really is just raw politics. There is no substance. We see through the two presentations made by the Leader of the Opposition and the shadow Minister for Health absolutely no attempt or effort or desire to justify or to go to those essential ingredients in a no-confidence motion.

A no-confidence motion is the most serious motion that can be brought in a parliament in Australia. A no-confidence motion is a motion which at its heart proposes or postulates that the minister against whom it is directed is not fit to carry out the duties of her office. The motion suggests that the minister has been so derelict in her duty and has so failed in her responsibilities that she should resign. That is what the Liberal Party are suggesting this minister should do, that she should resign.

How absurd is the proposition, and what evidence has been brought to bear? What linkages have been made between the two supposed failings—firstly, a position in relation to Calvary hospital? We can go to that briefly and deal with it shortly and, in doing so, outline the absurdity, the nonsense, of the position that anything that Ms Gallagher has done or sought to do in relation to the creation of an integrated public hospital system for the ACT has reflected in any way on her capacity, her ability, her diligence, her expertise and her determination to create the best possible public hospital system in the ACT, in the knowledge that we have two public hospitals and it is absolutely vital that they work in a seamless, fully integrated way.

This is an issue that has sought to be addressed by every health minister since self-government. Ms Gallagher has grappled with the issue in a far more focused way perhaps than any other minister since self-government. What did she do? It was on the basis of advice from the Treasury and on the basis of advice from Health—the two departments from whom one would take advice in relation to how best to create a seamless public health system, how best to invest in health, consistent with the billion-dollar capital upgrade program that this minister has put in place.

Look at this minister's record of achievement in relation to health. It was Ms Gallagher that developed the capital upgrade program. It was Ms Gallagher that actually grasped the nettle in relation to the needs of this community over the next 10 years with a rapidly ageing population, a significant increase in population and enormous incremental demand. It was this minister, Katy Gallagher, that put the plan in place—the billion-dollar expansion of public health capacity within the territory

over the next 10 years. It is her vision, her program, her energy and her foresight that is delivering the most comprehensive improvement in public health in terms of infrastructure and services that has ever been delivered in this territory.

Part and parcel of the plan requires significant investment in our second hospital—and how best to achieve that? How can we afford it? How do we achieve it? The basis of all of the advice that the minister received in relation to that was that we needed to determine a capacity to overcome the issue that has affected every budget since self-government—namely, that every capital investment in Calvary public since 1989 has hit our bottom line.

We note the ambiguity in the Liberal Party's position today. In every year in government, as they accounted for expenditure of Calvary hospital, it hit their bottom line. They applied the accounting system of the day and the expenditure hit the territory's bottom line—not that they spent much, not that they invested much in health. They did not have to because they were busily cutting beds and reducing service. This minister has not. The Liberals did not spend much but what they did spend hit the bottom line.

We were faced with the need to spend somewhere in the order of \$200 million on that second campus. Of course, in order to facilitate that expenditure we needed to deal with the issue of capacity and the accounting standard—the accounting standard that has applied since 1989 and, indeed, to this day has required that that money be accounted for on the bottom line. That, of course, was a major issue, an issue we sought to overcome.

**Mr Smyth:** So Tony Harris was wrong?

**MR STANHOPE:** They were not wrong; nor were we. It is not a question of right or wrong. Things have changed. When a fact changes you do not say, “Well, we were wrong.” We were not wrong; we were right.

**Mr Smyth:** You are just discarding the advice.

**MADAM DEPUTY SPEAKER:** Mr Smyth, you will have your opportunity, I am sure.

**MR STANHOPE:** There has been a change or a mooted change of the accounting standard. Nobody was wrong and nobody was necessarily right. We were responding to the facts as they pertained at the time—the facts being, of course, the relevant accounting standard. The relevant accounting standard has now changed, or is in the process of changing. So you say, “Well, they were right.” At the time, in fact, relevant to the accounting standard, we were proceeding appropriately. We were proceeding on the basis of advice from the Treasury and on the basis of advice from the department of health. We were entirely and absolutely right.

**Mr Smyth:** No, you were negligent for not looking at alternatives.

**MR STANHOPE:** Negligent? We were right. The accounting standard, in the context of our capacity to invest, was right. That is the situation. What has happened is that the accounting standard is in the process of changing.

**Mr Smyth:** So Davidson was wrong. Podger was wrong.

**MR STANHOPE:** We were not wrong and nor were those that had a contrary view. They thought they would have been otherwise achieving the outcome we sought. We happened to disagree on that. That is the first issue. What is there in that? What is there in that scenario, that set of facts, that arrangement, that leads you to believe that because the minister was seeking to invest hundreds of millions of dollars in Calvary hospital and was looking for the best way to do that, while at the same time creating a genuinely integrated public health system, something which we desperately need, she should resign? What absolute, arrant nonsense.

That is the strength of your case—that the accounting standard has changed and because she did not foresee the accounting standard would change she should resign. The basis of this motion is that because Ms Gallagher had not foreseen and was not advised that the accounting standard might change, she should resign. What absolute nonsense.

Then we can go to obstetrics, the other issue. The Minister for Health is asked to resign because she did not do something about something which she did not know about.

*Mr Smyth interjecting—*

**Mr Hanson:** She did know about it.

**MR STANHOPE:** Mr Hanson says, “She did know about it.” It is quite clear that the public record shows—

**Mr Hanson:** Why did she attack the doctors?

**MADAM DEPUTY SPEAKER:** Mr Hanson!

**MR STANHOPE:** The nub of this motion—

**Mr Hanson:** Why did she?

**MR STANHOPE:** is that the minister should resign, first in relation to Calvary—

**MADAM DEPUTY SPEAKER:** Mr Stanhope, resume your seat for a moment. Stop the clock. Mr Smyth and Mr Hanson, the next one of you to interject across the floor will be warned. I want the minister to be heard in silence. Mr Stanhope.

**MR STANHOPE:** Thank you, Madam Deputy Speaker. You can summarise the allegations, the claims, the basis upon which the Liberal Party is today proposing that the Minister for Health should resign, in this way: firstly, she did not foresee that the accounting standard would change—that is the capital sin that requires her to fall on her sword, that she did not foresee and was not advised that an accounting standard would change—and, secondly, that she did not do something about something which she did not know. That is the second challenge.

Certainly, some issues have been identified in relation to a clinical investigation, but it is to the minister's great credit that she initiated the inquiry. She has actually responded very positively to it. I have to say that she commissioned it in the face of issues raised by doctors and others within the community that actually cast a pall over clinical outcomes.

In the context, one of the things that are understated in the report—I will just go to this as my time is almost up—is that, in terms of clinical outcomes, the head finding is that both Canberra Hospital and Calvary Public Hospital perform consistently with comparable hospitals in Australia and New Zealand. Let us then go to the body. I think it is unfortunate that in that brief summary at the head of this report it does not repeat or reveal precisely what the report then finds—that in relation to all of the clinical outcomes at the hospital, consistent with the Australian Council on Healthcare Standards, the ACT exceeds national standards in relation to 16 of the 19 listed. In other words, it is probably the best performing obstetrics unit in Australia. (*Time expired.*)

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.28): This motion today fails the test. As the Chief Minister and the Minister for Health have outlined, it fails the fundamental tests that any opposition has to meet if it is serious about moving a motion of no confidence in a minister.

What have we heard from the Liberal Party today? As the Chief Minister has said, we have heard the ludicrous suggestion that the minister should resign because an accounting standard changed, that the minister should resign because she did not act on complaints that were not brought to her attention. That is the fundamental failure of this no-confidence motion today. It fails the test. It fails the test fundamentally. What we have seen, and what the minister has clearly outlined in her statement today, is at all times a minister acting diligently, listening, responding and protecting the public interest when it comes to the operation of the ACT's public health system.

Let us just go through the reasons why the government wanted to acquire Calvary Public Hospital. In a small jurisdiction, it makes no sense whatsoever to have two public hospitals which do not coordinate the delivery of public healthcare services, where there is no ability to effectively control and manage the delivery of public money to improve and provide public health services. It was an issue when I was the Minister for Health and it is an issue today. It makes no sense for this to occur.

Let me give you a good example. Right now, Calvary Public Hospital refuse to take additional maternity care cases because they say they have reached their quota. They send it to Canberra Hospital, and Canberra Hospital has to pick up the slack. Does that make sense? Does it make sense that one public hospital can simply refuse to share the load and another public hospital has to pick it up? No. That is the situation we face in relation to these governance arrangements.

One public hospital, because it is not under the operational control of the public health authorities, can refuse to accept additional cases—in this case, maternity cases—and it

puts the pressure on the other public hospital, the one run and administered by the government. That makes no sense. The logical thing to occur, of course, would be for the load to be shared between the two hospitals.

None of us can control how many women choose to have babies or choose to present to public maternity wards but we can share the load and we can manage the demand by effectively utilising resources across both public hospitals. But that is not the case at the moment. It is just one small example of why the government is committed to getting a better governance outcome that makes sure public expenditure in public health services is utilised to the maximum and to the greatest level of efficiency possible.

So the government has set out from day one and said very clearly: “If we are going to invest further funds in our public hospitals”—the one that is owned and operated by the Little Company of Mary as well as the Canberra Hospital—“we need to be able to get value for money for the taxpayer. If we make the investment, we should be able to get the asset. We should be able to offset the cost to the taxpayer by having an asset that we own and make the investment not just in the service delivery but in the capital facilities of those hospitals.” That is a very clear and simple position, which those opposite seem to either refuse to understand or just are completely incapable of understanding.

So we need to invest. We have sought to achieve mechanisms to allow that investment to occur. The minister has made sure at every turn that that decision is a prudent one and that those proposals are prudent and effective in terms of maximising public investment in public health services.

It was the minister that made sure that the full accounting situation was understood before any final decisions were undertaken. It was the minister that sought independent expert advice on these matters. Are these the actions of a minister who should resign? Absolutely not. When the government put forward its proposals for investment and the purchase of Calvary hospital, it did so on the basis of the known and accepted and in-force accounting standard that applied at that time.

There was no proposed change to the accounting standard at the time the government put forward that proposal; none whatsoever. In fact, the accounting change only came to the government’s attention earlier this year. And it came to the government’s attention because the minister requested that advice. That is the action of a minister who knows what she is doing, who is aware of the possible risks and wants to make sure she is fully and properly informed before she makes a significant decision.

Yet the Liberal Party want the minister to resign because of that. The Liberal Party want the minister to resign. They fail the test. They fail the test absolutely.

In relation to the matter of obstetrics, of course it is interesting that those opposite no longer repeat the claims made by doctors such as Dr Foote that there were questions about patient safety. Let us see exactly what the report about those matters said. There is no suggestion of compromising of patient safety. There is no suggestion of that. In fact, in the overwhelming majority of the measures that have been assessed, the

ACT's maternity services at the Canberra Hospital exceed national benchmarks. So there is no suggestion that patient safety has been compromised, contrary to the claims of those opposite.

This minister has acted in a way that recognised issues, responded to concerns, required investigation and has acted on the results. Those are not the actions of a minister who should be forced to resign today. But that is the absurd and ludicrous suggestion we have from those opposite, and the grounds for this no-confidence motion are completely baseless.

**MRS DUNNE** (Ginninderra) (11.37): This debate today has been brought on because we have proven beyond doubt that Katy Gallagher is an incompetent minister and, because she is an incompetent minister, she no longer deserves the confidence of this house. What we have seen today is the usual and expected spectacle of the Greens finding some way to come on side with their colleagues on the left and the interesting footwork from the government trying to change the rationale for the sale of Calvary hospital.

What we have heard for two years—it is almost two years to the day since Katy Gallagher instituted her secret plan to purchase Calvary hospital—is “We have to do it, because we can't invest in the capital.” But what we heard today from the Chief Minister and Mr Corbell was a change of rationale. “The only way we can have a seamless approach to the provision of public hospital services in the ACT is if we own it, if we own all the public hospitals in the ACT.” This is a matter of pure ideology.

I am very pleased that Mr Corbell stood and spoke in this debate today, because it reminds everybody of his attempts when he was a minister back in 2003 to take over Calvary hospital. Luckily, he was unsuccessful and, luckily, it seems that this minister will be unsuccessful in this regard as well.

But we have to remember that our colleagues on the far left over here have been falling over themselves in an ideological approach to make sure above all else—it does not matter about the quality of the service—that the ownership of public hospitals must be in public hands. That has been their approach. It is an ideological one. It is consistent, and that is why partly today they cannot support this vote of no confidence in this clearly incompetent minister.

The minister has said we need to go down this path because this is the only way. In the sight of experts saying there are other ways, she persisted. We had Mr Corbell here today actually making the argument that they have underfunded the hospital. He made the argument that Calvary is not taking enough maternity cases and they are trying to shift them over to the other public hospital. The reason for that is the reason that was given to me by the former medical director when, on one of the occasions I visited Calvary years ago, he said: “We cannot provide more services than we are budgeted to do. I have to answer to a board and I cannot exceed my budget.”

If Calvary is not carrying its weight, as Mr Corbell would say, in relation to obstetric services, it is because, as has been contended in this place and in the community, this

government is underfunding Calvary, because Calvary has to meet its budget. Unlike the Canberra Hospital, they do not have the capacity to exceed their budget, to blow out their budget and be bailed out by a Labor government. And that is what this is about.

But the other thing that I really want to concentrate on today is *A review of service delivery and clinical outcomes at public maternity units in the Australian Capital Territory*, prepared by Dr David Rankin, Associate Professor Robert Bryce, Ms Avon Strahle and Professor Michael Humphrey. And there is little more that I need to do than quote—these are not my words; these are not the words of the opposition—these words directly out of the report. First and foremost, it is interesting to note that the reviewers pointed out on page 8 that there was a list of previous reviews and that “the conclusions, recommendations and subsequent actions for most of these reviews” were not provided to them.

I think it is interesting that the minister said, “They did not ask for it.” First of all, you would have to question why did they need to ask for it and, if they thought it was so insignificant as to not ask for it, why did they then comment that they did not receive it? There is more to this than their not asking for it. I suspect that, if we look deeply into this, there has been a cover-up here and that these reviewers have not had the opportunity to undertake a review with all the previous information before them.

But there are more important things to dwell on, in the words of the reviewers. It is interesting that they say:

At the time of the review, several key staff were on leave ...

I ask myself: why, at the time of such an important review, did some key staff mysteriously go on leave? Is there something to hide and did the reviewers actually get access to all the information that they needed? They went on to say:

... the Clinical Director had temporarily stood down. There was a general feeling of tension amongst all levels of management.

That was within the unit. Further, the report noted:

Midwifery and medical staff of the maternity and neonatal services reported concerns that the public had lost confidence in the maternity service and indicated that some patients were showing apprehension about having to receive care at the hospital.

This is something which is a clear indictment of the minister. She let the complaints go on for so long that they had to become public. Through the whole process of this becoming public, it is axiomatic that there would be a lowering of confidence and misapprehension about whether or not people are getting the best service.

It is important that we reinforce to the people of the ACT, the women of the ACT, that they are going to get great service when they go to a public maternity or obstetric and gynaecology hospital in the ACT, because it is their health that we are concerned about. This is why Mr Hanson, whom I congratulate on his courage and his

persistence in this matter, has actually brought forward the reviews that we have seen so far. It is only because Mr Hanson has prosecuted this so effectively in this place that we see these reviews at all.

What these reviewers reveal is quite alarming. They state:

The caseload program at the Canberra Hospital is oversubscribed, with a number of women expressing significant frustration at the lack of access to this model of care.

They talk about what happens in Tuggeranong. They then say:

There was a high level of dissatisfaction with access to public antenatal clinics at the Canberra Hospital. Waiting times at the Antenatal Clinic were also identified by women as unacceptable and problematic. The current lack of VMO appointments at the Canberra Hospital means that women under the care of a private obstetrician who require a transfer to the Canberra Hospital are almost always unable to maintain continuity of care. The reviewers were made aware of a number of women who expressed frustration with this situation.

There is a long litany here. I would like to go to the point that was made by Mr Corbell. He said that there is no risk. But I think there are risks and the reviewers point to them. The reviewers point to the risks. They say, in their looking forward, that things have to happen quickly to maintain clinical standards. We have to look at the fact that the reviewers report that there has been a 27 per cent increase in demand for maternity services and that has not been matched by an increase in staffing.

Then we have, on a number of occasions, the report pointing out that the working standards are in breach of the safe working concepts, that there is a shortage of clinical staff. These shortages of clinical staff are referred to at page 28 in particular:

Rosters at the Canberra Hospital indicate that the registrars are routinely working well in excess of 100 hours per fortnight.

This is outside the EBA and also inconsistent with the safe working concept. They also say:

On-call registrars ... are expected to cover the Labour and Delivery unit as well as the birth centre. This creates a potential clinical risk for a patient who requires urgent attention.

Mr Corbell said everything was squeaky clean in the garden. That is not what the reviewers say. The reviewers say there is a potential to negatively impact the outcomes for women and this carries a significant risk to the Canberra Hospital in recruiting and retaining a stable midwifery workforce. What we see here is the tip of the iceberg. Yes, so far we have not seen any real catastrophes, but what this review points to is that there are risks and that the risks of overworking and being understaffed will result in bad outcomes.

This is an important issue today. It is not brought lightly. The failure of the minister to manage the Calvary purchase, her refusal to look at alternatives and the failure of this

minister to get on top of what is happening in obstetrics show that she is incompetent and does not deserve the confidence of this house.

**MR SMYTH** (Brindabella) (11.47): The ministerial code of conduct states:

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

This debate is about, more than anything, diligence. It is about diligence, it is about competence, it is about judgement and it is about the capacity of the minister. This motion really does go to this minister's capacity to be the Minister for Health and—we all know, with the impending resignation of the Chief Minister—her ability to be the future Chief Minister of this territory. If this minister cannot run Health, how can she run the territory as Chief Minister? That is what we must discuss here today.

*House of Representatives Practice* states:

The responsibility of ministers individually to parliament is not mere fiction.

That is what those opposite would try to say today: “Nothing to see here. Nothing has happened. Nothing wrong.” And *House of Representatives Practice* states:

It is through ministers that the whole of the administration—departments, statutory bodies and agencies of one kind and another—is responsible to the Parliament ...

The question is: is this minister responsible to the parliament for what she does? The answer is, clearly, yes. And, if the Greens understood that notion of ministerial responsibility, they would be voting for this motion today, because Ms Hunter pointed out quite accurately—and she gave Mr Hanson the credit that he was due—that the two reviews that are currently underway, one into obstetrics and one into bullying through the Public Interest Disclosure Act, are only occurring because Mr Hanson took up the case of those individuals who were allowed to be bullied through the lack of diligence of this minister.

The report clearly says, and Mr Hanson has read the quote, that members of staff tried to make these complaints but were ignored. Ministerial responsibility kicks in when a minister becomes aware of a failing, or something untoward, going on in her department. When we asked the minister, “When did you become aware?” she said, “Well, everybody has known about the 10-year war in obstetrics.” So, if you knew about the war in obstetrics and you are the minister directly responsible for that department, the question then has to be asked: “What did you do to stop it?” And the answer is that, until held accountable by the Canberra Liberals, the minister did nothing. She was partisan. She took one view without any attempt to garner the knowledge of the other view. That is where she failed, that is where she was not diligent, that is where she lacked competence and that is where she lacked judgement. And that is the case for why this minister should go.

If you look at the motion, the motion that those opposite clearly ignored, there is every reason to have no confidence in Katy Gallagher as the Minister for Health,

given her mismanagement of the Health portfolio. The list is long and sad if you are someone who has suffered through Katy Gallagher's health department. We have seen the elective surgery waiting list debacle. We have got the lowest bulk-billing rates. We have seen inefficient hospital systems. We have seen bullying in several areas. We have seen the ineffective use of the emergency departments. We have got staff shortages in neurology. There is a breakdown in communication between the department, the hospital and the clients. We have seen mismanagement of the TB issue and the swine flu. We thought we were giving up 30 per cent of the GST, but it appears we are giving up 50 per cent. We have seen the neglect of mental health and we have seen the car park fiasco where the staff cannot get a car park—all on this minister's watch, all a failure of diligence, all a failure of competence, all a failure of judgement.

Then, on top of that, we have the serious issues raised in the review of service delivery and clinical outcomes at the maternity units. You only have to read the line where it says that the staff are overworked. I do not know anyone who believes that an overworked doctor or midwife or nurse is working at their best ability. They will do their best—they always do—but they should not have to be under that pressure.

Then we see the complete failure of the management of the Calvary hospital purchase, where apparently now it is all Calvary's fault. It has always been somebody else's fault. This minister wanted a secret deal. She wanted it signed up before the last election because all her plans were on the table. Remember that quote? But now it is everybody else's fault: it is the archbishop's fault, it is Calvary's fault, it is the accounting standard.

It is the minister's fault. She was told by Sinclair Davidson, by Andrew Podger, by Dr Dwyer, by Tony Harris, that there were other ways to do it. And she said: "No, no, no. I know better than all of those individuals and their years of experience. I know best. The only way is to purchase." And she was wrong. She was going to spend \$77 million and she has not had the courtesy to stand up and say, "I was wrong." On that alone she should go.

Then we have the many instances of her attacking those who made complaints, ignoring those who gave advice, and dealing with the problems through denial and neglect. Her basic defence: "It's just mud-slinging." But it was not mud-slinging. The first report says so and I would be fairly certain the second report says so.

Then we have the ongoing poor performance of the ACT health system. The ministerial code of conduct says that ministers must be diligent; ministers must make sure that they get it right. This minister has not done that. This minister, under all the judgements of Westminster, under all the judgements of the code of conduct for ministers, under the *House of Representatives Practice*, and for her failings, should go.

**Ms Gallagher:** I seek leave under standing order 46 to make a personal explanation.

**Mr Seselja:** You can do that at the end of the debate, Katy.

**Ms Gallagher:** No, I can do it now.

**Mr Corbell:** She can seek leave at any time.

**Ms Gallagher:** All right. I will do it at the end. It does not matter.

**MADAM DEPUTY SPEAKER:** You can seek leave, Ms Gallagher.

**Ms Gallagher:** I did seek leave, but if—

**MADAM DEPUTY SPEAKER:** If you are happy to do it afterwards, okay.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.53): What we have heard today in the debate is, firstly, that the rationale now for Calvary hospital has changed.

**Ms Gallagher:** No, it hasn't.

**MR SESELJA:** It has; it has changed. We were told that it was about having the assets on the books, but now apparently it is about owning Calvary hospital; it is about a takeover of Calvary hospital; it has got nothing to do with the accounting standards because they were wrong.

This minister and this government made a \$77 million bet with taxpayers' money that they were right and everyone else was wrong. That was the bet they made. And, if they had been allowed to get away with it, it is a \$77 million bet that the people of the ACT would have lost. They would have lost that \$77 million bet.

There comes a point where, as an opposition and as an Assembly, we must say that enough is enough. We have outlined a list of failures that in any other jurisdiction would result in the loss of the minister. On every major indicator, on every major project, on every aspect of responsibility, this minister has failed. On protecting staff from bullying and bad management practices, she has failed. On competent economic management, she has failed. On providing even average levels of health outcome, she has failed, and on treating those in her department with respect, dignity and diligence, she has failed.

So what will the outcome be? We see, again, the Greens and the Labor Party endorsing this—endorsing the debacle that is Calvary, endorsing the damning report in relation to obstetrics. And it seems likely that, far from being disciplined, this minister will be given a promotion by Labor. This minister will be given a promotion. A minister that is not up to Health wants to be handed the job of Chief Minister on a platter.

We have to ask the question: if you cannot manage the health system, how can you manage the territory? The obstetrics review proves she cannot instil basic standards of management in her department. The Calvary process proves she cannot manage economic deals with diligence. The health outcomes prove she cannot deliver the fundamental services this portfolio requires. She cannot run the health department, she cannot run economic arguments, she cannot deliver basic health services. How can she run the territory?

We cannot maintain confidence given such a long list of abject failures. We must express our dissatisfaction in the strongest terms and we express no confidence in this minister.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): Can I seek leave now to make a personal explanation?

**MADAM DEPUTY SPEAKER:** Leave is granted.

**MS GALLAGHER:** A number of speakers from the opposition have alleged that it was only Mr Hanson's bringing a motion to the Assembly that resulted in the reviews being commissioned. I reviewed the *Hansard* and in my speech in the *Hansard* I referred to a review that I was commissioning around clinical standards. Indeed, I wrote to the Chief Executive of ACT Health three days before, on Sunday, 21 February, seeking a review into clinical standards in the obstetric unit. The imputation is that I was forced, kicking and screaming, to commission a review into clinical standards only because Mr Hanson brought a motion to the Assembly. That is simply incorrect.

Question put:

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

The Assembly voted—

Ayes 5

Noes 9

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

Question so resolved in the negative.

## **Justice and Community Safety—Standing Committee Scrutiny report 25**

**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 25, dated 9 August 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 25 contains the committee's comments on seven bills, 12 pieces of subordinate legislation, 10 government responses, the government's proposed amendments to the Litter (Shopping Trolleys) Amendment Bill and the health practitioner regulation national law regulation. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Planning, Public Works and Territory and Municipal Services—Standing Committee Report 6**

**MS PORTER** (Ginninderra) (12.01): I present the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 6—*Variation to the Territory Plan No 299 Lawson South—Introduction of a Structure Plan, Concept Plan and Zone Changes*, dated 28 July 2010, together with copies of the transmittal letter and extracts of the relevant minutes of proceedings

I move:

That the report be noted.

The report of the Standing Committee on Planning, Public Works and Territory and Municipal Services in relation to variations to the territory plan No 299 was released by the committee when the Assembly was not sitting. The variation proposes to change the residential RZ1 suburban zones in Lawson South to a range of urban zones to enable high density and urban development whilst aiming to protect significant natural features and open space and retaining the TSZ2 transport and service zones as the site of the electrical substation.

The variation also proposes to introduce a structure plan and concept plan to provide greater guidance for urban development at Lawson South for the introduction of more specific urban zones.

The committee noted that a satisfactory community consultation process had been conducted by ACTPLA and that variation No 299 had been amended since the public consultation version to take into account the majority of concerns raised in the submissions to ACTPLA. However, the committee made a number of pertinent recommendations—15 in all.

The committee supports the notion of increased density in Lawson South because of its proximity to Belconnen South, the Kaleen group centre and the University of Canberra and believes there may be capacity for some areas to be RZ2 rather than RZ1 residential zoning.

With regard to open space provisions, the committee recommends that space for community gardens should be a requirement of the development of Lawson South and that ACTPLA be substantially involved in the urban design of open space provisions.

As members would be aware, there is a growing number of people in the community who see the establishment of community gardens similar to those in other cities as a positive contribution to sustainable living. This is particularly important as we move to higher density living, with little or no opportunity for backyard vegie gardens for some.

The committee believes that a designated area for a playground should be allocated within the recreational urban space; however, not directly located near the waterways unless it is appropriately fenced and gated.

To support conservation aims, the committee believes that the design of the Lawson South lineal open space network should take into consideration the need for connectivity between wildlife corridors. It also recommends that native *Stipa* grasses be primarily maintained near the electrical substation, that cat containment be required in the suburb and that the precinct code should outline how a biodiversity offset approach will be implemented in Lawson South.

The committee also recommends that further threatened species surveys be conducted prior to finalising planning of the new suburb and the development of an estate development plan in order to provide further data on the presence of threatened species in Lawson South.

In regard to neighbourhood design, character and connectivity, the committee recommends that the concept plan should identify trunk cycle routes for Lawson South and that development codes for residential zones need to reinforce the desired character of the streetscape.

The committee would like to thank the planning minister, ACTPLA and officials and all other witnesses for assisting the committee in its inquiry. I would also like to thank my fellow committee members—Ms Le Couteur and Mr Coe—and the committee secretary, Mrs Nicola Kosseck, and the administrative assistant, Ms Lydia Chung, for their support in preparing this report.

**MS LE COUTEUR** (Molonglo) (12.06): I would like to speak briefly on this. Like Ms Porter, I would like to thank the secretary, Mrs Nicola Kosseck; our admin assistant, Lydia Chung; and my fellow committee members.

Lawson South is, as people will know, just opposite the University of Canberra, is very close to Belconnen town centre and, of course, is very close to the lake. So it seems like an admirable place for some residential development. I would very much agree that this is a place for development, and I very much agree with recommendation 2—that the committee supports the notion of increased density in Lawson South. Unlike some of the places where we are having increased density in Canberra, this place is actually close to services—Belconnen town centre, the University of Canberra and the great recreational possibilities of the lake. As Ms Porter said, the committee supports the notion of increased density and that there may be, in fact, some possibility for Lawson South to be RZ2 rather than RZ1.

We noted the comments of the Australian Institute of Architects, who proposed that the overall density of Lawson South should be increased from 12 dwellings

per hectare to 20 dwellings per hectare by increasing the zoning for multi-unit housing adjacent to some areas of the open space and central area of the site. Twelve dwellings per hectare is, I believe, considerably less than that even in suburbs like Ainslie, Dickson and Downer, which are old suburbs with larger blocks of land where there has not yet been any substantial urban infill. The idea that we would be developing new areas at 12 dwellings per hectare in such a central area, given the pressures on Canberra and the needs for a compact city, seems silly, so I very strongly support the committee's recommendation that we support the notion of increased density in Lawson South.

The committee's recommendation 4 is that zone codes should reinforce the desired character of the streetscape, and that goes to the current consultation process on draft territory plan variation 303. I believe ACTPLA and the government need to do a substantially better job in terms of consulting with the community about what it is that the community thinks are in the different zones, what it is that we, as a community, are happy with around us. The consultation to date has been woeful.

The only public meeting so far on this subject has been one held by the Woden community council. Quite a few members of the public were there, but you have to realise that the only people who knew about it were people on the Woden community council's mailing list. That is just not good enough for something as important as draft territory plan 303, which sets out how all residential development happens in the ACT, and draft territory plan variation 301, which sets out how all the subdivisions occur in the ACT. Our recommendation touches slightly on that, but I would like to touch even more on that: we need substantially better consultation in the ACT on these important issues. I have written—I think it was two weeks ago—to the Minister for Planning saying exactly what I have said just now to the Assembly.

Moving along, recommendation 5 is about community gardens, and the Greens will be putting in our submission on the 303 residential subdivision that, where there are areas of significant multi-unit development, it should be a mandatory requirement to have community gardens. As Ms Porter said, in multi-unit developments, people do not have backyards to grow their vegies in. A lot of people like to grow vegies, and it is also something that is really important for the long-term sustainability and resilience of Canberra. It is also just a really nice social community thing to have. Canberra has got quite a few community gardens already. They generally have waiting lists for plots in them. They are an asset to the community, and they will, I am sure, be an asset to the community of Lawson South.

Pedal Power identified that we needed to put a bit more effort into the trunk cycling routes. I obviously agree with recommendation 6—that is, they should be identified at the concept planning stage.

The next recommendation is that ACTPLA needs to be substantially involved in the urban design of the open space in Lawson South. Again, this goes with the idea that quite a bit of Lawson South will be reasonably high density, multi-unit development. If we are to make multi-unit developments attractive, part and parcel of that is high-quality public open space. That is what we are saying—we need to have high-quality public open space so that our multi-unit developments are great places to live. We felt that ACTPLA needs to be involved with that.

The next section of our recommendations goes to the natural environment. Particularly in a site like Lawson South—clearly, it is next to Lawson North, which has a substantial grassland component—the natural environment is very important. We have asked for ACTPLA to provide details in the precinct code as to how a biodiversity offset approach will be implemented in Lawson South. We have recommended that the native grasslands under the electricity substation should be maintained as native grasslands, that there should be more threatened species surveys prior to finalising the planning and that a state plan should be developed in order to make sure that we have sufficient data to properly plan so that threatened species are not more threatened by Lawson South. We have also recommended that the open space in Lawson South should be connected to other adjacent open space so that we have connectivity for wildlife.

Recommendations 12 and 13 deal with and note the usefulness of containment areas. Finally, I would like to talk about the Lawson commercial zone, about which we did not make any recommendations. I was somewhat surprised about the uncertainty there still seems to be in the ACT government about commercial zones and, in particular, what is possible and not possible in local areas. Given the work that the government did last year through the Martin report, I am surprised that we have not managed to come to a better conclusion and that we have a situation where there is still a lack of clarity as to the retail hierarchy in the ACT.

The last recommendation, recommendation 15, is about consultation. Creating a whole new suburb is a major thing for any planning authority to do, so we felt that it would be useful if there were signs up for some time saying, “Proposed new suburb here.” Currently, small signs are erected for a couple of weeks: “Redevelopment application.” A whole suburb is a vastly bigger thing than that, so the committee felt it was appropriate to have some signage alerting passers-by that the environment around them is going to change substantially.

In summary, I will say that Lawson South does seem an appropriate place for further urban development, and I commend the committee’s recommendation and comments to the planning minister.

**MR COE** (Ginninderra) (12.15): I, too, would like to pass on my thanks to the committee secretariat for their good and professional work, as it always is. I also would like to add to the sentiments expressed by Ms Le Couteur and Ms Porter that Lawson is a good location for a suburb. It is a good place to live, and I think it will be a highly sought after place to live, given its proximity to the town centre, arterial roads, the University of Canberra and other sites in Belconnen.

Rather than recapping what has just been said, I will note in particular where I have some concerns. I did not support recommendation 5—that is, that the provision of space for community gardens should be a requirement of the development of Lawson South. Whilst I am not going to get into the merits of or the case against community gardens, I do not necessarily think that we should be mandating such things. There is a good opportunity here for individual developers to consider the provision of such services. Indeed, if they are attractive and are something that people would like, I

would think the developers would put them into their developments to give them a competitive advantage when they are actually selling their blocks. Again, I would rather leave that to the community to determine.

I also had concerns about recommendations 12 and 13. I do not believe we need to have a sweeping statement that cats should be confined to their keepers' or carers' premises at all times. I think we should be looking at this on a case-by-case basis. I think we should be a bit more considerate about people who may want to be moving in here, especially in the multi-unit complexes. It is quite possible that elderly people will be moving into this part of Belconnen, and such a restriction on pets may well lead to not as many people as otherwise would be the case finding this an appropriate place to live.

Finally, it is also worth noting that there are still considerable vagaries about how the north of Lawson South is going to be developed. That is the area controlled by the federal government on the old naval station. I imagine it is called Lawson North—it might just be Lawson, in fact. But the area to the north of Lawson South is controlled by the federal government, and it seems that there is not necessarily the best communication and best coordination between ACTPLA and the National Capital Authority. Given that the developments are adjacent to each other, it would make sense for there to be better coordination so you can better plan public transport, you can better plan the roads that will service the area and you can actually plan these developments in conjunction so that you will get a much better outcome.

I, too, support the signage to alert people to where future developments will take place. Of course, I would like that signage to be procured in a way that provides a reasonable price to the taxpayer rather than the usual way in which ACTPLA and TAMS tend to do their procurements. Again, I thank my committee members for the work they did on this, and look forward to the next committee inquiry.

Question resolved in the affirmative.

## **Climate Change, Environment and Water—Standing Committee**

### **Statement by chair**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Climate Change, Environment and Water.

The Standing Committee on Climate Change, Environment and Water recently resolved to inquire into and report on the ecological carrying capacity of the ACT and region. The committee will inquire into and report on the following matters:

- (1) the resources available to the ACT in terms of water, energy and food sourced from within the territory and outside it;
- (2) effective measures for assessing ecological footprint and carrying capacity;
- (3) current levels of resource use by ACT residents including:

- (a) the current size of the ACT urban, ecological and carbon footprints and how this compares to national averages and similar sized cities globally; and
- (b) trends in resource use in the ACT and the sustainability of otherwise of these trends continuing
- (4) a sustainable level of resource use in terms of ACT urban, ecological and carbon footprints;
- (5) appropriate ecological carrying capacities based on current, higher and lower consumptions;
- (6) effective measures for reducing the ACT's ecological footprint;
- (7) the role of the ACT in the region in relation to population and resource use;
- (8) relevant infrastructure issues; and
- (9) any other relevant matter.

The committee expects to report to the Legislative Assembly towards the end of 2011. In order to assist individuals and organisations wishing to make a submission to this inquiry, the committee is intending to prepare a discussion paper which will provide additional information about the inquiry. The discussion paper will be presented to the Assembly once it is finalised.

We hope that we will have a lot of individuals and organisations who will take an interest in this inquiry. Certainly we will be contacting as many organisations and individuals as we possibly can and ensuring that that gets out through media sources. I know that the committee are looking forward to conducting what is an important inquiry for this Seventh Assembly.

## **Public Accounts—Standing Committee Statement by chair**

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

On 3 August 2010, the Standing Committee on Public Accounts resolved to make a statement on its recent participation in and attendance at the mid-term meeting of the 2010 Australasian Council of Public Accounts Committees, otherwise known as ACPAC. The 2010 ACPAC mid-term meeting was hosted by the Tasmanian public accounts committee in Hobart on 5 July 2010. Seventeen ACPAC delegates attended the meeting, including chairpersons, members and staff of Australasian public accounts committees. Mr John Hargreaves MLA represented the committee at the meeting.

ACPAC, which was formed in 1989, facilitates the exchange of information and opinion relating to public accounts committees and discusses matters of mutual

concern. ACPAC meets every two years in conference, and meets between conferences, in the form of a mid-term meeting to, firstly, discuss and agree on an agenda for the biennial ACPAC conference and, secondly, discuss issues specifically pertaining to Australasian public accounts committees.

In accordance with the ACPAC constitution, the mid-term meeting discussed the proposed program, format and theme for the 11th biennial ACPAC conference to be held in Perth, in April 2011. The proposed theme for the conference is “Seeking improved performance for public accounts committees: what works well?”

**Mr Barr:** Important lessons.

**MS LE COUTEUR:** Pursuant to the ACPAC constitution, amongst other things, one of the aims of ACPAC is to provide an education service for the elected members of parliament. As the committee has noted on previous occasions, the opportunity to attend an ACPAC biennial conference is a worthwhile and valuable professional development opportunity for new and experienced members of parliament.

A range of issues pertaining to the Australasian public accounts committees was also discussed at the mid-term meeting, including, firstly, public finance and financial accountability reforms occurring across jurisdictions; secondly, the role of auditor-generals in scrutinising government advertising; thirdly, the New Zealand finance and expenditure committee’s review of standard estimates questions; and, fourthly, the use of social networking as a medium for seeking participation in committee inquiries.

**Mr Barr:** Facebook? You can imagine how many followers that would get.

**MS LE COUTEUR:** The committee sincerely thanks the Tasmanian public accounts committee, its secretariat and the Tasmanian parliament for their warm welcome and hospitality in hosting the 2010 ACPAC mid-term meeting.

*Mr Barr interjecting—*

**MS LE COUTEUR:** All public accounts committees in attendance at the meeting provided a jurisdictional report highlighting selected activity undertaken by respective committees over the period since the 10th biennial ACPAC conference held in Wellington, New Zealand, in April 2009.

*Mr Barr interjecting—*

**MS LE COUTEUR:** In concluding this statement on the committee’s recent participation and attendance at the ACPAC mid-term meeting, I seek leave to table, firstly, the committee’s jurisdictional report as presented at the meeting and, secondly, Mr Hargreaves’s meeting report as provided to the committee.

**Mr Barr:** Oh, yes, absolutely. I want to hear about Facebook.

Leave granted.

**MS LE COUTEUR:** Thank you. I table the following papers:

Public Accounts—Standing Committee—Australasian Council of Public Accounts Committees mid-term meeting—

Jurisdictional report, as at 2 July 2010.

Meeting report, dated 6 July 2010, prepared by Mr Hargreaves.

**MR SPEAKER:** I ask the clerks to make a special copy for Mr Barr.

### **Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to review of the Auditor-General's performance audit report No 5 of 2009, *Administration of employment issues for staff of members of the Legislative Assembly*; Auditor-General's audit report No 8 of 2009, *2008–09 financial audits*; and Auditor-General's performance audit report No 2 of 2010, *Student support services for public high schools*.

On 7 August 2009, Auditor-General's report No 5 of 2009 was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of an assessment of whether severance payments to staff of MLAs, volunteer employment arrangements and leave, and attendance management practices for all staff engaged under the ACT Legislative Assembly (Members' Staff) Act 1989, the LAMS Act, accorded with government policy and Legislative Assembly procedure and practice.

The ACT Legislative Assembly passed a motion on 9 February 2010 allowing the public accounts committee and the Assembly to consider the report notwithstanding standing order 156 and section 15 of the ACT (Self-Government) Act 1988. The committee received submissions from the ACT Legislative Assembly Secretariat, dated 6 April 2010, and from the government, dated 2 June 2010, in relation to the audit report. The committee has resolved to conclude its consideration of the audit report with the tabling of a summary report. The committee expects to table its report as soon as practicable.

On 18 December 2009, Auditor-General's report No 8 of 2009 was referred to the Standing Committee on Public Accounts for inquiry. This report provides a summary of the results of the audits of financial reports and reviews of statements of performance completed during 2008-09, covering the territory and its agencies. The committee received a briefing from the Auditor-General in relation to the audit report on 9 March 2010 and a submission from the government dated 16 April 2010. The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as practicable.

On 20 May 2010, Auditor-General's report No 2 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The committee has resolved to make no further inquiries into the report. As the report assessed the delivery of selected services by the ACT Department of Education and Training to support students with

particular needs, the committee believes that the report may be of interest to the Standing Committee on Education, Training and Youth Affairs on the basis of, firstly, the remit of that standing committee and, secondly, the possible relevancy to its current inquiry into the needs of ACT students with a disability. The committee has written to the Standing Committee on Education, Training and Youth Affairs to bring the report to its attention.

*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 12.29 to 2 pm.**

## **Questions without notice**

### **Gungahlin Drive extension—bridge collapse**

**MR SESELJA:** My question is to the Minister for Territory and Municipal Services. It relates to the bridge collapse on the GDE duplication over the Barton Highway. Minister, to the best of your current knowledge, what were the circumstances that led to the bridge collapse?

**MR STANHOPE:** I thank the Leader of the Opposition for the question. Indeed, it is a question that relates to a most serious incident that occurred in relation to roadworks at the intersection of the GDE and the Barton Highway. We are aware, each of us, broadly, of the circumstance of that. It was a most shocking occurrence, a dreadful accident and, indeed, the sort of accident, the sort of occurrence, that should not occur.

We are all aware that, as a result of the incident, 15 men working at the site received injuries. Two of those men remain in hospital. I am sure all members would join with me in wishing all those people affected by this accident a good and speedy recovery from their injuries and the trauma which they have suffered.

As to the specifics of Mr Seselja's question—at this point what knowledge or understanding do I have, essentially, of the cause of the accident—I would have to say that at this stage I have received no advice that points to the cause of the occurrence, the accident, the collapse. Members would be aware, however, that, under the auspices of WorkSafe ACT and Roads ACT, an independent structural engineer from the Snowy Mountains Engineering Corporation has been engaged to undertake an independent assessment of the site, with a view to determining exactly and precisely how the accident or the failure occurred. It is imperative that we do learn, that we do understand.

I am also advised that there will, in concert with or associated with or at the same time, be three other expert assessments of the site and of the issue. I am advised that an engineering expert/consultant has been engaged by the insurance company to undertake an independent assessment. WorkSafe ACT itself has engaged a consultant to develop a second independent view, apart from that which will be provided by the Snowy Mountains Engineering Corporation. I also understand, although I do not have detail of this at this stage, the CFMEU, the union representing the workers injured at the site, has also engaged an independent engineering consultant.

My advice is that there will be four separate independent expert assessments of the site. Of course our hope and my expectation is that, through that process, we will learn what the causes of the collapse were. It is vitally important that we do learn and understand. I think it is right and appropriate to say that incidents such as this should not occur. There really does need to be an absolutist approach to work safety always.

In relation to major constructions such as this, it is the government's and the community's expectation and, I am sure, the expectation of all of us or each of us that events such as this simply should not happen. It is a matter of grave concern to me, the government and all involved and, I am sure, all members that it did happen. We need to learn from it to ensure it does not happen again.

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

**MR SESELJA:** Yes, thank you, Mr Speaker, and thank you, Chief Minister. Chief Minister, could you provide some more details in relation to the investigations that are planned and are being conducted; particularly, when do you expect investigations will be finalised and how will the results be published?

**MR STANHOPE:** Thank you, Mr Seselja. Once again I have advice—and to some extent some of these issues will be determined by WorkSafe—that the site will be left as it is until each of the engineers, the independent consultants that have been engaged, has had an opportunity to thoroughly inspect and review the site. Hence, the delays in clearing the site are a direct result of the determination not to touch or to interfere in any way with the site so that there will be a full and thorough investigation so that we can, to the extent that expert advisers are able, determine the cause. I have been advised initially—this is something that may change but the expectation is—that those investigations will take at least a week so that there will be no attempt or move to clear the site or to begin to clear the site until each of those investigations has been completed.

Mr Seselja, I do not have a time frame in relation to when those reports will be available. I will seek it. I have to say that that is advice that I have not been provided with. But let me give you this assurance: the government will make available all of those reports that are available to it. I have no hesitation in offering any member of this place a full briefing and access to ACT government officials from Roads ACT or from WorkSafe in relation to briefings on the circumstances, the inquiries and the way forward, and we wish through this process to give assurance to the Canberra community that we are doing everything to ensure that these systems are safe.

**MR COE:** A supplementary.

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

**MR COE:** Chief Minister, what complaints, if any, have the government received about works on the project, what were the nature of those complaints and when were they received?

**MR STANHOPE:** Thank you, Mr Coe. This is an issue that I have asked officers and officials to pursue today, and to pursue with some vigour, most particularly in relation to what I have to say, quite frankly, were quite alarmist reports broadcast by the ABC last night around numerous complaints that had been made to government to which the government did not respond. I have had all agencies across the ACT government today pursuing those allegations aired by the ABC last night.

I am advised, in relation to this particular site, these particular works and this particular company, or contractor and subcontractor, that, over the course of this particular work, one complaint had been received—a single complaint—and not a complaint addressed to the contractor. That complaint was received on 3 June and the complaint was fully investigated by WorkSafe. It was a complaint from the CFMEU—one, a single complaint, from the CFMEU—on 3 June, referred to WorkSafe ACT. WorkSafe ACT inspectors visited the site and, consequent on their complaint, identified several issues that they believed did require rectification at the site. One of those was the placement of an electrical lead; one was about the need to remove excess gas bottles from the site; and the third related to the need to rectify a barrier to prevent falls from the site.

I have asked for continuing investigations by all agencies that might possibly receive complaints, but at this stage the only complaint that we can identify is that single complaint, none of the issues of which went to the structural issues which we are now investigating.

I do propose to invite the ABC to provide me with any evidence that they have to justify their broadcast last night, and we are similarly inviting the CFMEU to provide us with the basis of their claims.

### **Bimberi Youth Justice Centre—drugs**

**MS HUNTER:** My question is to the Minister for Children and Young People and is with regard to Bimberi. Minister, can you confirm that two young people overdosed on someone else's medication within the Bimberi Youth Justice Centre last month?

**MS BURCH:** I am aware of various incidents happening at Bimberi. Without going into the detail—and I am sure the member would appreciate the level of detail that I can go to in this place, but I am quite happy to offer a briefing—there was an incident that involved one child accessing medication. They were treated. There were no ill consequences, and certainly all policies and procedures have been reviewed to make sure that that does not happen again.

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

**MS HUNTER:** Thank you, Mr Speaker. Minister, how is it possible that one resident was able to obtain another resident's medication, and what procedures broke down that allowed this to happen?

**MS BURCH:** It is unfortunate. It is a flaw in procedure rather than a lack of procedure, but it is something that we have gone back to and looked at quite closely.

We will strengthen those processes and procedures, because it is something that we find unacceptable. It endangers people and it is something that we need to address.

**MS LE COUTEUR:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Thank you. Minister, how was this reportable incident categorised—as a category 1 incident, which refers to a suicide attempt, or a category 2 incident, which refers to an incident involving contraband such as drugs?

**MS BURCH:** It certainly was not categorised as a suicide attempt. I would say that some of our residents undertake an activity that does them no good and does them some level of harm, but we certainly did look at it.

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

**MS LE COUTEUR:** Yes, thank you, Mr Speaker. Minister, how do you intend to respond to this issue to ensure the health and safety of young people in Bimberi?

**MS BURCH:** We take any incident that exposes young people and those that work at Bimberi to risk quite seriously, so every incident, regardless of what it is, is reported and is reviewed by management, and that is what we have done in this case. It is my understanding that a tightening up of procedures has occurred because we did and have taken this very seriously, so appropriate action has been taken.

### **Calvary Public Hospital—proposed purchase**

**MR SMYTH:** Mr Speaker, my question is to the Treasurer. On 10 February, you said about the proposed purchase of Calvary hospital:

Mr Hanson's question ... was that other people have disputed the Treasury analysis, and that is incorrect. Nobody has, and nobody has been able to, and nobody will ...

In fact, on 13 August this year, you stated that you had received advice from PricewaterhouseCoopers that the previous Treasury advice was incorrect, and you announced:

... the Government is no longer in a position to offer money for something that our accountants are now telling us we don't have to pay for ...

Minister, when did you receive the advice from PricewaterhouseCoopers that your previous advice from Treasury was incorrect and what did you do to inform the community that someone had in fact disputed your analysis?

**MS GALLAGHER:** I am sorry; I missed the last part of that question—the second part of the question.

**MR SMYTH:** Let me ask it again. Minister, when did you receive the advice from PricewaterhouseCoopers that your previous advice from Treasury was incorrect and

what did you do to inform the community when you received that advice that someone had in fact disputed your analysis?

**MS GALLAGHER:** I received verbal advice from Treasury around some expert advice they had received in the first week of May, and that was not confirmed in writing for at least another week. I then sought assurances around that advice. And it was not that Treasury's original advice was wrong; it was—

*Opposition members interjecting—*

**MS GALLAGHER:** I know that is not convenient for the opposition. The advice the government has received until April 2010, supported by every government in this place since self-government, and indeed the Auditor-General, who signs off on our accounts, is that we could not make capital investments into Calvary whilst the—

**Mr Smyth:** Signed off by the Auditor-General?

**MS GALLAGHER:** The Auditor-General signs off on our accounts and the way we fund issues such as—

**Mr Smyth:** Let's send it to the Auditor-General. Let's refer it all to the Auditor-General.

**MS GALLAGHER:** The Auditor-General has been involved in this all the way through, Mr Smyth. All the way through, I have sought the involvement of the Auditor-General in these negotiations. I have kept the Auditor-General, through officials, briefed, and have sought the Auditor-General's advice. So it is important to get at least a base level of understanding of what we are dealing with here. The advice is that exposure draft 194, which was released on 21 April 2010, which related to service concession arrangements that included governments for the first time—they had applied to private sector operators for about a year prior to that—had been released and had gone to the Accounting Standards Board. Indeed, it was endorsed by the board on 14 July.

The advice we got from PricewaterhouseCoopers was in early May. That work was confirmed for my satisfaction by the end of June. I took that to Little Company of Mary Health Care as part of the ongoing negotiations around Calvary Public Hospital. Little Company of Mary Health Care did not agree with that advice, asked us to retest that advice and, indeed, advised us that they would test that advice, and that is where we are at today.

**MR SPEAKER:** A supplementary, Mr Smyth?

**MR SMYTH:** Treasurer, why did you not advise the community and the Assembly earlier of this advice?

**MS GALLAGHER:** Because the advice was in dispute between the parties and remains in dispute between the parties. My intention was to update the Assembly this week. Unfortunately, things were out of my control. Information was leaked to journalists on Thursday afternoon and I had to respond to a number of questions.

Indeed, an individual rang Chief Minister on talkback on Friday morning. Paul seemed to have information that it was clear that information I provided to the parties negotiating had become somewhat more public. One of the few investigative journalists in this town approached my office on Thursday with a list of questions which, indeed, confirmed to me that information from around the negotiating table had gone further than the parties had sought.

**Mr Seselja:** It is the only way we get information on Calvary, isn't it?

**MS GALLAGHER:** No. The update around the negotiations with Calvary was going to be provided to the Assembly this week. It was not my intention to have it out on Friday.

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

**MR HARGREAVES:** Thanks very much, Mr Speaker. Treasurer, when was the Little Company of Mary aware of the change in accounting standards and were they negotiating from the perspective of seeking funds to which they may be not entitled according to that new standard?

**MS GALLAGHER:** The Little Company of Mary were aware of the standard as it applied to them, as a private sector operator, and it had applied to them for some time. However, I think the change around governments being able to apply the same principles as operators when accounting for service concession arrangements did occur within the negotiating timetable. Nobody had seen it coming. On 21 April that is what the exposure draft said. It has since been endorsed by the Accounting Standards Board.

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

**MR HANSON:** Thank you, Mr Speaker. Minister, do you accept, in relation to your statement with regard to the Treasury analysis that no-one had disputed it, "nobody has been able to, and nobody will", that you were in fact wrong?

**MS GALLAGHER:** No, I was not.

### **Roads—Civic**

**MS LE COUTEUR:** My question is to the Minister for Territory and Municipal Services and concerns roadworks and refurbishing in Civic. The 2010 Cardno report on the ACT cycling and pedestrian network ranked shared space in Bunda Street and protected cycle paths in Bunda Street as the two highest priority infrastructure projects. Why is the current work in Bunda Street simply reworking pavement and other aesthetics instead of progressing these priority projects? And, if you did make Bunda Street into shared space, wouldn't it make the current works largely redundant?

**MR STANHOPE:** I thank Ms Le Couteur for the question. I do not believe, as the question presupposes, that these are either/or issues. The work that has been

undertaken in Bunda Street is work that was funded quite deliberately as part of that package of works that the government is pursuing in order to lift the appearance, attractiveness and amenity of Civic.

I think none of us disagree that we do have quite a way to go to lift the level of the infrastructure here within the territory that befits a vibrant world city such as Canberra is. Ms Le Couteur, the government funded to a certain level works designed to lift the look and the feel, the physical appeal, of Bunda Street, and it is something that we are proposing to do throughout the whole of the city. It comes at significant cost. The current budget for the works in Bunda Street, accepting that it is just one side of the street, is somewhere in the order of \$5 million.

In an ideal world, it would be nice to be able to do everything at once, but we simply cannot. It is that same issue, Ms Le Couteur, in relation to concerns you have raised about the work that has just been completed on London Circuit when you raise—and it is a reasonable question—“You’ve just resurfaced London Circuit and done some work on kerb and gutter; why didn’t you provide another bus lane?” or “Why didn’t you put a cycle path in?” It is because we had a budget and the works were essential infrastructure upgrade or maintenance of pavement. Every time we undertake a work such as that, of course it would be nice to think, “Oh, look, with an extra \$5 million we could have put a bus lane around here” or “With an extra \$2 million we could have put in a cycle lane.” In an ideal world, it would be nice to proceed on that basis and in that theory. But we have a very limited capacity to do everything at once.

The works in relation to London Circuit were around a desire to repair pavement—and they came at a cost, I think, of about \$5 million. In Bunda Street we are seeking to restore the sidewalks, the pavements. But it does not preclude Bunda Street, as we progress with the upgrading, revitalisation and completion of Civic, making some of these places more commuter and cyclist friendly. So I do not believe it is exclusive, Ms Le Couteur. You might say that there is some opportunity cost; but there is an opportunity cost too in diverting resources that are currently being applied to some other project to Bunda Street or to London Circuit. What other project, for instance?

This is part and parcel of the divvying up of the budget pie. Yes, let us say we devote another \$5 million to Bunda Street. Which project should we have cancelled elsewhere in Canberra to achieve that outcome? I can always answer, in a nice, easy, simplistic way, Ms Le Couteur, “Yes, we could have found another \$3 million.” But, Ms Le Couteur, it would have been at the expense of some of the projects somewhere else in Canberra or indeed even in Civic.

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

**MS LE COUTEUR:** Thank you, Mr Speaker. Minister, what is the government’s position on the Civic cycle loop, which was recommended as priority infrastructure by the Cardno report?

**MR STANHOPE:** Ms Le Couteur, I will take the question on notice, but I just signal that I am not quite up to date with exactly the final thinking in relation to the greater Civic action plan, which we are seeking to finalise now, as soon as we can, to guide

some of the works within Civic and the Civic area. Of course, that particular proposal is very much part of our thinking. I just want to go back and have a look, but I am more than happy to respond fully to you in relation to where that work stands in our thinking.

I am supportive of it. I accept most particularly the representations that I have received from cyclists, most particularly through Pedal Power, around the enormously strong support for enhanced cycling amenity throughout this area of the city, up and down Northbourne Avenue throughout the whole of the city. Indeed, I do not deny the importance of east-west cycle routes for safety through the city as a priority. I also accept that the Civic cycling loop is a significant priority and I hope we can fund it and deliver it sooner rather than later. But I will give you a bit more detail, Ms Le Couteur.

**MS HUNTER:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Ms Hunter.

**MS HUNTER:** How does the government ensure that expensive roadworks and refurbishment are not undertaken in areas that are already under consideration for redesign?

**MR STANHOPE:** In a technical sense, I am not quite sure I can answer that. My expectation always would be—and it would be the basis on which all agencies work—that they work together, that they work collegiately and that they do develop an understanding around works that might be in the pipeline, that would be affected by an upgrade where perhaps aspects of that upgrade would be affected or, indeed, perhaps dug up or destroyed as a result. We have quite sophisticated, detailed negotiation, consultation and collaboration across agencies.

From time to time, there will be works that are done that have a quite short life or time frame. More often than not, from my experience where I do see examples of that, I believe it is almost always appropriate.

I cannot stand here and invite members to do it. I can perhaps give a more specific response if there is a piece of infrastructure work, an upgrade, that has been undertaken where it has been, essentially, rendered negatory or irrelevant as a result of subsequent redevelopment or work. I would be interested to know of it so that I could perhaps get a better appreciation from agencies around why our forward thinking had not kicked in to ensure that we did not expend moneys on infrastructure where the infrastructure would be rendered obsolete or unnecessary.

There are occasions where we do repair roads, where we do undertake some works which are rendered irrelevant, but almost always, in my experience, they are done for quite obvious safety or other reasons.

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

**MS PORTER:** Thank you, Mr Speaker. Minister, what other work is being undertaken or planned in Bunda Street to improve its amenity?

**MR STANHOPE:** We are currently involved in a first phase—at this stage no other work has been funded—and the work that is underway, as I say, is expensive. It is always expensive. It is perhaps interesting for members of this place to go to Bunda Street and observe the works that are underway and to reflect that they come at a cost of in excess of \$5 million. In other words, from the new Actew building to Petrie Plaza—that is what we are talking about: from the new Actew building, at the taxi rank, to Petrie Plaza—the replacement of services and the pavement comes at a cost of \$5 million. It is half of one side of Bunda Street.

Those are the issues that government deals with in relation to capital works and these are standards. The majority of that massive cost—it always comes as something of a frustration to me—is underground. We take the opportunity, as we pursue work such as we are pursuing in Bunda Street, to replace essentially all of the ageing services—the water, the sewage and the stormwater. Indeed, some of the electricity and the communications infrastructure are part and parcel of that.

Just by way of example of the issues governments deal with, I would ask members, the next time they are in Bunda Street, to reflect on the fact, as they walk along from Petrie Plaza to the corner of the Actew building, that \$5.6 million or thereabouts is the cost of that upgrade. Consistent with the rolling out that is part and parcel of the rationale for the Civic action plan, we will, of course, complete the works within Bunda Street, as we will pursue a range of other works around the city.

### **Canberra Hospital—alleged bullying**

**MR HANSON:** My question is to the Minister for Health. Minister, the recent review of service delivery and clinical outcomes at public maternity units in the Australian Capital Territory found:

There is evidence of a systemic reticence to address staff performance issues in the maternity unit at the Canberra Hospital, particularly issues of inappropriate behaviour by certain medical staff.

Why has your government been reticent to address this inappropriate behaviour? What is the behaviour that has been deemed inappropriate?

**MS GALLAGHER:** The report did not say the government was reticent to address behaviour. I think the report said there were views around management reticence at the hospital.

**Mr Hanson:** Systemic reticence at the Canberra Hospital.

**MS GALLAGHER:** I have to say, Mr Hanson, there are mixed views coming around the review. We are consulting with staff around the recommendations and the best way forward. I think I have said publicly there were things that could have been done, that should have been done, that were not done, in my view, from looking at it with what we know now. Probably there are some people in management positions who share that view of mine.

As to the behaviour, in some of the correspondence I have received from people, there are views around inappropriate use of language, shouting, people feeling verbally abused and harassed. But I have to say it is not necessarily about one person. A number of people have expressed views about a number of individuals' behaviour within that unit, and that has been worked through, as it should be, and appropriately done, at the workplace level.

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

**MR HANSON:** Minister, has the reticence been a deliberate attempt to prevent problems from emerging in public?

**MS GALLAGHER:** I do not think anyone goes to work to not do their job every day, but I think—and what I understand from being in this position—that nothing is ever black and white. I think that managers at the hospital very much do their best to make sure of the smooth running of the hospital and that they are addressing pockets of concern when they arise. But it is a hard job. It is an incredibly hard job.

**Mr Smyth:** They don't believe the report. Is that what you are saying?

**MS GALLAGHER:** I am not discounting the review at all; I am trying to explain that for managers, managing units within the hospital is very complex, and it is not always black and white. That is what I would say. There is agreement that the obstetrics units and concerns that were probably bubbling away for a little while were not addressed at their earliest indication. What we have seen—

**Mr Hanson:** They were not obvious at all.

**MS GALLAGHER:** Again, there are mixed views about that. I know that you are there as the judge, jury and sentencer on this, but there are mixed views about this. And there are mixed views around how everyone's input has been relayed. I am trying to manage what is a very difficult situation and keep a public maternity service running. I can say that, whilst the opposition can sit there in their black-and-white world where everything is Katie's fault and nothing is their fault, from the hospital's point of view it is not all black and white. There is no person who has been right and person who has been wrong. There are a whole range of issues that need to be worked through. I think that management have tried to resolve issues. As to whether they have done that successfully or not—I think there is probably fair agreement that they have not managed that successfully—I think attempts were made.

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

**MR SESELJA:** Minister, what are you now doing to ensure that these systemic issues are addressed to ensure that staff performance issues, particularly inappropriate behaviour, are properly dealt with in future?

**MS GALLAGHER:** An incredible amount of work has gone into ensuring that process. I should say that the processes, policies and guidelines are already in place

and have been for some time. So there has been quite a lot of work that has gone into that unit, indeed with the managers, around getting a full understanding of all the obligations that they have, as managers of the unit, to respond to staff concerns when they arise, even if those staff concerns are not put in writing or signed on the dotted line, about how they need to respond to those. There are a whole range of other things such as the additional resources going into the unit.

I think there is a level of stress in that workplace around workloads, and it has been responded to. Some extra clinical staff have already been put in place around that.

**Mr Smyth:** Have you read the report?

**MS GALLAGHER:** I do not know, Mr Smyth, but I think you asked the last question. You keep interjecting have I read the report. So that you do not feel that I am not answering, yes, I have read the report. It is my report. I commissioned the report and I, as the minister, am implementing all the recommendations of the report where appropriate and in consultation with staff.

**MR HARGREAVES:** A supplementary.

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

**MR HARGREAVES:** Thanks very much, Mr Speaker. Minister, has the opposition or anyone else reported detrimental clinical outcomes relating to specific patients to you in relation to this matter?

**MS GALLAGHER:** Individuals?

**Mr Hargreaves:** Individuals.

**MS GALLAGHER:** No, they have not. Thank you, Mr Hargreaves. The reason I commissioned this report was around concerns regarding clinical safety, and Mr Hanson supported those claims and the views being expressed by some of the private obstetricians that there were clinical safety issues.

**Mr Hanson:** No, I wanted them investigated.

**MS GALLAGHER:** In *Hansard* you said—

**Mr Hanson:** And I demanded they be investigated—

**MR SPEAKER:** Mr Hanson!

**MS GALLAGHER:** In *Hansard*, if you reflect on what you said—

**Mr Hanson:** And the only reason they are—

**MR SPEAKER:** Mr Hanson!

**MS GALLAGHER:** you say that serious harm or death may have even occurred. I think that is the role that you played—scaremongering, as usual.

What we find in this report—and I must say I have met with the unit recently, and one of their responses to this report is that they feel that TCH has not been given the credit it deserves as a unit that performs overwhelmingly superior to other benchmarked hospitals. That is something that members of the unit expressed to me and said, “If there is anything you can do, Katy, when you go back to that place you work in, can you please let them know that we do a damn good job here, we’re very proud of it and we’re very proud of the clinical outcomes that we deliver to the women of the ACT.” Indeed, they are quite protective of some of the recommendations in this review which encourage changing some of the staffing arrangements at the hospital, because they believe that some of the good outcomes are because of the way they run the service. Again, this is just trying to explain to you that you can’t always accept one version of events; that there are shades of grey all the time. And that is why we will consult over some of these recommendations before proceeding any further.

### **Economy—federal public service**

**MR HARGREAVES:** My question is to the Chief Minister. Can you please detail to the Assembly what exactly is the importance of a strong commonwealth public sector to the ACT economy?

**MR STANHOPE:** I am more than happy to do that, and I do it in the hope, perhaps the forlorn hope, that members of the Liberal Party will—

**Ms Gallagher:** Stand up for Canberra.

**MR STANHOPE:** stand up for Canberra—that they will actually take the message to their federal leader, their federal shadow Treasurer, and seek to get some level of understanding about the importance of the commonwealth public service as an employer in the ACT.

It is a forlorn hope, isn’t it? We see the banging of the drum constantly and regularly by most particularly the Leader of the Opposition, Mr Seselja, and the deputy leader, Mr Smyth, in relation to the need to stick up for the city, the need to stick up for the community. Where have Mr Seselja, Mr Smyth and, more importantly, Senator Humphries been over this last month as Tony Abbott and Joe Hockey have gone around the nation bashing Canberra, seeking to score political points and seeking desperately to gain votes in the marginals in Sydney and Queensland by promising to do what any desperate politician does—that is, belt Canberra to death? What about the \$24 billion cut to public service outcomes in the ACT that Tony Abbott and Joe Hockey promised?

*Mr Hanson interjecting—*

**MR STANHOPE:** What representations have you made? What has Senator Humphries done? Has he actually suggested at any stage that he might cross

the floor on this? He is a great crosser of floors, Senator Humphries. What representations or protestations has Senator Humphries made? Importantly, what have his colleagues in the Assembly done? What have the leaders of the Liberal Party in the ACT done to seek to protect this city and this community? What have they done to protect the jobs, the economy and the families that will be affected by a \$24 billion cut to commonwealth government outlays? We understand that the price of that \$24 billion cut will be 12,000 public service jobs and, according to modelling done by the ACTU, there will be a flow-on effect or impact on an additional 17,000 jobs throughout the ACT.

The commonwealth public service, of course, is fundamental to the welfare of this city in terms of its operations and its future. It is easy politics. Mr Abbott and Mr Hockey are being unrelenting, unremitting and unapologetic in relation to their bashing of Canberra all around the nation. Bash, bash, bash. "This is how we will reap these billion-dollar-a-day promises that we have made over the course of this election campaign—we will do it by taking \$24 billion out of Canberra." That is how they justify their entire election strategy, each of the promises they make, the billion dollars a day that they are racking up in promises. And they mean it when they are asked, "Well, how are you going to pay for this?" and they say, "Oh, it's easy to pay for that. We'll just take \$24 billion out of commonwealth outlays. We'll just cut the ACT workforce by 12,000 in the hope that nobody around Australia will notice," with absolutely no compunction in relation to the devastation that it will wreak in the ACT.

The question we can rightly ask in this place today is this: what has Zed Seselja done about it? What has the shadow Treasurer, Brendan Smyth, done about it? It will be interesting to hear how Brendan Smyth, as shadow Treasurer, believes that this economy will function when those 12,000 jobs are taken out of the mix.

*Mr Hanson interjecting—*

**MR STANHOPE:** Where is Senator Humphries on this? He was known in his little stint in this place, of course, as the great procrastinator. (*Time expired.*)

**MR SPEAKER:** Mr Hargreaves, a supplementary question. And before you ask your question, Mr Hargreaves, let me remind you, Mr Hanson, that you received a warning from the Deputy Speaker this morning for constant intervention.

**MR HARGREAVES:** Chief Minister, will there be any detrimental impact of a cut of 12,000 jobs on the ACT economy that you have not outlined already?

**MR STANHOPE:** I thank Mr Hargreaves for that supplementary. It is important. This is not a joke. This is not a joke, because the Liberal Party have form on this. They have form going back to 1996, and we know it. We know of the pain that it caused. The same sorts of promises made by John Howard in exactly the same circumstance in 1996 are now being made by his successor and greatest fan, Tony Abbott. He will slash the ACT public service—the commonwealth public service here in the ACT. He will take 12,000 jobs. He will take \$24 million in outlays out. They said they would do it last time, and they did. They were consistent on that. There is no reason to think that they will not do it this time if they get up.

What were the implications last time? The implications were dire. It pushed the ACT into recession, as I have said before. John Howard and the Liberal Party did in 1996 what the global financial crisis could not do in 2009-10. It pushed us into recession; it reduced employment dramatically; it dropped house prices; it devastated small business. It had enormous effects around the ACT, most notably in areas where there were significant public service departments that were particularly affected, particularly at Tuggeranong, which lost thousands of commonwealth employees. It took those businesses in Tuggeranong years to recover.

**Mr Hanson:** Did you lose your job, Jon?

**MR STANHOPE:** Actually, I did lose my job in 1996. I was one of those sacked by John Howard for daring to have opposing political views. I often commented—

**Mr Seselja:** Were you a political appointment?

**MR STANHOPE:** I was. But for John Howard, I would not have actually entered politics. I would not be here today. John Howard was directly responsible for me having this job today.

**MR SMYTH:** Supplementary, Mr Speaker?

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

**MR SMYTH:** Thank you, Mr Speaker. Therefore, Chief Minister, do you agree with the Rudd-Gillard government cuts in the 2008-09 budget of 474 jobs in the Department of Defence, 210 jobs in defence materiel, 195 jobs in veterans' affairs, eight jobs at the War Memorial, 213 jobs at the department of education, 269 jobs at FaHCSIA, 179 jobs at health and ageing, 445 jobs at human services, 200 at Centrelink and 171 in Medicare, 221 jobs in the department of immigration, 142 jobs in innovation, 85 in the CSIRO, 50 in the department of infrastructure, 1,137 jobs in the Department of Treasury and 166 jobs in the bureau of stats? Were they reasonable cuts as well, Chief Minister?

**MR STANHOPE:** I thank Mr Smyth for the supplementary. I was concerned I would not get another supplementary, so thank you very much, Mr Smyth. I can continue on the theme. Under the last three years of Labor government, the public service in Canberra has grown. Mr Smyth can seek whatever diversion he likes. Under this current federal government, under this Labor government, employment has grown over the last three years here in the ACT, within the commonwealth public sector, as has our economy. But, of course, having regard to the enormous growth in the economy, Mr Smyth talks it down and talks down the commonwealth's role and responsibility for that.

I am happy to accept all credit, as I am sure the Treasurer is, and my colleagues, for the fact that we have the fastest growing economy in Australia and we have now the second strongest economy in Australia, after Western Australia, as a result of the combined efforts of two Labor governments, a federal Labor government and this government.

What this Labor government has not done is send this territory into recession; it has saved it from recession. It has not done what John Howard did. It has not done what Tony Abbott is now promising to do. The bare, bald facts are: Tony Abbott has promised to take 12,000 jobs out of this community. He has promised—explicitly, directly, looking straight at the camera—to take \$24 billion in outlays out of the commonwealth public service, at a cost of 12,000 jobs directly, and, in the view of the ACT or any other modelling, an additional 17,000 jobs throughout the broader community.

The issue today for all of us is: what has Gary Humphries done about it? Nothing. What has Zed Seselja done about it? Nothing. What has Brendan Smyth done about it? Absolutely nothing. Because they do not care and they have not got the guts to go up to Tony Abbott and Joe Hockey and say, “Stop doing this.”

**Mr Smyth:** A supplementary, Mr Speaker?

**MR SPEAKER:** Ms Porter has the supplementary question.

**MS PORTER:** Minister, since the projected 9,000 job losses in 1996, which resulted in 30,000 job losses nation wide, with 4,000 of them in Tuggeranong alone, what will be the impact on small business in the ACT?

**MR STANHOPE:** Thank you very much, Ms Porter. It is food for thought. The position that John Howard put and expectation was that, yes, he would take 9,000 to 10,000 jobs. It is interesting. It is a point well made. The cynicism inherent in the question is justified.

Last time around they promised 9,000 and delivered 30,000 nationally. This time they are actually acknowledging it, honestly and openly, to their credit. Obviously you have got to give that to Tony Abbott. He is not being duplicitous about it. He is not being ambiguous. He just said, “We’re cutting 12,000 jobs. We’re cutting \$24 billion out of the budget. We’re cutting 12,000 jobs.”

**Mr Smyth:** \$209 billion—

**MR SPEAKER:** Stop the clocks. Mr Smyth, you are now warned for constant intervention.

**MR STANHOPE:** The reason, of course, why Mr Smyth has been getting so agitated over there in relation to this is that he was part of that government for a little while, before he lost his seat.

**Mr Barr:** He was the only one who lost his seat.

**MR STANHOPE:** Is that right? The only member of the Legislative Assembly that has ever lost four elections! That is why they call him the greatest loser. Four elections losses, the greatest loser!

It will have a devastating effect upon business. It stands to reason. We saw it last time. And we did see the localised effect of those cuts that John Howard and the Liberal Party engineered last time, when there was nobody to stand up for Canberra. Even Brendan Smyth who was part and parcel of the crew did not do it then when he was actually part of the crew. He did not do it when he was part of the government, part of the party that actually made the promise.

He did not stand up in the internal party room. I bet he did not stand up in the Liberal party room up there when he had his couple of months of glory. He did not stand up in that party room and say, "Oh, John, I don't think you should do that. This is my town. These are my people." The consequence of that was the loss of 4,000 jobs in Tuggeranong, the place he pretends to represent. (*Time expired.*)

### **Canberra Hospital—alleged bullying**

**MR DOSZPOT:** My question is to the Minister for Health. I refer to the recent review of service delivery and clinical outcomes at public maternity units in the Australian Capital Territory. It found:

The Canberra Hospital management team appears to lack cohesion and a clear understanding of their roles and responsibilities. Formal lines of responsibility appear to have been regularly breached.

Minister, why does the Canberra Hospital management team lack cohesion and a clear understanding of their roles and responsibilities?

**MS GALLAGHER:** This is an issue that we have been working on for some time at the Canberra Hospital. As members will know, we have not had a permanent general manager in the Canberra Hospital for some time. Since Bill Stone left about 18 months ago, we have had somebody acting in that job. It was my decision not to put in a permanent replacement until we had replaced the Chief Executive of ACT Health, because it is essential to get the general manager's job at the hospital right, and I think the Chief Executive of ACT Health needs to make that appointment. So there has been, I think, some uncertainty around roles at the hospital during this time.

As members would also know, I have been meeting with doctors over the last year around ways to strengthen governance arrangements within the hospital. Some of it has happened. Some of the devolving of responsibility out of the hospital has occurred with the creation of streams within ACT Health. So we have the cancer stream, for example, that is not part of the governance arrangements of the Canberra Hospital, yet many of the doctors work in the Canberra Hospital. We have been meeting with doctors for some time now, and a restructure document has been released which is currently being consulted on with staff. We will look to implement that as soon as we have received all of the feedback and worked through some of the issues that the unions have raised.

**MR SPEAKER:** Supplementary, Mr Doszpot?

**MR DOSZPOT:** Minister, why have formal lines of responsibility been regularly breached?

**MS GALLAGHER:** I am not certain what that claim in the review relates to. Obviously some of the feedback that the reviewers were given was that there was uncertainty about how to pursue grievances—whether you went to the clinical director of the unit or whether you went to the executive director of the unit and, if you went to the executive director of the unit, what responsibility they had to go to the director of medical services within the hospital, the deputy general manager of the hospital or indeed the general manager of the hospital, and then again the responsibilities of the general manager of the hospital to respond to the Chief Executive of ACT Health. That is my understanding of the issues as they were raised—around perceptions of who to go to and, when you had been to that person, what responsibility they had to follow that on.

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

**MR HANSON:** Minister, given that it was you who did not appoint the new general manager of the hospital and have left that position vacant for so long, do you accept responsibility for the lack of cohesion and the lack of understanding of senior management's roles and responsibilities?

**MS GALLAGHER:** I accept all responsibility for matters relating to ACT Health, and I think nobody can say that I do not. That position has not been vacant; there has just not been a permanent appointment made to that position, pending the successful recruitment to the position of Chief Executive of ACT Health.

Alongside this, and a very important policy development as we have been working through this, has been the impact of the national health reforms and how they relate to those positions within the hospital. Whilst the opposition is napping, the rest of Australia is actually seeking to implement national health reform. That comes with quite significant change to roles and responsibilities within hospitals, including the establishment of a local hospital network. Some of the issues relating to that include: how do we appoint a general manager for the local hospital network when we have our own local issues here around the management of Calvary and Canberra hospitals? So there have been a number of issues which have delayed permanent appointment to structures within ACT Health, but we are very well underway. We have had a series of sessions with clinical staff about how to improve the roles and responsibilities within ACT Health as a whole and how they impact on TCH. That work has fed into the restructure document which is currently being consulted on.

**MR SPEAKER:** Supplementary, Mr Hanson?

**MR HANSON:** Minister, what impact has the lack of cohesion had on our poor performance for elective surgery and emergency department waiting times?

**MS GALLAGHER:** I think the issues facing ACT Health around elective surgery management are not to do with the operations necessarily of management roles within

the Canberra Hospital. I think they can always be improved, but some of the issues to do with our elective work are about capacity and how we share the work across Calvary and Canberra hospitals. They are, again, issues that we are currently working on in terms of how we deliver all the surgery that we have got to deliver over the next 12 months.

In terms of the emergency department, there has been consistent improvement in emergency department targets and I put that very much down to the staff and management within the Canberra Hospital, and credit should be given where credit is due.

### **Hospitals—staffing**

**MRS DUNNE:** My question is to the Minister for Health. I refer to the review of service delivery and clinical outcomes at public maternity units in the Australian Capital Territory, which found that the increase in births over the past five years has not been accompanied by a commensurate increase in staffing and that both midwifery and medical staff are currently carrying unsustainable workloads. Minister, why is it that midwifery and medical staff are both carrying unsustainable workloads?

**MS GALLAGHER:** I thank Mrs Dunne for the question. I can report that the first budget request I received for extra resources for the obstetrics and gynaecology area within the Canberra Hospital was in late October last year, and \$8.6 million was put into this year's budget to deal with that, based on increased numbers of births.

When you look at the increases in births across the Canberra Hospital and Calvary Public Hospital, Calvary Public Hospital has had a very minor increase in the number of births that they are doing in the public hospital. In relation to the Canberra Hospital, there was an increase in 2003-04 that was not sustained; then birth numbers went down. They went up slightly again in 2005, although to nothing more than they were in 2002. But since the end of 2008 and 2009-10 there has been an increase of about 300 births a year at the Canberra Hospital.

The additional resources that were put in this year's budget will address those workload problems. Some of the medical staff have already been appointed. A team of six midwives is being recruited, but there is an international shortage of midwives, so that is a difficult area to recruit in. The idea is to get a team-based midwifery approach similar to that of the community midwives program that will work in delivery suites, which gives women continuity of care in the antenatal and postnatal period. That recruitment is underway. In the meantime, I have instructed the department to seek agency staff to provide extra support to the midwives at Canberra Hospital.

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

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

**MRS DUNNE:** Minister, why did you allow this problem to develop during the time of your responsibility as Minister for Health, and how is it that you have only just attempted to address this issue, after five years?

**MS GALLAGHER:** It is rare that people see an increase in birth numbers as a problem. Mrs Dunne, the way you manage a hospital is that—

**Mr Stanhope:** You had two babies there.

**MS GALLAGHER:** That is right; I contributed to the problem. Maybe it is my fault. With respect to the way you run a hospital, just because you see a slight increase in demand—and it was not a sustained increase; there was jumping around in the number of births going on—it does not mean that you immediately recruit more staff to that position. The health budget would be unsustainable—

**Mr Hanson:** It has been five years, hasn't it?

**MS GALLAGHER:** No, you did not listen to my answer to the question—unsustainable, if that is the way you responded. You do not necessarily, just because there is an increase in activity, think, “We have to do more.” The first budget request that I got was in October last year, and this budget delivers \$8.6 million to address that increase in demand. As I said, the numbers in 2004-05 were actually below the numbers the year before. By 2006-07, they were on par with those numbers. So there has not been five years of sustained growth. It moves around. But I accept that in the last 2½ years it appears that, based on population growth, the level of births to be experienced at the Canberra Hospital is probably going to be maintained at about 2,600 births a year. That is why we are building the women's and children's hospital. That is why we are introducing new models of care. And that is why we have increased resources going to this area.

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

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

**MR SMYTH:** Minister, what impact are these unsustainable workloads having on patients and staff at the hospital and what assessment have you or your department made about the effects of these unsustainable workloads on your OH&S obligations?

**MS GALLAGHER:** ACT Health is working closely with the maternity unit. I was out there recently. Their biggest concern that they raised with me was to ask Calvary to stop capping the public births. We are dealing with that under another process. The sense I got from the workforce was that, until that change, the workloads were being managed but, certainly, with the workload at the moment, people are feeling stretched.

I have asked that immediate action occur to get any midwife we can into TCH to support and provide assistance to existing midwives. It is hard. There are not a lot of midwives, sitting around twiddling their fingers, to recruit to any obstetric service in the ACT. But management are working very closely with the unit to try to resolve the workload issues and, indeed, with Calvary as well.

**MR SPEAKER:** A supplementary, Mr Smyth?

**MR SMYTH:** Thank you, Mr Speaker. Minister, what assessment have you or your department made about the effects of these unsustainable workloads on your OH&S obligations?

**MS GALLAGHER:** That is something that is done every day. Managers deal with that in the hospital every day with workloads, making sure they address workloads. This is something that is just part of the job out there at the hospital, responding to what walks in every day and making sure that staff are working in a safe environment. That is the responsibility of managers. My understanding is that everyone is pulling together to make sure that in what comes out of, I guess, the issues that we have seen at the maternity unit over the last couple of months we get an improved service out of it and that staff are feeling better supported in the workplace. As to any noticeable impact on workers compensation or claims or anything like that, there has not been any.

### **Schools—information and communications technology education**

**MS PORTER:** My question is to the minister for education. Can the minister advise the Assembly of the steps that the ACT Labor government and the federal Labor government are taking to further improve information and communications technology access for students in ACT schools?

**MR BARR:** I thank Ms Porter for her ongoing interest in quality education outcomes in the territory. The government believes that literacy and numeracy are the building blocks of a well-rounded education. That is why we have worked with the federal government on the national assessment program and the My School website, to ensure that literacy and numeracy outcomes are measured and that students and schools can get the help they need to succeed.

But in this 21st century there is a new element to basic literacy that forms the building blocks of a good education and that is ICT literacy. That is why back in June of 2006 the ACT government committed to a \$20 million, four-year program, smart schools: smart students, to deliver a range of ICT upgrades to ACT schools.

An important part of this program was the rollout of a superfast broadband network to all of our schools. The new fibre network will provide the basis for the new connected learning community—virtual learning environment currently being rolled out across the entire public education system. The VLE gives students the ability to listen to past lessons as podcasts and to video link with other students for language practice. It gives them a range of exciting opportunities to log in from home to double check their homework requirements and to create online portfolios of work. In short, students will be able to learn anywhere and at any time.

The new technology will be extended in the future to help parents and carers be more involved in their son's or daughter's education. There are currently eight ACT public schools piloting the new system and all schools are expected to be online for the start of the 2011 school year. Wireless networks have been installed in 27 schools, predominantly at primary school sites, and plans have been completed to install over

30 additional wireless access points to six secondary school sites. This will allow the full utilisation of the laptops purchased under the federal government's national secondary schools computer fund. This will lead to the expansion of wireless capacity in schools as more federally funded laptops and notebooks are added to our network.

As part of educating young Canberrans on the use of ICT in their everyday life, year 11 and 12 students can view their grades online through their school network. More recently, the 2009-10 ACT budget provided \$5 million over three years for the capital classroom information and communication technologies project. In addition, significant recurrent funding has been provided for ongoing technical support for these new technologies.

This project will further improve student access to ICT in ACT public primary schools by replacing old computers and installing new interactive whiteboards. The initiative will deliver a ratio of one computer to every six students and one interactive whiteboard in every second classroom. Computers more than four years old will be replaced in the first stages and an additional number of new computers will be added to achieve the desired ratio. All schools will benefit over the life of the project as funds are used to replace ageing equipment.

Again, this initiative is consistent with the federal government's secondary schools benchmark of four years as an acceptable age for computers in schools before they must be replaced. So, after 12 years of the federal Liberal government treating education as a political football, in the space of three years the territory and federal governments have been able to work together to deliver better ICT equipment for ACT students and we hope that the opportunity to continue this program will be there after this weekend.

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

**MS PORTER:** Thank you, Mr Speaker. Can the minister advise what the ACT Labor government and federal Labor government have delivered for ACT students in partnership in the area of ICT?

**MR BARR:** Along with the federal government, we are investing in and delivering better ICT for our schools. Important, we are doing so in the area of superfast broadband—something that the Labor Party values and something that those opposite appear not to. Those opposite may not be aware that the delivery of the fibre optic cabling program to ACT public primary schools and secondary schools is now complete. All ACT public schools have a gigabit connection to the ACT government fibre network. One does not need to be a tech-head to understand the significance of that particular achievement here in the ACT and the fact that it is possible, and has been delivered already by a government in this country—again, contrary to the many and varied statements of a somewhat muddled Luddite who leads the federal Liberal Party. I can advise that 50 per cent of our preschools will be connected to their primary schools through this fibre network.

This program will enable significant cost savings over the life of the network, which has been estimated at 20 years. This does, importantly, set the groundwork for the

delivery of further programs into our schools—most particularly, the rollout of further computers to our schools. As part of the national agreement, we are working towards the achievement of a one-to-one ratio of computers to students in years 9 to 12 by the end of 2011. The 2009 national partnership agreement incorporates the remaining funds for the purchase of computers to achieve the desired ratio, and a contribution towards replacing round 1 computers in the fifth year of the program. Importantly, funding has been set aside to provide improved ICT access for students with a disability, including software and adaptive technologies.

Mr Speaker, against what you would have to describe as some pretty appalling politically driven charges of waste that have proved not to be accurate in the context of the territory, we are rolling out these programs in a financially prudent way. For example, the government has chosen the HP 5102 netbook for general deployment. I see that members are familiar with products that are very similar. We have done so because we found it to be the best value for money and it delivers the best specifications in responding to student needs.

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

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

**MR HARGREAVES:** On behalf of Mr Doszpot, the shadow minister for education, I would like to ask this supplementary: can the minister advise of any risks to the ICT project being delivered in ACT schools?

**MR BARR:** I thank Mr Hargreaves for the question. There is indeed a significant risk to the completion of this important program for ACT schools, government and non-government. Given the significant investment over the last four years in establishing the broadband network, the partnership with the federal government to deliver computers into schools, what is most distressing is the desire of a lowlife who leads the federal Liberal Party to pull the plug on the successful completion of these programs.

We have already seen 6½ thousand computers delivered as part of this program by the federal government onto the desks of ACT students in public schools. But if Mr Abbott is elected on the weekend, 2½ thousand ACT students will miss out on the completion of this program. In public schools 2½ thousand students will miss out. In the non-government sector, the program is, of course, at a similar stage of rollout. It will not be just students in ACT public schools who will miss out on the completion of the program, it will also be students in non-government schools.

It is fascinating to hear or not to hear from someone whom I believe to be a bit of a tech head, the shadow minister for education, who apparently is not concerned at all that this program would not be completed and is apparently not concerned at all that a large number of ACT students, in the thousands, in government and non-government schools, will miss out on the completion of this program. What we would call for today is for the shadow minister for education to put on the record his position on this matter.

### **Canberra Hospital—alleged bullying**

**MR COE:** My question is to the Minister for Health. Minister, in March this year you commissioned an investigation into allegations of bullying and harassment under the Public Interest Disclosure Act. Will you release the outcomes of this investigation, with appropriate protection of privacy, when you receive it?

**MS GALLAGHER:** I did not hear that last bit. It was essentially: will we release the Public Interest Disclosure Act investigation? It is not a matter for me to determine. I will refer you to the Public Interest Disclosure Act.

**Mr Seselja:** Is that why you did it like that?

**MS GALLAGHER:** No.

**Mr Seselja:** So that it never sees the light of day.

**MS GALLAGHER:** No, it is not a matter for me to determine.

**MR SPEAKER:** Thank you. Mr Coe has the floor. Mr Coe, a supplementary?

**MR COE:** Further, will you also release the outcomes of the staff survey for ACT Health? If not, why not?

**MS GALLAGHER:** Will I release the workforce culture survey? No, I will not release it. Again, I have been through this before. We have a commercial arrangement with the organisation that does that work for us.

**Mr Seselja:** It is pretty thin. It is pretty thin, that defence.

**MS GALLAGHER:** No; I do not think it is pretty thin. However, we do provide feedback. It is commissioned for a particular purpose and the data is used across the organisation and indeed in individual work units, with the feedback. One of the issues in the workforce culture survey, aside from the commercial or contractual obligations with the organisation that does that work for ACT Health, is the fact that staff are informed that their input is confidential and would not be released. I am not going to change that halfway through or at the end of a process and determine that they are not the rules on which staff engage.

We have got nothing to hide from the workforce culture survey. We as a government were the ones that commissioned this work to ensure that we were responding to concerns within a large organisation. Any large workplace will have issues bubbling away that need to be responded to. The workforce culture survey was, I think, commissioned under Minister Corbell, in his period in the job. We have kept them going. The last I saw was an overwhelming improvement against nearly every indicator in the survey. We have provided feedback at whole-of-organisation level, and at individual work unit levels that information has been provided to the clinical directors for dissemination amongst staff. That is the purpose of the workforce culture

survey. It is not so that Mr Hanson can get his rocks off by identifying problems and then doing the performance that he does. That is not what it is about.

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

**MR HANSON:** Yes, Mr Speaker. Minister, did you instigate the review into bullying under the Public Interest Disclosure Act as a deliberate strategy to ensure that information damaging to you and your department would be withheld from public scrutiny?

*Mr Seselja interjecting—*

**Mr Hanson:** You could have done it under the Inquiries Act.

**MR SPEAKER:** Order! The minister has the floor.

**MS GALLAGHER:** No. The Government Solicitor's advice was sought on the best way to proceed with the knowledge that some of the feedback that was being provided was that people did not want to identify themselves in order to be involved. So you cannot have it both ways. You cannot say that we did not respond to complaints when people did not want to come forward and then we are hiding any information we make public when there was overwhelming agreement that people who wanted to participate needed to be protected and "protected" meant not wanting to be identified. That is hardly going to be able to be delivered through an inquiry under the Inquiries Act, Mr Hanson. The Public Interest Disclosure Act provides people with that protection. It also provides penalties for any repercussions of any involvement in that process. That is the process that was ultimately determined to the satisfaction of all parties. I have no interest in hiding anything, Mr Hanson.

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

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

**MRS DUNNE:** Minister, why are you once again failing to be open and accountable about the workplace culture in the department of health, and when will you start being open and accountable about it?

**MS GALLAGHER:** I am not hiding anything. I think the release of the clinical review, and all of the associated commentary around that review, is a clear indication that I am not hiding anything.

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

## **Papers**

**Mr Speaker** presented the following papers:

Pursuant to standing order 191—Amendments to:

Crimes (Sentence Administration) Amendment Bill 2010, dated 29 June 2010.

Education Amendment Bill 2008, dated 1 and 2 July 2010.

Revenue Legislation Amendment Bill 2010, dated 1 and 2 July 2010.

Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009, dated 7 July 2010.

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual report—2009-2010, dated 11 August 2010.

Estimates 2010-2011—Select Committee—

Answer to question on notice and question taken on notice—Received after 22 July 2010, as at 17 August 2010.

List of outstanding questions on notice and questions taken on notice, as at 17 August 2010.

Pursuant to standing order 253A—Answers to questions on notice and questions taken on notice—Received by 22 July 2010.

Study trip—Report by Mr Hargreaves MLA—Australian Parliament Parliamentary Whips Network—Pokolbin, NSW, 13 to 17 July 2010, dated July 2010.

## **Answers to questions on notice**

### **Questions Nos 1010 and 1012**

**MS LE COUTEUR:** Mr Speaker, under standing order 118A, I wish to ask about the fate of a couple of my questions on notice. I would like to ask a question of the Minister for Territory and Municipal Services about questions taken on notice. They are all in the back of the notice paper. I have got two questions to ask of the Minister for Territory and Municipal Services—1010 and 1012. They are on the back of this notice paper and I have not yet received the answers—

**Mr Stanhope:** But what are they about, though? What are they about, Ms Le Couteur?

**MS LE COUTEUR:** One was about cat containment and the other is about Oaks Estate.

**MR STANHOPE:** Thank you, Ms Le Couteur. I will check to confirm but I believe that I may have signed each of those in the last 24 hours. I am certain I have signed the Oaks Estate one. I regret the delay; I have no explanation or excuse.

I do not know why it would have taken so long to prepare them. I will confirm, Ms Le Couteur. I apologise; I cannot give an explanation for the tardiness but I do believe that certainly the Oaks Estate response has been provided and I think the same relating to cat containment. But I will have to check.

### **Question No 980**

**MS HUNTER:** Under standing order 118A, I seek an explanation from the Treasurer in relation to unanswered question No 980. It was concerning the ACT government's investments in workers' companies.

**MS GALLAGHER:** I am not sure, Ms Hunter. I will check with Treasury today. I thought it might be in this pile I have got with me but it is not. I will check and get back to you. I am sorry.

## **Executive contracts Papers and statement by minister**

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

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

Long-term contracts:

Adrian Makeham-Kirchner, dated 26 June 2010.

John Fletcher, dated 14 October 2009.

Kathy Leigh, dated 20 July 2010.

Kim Salisbury, dated 19 October 2009.

Short-term contracts:

Andrew Whale, dated 22 July 2010.

Brian Wilson, dated 13 July 2010.

David Colussi.

David Purser, dated 27 July 2010.

Dougal Whitton, dated 11 June 2010.

Greg Newton, dated 30 June 2010.

Gregory Tong, dated 28 June 2010.

Ian Turnbull, dated 18 June 2010.

Jacqueline Wenner, dated 30 June 2010.

Loretta Zamprogno, dated 17 June 2010.

Mark Huxley, dated 2 July 2010.

Martin Hehir, dated 26 July 2010.

Meredith Whitten, dated 15 July 2010.

Pam Davoren, dated 2 July 2010.

Robert Hyland, dated 21 July 2010.

Roberto Gaspari, dated 28 June 2010.

Sam Tyler, dated 16 July 2010.

Stephen Goggs, dated 17 June 2010.

Contract variations:

Anthony Gill, dated 5 July 2010.  
Carol Logan, dated 20 July 2010.  
Conrad Barr, dated 29 April 2010.  
Elizabeth Trickett, dated 25 June 2010.  
Glenn Bain, dated 3 June 2010.  
Ian Turnbull, dated 29 April 2010.  
James Corrigan, dated 17 June 2010.  
James Roncon, dated 20 July 2010.  
Marsha Guthrie, dated 3 June 2010.  
Matt Smith, dated 18 June 2010.  
Meredith Whitten, dated 15 July 2010.  
Michael Kegel, dated 6 and 7 July 2010.  
Mick Kegel, dated 20 and 23 July 2010.  
Peggy Brown, dated 4 June 2010.  
Ross Burton, dated 6 July 2010.  
Russell Watkinson, dated 6 July 2010.  
Shane Kay, dated 2 July 2010.  
Stuart Friend, dated 3 June 2010.  
Susanne Dever, dated 6 July 2010

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

Leave granted.

**MR STANHOPE:** Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. The contracts were previously tabled on 22 June.

Today I present four long-term contracts, 18 short-term contracts and 19 contract variations. The details will be circulated to members.

## **Papers**

**Mr Stanhope** presented the following papers:

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

Acting Judge—Supreme Court of the ACT—Determination 7 of 2010, dated 9 July 2010.

Chief Executives and Executives—Determination 2 of 2010, dated 16 June 2010.

Clerk of the Legislative Assembly—Determination 4 of 2010, dated 16 June 2010.

Full-Time Holders of Public Office—Determination 3 of 2010, dated 16 June 2010.

Members of the ACT Legislative Assembly—Determination 1 of 2010, dated 16 June 2010.

Part-Time Holder of Public Office—

Independent Reviewer, Government Campaign Advertising—Determination 6 of 2010, dated 16 June 2010.

Part-Time Presidential Member, ACT Civil and Administrative Tribunal—Determination 5 of 2010, dated 16 June 2010.

### **Legislation program—spring 2010 Paper and statement by minister**

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

Spring 2010—Legislation Program.

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

Leave granted.

**MR STANHOPE:** I am pleased to present the government's legislation program for the spring 2010 sittings. Since re-election over 18 months ago, the government has maintained its focus on addressing the various social, environmental and economic challenges faced by our growing city. We will further build on our record with the legislation proposed to be introduced in spring 2010. These will continue our progressive agenda for reforms, increase protection of our environment and add to the wellbeing and safety of the Canberra community.

Sustainability, environment protection and tackling climate change are important issues of our time. The government's record to date in promoting positive action on these matters is recognised. We will maintain our emphasis with more new initiatives, such as increasing the production of renewable energy within the territory.

The Electricity Feed-in (Renewable Energy Premium) Amendment Bill will make available the feed-in tariff to larger installations. It is expected that this will stimulate clean economy industries and support the installation of solar photovoltaics on commercial buildings as well as purpose-built solar facilities. Additionally, the Energy Efficiency Improvement Bill will put into place a program that will assist residents and commercial businesses to make their buildings more energy efficient.

An ongoing environmental concern is the disposal of plastic bags. In this regard, the government will be introducing the Plastic Bags Ban Bill 2010 to ban the supply of single use shopping bags.

A number of legislation changes are to be made to support the government's agenda for reform. In the Justice and Community Safety portfolio, the government will undertake a range of work to ensure that a fair and peaceful community is maintained.

As part of the government's continuing commitment to improve the efficiency of the territory's courts, the ACT Courts Legislation Bill will seek to address jurisdictional arrangements in courts. It follows on from the government's consultation about establishing a district court jurisdiction in the ACT.

A Bail Amendment Bill is to be introduced to create processes that will promote the Magistrates Court as the primary jurisdiction for bail decisions while retaining appropriate ACT Supreme Court jurisdiction. Through these measures, the ACT community will have improved access to justice that upholds fundamental human rights.

Legislation is needed to ensure that people in the territory can enjoy leisure activities involving the consumption of alcohol in a manner that gives regard to issues of the health, safety and welfare of all persons concerned. Further to extensive review of ACT liquor laws, prior to introduction of the new Liquor Bill, and the release of an exposure draft of a new liquor regulation in the first half of this year, the Liquor (Consequential Amendments) Amendment Bill is to be introduced. It will affect a range of transitional and consequential amendments to facilitate the implementation of the Liquor Bill 2010 when passed by the Assembly.

In follow-up of amendments to commonwealth legislation regarding sexual offences against children, the government will amend the Crimes (Child Sex Offenders) Act to include these offences in the act's schedule to ensure that convicted offenders can be registered on the Australian national child offence register. The bill forms an important part of protecting the safety and human rights of those most vulnerable in our community, our children.

An amendment to the Firearms Act will address interjurisdictional considerations around professional shooters engaged by the Department of Territory and Municipal Services.

Two bills will amend the ACT workers compensation scheme in the Industrial Relations portfolio. The first will reinforce the role and function of the scheme to ensure appropriate outcomes for injured territory workers by introducing a robust injury assessment, impairment, determination and dispute resolution regime. This will streamline processes, provide greater rigour to the overall compensation framework and introduce a benefit structure aligned to return-to-work outcomes of the scheme.

The second will clarify operation of model law provisions regarding the state of connection for injured workers. Specifically, the bill will resolve the uncertainty

regarding the application of the state-of-connection tests and provide greater clarity to workers, their employers and the insurance industry as to the home jurisdiction for injured persons.

Separately, in the Treasury portfolio, another two bills will implement the final reform of the ACT's compulsory third party insurance scheme. One bill will reinforce the operation of provisions already in the law with respect to early intervention, treatment, rehabilitation and return to health for motor crash victims by introducing a robust injury assessment, impairment, determination and dispute resolution regime.

This will further strengthen the government's commitment to provide better procedural pathways for motor crash victims to receive fair compensation with minimum delay in determining their entitlements. It will at the same time provide greater rigour with respect to how claims procedures relate to the compensation framework in order that participants in the motor crash litigation industry will better understand the expectations the government brings to the conduct of matters involving compulsory statutory insurance.

The other bill will delineate the process and responsibilities of the regulator and make it clear to both the public and insurers that the regulator's decisions on premiums and scheme administration are separate from the political process that was the case under the pre-2008 scheme. It will establish a mechanism for the CTP regulator to report annually on the compulsory third party scheme in the ACT. This will provide a reporting structure and make scheme statistics for the ACT transparent and accessible by the public.

The review of the Territory Records Act 2002 is to be followed up. The act was one of the first pieces of legislation enacted by the government with the purpose of encouraging open and accountable government by ensuring that territory records were made, managed and, where appropriate, preserved for future generations.

When the government introduced the act, it was decided to include a review clause to ensure that it achieved all that we set out for it to do. Much has been achieved along the way, including establishing rigorous standards for records management that are now utilised by all government agencies and also making the majority of records older than 20 years available for public access. I am particularly proud of the use now being made of these older records by researchers to write the histories of our community and suburbs. Review of the act has been finalised and I tabled its finding and the government response to it on 1 July. The recommended amendments to the act will be incorporated into the new bill.

Community and road safety have a high government priority. The Working with Vulnerable People (Background Checking) Bill 2010 will support our efforts to protect vulnerable people in the ACT. It fulfils our commitment to establish a centralised background checking system for persons working with vulnerable people in the ACT that was announced in the *Canberra plan 2008—towards our second century*.

The ACT will be the first jurisdiction to require persons working with children and vulnerable people to be checked for criminal and other offences. Under the system,

the government will set the minimum checking standards and apply a consistent risk assessment framework and decision-making process. A screening unit within the Office of Regulatory Services in the Department of Justice and Community Safety is to be established to assess all applications for registration, with the successful applicants to be registered for three years. A checking system has been developed with reference to the ACT Human Rights Act, and will include review and appeal mechanisms for applicants.

Drink and drug-driving laws are to be enhanced as part of the government's road safety strategy. The Road Transport (Alcohol and Drugs) Legislation (Amendment) Bill (No 1) will make reforms to drink-driving legislation that were included in the Road Transport (Drink Driving) Legislation Bill 2010. Amendments will also be proposed to provide for the technical and operational efficiency of the new random drug testing scheme.

A further bill will seek to implement additional drink-driving reform measures beyond those included in the first bill. Another separate bill will make technical amendments to deal with the suspension of a driver licence, vehicle registration, a right to drive for non-payment of infringement notices and penalties and court-imposed fines.

Lastly, the government will look to introduce legislation to provide for the establishment of an independent statutory ACT Teacher Quality Institute, and also to make amendments in relation to gaming machines. The Excellence in Teaching—ACT Teacher Quality Institute Bill will provide the legal basis for establishing this body. It will oversee teacher registration in the ACT and accreditation to nationally recognised standards. Funding of \$3.9 million has been provided in the ACT 2010-11 budget for its establishment, staffing and operations. It will report directly to the Minister for Education and Training through a board of directors led by an independent chair.

The Gaming Machine Amendment Bill 2010 will reduce the overall cap on gaming machines in the ACT and provide for a pool of unallocated machines to be established to give scope for allocating gaming machines to new clubs in future greenfield developments. Other included changes are a proposed increase to the contribution of clubs to problem gambling and revised tax arrangements. I commend the spring 2010 legislation program to the Assembly.

## **Papers**

**Mr Stanhope** presented the following paper:

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No 5/2009—Administration of employment issues for staff of Members of the ACT Legislative Assembly—Government submission.

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2009-2010—Third quarter (1 January to 31 March 2010).

## **Financial Management Act—instruments Paper and statement by minister**

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

Financial Management Act, pursuant to section 15—Instrument directing a transfer of funds between output classes within the Chief Minister’s Department, including a statement of reasons, dated 30 June 2010.

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

Leave granted.

**MS GALLAGHER:** As required by the Financial Management Act, I hereby table an instrument issued under section 15 of the act. Section 15(1) of the Financial Management Act states that the executive may, in writing, direct that funds within the same appropriation that are allocated for the provision of different classes of outputs be reallocated in relation to those classes of outputs. The Chief Minister’s Department is seeking to transfer GPO of \$1.709 million between output classes, reflecting the reallocation of overhead costs across the department. I commend the instrument to the Assembly.

## **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.32): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Statement of authorisation of expenditure from the Treasurer’s Advance in 2009-2010.

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

Leave granted.

**MS GALLAGHER:** The Financial Management Act requires that I table a summary of final expenditure under section 18 of the act—a lesson I will not forget. Section 18A(3) of the FMA requires that, where the Treasurer has authorised expenditure under section 18, within three sitting days after the end of the financial year, the Treasurer must present to the Legislative Assembly a summary of the total expenditure authorised for that financial year.

The Appropriation Act 2009-10 provided \$36.8 million for the Treasurer’s advance. The final expenditure against the Treasurer’s advance for 2009-10 was \$23.2 million, leaving a balance of \$13.6 million to return to the 2009-10 budget. Details of each payment are outlined in the summary. I commend the paper to the Assembly.

**Mr Smyth:** Perhaps you might move that the paper be noted.

**MS GALLAGHER:** I move:

That the paper be noted.

**MR SMYTH** (Brindabella) (3.34): I am pleased to see that the Treasurer has not forgotten to table this statement this year, after having to be reminded by me last year of the need for her to comply with the FMA. I think a quick glance at the paper reveals that, contrary to the claims from the Treasurer that the ACT Labor government has exercised anything like cost control, if proper cost control had been exercised, none of the Treasurer's advance would have been utilised except for those amounts committed to things like international disasters and like matters.

Ms Gallagher does not seem to understand that the Treasurer's advance is intended for urgent and unforeseen matters, not for matters where an agency is unable to keep within its budget. Rather than crowing about cost control, as she did in this place on 24 June 2010, she should be seeking an explanation from departments like TAMS for overspending by \$7 million, JACS for overspending by \$300,000, Education and Training for overspending by \$7 million, Disability, Housing and Community Services for overspending by nearly \$1 million, the Chief Minister's Department for overspending by \$600,000, and Land and Property Services for overspending by \$500,000.

So, sorry, Treasurer, these outcomes do not demonstrate the government's ability to control costs, as you claimed. They do not represent a strong track record on financial management. They do represent a failure to manage budgets—nothing more and nothing less.

As I read through the list of allocations from the Treasurer's advance, I see funds to maintain services, funds for increased superannuation costs, funds for operational costs, funds for wage negotiations and funds for software upgrades. The question is: why were there not sufficient funds in relevant budgets to fund these activities? Alternatively, why was there not sufficient flexibility in agency financial management processes to fund these activities within their budgets?

Treasurer, you simply fail to understand what the purpose of the Treasurer's advance really is. It should not be used to provide funds for what might be described as normal agency activities.

Question resolved in the affirmative.

### **Financial Management Act—instrument Paper and statement by minister**

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

Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to Elective Surgery Capital, Emergency Department Capital and Flexible Funding Pool—ACT Health, including a statement of reasons, dated 29 June 2010.

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

Leave granted.

**MS GALLAGHER:** As required by the Financial Management Act 1996, I table an instrument issued under section 19B of the act. The direction and statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given. Section 19B of the act allows for an appropriation to be authorised for any new commonwealth payments where no appropriation has been made in respect of those funds by my direction.

The territory has received \$5.716 million in additional funding from the commonwealth for a number of programs under the national health and hospitals reform plan. This instrument increases the appropriation available to ACT Health in 2009-10. This funding is the initial payment under the commonwealth national health and hospital reform plan and has been specifically provided to create additional capacity to meet demand for elective surgery, emergency department and subacute care services in the ACT. I commend the instrument to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

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

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Territory and Municipal Services to the Chief Minister’s Department, including a statement of reasons, dated 5 July 2010.

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

Leave granted.

**MS GALLAGHER:** As required by the Financial Management Act, I hereby table an instrument issued under section 16 of the act. Section 16(1) and (2) of the FMA allow the Treasurer to authorise the transfer of appropriation for a service or a function to another entity following a change in responsibility for that service or function. Section 16(3) of the FMA requires that, within three sitting days after the day the authorisation is given, the Treasurer must present a copy of the direction and associated statement of reasons to the Assembly.

Pursuant to the administrative arrangements effective on 1 July 2010, this instrument facilitates the transfer of \$700,000 in appropriation associated with the functions and

services provided through the Heritage Unit from the Department of Territory and Municipal Services to the Chief Minister's Department. This transfer is budget neutral, and I commend the instrument to the Assembly.

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

**MS GALLAGHER** (Molonglo-Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.40): For the information of members, I present the following paper, which was circulated to members when the Assembly was not sitting:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 June 2010.

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

Leave granted.

**MS GALLAGHER:** This report is required under section 26 of the Financial Management Act 1996. The interim result for the June 2010 is a surplus of \$184.8 million. The government is very pleased with this result when compared to the previous estimate of a surplus of \$52.2 million published in the 2010-11 budget papers.

These results are the unaudited results to the end of June 2010, and it is almost certain that these will change as the consolidated annual financial statements are prepared and audited. Changes in this stage and the process can be substantial, relating to technical accounting adjustments as well as reconciliation of interagency trading and transfers. Nevertheless, the interim result is pleasing, particularly in that it highlights the continuing strength of the ACT economy.

Nationally, the prospects for the Australian economy remain positive, notwithstanding some increased global uncertainty. The economy performed well during 2009-10 compared to most other advanced economies, placing the country on a relatively sound footing to meet future challenges.

The ACT economy has rebounded strongly following modest growth in 2008-09. The territory's state final demand increased by 4.9 per cent in year-on-year original terms in the March quarter 2010, reflecting solid growth in the last three quarters of calendar year 2009. Employment growth in the ACT in 2009-10 exceeded expectations as a result of the effectiveness of stimulus programs and the underlying strength of the economy.

The improvement in the net operating balance compared to the estimated outcome is \$130.7 million. This improvement in the interim result largely reflects a number of technical outcomes that have occurred following the release of the 2010-11 budget. These include those related to externally driven factors, such as payments by the commonwealth for financial assistance grants brought forward to 2009-10 and those

relating to the purchase of government's goods and services. It reflects the outcomes associated with the ongoing management of the territory's liability for superannuation and insurance and those associated with the transfer of assets between government agencies.

Other outcomes reflected in the 2009-10 interim result include revisions by the Land Development Agency to the financial assumptions underpinning its cost allocations and margins and higher dividends from Actew as a result of the ActewAGL joint venture settling its financial distributions for 2009-10.

As members would be aware, the government did not require the entire Treasurer's advance during 2009-10. As a result, \$13.6 million of the advance was not spent, and this directly improves the net operating balance. This reflects good management of unforeseen and unanticipated cost pressures on the part of agencies, and I am very pleased about this.

I should note that it is not anticipated that some of those technical outcomes will flow through to the budget base moving forward, so the challenges remain there. But the general government sector balance sheet remains strong, as demonstrated by the strength of key financial indicators, such as net debt and net worth.

In relation to our budget plan, the government will continue to closely monitor our revenues and expenditure moving forward. The work of the expenditure review and evaluation committee continues, and the government is working towards identifying options for the unallocated savings task as part of the next budget process.

Notwithstanding the pleasing performance for 2009-10, it is important to remain vigilant, as uncertainty and the threat of external fiscal shocks remain. This has been particularly evident in recent months with the stock market falls experienced in June this year and the advice on GST revenue collections as reported by the commonwealth in its economic statement released on 14 July and the pre-election economic and fiscal outlook 2010 released on 26 July, which have revised slightly down our GST revenue. I commend the June quarter interim financial report to the Assembly.

**Mr Smyth:** Perhaps the Treasurer might like to move that the report be noted.

**MS GALLAGHER:** I move:

That the report be noted.

**MR SMYTH** (Brindabella) (3.44): The opposition is, of course, pleased to see that the territory finished the 2009-10 financial year with a surplus of around \$180 million, although I note the Treasurer's observation that this is likely to be only a temporary surplus. In the May 2010 budget, the Treasurer predicted a surplus of \$54 million for the 2009-10 outcome.

**Ms Gallagher:** I've worked hard to improve it.

**MR SMYTH:** The simple reason for this was the territory receiving \$158 million in stimulus payments from the commonwealth government. You worked hard to get the stimulus, okay.

The preliminary outcome for the financial year now includes not only the full effect of the stimulus payments from the commonwealth but higher dividends and tax payments from public trading enterprises and a revaluation of infrastructure assets.

I also note that part of the reason for the surplus was that the unspent amount from the Treasurer's advance was returned to the budget. Now, while the Treasurer may commend herself, as she did, on only spending \$24 million out of the \$37 million that was allocated the Treasurer's advance, I would emphasise again that the preferred outcome is to return virtually all of the Treasurer's advance each year.

I was rather surprised to see the fall in payroll tax receipts. At a time when the ACT's level of unemployment has remained extremely low and demand for a number of skills has remained high, it would have been expected that payroll tax receipts would have been maintained.

The Treasurer comments that there was a soft labour market carried forward from 2008-09. I am surprised at this conclusion, as, according to statistics from the ABS, the ACT's unemployment level during 2008-09 was less than three per cent. I would suggest that there might be another explanation for the outcome of the payroll tax receipts.

The fundamental issue that the Treasurer still has to deal with, however, is her failure to achieve the savings targets that she set out in the ACT budget that are required to bring the ACT budget back into a surplus as soon as practicable. We know that little was achieved in terms of savings during the 2009-10 financial year, such that the Treasurer had to re-emphasise the need to achieve savings during 2010-11 and in the outyears when she presented the 2010-11 ACT budget.

The Treasurer comments on one-off factors that have had an effect on the outcome for the year 2009-10. One of these I note is described as a review of the estate costing model utilised by the Land Development Agency. Is the Treasurer able to explain why this review was required, as it apparently resulted in a reduction of the agency's costs of goods sold?

A somewhat worrying matter noted in this report is that the coverage of the territory's superannuation liability has fallen to 44 per cent. Clearly, the continuing uncertainty in the global asset market is having an effect on this issue. I do note that in the 2010-11 budget papers it was expected that the coverage of these liabilities would grow to 53 per cent by 30 June 2011. I will be watching this matter closely through the course of this financial year to see how the territory continues to travel in covering these liabilities.

The only other matter on which I propose to comment at this point relates to the analysis of the ACT's economy on page 3 of the report. The Treasurer says that the Australian GDP grew by 1.7 per cent in original terms in the year to March quarter 2010. The question is: why has the Treasurer used original data? No-one else does. The statistics that are normally used are to read the constant price trend or, of course, the seasonally adjusted data. I cannot understand why the Treasurer has used original

data in this instance, unless she is trying to magnify the performance of the ACT economy as the trend and seasonally adjusted GDP for the Australian economy was, in fact, 2.7 per cent in the year to the March quarter 2010.

Likewise, the Treasurer has used original data to analyse the performance of the ACT in terms of state final demand. Again, I do not know why she has done that, because the trend in seasonally adjusted data for the ACT shows that state final demand grew by eight per cent in the year to the March quarter 2010.

Just while I am commenting on state final demand, I would note that the position in the ACT is that demand has reduced quite dramatically in the March quarter in trend terms after growth of 1.9 per cent, 2.7 per cent and 2.0 per cent in the previous three quarters. There was a growth of only 1.2 per cent in the latest quarter. In seasonally adjusted terms, after growth of 2.5 per cent, 2.9 per cent and 2.7 per cent in the previous three quarters, there was a decline of 0.40 per cent in the latest quarter. I acknowledge that the quarterly data is subject to revision, but there appear to be some signs of concern emerging from this data, and I hope the Treasurer is not attempting to gloss over these potentially worrying indicators.

Question resolved in the affirmative.

## Papers

**Ms Gallagher** presented the following papers:

Public Accounts—Standing Committee—Inquiry—Auditor-General's report No 8/2009—2008-09 Financial Audits—Government submission.

Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2009-2010—Statement of reasons—ACTEW Corporation Ltd.

**Mr Corbell** presented the following paper:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 9 of 2010—Final Report—Enlarged Cotter Dam Water Security Project, dated June 2010.

## Independent Competition and Regulatory Commission Paper and statement by minister

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

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 8 of 2010—ACT Greenhouse Gas Abatement Scheme—Compliance and operation of the Scheme for the 2009 compliance year, dated June 2010.

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

Leave granted.

**MR CORBELL:** Today I table the fifth annual report on the operation of the ACT greenhouse gas abatement scheme, for the 2009 compliance year. The challenges proposed by climate change affect everyone around the world and require concerted action if we are to avoid critical environmental, economic and social consequences. Rising greenhouse gas emissions pose a significant threat to the social, environmental and economic welfare of ACT citizens, present and future.

Therefore the greenhouse gas abatement scheme was developed to reduce or offset greenhouse gases associated with the production of electricity used in the ACT. The scheme was established in the ACT under the Electricity (Greenhouse Gas Emissions) Act 2004 and commenced on 1 January 2005. The ACT scheme mirrors the New South Wales greenhouse gas abatement scheme. The New South Wales and ACT schemes are in many respects operated as a single scheme. Under the act, the ICRC is the scheme regulator in the ACT. One of the commission's functions, as a regulator, is to determine the greenhouse gas reduction target or benchmark for the ACT in any given year.

The scheme is designed to reduce or offset greenhouse gas emissions associated with the production of electricity. It requires retailers of electricity in the ACT to procure an increasing component of their product from cleaner and greener means, thereby effecting large reductions in associated greenhouse gases. Tackling our emissions from electricity use is a key to reducing our greenhouse gas emissions profile.

Emissions reductions attributed to the scheme since its introduction total 2,332,062 tonnes of greenhouse gas. In 2009, there were 19 entities licensed to sell electricity in the ACT. A total of 746,800 certificates were surrendered, equivalent to a greenhouse gas reduction saving of 743,151 tonnes. This has been the most successful year of the scheme to date.

The greenhouse gas abatement scheme remains the single most effective greenhouse gas abatement measure in the territory. Members will recall that in November 2007 the Assembly agreed to extend operation of the scheme from 2013 to 2020 or until such time as an effective national emissions trading scheme is put in place. I will keep the Assembly informed of any developments that may trigger significant change or cessation of the greenhouse gas abatement scheme.

## Papers

**Mr Corbell** presented the following papers:

Petition—Out of order

Petition which does not conform with the standing orders—Hawker—Section 34—Parking—Ms Porter (423 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act, Associations Incorporation Act, Births, Deaths and Marriages Registration Act, Business Names Act, Civil Law (Wrongs) Act, Civil Partnerships Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Cooperatives Act, Court Procedures Act, Dangerous Substances Act, Emergencies Act, Freedom of Information Act, Guardianship and Management of Property Act, Hawkers Act, Instruments Act, Land Titles Act, Liquor Act, Machinery Act, Partnership Act, Pawnbrokers Act, Prostitution Act, Public Trustee Act, Registration of Deeds Act, Sale of Motor Vehicles Act, Scaffolding and Lifts Act, Second-hand Dealers Act, Security Industry Act, Trade Measurement (Administration) Act, Workers Compensation Act, Work Safety Act—Attorney General (Fees) Determination 2010—Disallowable Instrument DI2010-107 (LR, 24 June 2010).

Animal Diseases Act—Animal Diseases (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-113 (LR, 24 June 2010).

Animal Welfare Act—Animal Welfare (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-114 (LR, 24 June 2010).

Architects Act—Architects (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-120 (LR, 24 June 2010).

Boxing Control Act—Boxing Control (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-131 (LR, 24 June 2010).

Building Act—Building (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-121 (LR, 24 June 2010).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2010 (No 1)—Disallowable Instrument DI2010-119 (LR, 24 June 2010).

Canberra Institute of Technology (Advisory Council) Appointment 2010 (No 2)—Disallowable Instrument DI2010-162 (LR, 15 July 2010).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-155 (LR, 30 June 2010).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) New South Wales Bar Association Scheme 2010 (No 1)—Disallowable Instrument DI2010-135 (LR, 28 June 2010).

Civil Law (Wrongs) Professional Standards Council Appointment Amendment 2010 (No 1)—Disallowable Instrument DI2010-172 (LR, 26 July 2010).

Civil Partnerships Act—Civil Partnerships Regulation 2010—Subordinate Law SL2010-23 (LR, 24 June 2010).

Clinical Waste Act—Clinical Waste (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-145 (LR, 30 June 2010).

Community Title Act—Community Title (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-122 (LR, 24 June 2010).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-123 (LR, 24 June 2010).

Court Procedures Act—Court Procedures Amendment Rules 2010 (No 1)—Subordinate Law SL2010-24 (LR, 30 June 2010).

Crimes (Child Sex Offenders) Act—Crimes (Child Sex Offenders) Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-27 (LR, 1 July 2010).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2010 (No 2)—Disallowable Instrument DI2010-159 (LR, 12 July 2010).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2010 (No 3)—Disallowable Instrument DI2010-160 (LR, 12 July 2010).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2010 (No 4)—Disallowable Instrument DI2010-161 (LR, 12 July 2010).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2010 (No 3)—Disallowable Instrument DI2010-154 (LR, 30 June 2010).

Domestic Animals Act—Domestic Animals (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-115 (LR, 24 June 2010).

Electoral Act—Electoral (Fees) Determination 2010—Disallowable Instrument DI2010-136 (LR, 28 June 2010).

Electricity Safety Act—Electricity Safety (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-124 (LR, 28 June 2010).

Emergencies Act, Firearms Act, Freedom of Information Act, Guardianship and Management of Property Act, Public Trustee Act—Attorney General (Fees) Amendment Determination 2010 (No 1)—Disallowable Instrument DI2010-141 (LR, 29 June 2010).

Environment Protection Act—Environment Protection (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-147 (LR, 30 June 2010).

Financial Management Act—Financial Management (Periodic and Annual Financial Statements) Guidelines 2010—Disallowable Instrument DI2010-153 (LR, 30 June 2010).

Fisheries Act—Fisheries (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-146 (LR, 30 June 2010).

Gas Safety Act—Gas Safety (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-125 (LR, 28 June 2010).

Health Act—Health (Fees) Determination 2010 (No 2)—Disallowable Instrument DI2010-142 (LR, 30 June 2010).

Health Practitioner Regulation National Law (ACT) Act—Health Practitioner Regulation National Law (ACT) (Transitional Provisions) Regulation 2010—Subordinate Law SL2010-25 (LR, 24 June 2010).

Heritage Act—Heritage (Register Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-116 (LR, 24 June 2010).

Legal Aid Act—Legal Aid Regulation 2010—Subordinate Law SL2010-26 (LR, 28 June 2010).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2010 (No 1)—Disallowable Instrument DI2010-156 (LR, 5 July 2010).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2010 (No 1)—Disallowable Instrument DI2010-157 (LR, 5 July 2010).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Community Sector Employers' Levy Determination 2010—Disallowable Instrument DI2010-150 (LR, 30 June 2010).

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

Long Service Leave (Portable Schemes) Governing Board Appointment 2010 (No 1)—Disallowable Instrument DI2010-148 (LR, 30 June 2010).

Long Service Leave (Portable Schemes) Governing Board Appointment 2010 (No 2)—Disallowable Instrument DI2010-149 (LR, 30 June 2010).

Magistrates Court Act—Magistrates Court (Lakes Infringement Notices) Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-30 (LR, 26 July 2010).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Medicines Advisory Committee) Appointment 2010 (No 1)—Disallowable Instrument DI2010-132 (LR, 24 June 2010).

Nature Conservation Act—Nature Conservation (Fees) Determination 2010 (No 2)—Disallowable Instrument DI2010-143 (LR, 30 June 2010).

Planning and Development Act—Planning and Development (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-128 (LR, 24 June 2010).

Planning and Development Act and Financial Management Act—

Planning and Development (Land Agency Board) Appointment 2010 (No 1)—Disallowable Instrument DI2010-173 (LR, 26 July 2010).

Planning and Development (Land Agency Board) Appointment 2010 (No 2)—Disallowable Instrument DI2010-174 (LR, 26 July 2010).

Planning and Development (Land Agency Board) Appointment 2010 (No 3)—Disallowable Instrument DI2010-175 (LR, 26 July 2010).

Public Baths and Public Bathing Act—Public Baths and Public Bathing (Active Leisure Centre Fees) Determination 2010—Disallowable Instrument DI2010-152 (LR, 30 June 2010).

Public Place Names Act—

Public Place Names (Bonner) Determination 2010 (No 2)—Disallowable Instrument DI2010-138 (LR, 28 June 2010).

Public Place Names (Fyshwick) Determination 2010 (No 1)—Disallowable Instrument DI2010-140 (LR, 28 June 2010).

Public Place Names (Hall) Determination 2010 (No 1)—Disallowable Instrument DI2010-165 (LR, 19 July 2010).

Public Place Names (Macgregor) Determination 2010 (No 2)—Disallowable Instrument DI2010-139 (LR, 28 June 2010).

Public Place Names (Molonglo Valley District) Determination 2010 (No 1)—Disallowable Instrument DI2010-171 (LR, 26 July 2010).

Public Sector Management Act—

Public Sector Management Amendment Standards 2010 (No 2)—Disallowable Instrument DI2010-137 (LR, 1 July 2010).

Public Sector Management Amendment Standards 2010 (No 3)—Disallowable Instrument DI2010-164 (LR, 15 July 2010).

Radiation Protection Act—Radiation Protection (Tanning Units) Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-29 (LR, 5 July 2010).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Mass Dimensions and Loading) Act—Road Transport Legislation Amendment Regulation 2010 (No 3)—Subordinate Law SL2010-28 (LR, 30 June 2010).

Road Transport (General) Act—

Road Transport (General) (Pay Parking Area Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-130 (LR, 24 June 2010).

Road Transport (General) Application of Road Transport Legislation Declaration 2010 (No 6)—Disallowable Instrument DI2010-158 (LR, 8 July 2010).

Stock Act—Stock (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-117 (LR, 24 June 2010).

Surveyors Act—Surveyors (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-127 (LR, 24 June 2010).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Eligibility—Home Buyer Concession Scheme) Determination 2010 (No 1)—Disallowable Instrument DI2010-112 (LR, 24 June 2010).

Taxation Administration (Amounts Payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2010 (No 1)—Disallowable Instrument DI2010-110 (LR, 24 June 2010).

Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2010 (No 2)—Disallowable Instrument DI2010-133 (LR, 28 June 2010).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2010 (No 1)—Disallowable Instrument DI2010-111 (LR, 24 June 2010).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2010 (No 1)—Disallowable Instrument DI2010-109 (LR, 24 June 2010).

Training and Tertiary Education Act—Training and Tertiary Education (Fees) Determination 2010—Disallowable Instrument DI2010-151 (LR, 30 June 2010).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2010 (No 1)—Disallowable Instrument DI2010-168 (LR, 20 July 2010).

Unit Titles Act—Unit Titles (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-129 (LR, 24 June 2010).

University of Canberra Act—

University of Canberra (Academic Board) Amendment Statute 2010—Disallowable Instrument DI2010-169 (LR, 22 July 2010).

University of Canberra (Courses and Awards) Statute 2010—Disallowable Instrument DI2010-166 (LR, 22 July 2010).

University of Canberra (Election of Staff and Student Members of Council) Statute 2010—Disallowable Instrument DI2010-163 (LR, 22 July 2010).

University of Canberra (Election of Staff, Student and Professorial Members of Academic Board) Statute 2010—Disallowable Instrument DI2010-167 (LR, 22 July 2010).

University of Canberra (Statutes Interpretation) Statute 2010—Disallowable Instrument DI2010-100 (LR, 22 July 2010).

Utilities Act—Utilities (Emergency Planning Code) Determination 2010—Disallowable Instrument DI2010-170 (LR, 26 July 2010).

Waste Minimisation Act—Waste Minimisation (Landfill Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-118 (LR, 24 June 2010).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-126 (LR, 24 June 2010).

Water Resources Act—Water Resources (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-144 (LR, 30 June 2010).

## **Education, Training and Youth Affairs—Standing Committee Report 3—government response**

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

Education, Training and Youth Affairs—Standing Committee—Report 3—*Inquiry into the Educational Achievement Gap in the ACT*—Government response.

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

Leave granted.

**MR BARR:** It gives me great pleasure to table the government response to the Standing Committee on Education, Training and Youth Affairs report *Inquiry into the educational achievement gap in the ACT*. On 6 May 2010, the committee released its

report and 24 recommendations. The government has agreed, agreed in part or noted every one of those recommendations. Whilst I will not go through them all this afternoon, I will briefly talk to some of them.

I would like to thank the committee for their recommendations, a number of which indicate growing agreement in this place with the education policies of the ACT and federal Labor governments. Recommendation 1 is a case in point. I think the most important reform is ensuring that we continue to have the best teachers at the front of our classes, to ensure we measure how effectively our education system meets the needs of students.

The department already provides professional development for teachers in interpreting NAPLAN standardised testing through the use of the school measurement assessment and reporting toolkit or SMART. SMART is the database that stores NAPLAN results for access by schools. A team of three school improvement officers provides professional learning sessions for teachers. They work directly with school leaders and teachers to assist in the interpretation of class and school-level data.

I should point out that the ACT government does not have direct responsibility for providing pre-service teacher training. However, under the improving teacher quality national partnership, to which the ACT is a signatory, the ACT Teacher Education Committee and the Professional Experience Committee have been established. The University of Canberra, the Australian Catholic University and the department are represented on these committees.

The committees will oversee the implementation of reforms to improve pre-service and in-service teacher education, and departmental representatives will promote the inclusion of training on the interpretation of standardised testing results in pre-service and in-service courses. This will also complement the work of our Teacher Quality Institute.

We are also working with the federal government to give parents the information they want on the progress of their kids at school. We are making everyone in education more accountable through the My School website. This information means we can move beyond the poker machine approach to education policy. It is no longer good enough to simply insert a dollar and hope for the best, especially for kids who are struggling at school. We need to know that we are getting the best educational outcomes we can for every student.

That is why I am pleased to see recommendation 3. This recommendation calls on the government to provide the Assembly with an analysis of ACT NAPLAN results using comparable 2008 and 2009 NAPLAN data from New South Wales and Victorian urban schools. ACT NAPLAN results are already analysed comparing ACT schools with New South Wales and Victorian schools and indeed with other schools around Australia. However, whilst it is true that the ACT's student population is only metropolitan, this does not make it directly comparable with New South Wales and Victorian metropolitan school populations. Currently, the best form of comparison available is that based on the information collected by the Australian Curriculum, Assessment and Reporting Authority—ACARA—and reported on the My School website.

My department is also currently exploring the development of new school performance measures to provide greater rigour regarding the comparison of school performance, taking into account the specific ACT context.

We also agree with the committee that schools should be encouraged to reflect on and respond to standardised assessment results. In fact, once released, schools will be able to comment on their 2010 NAPLAN results on the My School website.

We have agreed to recommendation 5 and I will provide members of this place with our response to the report on the outcomes of the ACT Aboriginal and Torres Strait Islander Elected Body estimates hearings 2008-09 within the next few weeks.

We have agreed to establish cross-cultural awareness training options for teachers. We have also agreed to negotiate with the faculty of education at the University of Canberra for the inclusion of pre-service courses in Aboriginal and Torres Strait Islander studies. In part we have agreed that further analysis be undertaken by the Department of Education and Training into the need for a specialist Aboriginal and Torres Strait Islander language and creoles support program.

The department will continue to consult with the ACT Aboriginal and Torres Strait Islander education consultative group to investigate ways to develop teacher capacity to work with speakers of Aboriginal and Torres Strait Islander languages. We have agreed that any programs or initiatives developed should be undertaken in consultation with ESL teachers and Aboriginal and Torres Strait Islander educators and community leaders.

In relation to the committee's recommendation on the Gugan Gulwan program, the department is continuing to develop its partnership with Gugan Gulwan, including through the work of the Aboriginal and Torres Strait Islander student aspiration officers employed by the department. The department continues to look for further funding opportunities to support the work of Gugan Gulwan. It is currently developing a proposal for Australian government funding focusing on students in years 7 to 10.

With regard to recommendation 13, I can report that the department regularly includes students and their parents or carers in reviews and consultations where appropriate. For example, students were represented on the disability education reference group during the special education review. The department will continue to include students in major reviews of programs where appropriate.

The government agrees with recommendation 14. The department has commissioned a framework for the review of early childhood schools. In addition, early childhood schools are subject to the school improvement process, which has a four-year cycle of ongoing self-assessment and external review.

The committee recommends that the government commit to extending successful strategies of early childhood education into other areas of the school system as appropriate. The government is indeed committed to continuing the early childhood

schooling model, with planning in place for an early childhood school at Franklin to serve the Gungahlin region. In fact, this year's budget provided \$1.4 million for the forward design of the Franklin early childhood school. Again, whilst the committee's recommendations do seem to indicate growing support for the government's policies, the fact remains that initiatives such as funding for the Franklin early childhood school were not supported by the Canberra Liberals.

The committee recommends that the government work with the Catholic Education Office and the Association of Independent Schools to ensure that early learning and school transition advantages can be extended to all ACT students. I have been advised that the department has established a universal access governance committee so that all sectors can work together to improve access to high-quality preschool education. The Australian early development index, or AEDI, data, collected across all communities, has been provided to public and non-government schools to support the transition of students into school.

The AEDI is a population measure of early childhood development and school entry, derived from teacher-completed check lists. The ACT AEDI coordinating committee has developed a comprehensive strategy for disseminating AEDI results across ACT government and non-government agencies, including schools. The evidence provided by the AEDI will inform policy and program development for all areas of early childhood development. Additionally, AEDI champions will work with communities to use the data to develop programs to meet identified needs.

The committee also recommends that the department facilitate forums on best practice in family engagement with student learning and to support teachers in this area of schooling. Just one way in which we are doing this is through the virtual learning environment. This new web-based system, currently being piloted in eight schools, will provide a portal allowing parents to better see what their child is doing at school.

Recommendation 19 is pleasing. In short, it seeks better data for better decision making. The department has already formalised an agreement with the University of Canberra to share research interests in education. A collaborative research group has been established between the Department of Education and Training and the University of Canberra. Through this group, a research program is being developed and is likely to include the development of indicators to measure the performance of the education system.

The government will also continue to use a range of data sources, including NAPLAN and the AEDI, to inform the efficacy of targeted programs for disadvantaged and at-risk students.

In conclusion, the government is committed to ongoing education reform. That is why, for example, we are investing \$3.9 million to establish the Teacher Quality Institute. That is why we started to prepare the way, as part of our next enterprise bargaining agreement with the Australian Education Union, to deliver the best teachers with faster promotion and better pay. That is why we continue to work in cooperation with the commonwealth and other jurisdictions on national agreements that will deliver higher teacher quality in Australian classrooms.

So it is pleasing to see that many of the recommendations in this committee report back our policy of reform. I thank the committee for their work on this report, and I hope that one day its Liberal members will be able to convince the Liberal leadership to back the government's policy where it really counts, in the budget debate.

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

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

Planning and Development Act, pursuant to subsection 242(2)—Schedule of leases granted for the period 1 April to 30 June 2010.

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

Leave granted.

**MR BARR:** Section 242(2) of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining the details of leases granted by direct sale. The schedule I now table covers 14 leases granted for the period 1 April to 30 June 2010. In addition, 196 single-dwelling leases, 54 of which were land rent leases, were granted by direct sale during the quarter.

## **Paper**

**Mr Barr** presented the following paper:

Racing Industry—Funding—Statement, pursuant to resolution of the Assembly of 17 March 2010.

## **Economy—commonwealth public service Discussion of matter of public importance**

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

The impact of federal public service cuts on the ACT economy.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.08): I think it is fair to say that the public service is sometimes used as a political football and that the bureaucracy is seen as an easy target for the rest of the country. In Canberra, we

are in a very different position. We know that the public sector is the major sector in the ACT economy.

A recent Access Economics report found that “the territory’s medium term prospects have hung in the balance ever since it became clear that federal government expenditure needed to be reined back over the next few years”. In another Access Economics report they stated that the ACT is a “small and open economy, and that combination makes it especially sensitive to changes in the economic environment”. We note that a significant reduction in public expenditure in the ACT will not only have an impact on the quality of the outcomes for the whole of Australia but also it has the potential to significantly reduce growth in state final demand and gross state product.

Canberrans remember 1996 and 1997 when the last round of significant public service cuts took place. Big public service cuts led to unemployment for families and a recession in Canberra, as well as house prices falling by around 30 per cent. It has taken a long time for the local economy to recover, with the knock-on effects being felt by Canberra’s small business community for years after. We are now a very strong economy, only recently having just missed out on top spot, in comparison to other states and the Northern Territory, by one measure, a place we occupied for the previous two quarters. As well as this, we have just learned that we are in a much healthier fiscal position than previously thought.

There are currently around 7,000 Canberrans out of work. Imagine what it would mean to our fiscal position if all of a sudden our unemployment rate almost doubled. If we lost more than 30 per cent of our stamp duty revenue, as well as all the other revenue losses that would result, what would that mean for our ability to deliver the services that Canberrans need?

The ACIL Tasman report prepared for this year’s estimates committee inquiry states that the ACT is an economy whose outcomes are heavily influenced by the consumption and investment decisions of the Australian government. In 2008-09, the Australian government represented 51.3 per cent of total demand in the ACT economy, compared to household consumption that made up 31.6 per cent of total demand, private investment which made up 10.2 per cent, and 6.9 per cent for the ACT government. In total, the government sector, including all levels of government, made up over 58 per cent of demand for the ACT economy in 2008-09 as compared to just over 21 per cent for the New South Wales economy.

By another measure, workers in the commonwealth government administration contribute around 35 per cent of our gross state product. What also need to be considered are the flow-on effects of such cuts to the public sector that would have a devastating impact on the private sector as well. A senior economist at ANZ, Shane Lee, said on the construction industry:

For the rest of the year I think the public sector will still be a reasonable support for demand, so if the public sector wasn’t there activity would probably be falling because outside work done by the public sector there really isn’t too much.

That is just one example of a particular industry that will be affected by the proposed cuts. Other industries will also suffer. What about the small businesses who depend on the expenditure of public servants for their livelihood? A two-year freeze on public servant hiring would amount to a cut of 12,000 positions. Data is available that lists public service employment by electorate. Assuming 12,000 job losses and an even proportion of job losses across the country, this would amount to direct and indirect job losses of, in the electorate of Canberra, 3,076 jobs, in the electorate of Fraser, 2,652 jobs and, for our surrounding neighbours, in the electorate of Eden-Monaro 536 jobs and in the electorate of Hume 227 jobs.

These cuts amount to an approximately 80 per cent increase in the unemployment rate in the ACT. Not only that—the whole region will suffer. We know that a significant number of people who work in and contribute to the ACT economy live in the surrounding region. We must also be mindful of the impact that decisions will have on them. Only hours ago, speaking at the National Press Club, Tony Abbott said that he could not rule out further cuts—that is, the job losses could be even greater. At the Liberal Party local campaign launch on Sunday and as reported in the *Canberra Times* on Monday, Mr Hockey said, “Mr Humphries let me know his views in no uncertain terms about that, but we’re being up-front with the Australian people, and we’re being up-front with Canberrans about what has to be done.”

I should also say that Ms Gillard has made reference to “unpopular cutbacks”, as well as some specific cutbacks for particular agencies, which also gives rise to a concern that neither the Labor Party nor the Liberal Party actually appreciates what the public service means to the ACT economy and the need for an adequately resourced public service that is capable of delivering good outcomes for all Australians.

The public service should not be a political football. Governments have a responsibility to ensure the efficiency of expenditure of public money. However, they also have an obligation to ensure good outcomes for Australians. We have an obligation to ensure good outcomes for the ACT. I think that everyone could agree that job losses of this scale will have a devastating effect on our economy and will not be in the best interests of the ACT economy and its people.

We are enjoying a strong economy and to throw that away in the heat of an election debate is irresponsible, to say the least. The Greens support an efficient, capable and well-resourced public service. We recognise the need for a quality executive to deliver outcomes for people. As a parliament, we depend on the public service to implement the laws that we pass and to provide us with the information and ideas necessary to govern the community. We also recognise the need for efficiency and understand that we must be aware of the potential for waste within the bureaucracy.

Obviously, a balance must be found and that balance must recognise the need for a quality public service to be both efficient and effective. Back in 1997, Kate Carnell said in this place when commenting on the public service cuts at that time:

There is no hiding the fact that this budget means another very tough year for the ACT.

She continued:

... reductions already in the pipeline will mean an estimated 3,500 to 4,000 jobs disappearing from the public sector in Canberra.

She also said at that time:

... I reaffirm my concern that, while the ACT has not been singled out for cuts, public sector cutbacks will still have a far greater impact on Canberra than on any other city in Australia, as I am sure everybody here agrees.

Given that this level of cuts appears to actually be less than what we can expect from the current proposals, we can only assume that the impacts will be correspondingly larger. I would remind everyone who lived in Canberra at that time to remember what it was like—most people's largest asset, and probably the biggest output from their pay check every week, suddenly being worth 30 per cent less than they paid for it. All those mortgage payments were going to nothing—giving the money to the bank for an asset that was worth 30 per cent less than they paid for it.

We are a very small and vulnerable economy. There are simply not a lot of other options for people who lose their jobs. The Greens have consistently argued that we need to transform our economy to a low carbon economy and shift our workforce to low emission industries and alternatives. However, the fact of the matter is that right now there is simply nowhere for these people to go if they lose their jobs as proposed by Tony Abbott and the Liberals.

This was, of course, demonstrated by the fall in housing prices, as I have mentioned, in 1996 and 1997. People simply had to leave Canberra to get a job. We all have an obligation to ensure that we do our utmost to prevent this from happening. We should be creating a green economy that recognises where the opportunities of the future are, diversifies our economic activity and reduces our susceptibility to the whims of the commonwealth. But, as I said, we must recognise where we are today and what drives our economy now.

*Mr Hanson interjecting—*

**MS HUNTER:** It is rather unfortunate that Mr Hanson is not at all worried about those families that are going to end up jobless, those families that will not be able to afford their mortgage payments and those families that will not be able to feed and clothe their children. It is obvious that Mr Hanson is not at all concerned. I guess that is a view which must be shared by the Canberra Liberals, because he has obviously shown his contempt for those families in the ACT that may be facing this situation.

The commonwealth public service is heavily concentrated in the ACT and our economy relies on commonwealth expenditure and the employment that it generates. The greatest single risk to the immediate economic prosperity of the ACT is the expenditure of the commonwealth. The unfortunate thing is that, while we are the most vulnerable, we are also perhaps the least influential. We are a football throughout the country, picked up and kicked when it suits the cause. What we

actually need is better representation at the commonwealth level. We need someone who will argue and influence what happens to the ACT. We know that Mr Humphries will not deliver that. Mr Hockey has told us that already in no uncertain terms. The party he represents would subject the ACT to the same economic hardship that we experienced in 1997.

I put forward this issue as an MPI today so that we have a chance to discuss what has been recognised by both Labor and Liberal governments and economics professionals—that this issue represents the single biggest risk to the ACT economy. The Greens do not support public service job cuts. We will do all we can to ensure that that does not happen. That is why we are running a strong campaign. We believe we need better representation at the federal level because at the moment the election promises from the Liberals obviously do not take into account the impact on the ACT, do not take into account the devastating impacts this could have on so many families; not just those who would not get jobs in the public service, but also all of those small businesses.

It really does shock and surprise me that the party that says that it is there standing up for small business is the party that is happy to go out there and to be spruiking this electoral promise about cutting jobs in the public sector which will obviously have flow-on effects to many small business people and small businesses across the territory. It will also mean that there are not those opportunities for our young people to gain employment in the public service. This is at a time when we are trying to provide as many opportunities as we can to retain those skilled young people who are going through our tertiary institutions. Many of them will now need to move interstate and away from families and friends in order to seek employment.

I find it a horrible thought that in the ACT this will result in those young people not having the opportunities that so many other young people in previous years have been able to pursue. This is why I brought this issue up today. It is an important issue. I really look forward to Mr Hanson's contribution when he no doubt will tell us all why it is such a wonderful thing for the ACT economy, for Canberra families, for small business, for young people, for these cuts to go ahead.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.22): I welcome the Greens putting this matter of public importance to the Assembly today. There are a number of different layers in the impact of federal government cuts on the ACT. We see the impact on the commonwealth employment levels; we see the flow-on impact on the ACT budget; and of course we see the impact for communities through the impact on small business and the private sector here in the ACT, which relies heavily on the commonwealth spend in the territory.

In our budget papers every year—I imagine it has been the same since self-government—we identify commonwealth government consumption expenditure as playing a key role in the territory's economic performance in the medium term. Indeed, what we saw over the 2009-10 year was that the commonwealth government's expenditure, including its stimulus-related expenditure, did support the ACT economy through a pretty difficult time. Also, when you look at the national accounts, and back in 2008-09, when the territory slipped into a technical recession—

**Mr Smyth:** A technical recession?

**MS GALLAGHER:** That is what it was called.

**Mr Smyth:** It was a recession. There was nothing technical about it.

**MS GALLAGHER:** That is what it was called, Mr Smyth.

**Mr Smyth:** You had two negative quarters of growth.

**MS GALLAGHER:** When you look at what the cause of that was, you see that, despite the reduction in private consumption expenditure, it was the commonwealth winding back on some of their spending. Indeed, what they outlined in their budget and what they actually did were different, and that had an impact on the ACT economy. The fact is that cuts in the commonwealth government proposed by the coalition and supported by those opposite pose significant risks to the ACT economy, given the structure of it.

Our budget identified that the ACT will continue to face a challenging economic environment. We see the commonwealth's expenditure, or not, as a key driver as to how significant those challenges are for the ACT budget. We have been watching this for a couple of years now as we understand the government's need to restore their budget position to a surplus position. The difference is the approach by the two parties.

Federal Labor has outlined savings, but these savings are measured and they are staged. I agree that all governments need to make sure that their public expenditure is done in the most efficient way; we do that here every year through our budget process.

The cuts that the coalition plans to make—the size of them and the speed of them—are what will significantly damage the ACT. The coalition plans to cut \$24 billion in the four years to 2013-14. That is the most significant issue for the territory—not necessarily that there are cuts, but the size and the speed of the cuts. Indeed, 12,000 public service jobs in two years are being cut. We estimate—I note the Greens' analysis—that this potentially is 4,000 jobs here in the ACT, which would represent a decline of around two per cent in the current employment level.

However, it would not just affect public employment levels. The constraint on commonwealth government expenditure here, combined with those public service staffing cuts, is something that will have significant flow-on effects in the private sector and therefore the territory's budget.

We saw what happened in 1997 here. I have lived here all my life; I was born here. I remember wandering around this town in 1997 and seeing not just the fact that the economy was in recession but the sense of hurt amongst the Canberra community at the savage nature of the cuts and what that did to our community. I do not think that will ever be forgotten.

When you look at some of the commentary in this debate, all you need to say is, "Remember 1996-97," and any long-term Canberran will nod their head and say,

“Yes, I remember that.” We all lived through it. There was the impact on housing prices, the impact on employment or unemployment levels, and the fact that it took a number of years to recover from that. Whilst the rest of the country boomed, the ACT was in a recession against the tide.

This is something that the Labor government here is very concerned about. When the Chief Minister, I and other ministers walk the corridors of federal parliament, we never let a meeting with a federal minister go without mentioning the important role they play in the economy here and that, when they are making these decisions around the table, they need to be conscious of the fact that our community requires them to maintain their significant role here in our economy and that any cut that might seem painless to a federal government is not necessarily painless to a small community like the ACT.

When you look at the impact of these cuts, what do you see? I note that already there is a sort of hesitation in decisions. There is always a little hesitation in decisions being made by business in the lead-up to a federal election in a town like Canberra, but I certainly have picked up on that in the last couple of months, with people watching and waiting before they make business decisions. Because of the commentary and the magnitude of the cuts being proposed by the coalition, we are already seeing businesses hold off on decisions and take a step back. To some extent, we probably will see that consumer confidence will decline as well. That is relevant to people who lived through the cuts of 1996.

Consumers, business and homeowners did respond very well to the commonwealth stimulus measures to support our local economy during the economic slowdown. The prospect of those constraints on commonwealth spending does not bode well for consumers or for business to make those employment decisions or even commit to any further investment plans.

The potential devastating flow-on effects from cuts in commonwealth government spending and public service jobs in the ACT will not only be an impediment to the local economy’s current growth momentum, but also lead to lower tax revenues, impacting on service delivery in our own public service. That is of very significant concern to the ACT.

Again, it is not only our taxation lines themselves but the fact that 45 per cent of revenue coming to the government is generated through grants and assistance from the commonwealth government. If we see any declines in those, that will impact on our bottom line, and indeed on all of our own revenue lines. The top four revenue lines—payroll tax, conveyancing, rates and land tax—will all be impacted upon if these cuts go through. It is going to have an impact not only on the individual sectors, but on our own budget. We have identified this as a challenge as we move ahead in identifying and delivering on our budget plan.

We do not believe that we can afford a severe recession like the one that occurred in 1996, when the public service was reduced by 32,000 jobs nationally. The ACT experienced a 2.3 per cent decline in the employment level, and a fairly significant fall, which we have not seen for many years, in average house prices. The ACT

population actually went backwards as people moved away from the ACT because they either had lost their jobs or had to relocate to find employment elsewhere.

For those who were forced to move to find different jobs, selling their houses was very difficult and expensive in the market that was there at the time. Many were forced to sell at prices below what they had bought at. That is a very sad and harsh reality: seeing your savings—your investments, what you have worked for for many years—vanishing before your eyes.

The scenario faced by the ACT under the coalition government is potentially more drastic than that faced by the ACT during the global financial crisis, particularly given that there will be no supporting stimulus measures to soften the impact of any of those significant cuts. I think all of us in this place would say that recessions are unpleasant—in fact, outright painful—because of their effects on people's jobs and families' lives. They are very hard to recover from; it does take a long time to recover from them. That is why the federal government took such significant steps to inject stimulus into the national economy, to protect the country as a whole from slipping into recession.

We are very grateful for that. We have no doubt that that stimulus spend impacted here very positively. If you go and speak to any industry—it is not just us; it is not just Labor patting Labor—if you actually go and speak to the private sector here, and ask them what helped them through 2009-10, you will hear back from them that it was the stimulus spend here that kept all of those people in jobs, from contractors on building sites to designers and a whole range of consultancies. All of them will stand behind the fact that the stimulus, and the magnitude of the stimulus, was the right thing to do at the right time. Now that it has passed, or largely passed, it is very easy for those conservative elements of politics to criticise and say that it was not needed, but the reality will be that when you take the political heat out of this there will be universal agreement that the swift action of the federal government back in 2009 was the right thing to do.

When governments face challenges like restoring their budgets, there are a number of options open to them. This is something that we debated long and hard when we were formulating our budget plan: do we look for the quick fix, which is reducing our numbers in our public service, or do we look for other ways to manage those pressures? We chose the other way—managing the pressures another way. We sought to show wage restraint. We have done that with the wages outcome that has been agreed to with the unions. As that is a significant part of our costs for our budget, we were able to maintain employment at a time when we were reducing our expenditure growth into the outyears.

So there are other options available to governments. You do not need to slash and burn. The coalition's plan here shows that they could not care less about Canberra. They probably even think it is politically attractive to not care less about Canberra. The speed and the magnitude all point to some very significant challenges that are going to face our community. The silence of those opposite about these plans has been absolutely astounding—just like their complete backflip on GP superclinics. When it is their idea, it is a good idea; when it is someone else's idea, it is a terrible idea and should never be condoned.

The people of the ACT are smarter than that. They will see that their Liberal representatives here have seemingly slunk back into line behind Mr Abbott and are really endorsing the idea that at least 4,000 jobs are slashed from our community. It is something that this government does not support.

**MR SMYTH** (Brindabella) (4.35): It is interesting that, to the best of my knowledge, the only politician in this place that has written to Tony Abbott about the impending cuts is the Leader of the Opposition. It is interesting, given all the cant and the lines and the rhetoric from the Labor Party.

But what have the Labor Party done in the last three years? What did the Labor Party do, what did the Treasurer and Mr Stanhope do, when Kevin Rudd started cutting in the ACT? They said it was quite okay. They said it was all right. They said: "It's not as bad as we thought it was. That's okay." And that is the problem. The inconsistency in the Labor Party over this is just extraordinary.

And where was Katy Gallagher, and indeed where was Meredith Hunter, when the ACT got no roads money from the roads program that was going to every corner of Australia, except, apparently, to Canberra? And where was Ms Gallagher and where was Ms Hunter when the marketing programs of the collecting institutions, the very heart of what Canberra is about and at the core of our tourism trade, were cut? We had the chief cheerleader for the Rudd cuts, Mr Barr, saying: "It's a good thing to cut the institutions. It means more people will come to Canberra because there will not be travelling exhibitions." That is who the chief cheerleader was.

Where were Ms Hunter and Ms Gallagher when Senator Kate Lundy ran her personal, vicious and uncalled-for vendetta against the NCA? Where were those opposite and on the crossbench standing up for the NCA when that was occurring? They were silent, mute, crawled under a rock, hiding, lost in the fog, because they did not care, because the unity of the left and the far left did not care, about those ACT public servants, did they? And, when the inquiry was undertaken, and the NCA was basically vindicated and Senator Kate Lundy was shamed for her personal, vicious, vindictive vendetta against the NCA and they had the backflip, there was no condemnation from those opposite over that activity.

The piousness of the two speeches so far about cuts and the finger-pointing are just ludicrous. Nobody likes the cuts. Senator Gary Humphries has said that. The Leader of the Opposition, Zed Seselja, has said that. But we have done something about it. What have you guys done? Absolutely nothing, and that is the problem.

**Ms Gallagher:** You have written a letter—big deal.

**MR SMYTH:** What have you done? What have you done, Treasurer? Name one thing you have done, Treasurer.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order, members! Stop the clock, please. Members, I have been particularly hard on Mr Hanson and Mr Smyth on the issue of interjections, so I think a reasonable reciprocation is in order.

**MR SMYTH:** Thank you, Mr Assistant Speaker. The most significant risk to the ACT is the ACT Treasurer and her laziness, her lack of drive, her inability—indeed, her surrender. She said on 8 April 2008:

... we have to acknowledge that economic diversity opportunities are limited ...

Let us give Ted Quinlan credit. Mr Quinlan tried for years, but he could not get it through his own party, and that was the problem. I see we are joined by the minister for economic development. The son of the economic white paper is a pale imitation of what Mr Quinlan had at least the honesty to call a “statement of the bleeding obvious”. People on the crossbench and on the other side say, “What about small business?” Small businesses want some certainty and small businesses do not want things like government debt. They want low interest rates. They want the burdens off their backs of territory and federal governments. They want to be allowed to get on and go with the business.

When you have got \$80 billion in debt, rising in 2010-11 to \$209 billion of gross debt, you have got a problem. You may recall that when the Gillard government came to power there was no government debt. We had paid off the \$96 billion we found in the Beazley black hole and we were in surplus. And now we are not in surplus; we are in debt. The excuse is “we had to stimulate the economy”. Most commentators would say there were four factors that saved Australia and they were the good economic position that we were in, in that we had money in the bank and we had surpluses—good financial arrangements—and that was to the credit of the Hawke-Keating government and to the Howard-Costello government. I have heard many people say on many occasions that it was due to both sides in that regard—good IR arrangements and the stimulus package.

Many commentators have said that the least important of those four was the stimulus package, simply because spending alone could not save us. It did not work in America and it did not work in the United Kingdom because their spending relative to ours was about the same. If stimulus was the answer, there would be no gloom and doom in global financial circles, because governments would have spent their way out of it. But that sort of economics does not work. You have to take the four factors into account.

The interesting thing when you go to the Rudd-Gillard government is that there were cuts to the public service numbers—enormous cuts to numbers. I read some of them out during question time. It is worth reading them out again, the proposed reduction in ASL for the departments and agencies in 2008-09, from the Australian Parliament House government library. There are huge numbers here: 1,137 in Treasury; 221 in immigration; 142 in innovation, industry and science; 85 in the CSIRO; 213 in education; 269 in families, housing and community services; and 179 in health and ageing. The reality is, unfortunately, that both sides will cut staff numbers.

The problem is that the Liberal Party always seems to be left with the burden of cleaning up the mess of Labor governments. In the ACT in 1995, when Kate Carnell came to power, it was a \$344 million operating loss that the previous Labor

government had left us—20 per cent of the budget. When Howard came to office in 1996 it was Beazley's black hole—\$96 billion worth of government debt and deficits. And Liberal governments fixed those. And a Liberal government, unfortunately, looks like it will be left with the task of fixing the Rudd-Gillard government profligate spending.

It is worth looking at both sides of the equation. On one side of the equation, the Rudd government cut the public service—huge cuts to defence; cuts to collecting institutions, cheered on by the chief cheerleader over there, Mr Barr; very sad cuts to the NCA; no roads money; moved departments out of Canberra; things like Infrastructure Australia, the national broadband network and climate change were not put in Canberra. They turned their backs on Canberra. But there was silence from those opposite.

If you look at the Howard record, the Howard-Costello years, the federal highway was upgraded after years of neglect from the Labor Party. The Barton Highway was upgraded after years of neglect. Numerous public service buildings were either upgraded or new buildings were built. We got two new collecting institutions, the National Museum of Australia and the National Portrait Gallery, extensions to the National Gallery of Australia and the construction of Anzac Hall and renovations at the War Memorial. They upgraded the Mint, they built Commonwealth Place, they built Magna Carta Place, they built Menzies Walk, they built the Australian of the Year Walk. Money was given to the airport to upgrade the runways to bring in the largest of jets. We saw the police more, we saw the emergency services more—and the list goes on. Diversifying the ACT's cultural base was a very important achievement of the Howard years and yet there is no credit given.

It is interesting that Ms Hunter started this motion and then departed the scene. It is so typical. But what about the contempt for the families? It was a thinly veiled attempt to pump up Lin Hatfield Dodds's chances in the election. Perhaps Ms Hunter or one of the Greens can stand and talk about their contempt for the families of those students in non-government schools they are going to rip \$60 million out of. And they are going to get rid of the health rebate. Good health and good education are supposedly planks of the Greens. So where is the explanation on how that is going to happen?

Mr Hanson commented on the lack of passion in Ms Hunter's speech; it was almost like she did not believe it, that she was just going through the motions. That is the problem with the Greens and it is a problem with the government. No-one is here really to put the solutions on the table to the economic woes that Australia faces—the debt, the deficits. It is very easy to spend. In my 3½ years in cabinet, with four budgets, we spent all of our time making up for the excesses of a previous Labor government and their \$344 million operating loss.

It is interesting that in the 1998 territory election, rather than go back to Labor—because they did not trust Labor; “Don't bury Canberra” was the slogan—people trusted a Liberal government to restore the finances and to put the balance back, and we did that. It took seven years, seven budgets, to make it up. And that is the sort of mess that this country is in, courtesy of Julia Gillard and her colleagues—(*Time expired.*)

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.45): I do thank Ms Hunter for the opportunity to discuss this very important motion and it is timely that we discuss the impact of federal public service cuts on the ACT economy in light of the declared plans of the Liberal Party in the coming federal election, an election which is to be held in just five days.

If the Liberal Party are successful in that election in five days time, the leader of the Liberal Party, Mr Tony Abbott, has declared, unequivocally, unambiguously, absolutely, that he will reduce commonwealth public service outlays—in other words, expenditure—by \$24 billion. He has acknowledged, as was mentioned earlier today—and one wonders how conservative he has been in his acknowledgement—that that would involve a reduction of 12,000 staff over the next two years. He then went on to claim, I think, that all 12,000 reductions in staff in the commonwealth public service would be from natural attrition. By jeez, that is some natural attrition—not replacing 12,000 jobs in a period of two years in the commonwealth public service. That is the stated position. That is the policy. That is a position that Tony Abbott is putting to the people of Australia in relation to his party's intentions if the Liberal Party win the election on Saturday.

So the people of Canberra do need to understand the implications of a Liberal Party victory. In that context I, and I would hope every person in this place, would reflect on just how significant this election is for us Canberrans. A promise by the Liberal Party to cut \$24 billion, a promise by the Liberal Party to remove 12,000 jobs; we know the implications of that. We know the history. We saw the results of a very similar promise made by John Howard in 1996 which was acted on. The implications for this town were indisputable, and it will be the same again. The ACT went into a recession as a result of the election of the Howard government. Our population dropped; we lost population—remarkable. Housing prices slumped. Unemployment was dramatically affected. Those who were affected by it left town. Small business took an absolute belting across the territory.

I would hope that most particularly those members of this place from Tuggeranong and representing Tuggeranong would know, because I think it was most starkly felt and realised in Tuggeranong, the local implications or effects of the cuts that were wreaked on the public service here in the ACT as a result of the fulfilment of that commitment that the Liberal Party made on that last occasion that they came to government. The implications for business, for small business and for housing in Tuggeranong were enormous. There was the impact on profits and profitability. There was the impact on jobs—all of those Canberrans that were left without work and the impact of that on families. There was a need to change cities as a result of the decision and actions of the Liberal Party.

It is sad that those sorts of promises from the Liberal Party and the decisions that flow have been made really for crass sort of national extra ACT political consumption: "It's all right to bash Canberra." In fact, the Liberal Party adopt this attitude that it is

actually in a political party's interests to bash Canberra. So we have this monumental Canberra bashing going on by the Liberal Party leadership throughout Australia for national consumption, without any regard for the implications for this community.

We need to ask: what are those people in this town that represent the Liberal Party, the party that is promising to wreak this havoc on this jurisdiction, doing about it? What has the incumbent Liberal Senator Gary Humphries done about it? Absolutely nothing. We have seen him out in the last few days with Joe Hockey, the shadow Treasurer, the person who accepts responsibility, with absolutely no words of comfort for Senator Humphries. He was acknowledging, in Senator Humphries's presence, that, yes, that is what they are going to do, and then, through some weasel words, trying to deflect the implications of that for the ACT.

The people of Canberra should reflect that a vote for Gary Humphries, a vote for the Liberal Party in the coming election, is a vote for massive job cuts. A vote for the Liberal Party is a vote in favour of a massive assault on the people of the ACT. A vote for the Liberal Party in Canberra is a vote for a cut of 12,000 jobs. A vote for the Liberal Party is a vote against families; it is a vote against employment; it is a vote against expenditure; it is a vote against economic growth; it is a vote against this town. Tony Abbott has promised it. Tony Abbott's big promise for the ACT, for Canberra, in the coming election is that he will cut employment, that he will cut economic growth, that he will cut prosperity, that he will cut jobs, that he will affect the living standards of thousands of Canberra families.

That is what the Liberal Party promise for Canberra if they win the election on Saturday of this week. And the Liberals in this place stand mute. They stand today—we have seen it through this motion—and lamely try to deflect attention from the reality of what it is that the Liberal Party are intent on doing. I think Senator Humphries knows the strife he is in.

There is another bit of history in relation to the Liberal Party's attitude to these things and it is actually a piece of history which of course Mr Smyth, now the deputy leader in this place, carries around with him. But in 1996 he was a member of that Howard party room, the party room that decided on those cuts. It is interesting to reflect on this. I am sure this is not something that has escaped Mr Humphries's attention, but Mr Smyth in 1996 was part of the policy making for his then federal party's election campaign, a campaign that involved massive cuts to the commonwealth public service, a campaign, that Mr Smyth was a part of, to cut jobs, to cut prosperity, to bring down house prices, to send the territory into recession.

One of the consequences of that was, of course, that the people of Canberra responded to that total lack of support for this city by their federal representative, the then member for Canberra, Brendan Smyth, by voting him out of office. That is how the people of Canberra responded to the fact that Brendan Smyth did not stand up in that party room and argue against these massive cuts; nor did he during the campaign say: "I can't cop this. I'm here to represent these people. I'm here to protect them." He was not out on the hustings saying, "This is not good for Canberra; this is bad for Canberra." He remained mute and defensive, sweating, probably in the same way that Gary Humphries currently is.

But the people of Canberra were not fooled and the people of Canberra voted him straight out of office back in 1996. In fact, I understand he was the only member of the Liberal Party in the parliament at that time that lost his seat.

**Mr Smyth:** No. I think you're wrong.

**MR STANHOPE:** Mr Smyth thinks that somebody else did too.

**Mr Smyth:** You should get your facts straight.

**MR STANHOPE:** I am not sure that is true.

**Mr Smyth:** You should get your facts straight.

**MR STANHOPE:** This is a little bit of history, and it is history that we see an increasingly desperate Gary Humphries very aware of. This happened once before in 1996 with an incumbent Liberal too afraid, lacking the courage and the personality, to stand up and to defend his electorate. Mr Smyth failed in 1996, and the result of that was that Mr Smyth was knocked off. You see Gary Humphries's behaviour and his attitude and his desperation. There is somebody looking over Senator Humphries's shoulder at the moment too, in the form of an incredibly capable and credible Greens candidate standing ready to defend the people of Canberra, standing up for the people of Canberra, and I must say I hope, and I think all of the people of Canberra hope, that the people of Canberra will deliver to Gary Humphries exactly the same verdict that they delivered to Brendan Smyth back in 1996, and for the same reason—refusing to stick up for this community. (*Time expired.*)

**MR HANSON (Molonglo) (4.56):** What a surprise to hear the Labor Party cheering on the Greens! We had the Greens earlier today defending the Labor Party backwards and forwards like a game of tennis in this chamber. Mr Stanhope spent much of his speech talking about Mr Smyth's electoral history—he got elected here and did not get elected there, and Mr Humphries got elected here and so on. And that is what this matter of public importance is about. This is simply about the Greens trying to get some oxygen for their Senate candidate.

Let us be clear. This is not about Meredith Hunter having any genuine concern for Canberra. She has actually come into this place on a matter of public importance, read a speech in the most uninspiring manner, with absolutely no interest or passion, and then left this chamber. I assume she has gone somewhere else of great importance but it just demonstrates the interest that she displays in her own matter of public importance.

I think that the Senate candidate for the ACT, Gary Humphries, has been an outstanding representative of the ACT and I think that he has put the ACT and the needs of the people of the ACT above his own party at times. He has crossed the floor. He has represented the ACT far better than the federal representatives of the ACT that we see from the Labor Party. And if Gary Humphries were to lose his seat, it would be a disaster for the people of Canberra, for a number of reasons.

Firstly, Lin Hatfield Dodds's interest is about the Senate balance of power. It is not about Canberra. This is all about the Greens trying to get the balance of power in the Senate. It is not actually about the Greens trying to have good representation for the ACT. And let us be very clear about that. If you have in the ACT the left and the far left having the balance of power, I would contend that is no balance at all.

We must have representation from both major parties in the Senate if we are going to get good representation for the people of Canberra. And if by whatever chance the Greens were to get the second Senate seat, then to not have a represented Liberal who would be either a member of the opposition or of the government—so no representation by the two major parties—would not be good for Canberra, would not be good for Canberrans, and that is for sure.

We know two things in this place. Firstly, a vote for the Greens is a vote for Labor, and we have seen that echoed today. And secondly, the Greens and their policies should be looked at in more detail. We will certainly be doing that tomorrow when we look at their policies, their anti-family policies on health, their anti-family policies on education. And it is not by accident that they are called the watermelon Greens—green on the outside, red on the inside—and we should be rightly concerned, rightly fearful, of some of their extremist and damaging policies.

Why is it that the Liberal Party is bringing forward federally some federal public service freezes? Let me make it very clear that not one public servant will be forced out of their job. This is about natural attrition. The size of the public service will reduce by 12,000, noting that it has grown by 20,000 over the last three years. So in that period it is actually a net gain of 8,000.

Noting that only a percentage, about a third, of public servants are in Canberra—they are spread out all across the country—and noting that no front-line public servant position will go, let us think about why that action has been taken. It has been taken because the Labor government has driven this country so far into debt that in 2010-11 the gross debt will be \$209 billion.

This is a government that only three short years ago took over books that were in the black. We had a surplus. We had cash on hand. This Labor government, federally, has driven this country so far into the red that something does need to be done. And it is always the job of the Liberal Party, be it federally or be it locally, to tidy up, to clean up, after the reckless spending of the federal or state Labor governments. We see it with Wayne Swan and we see it with Katy Gallagher.

We saw it today. She was willy-nilly wanting to spend \$77 million of taxpayers' money without it needing to be spent, recklessly pushing us further into deficit. The debt per person is going to amount to over \$3,600—per man, woman and child. Every day, we are going to have to borrow \$110 million just to pay off that debt.

The federal government under Kevin Rudd has been no friend of Canberra. We have seen job cuts, and my colleague Mr Smyth has discussed those. We are going to see further money stripped out of IT, the IT industry, and administration costs of

\$300 million across the bureaucracy. That is \$450 million in IT and \$300 million across administration. So do not think for a minute that the Liberal Party federally are the only people who are going to be making some cuts.

The difference is a bit like Julia Gillard and her speech. When Tony Abbott stands up and makes a speech, if he is reading from a script, he will say that is the case, not like Julia Gillard. I invite you to have a look at the news about that. Her great speech at the Labor Party launch was actually not unscripted, was not done off the cuff. Her entire speech was put on the podium in front of her, and she was telling, and her spin doctors were telling, people that she is this wonderful orator, that it was done off the cuff, no script. Again, that is more Labor spin, just as we are seeing here about job cuts in this town. Labor will cut deeper, because they have a history of that.

The difference is that, when we cut these positions, no public servant will lose their job, because it is done by natural attrition. But we know already that people in the IT sector are losing their jobs. I spoke to a woman two days ago whose son had lost his job in the IT sector. He got how much notice? Absolutely none, because their contracts were just not extended.

It is a mischievous and cowardly way to do it, and that is what we see from the Labor Party. They hide behind the fact that it might be contractors or they call it an efficiency dividend. Let me tell you, the volume, the scale, of those efficiency dividends have meant, as Mr Smyth outlined, thousands of Canberrans losing their jobs. And they were not positions that went; they were actual people. And that is a real difference.

Kevin Rudd described what he was going to do to the public service as “taking a meataxe to it”. Where was Mr Stanhope? Where were the Greens? Where was Ms Gallagher? Where were you, Madam Deputy Speaker, when Kevin Rudd said, “I’m going to take a meataxe to the public service”?

In actual fact, the Labor government here were quite happy with that. They said: “Oh, we welcome it. You know, it could have been worse. It’s only a small meataxe, I suppose. It’s not a big meataxe.” But what hypocrisy from Labor and the Greens that when Kevin Rudd says, “I’m going to take a meataxe to the public service,” and when he actually does, and he strips our national institutions and spends three years putting public service infrastructure and new departments anywhere but in Canberra and spending what should have been rightfully spent in the nation’s capital in Melbourne, in Sydney, in Brisbane instead of in Canberra, we do not hear a squeak out of the Chief Minister; we do not hear a squeak out of the Treasurer; and we do not hear a squeak out of the Greens.

This is not about their concern for Canberra. This is not about the fact that Kevin Rudd has taken a meataxe to the public service. This is not about the fact that he has put public service departments anywhere but Canberra. This is not about the fact that he has invested, in just about every electorate other than the ACT, in things that should have been put into the ACT. No, this is simply about the fact that the Greens want the balance of power in the Senate and Labor want their colleagues there with them. That is what this is about. It is a shallow, a mischievous and a false premise that

they are putting here today, because under the Liberals' policy not one person in Canberra will lose their job. And that is what is on the record.

Gary Humphries, senator for the ACT, will make sure that that occurs when, hopefully, we see an Abbott Liberal government elected that will once again restore credibility to the public service and that will once again restore our books to the black after this mismanagement and reckless spending of a federal Labor government. *(Time expired.)*

**MR RATTENBURY** (Molonglo) (5.06): Let me start off, because there is not a whole lot of time left, by simply taking the opportunity to make clear on the record exactly where Ms Hunter has gone, because, as he so often does, Mr Hanson has gone straight into the personal insults rather than bothering to actually debate the substance of the matter. As it happens, Ms Hunter is off receiving a briefing on the bridge collapse this week. The available time was 4.30 and, of course, unlike the Liberal Party, we actually take a briefing so that we can find out what is going on. I think the important part of this debate is to focus on the subject matter that Ms Hunter brought forward, and that simply is the impact on Canberra, the impact on the ACT economy, and the impact on people who live in Canberra.

If we want to talk about family-friendly policies, let us just think about what happens if you freeze the public service for two years. That means not one graduate will get into the public service. That means that children in this town who are finishing university, who want a job in this town and who would like to stay here will have to leave Canberra potentially to find employment, because the Liberal Party will have frozen new jobs in the public service. There will be no employment opportunities in this town for those bright young people, some of the most talented young people coming out of our tertiary education system.

**Mr Hanson:** There will be a net decrease. It does not say there will be no new graduates.

**MADAM DEPUTY SPEAKER:** Mr Hanson, do you want to be named?

**MR RATTENBURY:** Some of those bright young people coming out of our tertiary education system will not have the opportunity to regenerate the public service, to bring in the brightest new graduates. That is the sort of impact that this policy will have on the ACT and on the families of the ACT.

There are a number of other concerns. Ms Hunter outlined them. The impact on services is one. These public service departments deliver services that everybody in Australia relies on.

There will be the impact on the rest of the ACT economy, the small businesses, because we know—and Ms Gallagher, I think, has particularly outlined—

**MADAM DEPUTY SPEAKER:** The time for this discussion has expired.

## Road Transport (Drink Driving) Legislation Amendment Bill 2010

Debate resumed from 24 June 2010, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**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) (5.08): Pursuant to standing order 152, I move:

That order of the day No 1, executive business, be discharged from the Notice Paper.

In discharging the Road Transport (Drink Driving) Legislation Amendment Bill 2010 from the notice paper, I do want to make it clear that the government is in no way abandoning its commitment to reform drink-driving laws in the territory. By way of explanation, the withdrawn bill contained amendments that would have substantially amended or replaced several sections in the Road Transport (Alcohol and Drugs) Act 1997 that will be amended by the recently enacted Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009, including section 5, which deals with approval of screening devices and instruments; section 6, which deals with approval of operators, analysts and laboratories; section 11, which deals with detention for breath analysis and now oral fluid analysis; section 12, which deals with breath analysis and now oral fluid analysis; section 14, which deals with restrictions on screening tests and analyses; section 15, which deals with taking blood samples from people in custody; section 15A, which deals with analysis of blood samples; section 16, which deals with medical examinations; section 41, which deals with evidentiary certificates; and the dictionary. The discharged bill, if it had been passed, would have displaced these provisions of the Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill, thereby leaving significant gaps in the roadside drug-testing legislation and making it ineffective.

The government is committed to ensuring that the recently passed random drug-testing act is implemented and to have proceeded with this bill really was not consistent with that determination. As a result of the passage of that legislation, these particular amendments really are no longer operable in the way in which they were intended. We are re-crafting them and it is my intention to reintroduce the bill but in a way that does not impact on the random drug-testing legislation. I hope to be in a position to do that—I think at this stage our expectation is that we will be able to do that—at the next sitting, in September. And that is the basis for the withdrawal of these particular provisions.

Question resolved in the affirmative.

## Victims of Crime Amendment Bill 2010

Debate resumed from 1 July 2010, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (5.11): The opposition will be supporting this bill, but we will be proposing some amendments in the detail stage of the debate. In supporting this bill, we consider that it falls a long way short of the stated intent of the Attorney-General. The explanatory statement and the attorney's presentation speech and, indeed, the briefing that my staff received on this bill from officials of the Department of Justice and Community Safety tout this bill as one that seeks to put the ACT back at the forefront of law reform in the area of assistance to victims of crime. In fact, however, this bill does little more than juggle things around a bit to create a new little empire which will cost the ACT taxpayers more money but without any tangible benefit to flow to the victims of crime. And all of this has taken two years to do.

It began with an issues paper of more than 100 pages in June 2008, followed by a time of public submissions, followed by a review of a somewhat insular reference group with no external representation. The bottom line is that this Attorney-General has allowed a process to take place which, in effect, allowed a self-review and a self-restructure to take place within one of his agencies with no tangible benefits flowing to external stakeholders, least of all the actual victims of crime.

What does this bill seek to do? Boiling it down, it seeks to do three things. First, it establishes a statutory commissioner position: the Victim of Crime Commissioner. Secondly, it replaces the current Victims Assistance Board with a new board: the Victims Advisory Board. Thirdly, it seeks to rearrange the various functions and duties such that many of the functions of the Victims Assistance Board and the chief executive of the department will fall to the commissioner, and that is it.

There has been a 100-page issues discussion paper, a public submission process and an internal reference group, and over two years that is the reform that this minister has brought forward in the area of assistance to victims of crime. This Attorney-General thinks that that puts the ACT back at the forefront of law reform and support for victims of crime.

Even with the three elements that this bill seeks to address, the Attorney-General cannot get it right, because his bill creates three potential problems. Firstly, he allowed a situation to develop whereby a person potentially might be denied the right to a fair trial; secondly, he allowed potentially serious conflicts of interest to rest with the commissioner; and, thirdly, he has given his advisory board a decision-making power which is contrary to the basic concept of an advisory board, which is to advise, not to make decisions. These matters are subject to my proposed amendments, and I will deal with them more fully in the detail stage.

It is all very well for me to come to these conclusions about this bill, but what do other people have to say? In summary, the ACT Law Society consider the bill

achieves little more than simply a change of the title of the Victims of Crime Coordinator to the Victims of Crime Commissioner. They view the bill as coming from a long process resulting in changes that are at best cosmetic and at worst expensive. These are not my words; these are the words of the ACT Law Society.

The Law Society are uncertain why it was necessary or what it will cost and say that it has for a long time called for “better compensatory provisions for victims but to no avail”. They say, “If there is no increase in direct assistance to victims, the government may as well save our money for something that is worth while.” The Australian Federal Police Association concur with this view. They consider that the money, if it is going to be spent on victims of crime, should be spent on actual victims of crime—real people and not a bureaucracy.

The Victims of Crime Assistance League, or VOCAL, have serious concerns about the bill. Their first concern is—this is what I was told yesterday in my office’s second discussion with VOCAL—that they were not included in the distribution of the issues paper in June 2008. This is contrary to the advice given to my office in the briefing that my staff received a little earlier, but the Victims of Crime Assistance League are adamant that they were not involved in the original discussion paper consultation.

That aside, their main concern is about the potential conflict of interest that lies with the commissioner as contemplated in the bill, as I mentioned earlier, and I will address this matter in more detail when I move my proposed amendments. VOCAL also wonder why we seem to be having an empire-building process around the victims of crime service and why a statutory commissioner position is necessary.

VOCAL wonder why a central function of the commissioner is to deal with complaints when there are so few complaints. Indeed, the victims of crime support program annual report for 2008-09 was silent on the number of complaints dealt with by that program. VOCAL ask whether the establishment of a statutory commissioner in any way duplicates the functions of the Health Services Commissioner, the human rights commissioner and the Ombudsman. I am satisfied there is some duplication of function, which serves only to underscore the question of costs. Indeed, the cost of the restructured arrangements is a common concern across all people my office has consulted on this bill.

Inevitably, a statutory commissioner will cost more. In the briefing officials gave to my office last week, they advised that the Remuneration Tribunal had determined that the salary of the commissioner would be at the same level as currently paid to the Victims of Crime Coordinator but with the addition of a vehicle. This means more money will be spent on bureaucracy. The establishment of a statutory board no doubt will mean payments of sitting fees, and this means more money will be spent on bureaucracy. The movement of functions from the board and the chief executive to the commissioner no doubt will create a demand for more support staff and other resources. More money will be spent on this new bureaucracy.

What are the benefits for the victims of crime? I will acknowledge two benefits which really are more classifications than benefits. First, this bill contemplates that if the primary victim is a child, a person administering justice must consider the views,

wishes and circumstances of the child before treating their guardian as a victim. This is an important principle, especially if the harm to the victim is being caused by the guardian, which includes a parent. Second, it introduces important concepts, including who is a victim, who is a guardian, what is harm and who is a legally competent person. Apart from providing some clarity as to those matters, these amendments do not deliver any material or practical benefit to victims of crime.

The Attorney-General, in implementing a review of the victims of crime legislation, lost a golden opportunity to really drill down and see what fundamental changes could be made that would improve the services provided to victims of crime. There was a lost opportunity to engage the sector more proactively, particularly by taking every step possible to ensure that all stakeholders were fully aware of the review process and to ensure that they had the opportunity to provide input to that process. I note in passing that, when I had discussions with the Australian Federal Police Association, it was the first that they knew about these reviews.

There was a lost opportunity to engage non-government organisations on the reference group. Their exclusion on the basis that they were represented by Victim Support ACT, a government agency operating almost competitively with the non-government providers, was at best condescending and at worst insulting. Once again, we have a government and an Attorney-General who have missed opportunities, failed the very people whom this legislation is meant to protect and are more intent on building empires, or allowing them to be built, than they are on delivering services.

As far as this bill is concerned, it is a skin-on-fences bill—that is, it tries to clear the fence and get ahead of the field but it has failed to do so. It only scrapes the top of the fence. It could have cleared the fence, really improving services to victims of crime, as well as race ahead of the pack, but this Attorney-General has failed to do so.

I would hope that, with the changes in place, we will see further reforms come forward in the future that really will create real benefits for the people that this legislation is meant to serve—the victims of crime in our community.

**MR RATTENBURY** (Molonglo) (5.20): The Greens will be supporting this bill today. At the heart of this bill is the creation of a new statutory position called the Victims of Crime Commissioner. This is a renaming of an existing position and represents a new and improved formulation for the current Victims of Crime Coordinator. In shifting from a coordinator to a commissioner, the exact role of the statutory position is being clarified. This has become necessary, as discrepancy has emerged between the role assigned to the coordinator in law and the actual day-to-day role they are performing. Specifically, the coordinator has found themselves administering the victims services scheme, while the responsibility for this technically falls to the chief executive of the justice department. Regardless of whether they are called a coordinator or a commissioner, the statutory victim's position plays a pivotal role in victim services, and they must have clearly articulated functions. The amendments today put the commissioner on a firmer footing, we believe, by clarifying that the role includes administering the scheme.

In addition to that amendment, the bill adds other worthwhile functions to the role of the commissioner. The Greens support the bill on the basis that they are good

functions that need to be performed. The role of the commissioner can set the direction for victim services in the ACT. For this reason we place great importance on legislation that creates the position. We highly value the services offered to the victims of crime. The level of support offered is a good measure of the strength and compassion of our society. Whether it be in the form of financial compensation, psychological counselling or something as seemingly simple as help filling out necessary forms, all support offered is valued and I think does make a difference to the victims of crime.

Despite the fact that crime is often reported and discussed in the media, it can often seem distant to the everyday person. However, for people unfortunate enough to experience crime first hand, the experience can be frightening, it can be disempowering and it can be damaging. The Greens recognise the vital importance of having a safety net in place that supports people who encounter crime. We want a system that stands ready and is on call to support those people unlucky enough to experience crime.

At this point I would like to acknowledge the highly valued work of the various non-government organisations who provide services in this area. I think they deserve to be mentioned in the context of the debate today. These groups include the Canberra Rape Crisis Centre, the Domestic Violence Crisis Service and the Victims of Crime Assistance League. Each of these offers services that form part of the overall safety net we offer as a society. The mix of professional and volunteer supports is to be welcomed, as it widens and diversifies the safety net. That is an important thing in this context. In looking at the government role, I think it is really important that we stop and reflect on the role that the non-government providers play.

The Greens want the ACT safety net to be robust enough to begin to talk not of victims of crime but of survivors of crime. This is a shift in thinking and language that is beginning to filter through in various service providers around Australia. It represents a forward-looking approach where the person experiencing crime is supported to recover and move on with their life as a survivor.

One example of where this approach is being used is in child sexual abuse. Sufferers of abuse are beginning to identify as survivors of sexual abuse. This is an empowering way to identify that it allows the person to move on with their life, free from the weight of identifying as a victim. The Greens think this is a positive frame, and we hope the commissioner will follow this emerging thinking closely, with an eye to improving the safety net we offer in the ACT.

Turning to some of the detail of the amendments today, the Greens have analysed the bill through the perspective of how well it equips the commissioner to go about their job. Broadly speaking, the bill does better equip the commissioner. It clarifies and adds to the role, as I have commented earlier. One key example of the expanded role is the new responsibility for advocating for the interests of victims. While this may have been an assumed part of the role in the past, it has become unclear and disputed. What has become necessary is a clear articulation of who and what the role is. As a result of the amendments, the commissioner is now free to go out and go about this work as an advocate.

In conclusion, the bill puts the statutory victim's position on a firmer legislative footing. The Greens support these changes because they make good sense and confirm the important role of the commissioner in working with victims. However, the Greens do not support the amendments simply for the sake of good structure. We believe there are significant policy and resource questions that lie ahead for victim services in the ACT. These will be best addressed by a sector that has a strong and reliable commissioner who is able to advocate in the interests of victims. The commissioner will play an important role in helping to resolve these questions.

Three key examples of these questions are the quantum of financial compensation provided to victims, the appropriate role of victims in the court process, and a charter of victim rights in the ACT. These are important questions that go right to the measure of how our society cares for victims and how we protect their rights in the court process. I do not want to foreshadow today how the Greens may respond to these issues, because I think they are topics that will involve a lot of discussion and they will involve a lot more consultation. But we do believe they are important issues worthy of public debate in the future. They are complex questions that require leadership and direction, and the bill today gives the commissioner the statutory role of advocating for the interests of victims. I wish the commissioner well in their important work, particularly in taking up some of these advocacy questions but also in the broader range of responsibilities that they have.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.27): I thank members for their contributions to the debate on the bill this afternoon. As members have said, these amendments build on the government's previous demonstrated commitment to victims of crime in the ACT. The ACT was one of the first jurisdictions in Australia to put in place law reform recognising victims, but it has since been overtaken by reforms in other Australian and overseas jurisdictions.

It is therefore important that the ACT continues to strive for best practice in the support of victims of crime. The amendments that are being debated today represent an important improvement in this regard. The reforms contained in the bill are an important piece of law reform and they recognise the important place that victims of crime have within the fabric of the justice system. I note Mrs Dunne's somewhat demeaning comments in relation to the significance of this bill. Her comments fail to understand the significant debate that has occurred amongst those involved in providing support to victims of crime and why they want to see these reforms take place.

When commencing a review of a piece of legislation such as this it is important to seek the advice and expertise of the people involved on a regular basis with victims of crime. Therefore, the reforms have been overseen by a reference group comprising representatives from a range of criminal justice agencies and have required extensive consultation. All that guidance and consultation has been beneficial in forming the reforms debated here today.

The bill does a number of important things. I would like to take the opportunity to reiterate and highlight some of these reforms. The bill establishes the position of the Victims of Crime Commissioner. The changed name reflects the significant and diverse role the Victims of Crime Coordinator currently undertakes.

I note the somewhat petulant criticism of Mrs Dunne by begrudging the provision of a car for the Victims of Crime Commissioner. I am sure that will not be missed by the occupant of that position. I think it really reflects the failure to understand that the government is seeking to enhance the status and standing of the person who is charged, first and foremost, under our laws, with advancing and representing the interests of victims.

Is Mrs Dunne seriously suggesting that the Victims of Crime Coordinator needs to catch the bus to do her job or should she be entitled to a car in the same way that other senior statutory office-holders are? It is a very miserable view of the world. On that note, I would like to express my thanks to the Victims of Crime Coordinator, Ms Robyn Holder, for her important service to victims in the territory over many years and, more particularly, for her input into the reforms we are debating here today. The Victims of Crime Coordinator has published a number of reports detailing aspects of the effectiveness of the current legislation and has made these reports available to the reference group considering these reforms. It would perhaps pay Mrs Dunne well to read these reports.

The government has considered and responded to the broad range of issues which have been raised in the development of this bill. What we have here today is a bill that provides the appropriate framework for the protection and promotion of victims' issues in the territory. The commission's functions are now clearly defined within the legislation and, as Mr Rattenbury appropriately points out, this has been a significant area of ambiguity in the current act.

Indeed, the coordinator has regularly spoken about the fact that the area of advocacy is by far the most common area of operation for the Victim of Crime Coordinator's office and one of the most contentious for criminal justice agencies. Quite simply, it is often the case that criminal justice agencies do not enjoy somebody advocating and representing the interests of victims to them. They find it a difficult and uncomfortable experience at times.

In the December 2007 report entitled *The quality of justice*, the VoCC said that agencies indicated that there needs to be more clarity on the distinction between advocacy as assistance or advocacy as a service. The bill addresses this by clearly stating that the commissioner has a function to advocate for the interests of victims of crime.

The government has already established a one-stop shop for victims of crime in the ACT through the creation of Victim Support ACT. Victim Support ACT aims to make it easier for victims, their families and those affected by crime to access the full range of services that are available to them. The reforms further enhance this concept by providing that the oversight of the victims services scheme and any other program for

the benefit of victims of crime will now also form part of the commissioner's statutory role.

Again, I note that Mrs Dunne, in her critique of this bill, suggested that a more worthwhile reform was to improve compensation payments available to victims of crime. Of course, Mrs Dunne should reflect on the fact that it was the previous Liberal government that moved to substantially reduce the amount of payments available under that scheme. Perhaps she should reflect on the hypocrisy of her position.

The Victims of Crime Coordinator has performed this function under delegation from the Chief Executive of the Department of Justice and Community Safety. It is sensible to add this as a statutory function of the commissioner to remove any ambiguity in this regard.

With respect to the functions afforded to the commissioner, the bill subscribes to current drafting practice whereby the commissioner will have the power to undertake all the functions given to the position, as evidenced by the note to proposed section 11, which provides that a provision of law that gives an entity, including a person, a function also gives the entity powers necessary and convenient to exercise the function.

Another significant reform is the inclusion of new complaints and investigations functions within the bill. This role was the subject of considerable deliberation by the reference group. Informing the reference group was the paper written by the coordinator entitled *Reform of the Victims of Crime Act 1994—options for rights protections*, which was provided to both me and the reference group. Within that paper, the VoCC provided three possible options for reform in the complaints and investigations role. These options were considered in careful detail by the reference group and elements of the VoCC's option 3, entitled "Enhanced advocacy", were considered to be the most viable option.

These elements included the VoCC having an enhanced advocacy role in complaints, approaching in the first instance the offending agency for resolution, and then, if not resolved, referral to the Ombudsman. However, one can easily envisage situations where asking a victim of crime to go back to the agency they had a concern about may be non-productive. For example, if the essence of a complaint centres on failure to respond to requests for information or assistance or inadequate support provided by the agency then it may be of little or no assistance to the victim for him or her to reiterate their request. Therefore, the bill outlines the complaints handling role.

A victim of crime has the option of bringing to the attention of the commissioner a concern about non-compliance with the governing principles by an agency involved in the administration of justice. The commissioner can, through their advocacy and the new functions in section 12 of the bill, raise the issue with the agency concerned, including making a reasonable request for information required to address the issue. With the consent of the victim, the agency must give the commissioner any document or information that the agency would otherwise provide to the victim to help the commissioner resolve the concern.

What we have here is an effective and efficient way of assisting victims of crime to resolve concerns that they may have with non-compliance with the principles of the new act. Of course, it would be naive to think that there may not be other more serious complaints that victims of crime will need to raise. Therefore, to complement the reforms I have already outlined, a victim of crime or the commissioner will have the power to formally refer complaints to the relevant complaints entity, either the Ombudsman, the health services commission or any other entity authorised under the act.

A relevant complaints entity will then be able to use their current complaints and investigation processes, where warranted, to investigate the complaint. It is anticipated that the Ombudsman might work with the Victims Advisory Board, which is established by these amendments and which has been discussed earlier, to develop an education campaign to ensure that all victims of crime are aware of the new complaints process and are encouraged to seek redress through it.

Through this combination of mechanisms and by recognising the skills and functions of various agencies, we will create through these reforms a more transparent and robust complaints and investigation regime that will support victims of crime involved in the administration of justice to address and resolve their concerns.

In closing, I would like to thank the Standing Committee on Justice and Community Safety for their recently released scrutiny report 25. In the report, the committee provided comments on the bill and, in particular, raised a concern over the construction of the proposed secrecy provision in the bill and its Human Rights Act compatibility. As a result of that, I have taken on board the committee's comments and will be moving a minor amendment with respect to proposed section 29(4). I would like to thank the committee for their comments.

This bill is an important reform, one that moves the interests of victims of crime forward, that gives them more effective tools to have their complaints dealt with and that places a greater onus on criminal justice agencies to respond to their concerns, to engage with them, to treat them with respect and to give them the information and assistance that they need. Those are worthwhile reforms, and I am pleased to commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10.

**MRS DUNNE** (Ginninderra) (5.38): I move amendment No 1 circulated in my name [*see schedule 1 at page 3450*]. This amendment goes some way to allaying the concerns that I and others have had about the potential conflict of interest that this bill

would leave with the proposed Victims of Crime Commissioner. On the one hand, under proposed section 12(4), the commissioner would be required to refer all formal complaints to the relevant complaints entity—namely, the human rights commissioner, the Health Services Commissioner or the Ombudsman—but, on the other hand, section 12(5) allows the commissioner, before referring a complaint as required by subsection (4), to decide not to refer a complaint under certain defined circumstances.

This creates a potential conflict of interest for the commissioner if someone makes a formal complaint about a victim support service for which the commissioner is responsible, as it falls on the commissioner to decide whether the complaint should be referred on. This could potentially create a significant conflict of interest whereby the commissioner is deciding on complaints made about the commissioner's own agency.

My amendment would remove that decision-making power from the commissioner in relation to referrals of formal complaints and require the commissioner to refer all formal complaints without deciding whether they should, in fact, be referred. This would not stop the commissioner attempting to resolve informal complaints as occurs presently, but once an informal complaint becomes formal or a formal complaint is submitted without first being made informally, the commissioner would have no choice but to refer it to the relevant complaints entity immediately. I think that this would be good for the perception of fairness and openness in the role of the commissioner. I commend the amendment to the Assembly.

**MR RATTENBURY** (Molonglo) (5.40): This is an important point in the context of the overall bill. Partly the changes being made by the government today are a clarification that the commissioner does not have any formal role in investigating complaints. The explanatory statement confirms that this is the case. This is a good step being made by the government because there has been some concern that there is a real or perceived conflict of interest in having the commissioner, on the one hand, managing the victims services scheme and, on the other hand, investigating the scheme when a complaint is made.

The bill attempts to make it clear that the formal investigative role should be performed by the Ombudsman and the health complaints commissioner. It does this by requiring the victims commission to refer on any formal complaints. That is a good change that is being made. As Mrs Dunne has rightly picked up, subsection (5) of proposed section 12 would give the commissioner the discretion not to forward on any complaint they deem vexatious, or other grounds as set out.

I think the amendment proposed by Mrs Dunne would strike out subsection (5) and leave the commissioner required to automatically forward on any formal complaint they receive. The Greens believe this fits with the government's stated intention of leaving no formal investigative role with the commissioner. To leave open the possibility of the commissioner being criticised for not forwarding on any complaint about the service they run is counterproductive and goes against the other good changes being made today. The Greens will be supporting Mrs Dunne's amendment.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.42): The government reluctantly will accept the amendment

proposed by Mrs Dunne, but I would like to outline a number of our observations about it.

The provision which the opposition seeks to remove provides that the commissioner has the discretion to not refer a complaint to the relevant complaints entity if the complaint is frivolous, vexatious or minor in nature, or if the complainant does not have sufficient interest in the subject matter, or if the complainant has not attempted to resolve the complaint with the appropriate agency, something which the commissioner would assist the complainant with.

I understand that the motivation for moving this provision is a concern about possible conflict of interest for the commissioner. It is something that I have been deeply conscious of. Of course, we should guard against the potential for conflict of interest in the same way as we should guard against possible errors of judgement and acknowledge professional variations of opinion.

At the other end of the spectrum of arguments for and against removal, however, is the danger that removing this provision will essentially render the commissioner as merely a post-box. There is no doubting that victims of crime can be vulnerable members of our community, and the commissioner's core functions relate to supporting and advocating for them.

The commissioner has to be of the opinion that it is appropriate to exercise his or her discretion, because a complaint falls into the categories outlined above, on the basis of informed and extensive experience in the area and the area of public administration generally. The Assembly should be confident that it would only be for good reason made on an objective assessment of all the facts in that particular situation, and mindful of what can be achieved for the victim, that the commissioner might not refer a matter. It would not be a subjective or a competitive assessment.

Public officials, by virtue of their experience in the field, come to recognise over time which matters are significant, which are trivial, which deserve formal investigation, which speak of a breakdown in communication that can best be handled locally and which, of course, should be escalated. For these reasons, the government does have the concern that this proposed amendment simply creates a situation where the properly appointed advocate for victims' interests becomes no more than a post-box for their complaints.

Of course, the risk will be that they may end up being in a situation where they will well know that the forwarding of a complaint without substance, or on which the complainant has insufficient interest or connection, will likely come to a dead end immediately after referral.

Nevertheless, the government acknowledges that if the commission forms this view in relation to a concern or complaint brought to them, then the commissioner will still be able to advise the complainant accordingly. In that way, the complainant will still be able to draw on the benefit of the commissioner's experience, even if the complainant then still maintains a desire for the complaint to be put to those other agencies.

I would like to take a moment also to reflect that the bill already provides other avenues for victims to ensure that real or apparent conflicts of interest can be overcome. The bill does that by simply and clearly leaving open to a victim the right to lodge their complaint directly with the relevant complaints handling entity, whether having first tried to avail themselves of the assistance of the commissioner or not.

There would also be an opportunity under the laws of the territory for a person to lodge a complaint with the Ombudsman against the commissioner if the person was dissatisfied with the commissioner's own administrative decisions.

I believe these are sufficient safeguards in relation to the matters that Mrs Dunne is concerned about, but I appreciate that other members do not share this view, and the government will not further oppose this amendment.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 and 12, by leave, taken together and agreed to.

Clause 13.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.46), by leave: Pursuant to standing order 182A(a), I move my amendment No 1 relating to clause 13 as an urgent amendment [*see schedule 2 at page 3451*].

This amendment substitutes the existing definitions of the operations of the Victims Assistance Board. It is designed to provide for a more detailed and clearer explanation of the functions of this board. I would like to outline to members that the proposals as outlined in the bill, as presented, provided for the advice and decision making on policy matters that dealt with the operational interaction between agencies, not intending that these provisions would be read in a way to imply that this board had the ability to make policy that was rightly the preserve either of the executive, through regulation, or through the Assembly itself through legislation.

But it was designed to reflect the fact that there are a broad range of operational policy decisions that are necessarily complex, necessarily technical in nature and are best resolved between relevant criminal justice agencies. Nevertheless, I recognise that members have a concern about these provisions. Therefore, in the spirit of trying to reach a satisfactory conclusion of this particular matter, I propose these amendments.

The amendments recognise that it will be the role of the Victims Assistance Board to advise the minister on policies, priorities and strategies that deal with the acknowledgement, protection and promotion of the interests of victims of crime. Secondly, if asked by the minister, the board will develop and maintain protocols and

procedures for the treatment of victims by the agencies involved in the administration of justice.

I think that essentially encapsulates what the government was nevertheless attempting to do, but it removes that ambiguity and perhaps that breadth of explanation of powers that was of concern to members.

**MRS DUNNE** (Ginninderra) (5.47): I thank the minister for bringing forward this amendment. I have a similar amendment which I now will not move, because I think that the minister's approach creates sufficient clarity to address the issues. The Liberal opposition's concern with this area, as I said in my opening remarks, was that there was a conflict between, in plain words, the role of an advisory body to advise. The plain words of this clause were that they were to develop policies, protocols and procedures.

There is ambiguity. The minister has recognised that, and I think that his approach at addressing it is probably clearer, more fundamental and more comprehensive than mine. I thank him for that. The Liberal opposition will be supporting this amendment which was motivated by the work originally done by us. I thank the minister for it.

**MR RATTENBURY** (Molonglo) (5.50): I briefly observe that the Greens think that Mrs Dunne had raised a good point here in her original amendment and we appreciate the discussion that has gone on in finding a clear way through. I think the attorney summed it up very well, and we will be supporting this amendment.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14.

**MRS DUNNE** (Ginninderra) (5.51), by leave: I move amendments Nos 3 and 4 circulated in my name together [*see schedule 1 at page 3450*]. Amendments 3 and 4 arise from the comments of the scrutiny of bills committee in report No 25 in relation to section 29(4). In that report the committee noted that the bill, as presently drafted, may result in the denial of a fair trial if protected information is not divulged unless it is necessary for this act or a territory law, even though it may be necessary for a commonwealth law applying in the ACT.

Although the scrutiny report does not address subsection (2), similarly, nevertheless, it has the same effect. That section protects a person from an offence of divulging information if it is required by the act or a territory law, but does not provide the protection if a commonwealth law applying in the territory requires that the information be divulged.

Accordingly, taking the advice of the scrutiny of bills committee in relation to section 29(4), I propose that these two amendments 3 and 4, and the fifth amendment that will be moved later, all need to stand to create consistency in drafting across the entire legislation. It is a fairly standard provision that these protections apply not only to

territory law but to commonwealth laws operating in the territory. I commend the amendments to members of the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.54): The government will support these amendments to proposed new section 29. Section 29 is a secrecy provision that protects information provided to the commissioner in relation to the act and the proper use of that information.

Section 29(1) creates an offence for the improper recording or disclosure of protected information. An offence is not committed, however, if the record was made, or the information was divulged under this act or another territory law, or in relation to the exercise of a function under this act or another territory law.

The concept of territory law embraces an act of the Legislative Assembly but not an act of the commonwealth parliament. Therefore, changing the phrase “territory law” to “law applying in the territory” will fix this apparent anomaly.

**MR RATTENBURY** (Molonglo) (5.55): With regard to those two amendments and also amendment No 5 of Mrs Dunne, which she will move shortly, the Greens will be supporting them. Both Mrs Dunne and the attorney have outlined the reasons. Obviously it is an important clarification here to ensure that there is clarity of a law enforced in the ACT as opposed to simply an ACT law. It is a sensible amendment that greatly reduces the potential for confusion in the courts and in the office of the commissioner. The Greens will be supporting this group of amendments.

Amendments agreed to.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.57): Pursuant to standing order 182A(c), I move my amendment No 1 relating to clause 14 as it is in response to comments made by the scrutiny committee [*see schedule 3 at page 3451*].

The scrutiny committee in its report No 25 suggested an amendment to address the issue of a possible conflict with the principle that in a trial all relevant evidence is admissible, a principle which may be seen as a component of the right to a fair trial under section 21(1) of the Human Rights Act.

The government amendment I move today adjusts the wording of subsection 29(4) to reflect the intention of the amendment and correct a possible inconsistency with the Human Rights Act. The commonwealth Evidence Act 1995 is in force in the ACT but it does not apply where there is an inconsistent territory law.

In relation to the provision of protected information to a court, subsection 29(4), as drafted, could have been inconsistent with the Evidence Act as it would not have fallen within the words “unless it is necessary to do so for this act or another territory law”. This is not intended. As I have stated previously in relation to the opposition’s

amendments Nos 3 and 4, the concept of territory law embraces an act of the Legislative Assembly and not an act of the commonwealth parliament. Changing the phrase “territory law” to “law applying in the territory” will address this issue.

Amendment agreed to.

Clause 14, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

### **Mr John Hargreaves Diabetes ACT**

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.59): I just want to say a few words today about one of my colleagues in the Assembly, one of my opponents, Mr Hargreaves. Recently I attended a citizenship ceremony at which Mr Hargreaves presided and I just want to give credit where credit is due. I think that John Hargreaves at that citizenship ceremony—as he has done in many cases—showed not just his commitment to multiculturalism and to welcoming new citizens in Canberra but real grace and dignity. He not only was particularly welcoming of both Senator Humphries and me at that ceremony and of course all of those who were becoming citizens on the day but he also showed an extraordinary flair for firing up the crowd and for getting the new citizens saying things like “g’day” all together.

He does have a particular ability, I think, and I would just like to give credit where credit is due. I think John Hargreaves, when it comes to these citizenship ceremonies in the ACT, is the master. I have done them and I am not as good as John Hargreaves. So I would like to put that on the record. I think he did an outstanding job and I think that all those who were there were very impressed and felt very welcome. He put a smile on many faces that day. So credit where credit is due: to John Hargreaves.

I would like to quickly talk about Diabetes ACT. Recently, I had the opportunity to launch a new children’s book called *Posh Pear*, which is designed to educate children in an interesting and engaging way about the importance of eating fruit and vegetables. It was quite an honour to be there. I was asked to do so by Diabetes ACT. The author, Catherine Chapman, has put it together and it is an original approach to help educate children about food habits and the importance of eating five serves of vegetables and two serves of fruit a day. And we know that setting good food habits at a young age is proven to reduce the incidence of lifestyle diseases like diabetes and heart disease later in life.

*Posh Pear* is the first book and character in the take 5 plus 2 team that will challenge children to eat a healthy diet of five vegetables and two fruits every day. Each character will have their own short story, teaching children in an engaging way the importance of a healthy diet.

We know that Diabetes ACT does a terrific job in the community in educating people not just about diabetes but about healthy eating and healthy living. Unfortunately, we know that we are not doing well as a nation in relation to healthy eating and levels of obesity. One in four Australian children is overweight and obese and there is considerable evidence that this has a detrimental impact on the medium to long-term health of children, particularly once they reach adolescence.

So I would just like to again congratulate Diabetes ACT and Catherine Chapman, the author of *Posh Pear*, on what I think is a very innovative approach to getting the healthy food message out to children. Well done. And I would like to congratulate them again and thank them for the wonderful work that they do in our community in such an important area.

### **Australian Hotels Association awards**

**MR COE** (Ginninderra) (6.03): I rise this evening to pay tribute to those involved in the recent Australian Hotels Association ACT branch awards dinner. It was a great night. I know a number of people from the Assembly went along, including Zed Seselja, Brendan Smyth, Jeremy Hanson and others. I would like to pay tribute to the board of the ACT AHA, including Michael Capezio, the president; Manuel Notaras, the vice-president; Mark Sproat, the secretary and treasurer of the accommodation division; Peter Barclay, Josh Gray and Matthew Young; the general manager, Steven Fanner; membership services manager, Gwyn Rees; and industrial relations consultant, Alan Lees.

I think the ACT AHA do a great job in advocating for their members. They are always willing to participate in Assembly committees and elsewhere in the public debate and I commend them for their great work.

I would like to commend the industry suppliers, the sponsors. The platinum sponsors include the Fosters group, Host-Plus Superannuation, Members Equity Bank and Lion Nathan. The gold supporters are Australian Hospitality Insurance Services, Schweppes Australia, Diageo Australia, Meyer Vandenberg Lawyers and APRA. The silver sponsors are Australian Capital Tourism, OutInCanberra.com.au, Capital Linen Service, Fox Sports and Access Facilitation. The bronze supporters are the Canberra Institute of Technology, Sanyo Data Systems, ActewAGL/Transact, Coca Cola Amatil and TEMPlar Total Recruitment Services. The corporate associate is British American Tobacco.

I would like to commend the winners of the 2010 awards. With respect to the accommodation winners, the best suite/apartment hotel was Quality Suites Clifton on Northbourne. The best mid-range accommodation was Quality Hotel, Dickson. The best superior accommodation was Novotel Canberra. The best deluxe accommodation

was Hyatt Hotel Canberra. The best front-of-house employee was Luke Everett from Rydges Capital Hill. The best redeveloped accommodation hotel was Novotel Canberra. The best hotel bar was Ostani at Hotel Realm. The best hotel restaurant was Konoba Restaurant at Hotel Realm. The best environmental practice was the Crowne Plaza Canberra. The best meetings and events hotel was Hotel Realm. The best marketed hotel was Novotel Canberra .

With respect to the dining winners, the best family restaurant was Caph's restaurant and coffee lounge. The best cafe restaurant was Tosolini's. The best international cuisine was Italian and Sons. The best restaurant overall was Rubicon. The best prestigious dining venue was The Chairman. The best wine list was Locanda Italian Steakhouse at Rydges Lakeside. The best restaurant service employee was Vikram Rai at Flint Dining Room. The best apprentice chef was Duncan Mitchell at Rydges Lakeside. The best restaurant cookery employee was Beau Ridgers at Novotel Canberra. The best new/redeveloped venue was Italian and Sons.

In the bar and nightclub winners, the best sporting entertainment venue was Olims Canberra Hotel. The best local was George Harcourt Inn. I had the pleasure of presenting that award on the night. The best cocktail bar was Knightsbridge Penthouse. The best bar presentation and service was Sub-Urban. The best outdoor entertainment area was Ostani at Hotel Realm. The best live entertainment venue was King O'Malley's. The best late-night entertainment venue was Meche. The best pub bistro was Ha Ha Bar.

The OutInCanberra people's choice award for favourite cafe went to Cream Cafe and Bar. The favourite restaurant went to Ellacure. The favourite nightlife went to Ha Ha Bar.

The tourism winner for the best tourism exhibition was *Masterpieces from Paris* at the National Gallery of Australia. The best tourism attraction was Questacon, the National Science and Technology Centre.

I would also like to commend three people who have made an outstanding contribution and who won individual awards. The John Press award went to Gil Miller of the George Harcourt Inn. The president's award went to Shanthini Naidoo of the National Gallery of Australia. The member of the year was Peter Barclay of King O'Malley's. I commend them all for their superb contribution to the accommodation, hospitality and entertainment industries in Canberra.

**Dr Brian Hennessy**  
**Ms Sandra Lambert**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (6.07): I would like to speak on a couple of matters tonight. The first one is that it is with great sadness that we have been advised today of the death of Dr Brian Hennessy. Members may know that Dr Hennessy was the director of psychiatry in the ACT in the 1960s through to 1974. He developed a major plan for psychiatric services for the Australian Capital Territory in 1969 and then in a more extensive manner in 1972.

With respect to the provision of services for the mentally ill, Dr Hennessy was a man well ahead of his time. In the early 1960s, he was a senior psychiatrist at Fraser House, which was the first therapeutic community in Australia, then located at what was known as the North Ryde Psychiatric Centre. Dr Hennessy was very focused at the time on the treatment of patients using the least restrictive care and encouraging the development of independence and fulfilment of the potential in all of his patients. He was, in fact, an early proponent of the recovery model of care that Mental Health ACT follows today.

In 1974, Dr Hennessy moved to the then commonwealth Department of Health as one of the major advisers on mental health issues. He, along with Dr Sidney Sax, was a prime mover on not only mental health services but also community health services in general. His emphasis was always on community treatment and treatment of the family and his chief concerns were for the principles of prevention, a positive approach to recovery and the need for full participation by the community and by many different professions.

He was an early proponent of the multidisciplinary team. He saw the promotion of good mental health as an essential component of any efforts to improve the quality of life of all members of our society. He became the director of the commonwealth Department of Social Security and, while in this position, he suffered an illness that quickly incapacitated him.

Dr Hennessy was an active participant in the Royal Australian and New Zealand College of Psychiatrists where he was held in high esteem by every one of his colleagues. The ACT branch of the college has expressed their deepest sadness and sympathy at his passing and his long period of disability.

I am sure all in the mental health community will remember his massive contribution to mental health in Australia and will celebrate the life of a man so dedicated to the care of others. It is a tribute to the pioneering work of Dr Hennessy that our mental health rehabilitation centre bears his name. The entire ACT community has much to thank Dr Hennessy for in laying the foundations for a mental health service that is at the forefront of care in the least restrictive manner and has a strong emphasis on recovery and not simply removal of symptoms.

I understand that Dr Hennessy's funeral will be held on Friday, 20 August and, in lieu of flowers, Dr Hennessy's family have generously requested that donations be provided to the Brian Hennessy Rehabilitation Centre. I thank them for their generosity at this very sad time and extend my condolences to Dr Hennessy's family on behalf of the ACT government.

The second matter I would like to talk about briefly is the retirement of Sandra Lambert, a senior public servant in the ACT for many years. I do not think one minute and 50 seconds will really give me enough time to go through her extensive list of achievements, but I think it is important that the Assembly notes her retirement and her very long and strong record in delivering services through the ACT public service.

Sandra joined the public service in 1973 as a secondary school teacher. She worked at Hawker college, Campbell high, in Melbourne and in New Zealand. She worked as a secondary school teacher until 1985. From 1986 to March 1989, she was executive officer at Hawker college, ACT. From April 1989 to January 1990, she was employed by the Department of Education and the Arts, where she stayed in various roles before going back, from 1991 to 1995, as the principal of Hawker college. She then moved back into the Department of Education and Community Services, as it was then known, for a number of years, until 1999, when she moved to the Chief Minister's Department, where she stayed until June 2002, when she was appointed to the position of inaugural Chief Executive of the ACT Department of Disability, Housing and Community Services.

Sandra was known in the public service as a very strong leader. I had the pleasure of working with her for a number of years, over the last 10 years, and I have always found her to be one of the best public service servants the ACT has had. Her leaving DHCS will create a big gap but she has also put a lot of effort into mentoring the next generation of public servants. I know the department is in good hands. But I would like to acknowledge her very strong level of communication and contribution to the ACT public service, because it is public servants like Sandra that build this service for everybody else.

Question resolved in the affirmative.

**The Assembly adjourned at 6.13 pm.**

## Schedules of amendments

### Schedule 1

#### Victims of Crime Amendment Bill 2010

##### Amendments moved by Mrs Dunne

1

Clause 10

Proposed new section 12 (5)

Page 9, line 22—

*omit*

3

Clause 14

Proposed new section 29 (2) (a)

Page 17, line 13—

*omit*

territory law

*substitute*

law applying in the Territory

4

Clause 14

Proposed new section 29 (2) (b)

Page 17, line 15—

*omit*

territory law

*substitute*

law applying in the Territory

5

Clause 14

Proposed new section 29 (4)

Page 17, line 25—

*omit*

territory law

*substitute*

law applying in the Territory

## Schedule 2

### Victims of Crime Amendment Bill 2010

#### Amendment moved by the Attorney-General

1

Clause 13

Proposed new section 22B (a) and (b)

Page 11, line 14—

*substitute*

- (a) to advise the Minister on policies, priorities and strategies for the acknowledgment, protection and promotion of the interests of victims in the administration of justice; and
- (b) if asked by the Minister—to help develop and maintain protocols and procedures for the treatment of victims by agencies involved in the administration of justice; and

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## Schedule 3

### Victims of Crime Amendment Bill 2010

#### Amendment moved by the Attorney-General

1

Clause 14

Proposed new section 29 (4)

Page 17, line 25—

*omit*

territory law

*substitute*

law applying in the Territory

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