



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

16 NOVEMBER 2010

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**Tuesday, 16 November 2010**

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

## **Petitions**

*The following petition was lodged for presentation, by **Mr Seselja**, from 148 residents.*

### **Gowrie Oval car park—petition No 113**

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that many residents and parents are concerned about the traffic arrangements and pedestrian safety around the Holy Family Parish Primary School in Gowrie, particularly relating to the car park at Gowrie Oval which is used by many parents as a pick up point for their children after school each day.

Your petitioners therefore request the ACT Government to immediately introduce measures to improve the safety for children within the Gowrie Oval Car Park, including traffic calming devices such as speed bumps, pedestrian crossings and improved signage.

*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.*

## **Ministerial responses**

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

### **ACTION bus service—schools—petition No 110**

**Mr Stanhope** (Minister for Transport), dated 1 November 2010, in response to a petition lodged by Mr Seselja on 25 August 2010 concerning the school bus service between Marist College, Canberra and the suburbs of Yarralumla and Deakin.

The ACT Government notes the petition submitted by the petitioners, tabled by Mr Zed Seselja MLA on 25 August 2010, and makes the following comments:

- For all requested school serviced ACTION has a documented process which was developed through consultation with the Government's Schools Transport Liaison Committee. The Committee has representatives from Government and Non-Government schools, the community and key agencies.

- Marist College provided a letter to ACTION on 15 September 2010 requesting the above dedicated school bus service. Unfortunately this document was received once all the changes for Network 10 were finalised, meaning all available resources had already been utilised.
- ACTION advises that this request will be considered once resources become available.
- Over 50% of students catch regular route bus services.
- For efficiency purposes ACTION also conducts regular reviews of all its school services. Noting that students can travel to and from school by:
  - Normal route services;
  - Dedicated school services;
  - Via interchanges (transferring); or
  - A combination of the above.
- Due to fleet requirements arising from Network 10 ACTION resource allocation is currently at capacity. As such, any new dedicated school service will result in an existing service being removed by necessity.
- As part of the Network 10 changes, route 2 will arrive in Woden Interchange at 8:10am. Students will then need to connect with route 319 at 8:15am, which will ensure they reach the school by approximately 8:25am. Furthermore, routes 21/22 can also take passengers from Woden Interchange to Marist College.
- ACTION previously met with parents from Marist College, to discuss the provision of a dedicated school bus service to Deakin/Yarralumla, who were offered alternative travel options. This included using normal route services with a transfer at the Woden Interchange necessary.
- Criteria considered includes the age of the students, children with special needs, the level of demand for the service, location of demand for a service, availability of an convenience of, access for students using regular route services, availability and carrying capacity of existing dedicated school bus services, available funds for dedicated school bus services and the impact on scheduling of regular route services.
- Typically, non-government schools draw students from a broad geographical area and school bus services will reflect this spread.
- As a general principle the decision of a parent to send children to a school further from their home is a personal choice and parents and schools cannot assume that such decisions can be accommodated through the provision of dedicated school bus services funded by the community at large.
- Based on the factors considered above ACTION believes that its provision of bus services between Deakin/Yarralumla to MCC is at an adequate level.

- The Transport Planning Branch within the Department of Territory and Municipal Services is about to commence a strategic review and evaluation of school bus services in the ACT and it is expected the review will contribute to improving the long term planning of services through the Territory.

### **Environment—greenhouse gas—petitions Nos 111 and 112**

**Mr Corbell** (Minister for the Environment, Climate Change and Water), dated 8 November 2010, in response to petitions lodged by Mr Rattenbury and Ms Le Couteur on 19 and 21 October 2010 concerning legislation for a greenhouse gas emissions reduction target of at least 40 per cent by 2020, based on 1990 levels.

On 26 August 2010, the ACT Government introduced greenhouse gas reduction targets into the Legislative Assembly through the Climate Change and Greenhouse Gas Reduction Bill 2010. The Bill includes long term and interim targets for ACT greenhouse gas reductions as follows:

- Zero net greenhouse gas emissions by 2060;
- Peaking per capita emissions by 2013;
- 40% of 1990 levels by 2020; and
- 80% of 1990 levels by 2050.

On 26 October 2010, this Bill was passed in the Legislative Assembly. A new implementation plan, *Weathering the Change* Action Plan 2, will form the basis for the ACT Government's emission reduction initiatives. This document will be developed in consultation with the community and released in 2011.

### **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 on 3 December 2010 and that Ms Hunter be appointed in her place for that day.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Scrutiny report 30**

**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 30, dated 15 November 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 30 contains the committee's comments on eight bills, seven pieces of subordinate legislation, three government responses and one private member's response. The committee has commenced its deliberations on the Workplace Privacy Bill 2010 and will provide significant comment on the bill in its next report.

The committee also expressed some concern that the practice of presenting bills and then scheduling them for debate in the next sitting period is putting pressure on the committee and possibly jeopardising the scrutiny process. Report No 30 was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Criminal Code Amendment Bill 2010**

Debate resumed from 23 September 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (10.04): The opposition will support this bill, which introduces a defence of lawful possession into the Criminal Code. It covers people who can show their possession of otherwise prohibited material or items is the result of their work or employment in the criminal justice system, is for law enforcement purposes or is reasonable in the circumstances for the law enforcement or administration of justice purposes in which the person is engaged.

Under current law, there is some doubt that people working in the criminal justice system and who are in possession of prohibited material or items could claim the defence for such possession. Indeed, the important feature of this bill is that the defence is available only to people who are employed by or engaged in the criminal justice system. It is not available to ordinary members of the public.

The defence that this bill confers on employees and other persons engaged in the criminal justice system is notwithstanding the Legislation Act 2001. That act at section 196(1) says:

A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function.

Quite helpfully, the explanatory statement gives a number of examples and quite specifically talks about the possession of child pornography. The statement notes that the Crimes Act 1900 imposes an absolute liability offence if a person intentionally possesses child pornography. The only available defence is that the person had no reasonable grounds to suspect that the material was child pornography.

So, by way of example, in the course of his duties, an investigating officer, a police officer, seizes a person's computer which contains child pornography and he is

subsequently charged for possession of child pornography. Due to the specific nature of the crime under investigation, the police officer would not be able to claim the defence that he had no reasonable grounds to suspect that the material on the computer was child pornography. This is because the police officer had seized the computer because he believed the material contained on it was child pornography. This is a very precarious situation for police officers, and this bill seeks to rectify that situation.

There are three bases on which a person can claim the defence of possession of prohibited material or item. Firstly, it must be associated with the person's work in the law enforcement or justice agency, the person must be providing technical, professional or expert services to a law enforcement or justice agency, or the person must be in legal practice or providing technical, professional or expert services to a legal practitioner.

Secondly, the person must be in possession of a law enforcement purpose, and this is described as enforcing a law, monitoring compliance with a law, investigating a contravention or administering justice. Thirdly, the person must be able to show the court that it is reasonable in the circumstances of the person's work as outlined above to possess the prohibited material.

This bill provides more certainty to people working in our criminal justice system and will enable them to do their work without fear that their work might be hampered by legal loopholes. I thank the attorney for bringing this bill to the Assembly, and we are pleased to support it.

**MR RATTENBURY** (Molonglo) (10.08): The Greens will be supporting the Criminal Code Amendment Bill. The bill will give certainty to people employed in law enforcement or in justice agencies. By the nature of their jobs, people working in the areas will come into contact with illegal material. The changes will allow them to go about their job free from the prospect of being criminally prosecuted for possession of that illegal material.

The attorney has outlined previously that employees in these areas have concerns that, through their job, they are required to have possession of illegal material. Examples are the lawyer who is required to save child pornography onto their computer because it is evidence in a court trial, or the drug lab technician who takes possession of illicit drugs in order to analyse it.

The point is that these people are going about their jobs, carrying out duties they are required to do, sometimes required by law, yet technically they are committing an offence. While prosecutions for such offences are rare—indeed, my office are unaware if there ever has been such a prosecution—these people do still deserve the protection of the law and the clarity and peace of mind. But also, it is equally appropriate that law enforcement officers who retain possession of illegal material past the point where it is required for their job do not have the protection of the defence. This is an important point of policy, and the Greens support the clarity provided by the bill.

The bill sets a three-step test that must be satisfied before the defence is available. The attorney has outlined the test in some detail, and the explanatory statement adds further detail, so I will not repeat what has already been said and made clear. What I would like to do is commend the departmental officers and the attorney for preparing an explanatory statement that slightly breaks the mould. The statement gives practical examples of how the defence would operate in real life.

The outcome is that the bill is easily understandable. I am not aware of many, if any, other bills that take this approach, but I would like to encourage that type of thinking. It really meets the ultimate goal of explanatory statements very well, which is, of course, to actually explain the changes being made.

There is one issue raised by the scrutiny committee and addressed by the attorney that I would like to discuss briefly. It has been confirmed by the committee and the attorney that the possession of the illegal material must be found to be objectively reasonable for the purposes of the law enforcement—that is, it must be seen to be reasonable through the eyes of an ordinary person. The scrutiny report asked whether it would not be more appropriate to set a subjective test to be applied where the accused themselves only must have thought the possession was reasonable.

Giving consideration to the overall policy objective of the amendment, which is to give certainty and security to people going about their job, I believe the objective test is appropriate. To insert a subjective test would leave open the possibility that the defence would be abused by an employee who obtained material through the course of their employment but then dealt with it in an inappropriate manner, for example, a drug lab technician who was required to analyse a sample at the lab, but actually took the sample home with them.

It is possible that such behaviour would satisfy a subjective test simply because the technician was able to show that he or she thought it was a good idea at the time. However, under an objective test, they would need to show the rationale and practical reasons as to why it was necessary to take it home to perform their job. It would then be for the court to decide whether there is enough of a link between the job and the activity to say that it is for the purposes of their job. I think that is an appropriate threshold to set for this defence. The defence is designed to protect workers going about their job, but it is not designed to protect workers who stretch the rules or outright break them. Care and diligence are required when dealing with sensitive material, and this bill will protect those who go about their job in that way.

To conclude, the Greens support this bill. We believe it offers the protection that is required to allow people employed in law enforcement and in justice agencies to go about their important jobs to the best of their ability.

**MS GALLAGHER:** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.12): The Criminal Code Amendment Bill 2010 aims to introduce a new defence of lawful possession into chapter 2 of the Criminal Code 2002. The purpose of the new defence is to provide people who work in the criminal justice system with the protection of the law when, as part of that work, they acquire prohibited items.

It is important that the Assembly is aware of the government's reasons for not only proposing this new defence, but also why it is considered appropriate that it sit within the Criminal Code. I therefore intend to address these points before I outline the provisions of the defence.

The criminal law makes the possession of certain items unlawful. Examples of such items would be: weapons such as knives and unlicensed firearms, stolen goods, drugs of dependence and child pornography. Of course, the law also often provides individuals with a defence which serves to prevent conviction when possession can be legally justified. However, the government has identified an additional need for a defence of lawful possession that applies specifically to those people whose work contributes to the operation of the criminal justice system. This need arises for two reasons.

First, it came to the government's attention that there were occasions when workers in the criminal justice system were concerned at the lack of specific protection for the occasions on which they were required to be in possession of a prohibited item. I am speaking of people such as prosecutors, court staff, police officers and defence lawyers.

Their concern must be viewed in light of the fact that they would inevitably come in contact with prohibited items on a far more frequent basis than most people. Not only does the government understand their concern but it is firmly of the view that those individuals should be able to act with complete confidence that they are afforded the full protection of the law while they are doing their jobs. The enactment of the proposed defence will provide a level of protection that is specific to a defined set of people and which recognises the role of those involved in criminal cases from the investigation stage through to the conclusion of a prosecution.

The second reason for the proposed defence is the establishment of a new initiative to effectively manage child exploitation material. The Australian National Victim Image Library is a tool to combat online paedophilia that will be managed by CrimTrac. As members will be aware, CrimTrac is a commonwealth government agency which provides information sharing services to support law enforcement services. The main objectives of the Australian National Victim Image Library are to improve law enforcement in this area by aiding the identification of child victims and offenders, and reduce the exposure of investigators to child exploitation material.

The Australian National Victim Image Library will be used by all Australian jurisdictions when fully operational, but the ACT has been chosen to take part in the first phase of the scheme's rollout. It is imperative that everyone engaged in law enforcement is able to operate and use this important law enforcement tool in the knowledge that they are protected by the law. The new defence is designed to do just that.

The lack of a specific defence in the ACT statute book is particularly important in relation to the possession of child exploitation material, otherwise known as child pornography. The ACT offences in relation to child pornography are found in the

Crimes Act 1900. At present, the only statutory defence to the possession of such material is that there were no reasonable grounds for the person charged to suspect that the material was child pornography. People working in the criminal justice system who have a valid reason for possessing child exploitation material clearly cannot use this defence as they have every reason to know that the material they are handling is, in fact, prohibited. The new defence is therefore particularly important to reassure such people that they are protected by the law.

Until now, criminal justice workers have relied on the sensible application of the law by the Director of Public Prosecutions and the police. It must be stressed that both ACT Policing and the DPP have always used their good judgement in these matters and that prosecutions are not brought inappropriately. Nevertheless, the government thinks it timely to put the issue beyond doubt and provide certainty to those operating in this crucial area.

The people the government seeks to protect are all intimately involved in the processes that make up the criminal justice system. Their involvement may stem from a variety of causes and it is particularly important to emphasise that it is not only those involved in the police and prosecution side of the criminal justice system who are entitled to invoke this defence. In drafting this defence the role that is played by those who administer justice and those who are involved in defending an accused person is fully acknowledged as deserving of protection.

I now turn to the question of where the defence will sit in the legislative framework. As I have already stated, the law often provides a defence in relation to the possession of prohibited items. It is generally the case that such a defence sits either within the legislative provision that prohibits the item or immediately following. An example of this would be the possession of a knife. Section 308 of the Crimes Act 1900 creates an offence of possessing an offensive weapon or disabling substance. A knife is an offensive weapon in that it can be used for injuring or incapacitating someone. However, within section 308 there is a defence to possession of a "reasonable excuse".

Of course, it would be possible to amend all the provisions creating the offence of possession of a prohibited item to insert a defence specifically tailored for those involved in the workings of the criminal justice system. Indeed, many Australian jurisdictions do just that and there is nothing wrong with that approach. The ACT, however, is in the process of codifying the criminal law. This process commenced in 2001 with the enactment of the first Criminal Code.

The rationale of codification is to comprehensively enact an area of law so that it is both relatively easy to access and to understand by the ordinary person. Of course, the criminal law is a vast area of law to codify and it is very much a work in progress. However, it was important at an early stage for the code to provide a clear framework around which the remainder of the code would operate. This included a complete statement as to the general principles of criminal responsibility which would apply across the criminal law. Chapter 2 of the Criminal Code fulfils that requirement.

It was with this twin goal of accessibility and comprehensibility very much in mind that the decision was made that the proposed defence of lawful possession would fit

most comfortably in chapter 2 of the code. There are four reasons for this. The first reason is that the proposed defence is intended to operate across a number of different offences. It can therefore be viewed as a general principle rather than a defence that is only relevant to one specific offence. Section 6 of the Criminal Code 2002 states that chapter 2 “contains all the general principles of criminal responsibility that apply to any offence, irrespective of how it is created”. It follows from this that it is sensible to place the proposed defence into chapter 2 of the Criminal Code.

The second reason for placing the defence into the Criminal Code is that the criminal law is constantly evolving as the needs of society change. New offences which criminalise the possession of an item will undoubtedly occur at some point in the future. The placement of the proposed defence in the code will ensure that those involved in the criminal justice system will automatically be covered. This avoids the need to consider a defence for them within any new offence provision.

The third reason is that the new defence will complement section 43 of the Criminal Code 2002 which states that a person is not criminally responsible for an offence if their conduct is excused or justified under a law.

The fourth and final reason is one that is supported by the very rationale which led to the creation of the Criminal Code—that is, clarity of the law. Inserting a lawful possession defence in respect of criminal justice workers in the provision which creates the prohibition adds a level of complexity which is neither necessary nor desirable.

I will turn now briefly to outline the provisions of the proposed defence. Proposed new section 43A(1) of the bill provides that the person will not be criminally responsible for an offence of possessing a particular material or thing if they are able to justify the three limbs of the defence. The first limb is a requirement that the person must be either working for or employed in the criminal justice system. This is intended to include police officers, prosecutors, court staff, judicial officers, defence advocates and experts such as forensic scientists.

The second limb provides for a link between the possession of the particular material or thing and a law enforcement purpose. A law enforcement purpose is further explained in subsection (2) of section 43A to mean that the possession must be necessary for or of assistance in enforcing the law of the commonwealth, state or a territory, monitoring compliance with or investigating a contravention of a law of the commonwealth, state or a territory or the administration of justice.

And the third limb provides that a person must be able to show that the conduct they are engaging in to possess the material or item was reasonable in all the circumstances. This limb introduces an important objective test to ensure that, even when the first two limbs can be satisfied, there is an additional protection against potential misuse.

There is no doubt that the people engaged in every stage of the criminal process perform at times very difficult roles. It falls to the legislature to provide appropriate reassurance and protections against prosecution of such people for simply doing their job. For this overriding reason, the government proposes this new defence of lawful possession, and I commend the bill to 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) (10.22), in reply: I thank members for their support of this bill. As members have observed, the bill introduces a new defence of lawful possession into the Criminal Code 2002.

I would like to take the opportunity to thank members for their support of this bill and to provide some further detail as to the effect of the provisions of section 43A of the bill and a number of other points that I note have been of concern to members during the briefing on this bill.

The purpose of the defence contained in section 43A is to provide statutory protection for certain categories of people who work for or provide particular services to the criminal justice system. I would like to make it clear from the outset that the defence has been carefully drafted to ensure that the defence is not available to those who act as vigilantes, do-gooders or self-styled private investigators. In other words, only those who have a legitimate and formal involvement in the criminal justice system will be able to use the defence. This is something that will be apparent as I provide some more detail during this speech.

A person will only avoid criminal responsibility for an offence of possessing a particular material or thing if they are able to satisfy the three limbs of the defence, as my colleague Ms Gallagher has outlined. The first limb relates to establishing the person's credentials in terms of their work as part of the criminal justice system. The second relates to the need for a law enforcement purpose and the third provides an objective requirement of reasonableness.

Before moving on to these three elements of the defence, I should deal briefly with the concept of possession. In legal terms, this is an accepted and well-understood concept which needs no further definition within the new section 43A. Use of the undefined term in this context allows the courts to apply the ordinary meaning of the term and is needed to encompass the broad family of possession offences to which the defence is intended to apply.

Turning to each of the limbs of the defence, the first limb of the defence requires a person who is in possession of a prohibited item to establish their credentials as a worker in the criminal justice system. To satisfy this limb, a person must fall within one of three categories. The first is that they are a person employed by, or appointed as a member of, a law enforcement or justice agency. The second is that the person is required to provide technical, professional or expert services to a law enforcement or justice agency. The third is that the person is a legal practitioner or a person employed by or required to provide technical, professional or expert services to that practitioner.

Examples of the types of people who would come within the first category of person are police officers, employed forensic scientists, the judiciary themselves, court staff and prosecutors. The terms "law enforcement" and "justice agency" are sufficiently broad to include the array of agencies which perform justice-related functions, while still ensuring that there is a clear link to the overall criminal justice system.

The second category is intended to capture people who provide certain specialised services in respect of criminal cases but who are not strictly employees or appointed as members of a law enforcement or justice agency. For example, when the police are investigating a case involving child pornography they may engage the services of an IT specialist to assist them in examining a suspect's computer. As a result, the IT specialist may come into possession of child pornography material. The terms used in this second category of "technical", "professional" and "expert" have been chosen to capture the wide range of specialist services that may be needed in the investigation and prosecution of criminal cases.

The third category of people to whom the defence may be available are legal practitioners, their employees and those engaged by legal practitioners to provide certain services. This category recognises that people such as solicitors and barristers representing an accused person frequently come into possession of prohibited items, often as a result of being provided with such items by the prosecution as evidence in a case. This may lead in turn to employees of legal practitioners handling such items as part of their duties. Further, it is often the case that legal practitioners seek assistance from specialists in certain fields in the same way as do law enforcement and justice agencies. This third category is therefore drafted to capture the range of people who are legitimately involved in the preparation of an accused person's defence.

Turning to the second limb of the defence, the requirement is that possession must be for a law enforcement purpose. It is therefore not enough for the person to have come into possession of the item in the course of their work in connection with the criminal justice system. The purpose of the possession must, in addition, be for a law enforcement purpose. The aim of this limb is to prevent use of the prohibited item outside the law enforcement process. To this end, section 43A(2) defines what is meant by a "law enforcement purpose". This provision requires that the possession must be necessary for, or of assistance in: enforcing a law of the commonwealth, a state or territory; monitoring compliance with or investigating a contravention of a law of the same jurisdictions; or the administration of justice.

In other words, this limb ensures that in the event of the reason or purpose for having the prohibited item changing to one that is outside the ambit of the provisions, the defence can no longer be used. For example, a forensic scientist who tests a knife for DNA in a murder inquiry would be acting within the terms of the defence. Removal of the knife from the laboratory to show a friend would be outside the scope of the provisions and the individual would not be protected by the defence.

The third and final limb of the defence is the requirement that possession of the material or thing be reasonable in the circumstances for a law enforcement purpose. This provides a final objective test. Even if a court is satisfied on the first two limbs of the defence, this final limb requires the court to look at all the circumstances of the possession and decide whether it is reasonable for a law enforcement purpose.

Examples of the way the defence will operate can be found in the explanatory statement to the bill. It would be useful to outline one of these examples.

Example 3 in the explanatory statement discusses the case of a primary school teacher who becomes suspicious of her neighbour after seeing a graphic image on his home computer. She intercepts a parcel sent to that neighbour, opens the package and discovers that it contains a series of child pornography images. The teacher takes the package with a view to destroying the child pornography images at a later time.

The teacher in this example is not able to rely on the defence provided by section 43A because she cannot satisfy any of the three limbs. Firstly, she did not come into possession of the images as a result of her employment as part of the criminal justice system. Secondly, she cannot demonstrate that her possession of the images was for a law enforcement purpose as defined by section 43A(2). Thirdly, given that the first two limbs cannot be satisfied, it is not possible for the teacher's possession of the images to be reasonable in all the circumstances for a law enforcement purpose.

I turn now to how the new defence will work in the event that a decision is made to charge an accused person with an offence relating to possession of a prohibited item. Section 58(2) of the Criminal Code states that a defendant who wishes to deny criminal responsibility by relying on circumstances where there is no criminal responsibility has an evidential burden in relation to the matter. Subsection (7) of section 58 further explains that an evidential burden means the burden of presenting or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

The new defence is one that falls within section 58(2) due to both the terms of the defence and because it will sit in part 2.3 of the Criminal Code. This means that a person seeking to rely on the defence will only be required to point to evidence that suggests a reasonable possibility that their possession of the item falls within the three limbs of the defence. The prosecution will then have to disprove those matters beyond reasonable doubt.

It is also important to note in a human rights jurisdiction that the introduction of the new defence is a positive step in human rights terms. The main aim of the defence is to provide a level of protection from prosecution to those working within the parameters of the criminal justice system which was previously absent. This will act to prevent the possibility of misconceived investigations or prosecutions and permit people to carry out their daily duties free from the concerns of coming into contact with prohibited items.

However, I do want to reiterate the government's views concerning, in particular, vigilante groups. I want to assure members that this defence will not be available to those who try to enforce the law on their own account, whatever their motives. Great care has been taken to ensure that no loopholes exist in the defence which would allow the person on the street to avail themselves of it.

The intention is rather for the defence to be available to police officers, public prosecutors, defence advocates, technical experts, court staff including associates, and of course members of the judiciary.

The government was very conscious of the need for the defence to be broad enough to protect the targeted groups of people whilst excluding those who might seek to exploit it improperly. During the drafting process, officers in my department consulted with officers from ACT Policing, the Director of Public Prosecutions and the Legal Aid Office of the ACT. This has produced a defence that actually covers the situation that had been highlighted as a concern without providing “loopholes” to those who may seek to misuse it.

Further, in considering the need for this defence, my department looked carefully at whether existing powers of seizure were sufficient to address the area of concern. While legal powers of seizure also create an implied power to possess a seized item, such powers are not available in all the circumstances that needed to be addressed by this defence. Generally speaking, powers of seizure are restricted to those engaged in law enforcement, such as police officers. This defence will operate more widely in the sense that it will allow prohibited items to be handled beyond the original seizure in appropriate circumstances.

Before I conclude, I would like to reiterate the importance of the forthcoming Australian National Victim Image Library and the ACT’s participation in its operation. The need for national and international collaboration in online child exploitation investigations has been apparent for some time now. The Australian National Victim Image Library will ensure that all Australian jurisdictions, including the ACT, have an improved ability to identify and rescue child victims of abuse and to identify offenders. The new lawful possession offence will ensure that all those involved from an ACT perspective in this project will be able to do so, confident that they are protected by the law.

I thank members for their support of the bill, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Crimes (Child Sex Offenders) Amendment Bill 2010**

Debate resumed from 28 October 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (10.33): The opposition will support this very important bill, and we will support it notwithstanding this Attorney-General’s continuing mistreatment of the ACT Assembly’s conventions in relation to the bringing on of bills that have been only recently tabled. He introduced this bill only on 28 October—that is, on the last day of the last sitting period. Who knows how long he had to

consider and develop the bill, and yet he expects the opposition and the crossbench parties to consider and debate this bill in less than three weeks. Last week Mr Corbell had the temerity to lecture me about giving notice for business to be conducted in the Assembly but, clearly, his philosophy is one of “do as I say and not as I do”.

We have here an important bill that goes to the protection of our city’s future: our children—some of the most vulnerable people in our community. Mr Corbell has been talking about this at police ministers councils and through his department and, presumably, through other justice agencies. He has spent time drafting the bill—making sure it complements the laws in other jurisdictions—embracing the laws of the commonwealth, getting it through the cabinet process and, finally, introducing it to the Assembly. Then he asks us, as well as the scrutiny of bills committee, with our limited resources, to give appropriate review and consideration to a bill of considerable importance in less than three weeks. Given Mr Corbell’s outburst in the government business meeting last week, I consider this hypocrisy at its worst. Mr Corbell should remember the fragility of the glass house in which he is standing before he starts throwing stones.

That said, the Crimes (Child Sex Offenders) Amendment Bill is an important one because it updates the provisions of the act to keep pace with the safeguards that have been put in place at a national level to protect children not only in Australia but around the world. It is a sad fact of life that there are those who would prey on the vulnerability of children. We saw in the *Canberra Times* only last week a report of a case involving child pornography, grooming of children, deception and a range of other child sex offences. So there is no reason why we should think that Canberra should be somehow immune from these kinds of activities.

Our children are our future. We must do everything we can to protect them. People who prey on children are the worst kind of offenders. We must keep up with and indeed be ahead of the ability of child sex offenders to invent ways of satisfying their salacious appetites. This bill reflects a national approach and deserves support. We will give it that support. Perhaps if this government and Mr Corbell were more open with other parties in this place on these kinds of issues, they might pass through this place in a more collegiate manner.

**MR RATTENBURY** (Molonglo) (10.37): The Greens will be supporting this bill today. The bill updates the list of offences which trigger the requirement for an offender to be listed on the ACT’s child sex offenders register. On the one hand, the bill today makes straightforward, administrative amendments that are required following the passage of a bill through federal parliament. On the other hand, it is a bill which deals with the incredibly important, complex and emotionally charged problem of child sex offenders. It is a problem which is being grappled with by governments and parliaments globally.

So, notwithstanding the relatively simple nature of the amendments, the bill deals with significant issues and deserves the appropriate level of analysis. In 2005, when the ACT legislated to create the child sex offenders register, the decision was taken to list each individual commonwealth offence which would trigger the ACT legislation. At that stage, there were 18 offences under commonwealth law and included crimes

such as sexual conduct with a child while outside Australia and profiting from child sex tourism. The bill today will significantly expand the list so that it will now include 48 separate commonwealth child sex offences.

The new crimes were created earlier this year by federal parliament. They have taken a broader view of the problem of child sexual abuse. Whereas the legislation five years ago focused on actual sexual intercourse and sex tourism offences, there are now new crimes such as grooming a child for sex and using the internet to distribute child abuse material. These new offences follow an international trend of legislating to outlaw the use of the internet for child abuse purposes and the grooming of children for sex. As the Minister for Justice said in federal parliament earlier this year when debating the bill:

We have a duty to ensure that with overseas travel commonplace, and the internet making information about destinations more accessible, Commonwealth laws provide a significant deterrent to abuse and a sound basis for prosecuting offenders.

Equally, rapidly changing technologies and the anonymity that the internet provides have resulted in unprecedented opportunities for child sex offenders. Our laws need to keep pace with the speed of technological change.

So the federal parliament has taken a more sophisticated approach to child sexual abuse. The new offences target more discrete aspects of the overall problem.

Turning to the bill being debated today in the Assembly, the policy question up for debate is whether this new suite of commonwealth crimes warrants an offender being registered on the child sex offenders register. Are the new crimes of the same magnitude as the existing offences and should they be treated equally? Put another way, is grooming a child for sex as serious as actual intercourse with a child or profiting from child sex tourism? The Greens see them as essentially the same type of behaviour. The new crimes all put children in imminent danger and we agree that they are sufficiently serious to trigger the ACT legislation. On that basis, the Greens support the bill.

It is worth noting there has been recent commentary on the overall effectiveness of the ACT's register and how well it actually prevents the chances of reoffending. The debate is around what level of intervention in the life of an offender is warranted. Currently, the key intervention authorised by the act is to prevent a registered offender from working with children. Questions have been raised about whether the ACT should have more power to dictate other aspects of an offender's life, such as who they live with and who they spend time with.

For the Greens' part, we are interested in having a clearer understanding of what police are currently doing with the information kept on the register, what risk assessments they currently perform and what their powers of intervention are. We would also be interested to see evidence from other states of how their schemes are operating. We believe this additional information is important so that we may remain at the forefront, in the ACT, in ensuring that we protect these vulnerable members of our community.

To conclude, this is an incredibly important, complex and emotionally charged problem. The Greens believe it deserves nothing less than the closest scrutiny in light of all the available evidence. As the Attorney-General has said previously, this bill is about our most vulnerable and valuable residents, our children, and any scheme that seeks to protect them deserves our full attention and our full support.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.41): On 28 October, the government introduced the Crimes (Child Sex Offenders) Amendment Bill 2010 to the Assembly. This bill updates the Crimes (Child Sex Offenders) Act 2005 by amending the list of offences that require a person to be registered on the ACT's register of child sex offenders following the person's conviction for a scheduled offence.

The ACT government is strongly committed to the protection of our children. Those traits which we cherish in our own children—their innocence, trust and vulnerability—are also qualities that are preyed upon by offenders with the most evil of intentions. Sexual crimes committed against children create immeasurable consequences for the victim, their family and our community. These crimes warrant the specific monitoring and reporting measures imposed by our child sex offender register, which requires offenders to keep police informed of personal information for a period of between four years and life when they are released into the community.

This personal information includes the offender's name, date of birth, address, the names and ages of children that the person generally lives with and any child the offender has regular unsupervised contact with. The information on the register also extends to employment details, any clubs that the offender is affiliated with, tattoos or permanent markings, travel plans, vehicle details and details of any corresponding offences. Apart from the reporting obligations in the Crimes (Child Sex Offenders) Act 2005, the act creates specific offences to prevent registered people from engaging in certain conduct. The act prevents registered child sex offenders from working in child-related employment and offences for failing to report to police.

The commonwealth government is responsible for criminalising the sexual assault and exploitation of children that occurs across Australian jurisdictions and internationally. Recently, the commonwealth has extended its criminal offences relating to sexual offences against children. The commonwealth has introduced new offences for Australians who deal in child pornography and child abuse material overseas. The commonwealth has also strengthened child sex tourism offences by introducing new offences for the preparation steps that precede sexual activity with a child.

As a result of the commonwealth amendment, the ACT must now amend our act to ensure that the new and amended commonwealth offences are included on our schedules of registrable offences. Otherwise, those offenders convicted of the new and reformed commonwealth offences will not be eligible for registration in the ACT. Such offenders would be, in the absence of these amendments, able to travel under the radar.

This bill proposes amendments to the class 1 and class 2 schedules of registrable offences in the Crimes (Child Sex Offenders) Act 2005. The amendments include the

revision and introduction of seven class 1 offences. Class 1 offences are serious offences that include sexual intercourse offences with a child or the sexual abuse or murder of a child, where the murder involves an express sexual element. The bill also proposes the inclusion and revision of 28 class 2 offences. These offences include sexual activity with a child outside Australia, procuring a child to engage in sexual activity outside Australia, and preparing to engage in child sex tourism.

The updating of the schedules of offences which require a convicted offender to be included on the child sex offender register sends a strong message that criminal conduct involving sexual offences against children is not tolerated, and that the consequences of this offending will extend many years beyond a prison sentence. I commend the bill to 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) (10.45), in reply: I would like to thank members for their support of this bill. The government is strongly committed to ensuring that our laws effectively manage convicted child sex offenders.

As has been described to the Assembly, the bill updates the lists of offences that require a person to be included on the ACT's child sex offender register following their conviction for a scheduled offence. This bill is one of a suite of recent reforms in the territory to ensure that we have a robust child sex offender legislative scheme.

The bill updates the list of registrable offences in the Crimes (Child Sex Offenders) Act 2005. If a person is convicted of a registrable offence, the person is required to be included on the ACT's register of child sex offenders.

These are essential amendments that will allow police in the ACT to effectively monitor and supervise convicted child sex offenders. It is critical that our own child sex offender register keeps pace with commonwealth developments, given the growing use of the internet to groom children and to procure sexual activity with children, including such offences taking place outside Australia.

This amendment follows the recent changes to the Crimes (Child Sex Offender Register) Regulation 2005. This regulation was amended to prescribe a number of authorised entities to whom police can disclose information from the child sex offender register. This information can only be disclosed in certain circumstances, including for the purposes of verifying information on the register or for the investigation and prosecution of offences.

The amendment to the Crimes (Child Sex Offender Register) Regulation 2005 also removed any doubt about the disclosure of information between Australian police agencies and to the Australian Customs and Border Protection Service.

The ACT government is dedicated to protecting children from unthinkable sexual abuse. In addition to prescribing the entities to whom the information may be disclosed, the government has also recently tabled the Criminal Code Amendment Bill 2010. This bill inserted a general defence of lawful possession in chapter 2 of the Criminal Code. This is the bill that the Assembly has just dealt with.

The new defence of lawful possession will apply specifically to those people whose work contributes to the operation of the criminal justice system, and who, through their work, are required to be in possession of child exploitation material.

One of the reasons for establishing this offence is the establishment of a national child exploitation tracking system and the Australian National Victim Image Library. The National Victim Image Library is a tool to combat online paedophilia, which will aid the identification of child victims and offenders.

These recent reforms are evidence of the ACT government's commitment to protect our most valuable citizens, our children, from the most horrendous of crimes. The government will continue to update and reform our legislation to ensure that the ACT continues to have effective child protection legislation.

At this point, it is also worth making some observations about the work of ACT Policing in this area. I am very pleased to see that ACT Policing continues to provide dedicated information and education programs in our school environments, teaching both primary and high school students about the risks and hazards of participating in the online environment and what steps they need to take to keep themselves safe.

In particular, I commend ACT Policing for the work they are undertaking through the "ThinkUKnow" initiative, which outlines to young people and children, indeed primary school children as well as high school age young people, the risks involved in participating in online social media, how they need to protect their personal details and information, how they need to be aware of the types of images that they post online and the impact they can have, and how they can act to prevent themselves from becoming a victim of abuse from online social media. This is a very important initiative and supports hand-in-hand the law enforcement activity that is engaged in by our police and other law enforcement agencies, and which is supported by this legislation.

The government maintains a strong interest in continuing to reform and enhance existing legislative measures to address child sex offender behaviour. As we speak, the government is participating in national discussions to determine if further reform is required to the existing child sex offender registers across Australia. Given that these registers rely on mutual recognition, it is imperative that issues of uniformity of laws are discussed and resolved at the national level.

I would observe that there has been some commentary in the media recently about some differences that have emerged in these schemes between and across jurisdictions. About half of the states and territories have enacted some differences to the national scheme, which is leading to observations from the Ombudsman and others that some elements of the ACT scheme are not consistent with elements of schemes in place in other jurisdictions. This is, indeed, the case, but, unfortunately, it is because some jurisdictions have chosen to move beyond the nationally agreed reforms that are coordinated through the ministerial council on police, on which I represent the ACT.

The government remains committed to implementing nationally consistent laws to protect our young people and children from child sex offences and to monitor and

keep under appropriate observation those convicted of child sex offences. For this reason, and because of the need to ensure mutual recognition of laws across state and territory boundaries, the territory will continue to adopt the position that any changes to our laws should be done on a nationally consistent basis to ensure that laws remain operable and easy to understand across all jurisdictions and can be most effectively implemented by police as a result.

Therefore, at the conclusion of a national discussion on these matters, the government expects to be in a position to take a decision on whether further amendments to our child sex offences are required. I will be pleased to keep the Assembly informed of progress.

These are important reforms and changes to our laws when it comes to the monitoring and addressing of child sex offenders related legislation. I would like to thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **First Home Owner Grant Amendment Bill 2010**

Debate resumed from 28 October 2010, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.53): The opposition will be supporting this bill. I would like to thank the Treasurer's office for arranging a very useful briefing on this bill, and the staff that attended and supplied a great deal of information.

This bill contains three amendments. Each of the amendments is related to the objective of implementing a national first homeowner grant scheme, and given the emerging issues in achieving a national occupational health and safety scheme, we trust that this exercise will be successful. It is important not only to have consistency across the jurisdictions but to ensure that people cannot abuse a program by taking advantage of differences between jurisdictions.

The first amendment deals with an applicant for a grant who does not satisfy the conditions under which a grant can be approved. In principle, if an applicant does not satisfy one or more of the conditions attaching to the making of a grant, that person is obliged to tell the Revenue Office what has happened and to repay the grant. If the applicant does repay the grant and also repays any penalties, including interest, that person is eligible then to reapply for a grant. In such a situation, the person would not be liable to be convicted of an offence.

An important feature of this amendment is that, if the person failed to satisfy the conditions for a grant in another jurisdiction and then made appropriate reparation, the person could reapply for a grant in the ACT. That person benefits from acknowledging the problems that arose with the initial grant by being able to reapply in any jurisdiction.

I should note that we were told that the ACT is the last jurisdiction to implement this provision, and, in principle, of course, we would support the notion of having uniform programs across Australia.

The second amendment concerns a person who knowingly breaks the law. A person who applies for a grant and who provides false or misleading information in either the application process or in relation to the conditions that must be satisfied after receiving the grant is liable to be convicted of an offence. If a person is so convicted, that person will be unable to reapply for a grant in any jurisdiction. Again, this provision is clearly intended to apply across Australia and, in this instance, the ACT will be the second jurisdiction after Western Australia to put this provision in place.

I did raise the question of whether there was a national register of people who had been convicted of an offence with respect to first homeowner grant schemes. The advice I have received is that there are various national databases that can be accessed to check whether a person has been convicted of an offence in another jurisdiction. There is also a national online database with details of all grants that have been paid in Australia and details of grants that have been repaid and associated penalties and court action.

As well, the Revenue Office monitors relevant court decisions and also uses its own national revenue office network to exchange information on the first homeowner scheme.

The third amendment will place a ceiling or cap on the maximum value of a property for which a first homeowner grant can be sought. This amendment derives from the intergovernmental agreement on federal financial relations under which all jurisdictions agreed that caps should be introduced. This agreement specifies that a property value cap cannot be less than 1.4 times the median house price in the capital city of the jurisdiction. It is proposed that the cap in the ACT will be \$750,000. That is the same cap for all other states except South Australia, where the cap is \$575,000. I would suggest that that perhaps reflects the value of homes in that state.

If this bill is passed, the cap provisions will apply from 1 January 2011. I did raise the issue of how many applications would be subject to the cap. The advice that I received was that in most years there have been between one and 13 applicants for properties with a value over \$750,000. In the most recent financial year, however, there have been 28 properties that exceeded \$750,000, or 0.9 per cent of all applications.

I have to say that I had some concerns that imposing a cap might simply be a substantial increase in regulation for a small gain. On reflection, one can see the logic

of the proposal. It is interesting, though, that when you go through them year by year, in the 2000-01 financial year there was one; in 2001-02 there were two applications; in 2002-03 there was one application that got over the threshold; in 2003-04 it was six; in 2004-05 it was six applications; in the 2005-06 financial year it was five applications; in 2006-07 it was seven; in the 2007-08 year it was 13; in 2008-09 it was eight; and in 2009-10 it was 28. So they are relatively small numbers.

I did ask the question: was there any analysis of whether these were rich people or rich kids or kids of rich people or whether, in that number, there were people of modest means who, through thrift and hard work, had managed to purchase the home of their dream in a more desirable location? Unfortunately, that data has not been available. Given that it is a national approach, it is logical that the ACT accept that approach at the same level that has been set in other states.

I note that the government wishes this bill to be dealt with in the sitting following the introduction of the bill. In this case, I am prepared to support this approach, as the proposals are relatively minor, and their implementation from 1 January 2011 will facilitate a national uniform scheme, and this will benefit prospective applicants across Australia.

I also note that we agree with the government's proposed amendments to clarify that each of these three amendments will apply from 1 January 2011. Mr Speaker, we support the bill.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.59): The first homeowner grant scheme is an initiative with a very interesting history. The scheme has been the subject of considerable criticism and controversy, including the very important High Court case on freedom of information, *McKinnon v Secretary Department of Treasury* in 2004. The then federal Treasurer Peter Costello's decision to issue a conclusive certificate on Treasury data on the scheme gave rise to significant concerns about the scheme very early on. We now know after 10 years of operation that the scheme has not been successful and has not assisted those who really need it.

Ten years on, with more than \$10 billion spent nationally by state and territory governments, \$187 million of that here in the ACT, and with the benefit of reports from the Senate Select Committee on Housing Affordability in Australia, the Productivity Commission and now the OECD, it is appropriate that we carefully consider the efficacy of the scheme and have a serious look at whether this expensive scheme is actually delivering a benefit to the community.

All these reports I mentioned found that the scheme is not as successful as it had hoped to be. Most recently, the OECD report found that "subsidies to demand benefiting first homebuyers should be phased out, and redirected to raising supply". If our objective is affordable housing, as it should be, what this means is that we should use these funds for initiatives that actually increase the availability of affordable housing and do not just inflate the cost of housing for everyone.

The Greens support capping the scheme, so we will be supporting the bill today. We also support the other small changes to make the eligibility requirements the same as

in other states. However, whilst we are pleased that a cap is being imposed, our view is that it should be lower than what is being proposed. In the detail stage I will be moving an amendment to the proposed cap.

The Greens also support means testing the scheme. It defies common sense that the intergovernmental agreement specifically provides against means testing, and I ask the minister to justify why it is that first homebuyers fall into a particular category that warrants a government handout irrespective of their income or other assets. What is the reason for this and how does it help the ACT community? I can see no justification for an open-ended scheme that hands out money to people irrespective of whether they actually need it or not.

The first homeowner grant scheme was introduced on 1 July 2000. The original justification was to offset the effect of the GST on homeownership. In 2008-09, 80 per cent of the grants paid in the ACT were for existing homes. I think nationally the number is closer to 90 per cent. As no GST is payable on the purchase of existing houses and there is no evidence that GST payments indirectly affect existing house prices, it is hard to see how it could possibly be said that the function of the scheme is to compensate for the GST.

The accepted policy objective now is to encourage and assist homeownership and help first homebuyers get into the market. In the last financial year the ACT spent around \$23 million on a scheme that the Productivity Commission, along with every other economic commentator I could find, found has increased house prices. The Productivity Commission also said "the case for providing direct financial assistance to foster homeownership is not strong". As I said, the OECD has since gone one step further and said the grants should be phased out altogether.

The Senate committee recommended that there should be a comprehensive review of all government initiatives aimed at improving housing affordability. In addition, the Productivity Commission also found that, while conceived as compensation to first homebuyers for the introduction of the GST, the funding might provide a greater return to the community were it redirected to support the housing needs of low income households in rental, public or community housing.

If governments wish to continue to assist first homebuyers directly, a scheme along the lines of the existing first homeowner grant has attractions in terms of administrative simplicity and flexibility. But a greater impact on homeownership levels could be achieved if that assistance were better targeted at lower income households, with assistance rates commensurately increased. Targeting would be best implemented by limiting support to those purchasing homes valued below regionally differentiated price ceilings.

It is somewhat concerning that the limit being proposed in this bill directly contradicts this finding by aligning us with other state caps for no real reason and not focusing on the actual price of homes in Canberra. Again, this is from the Productivity Commission:

Measures that increase purchasing power will tend to increase house prices, particularly if there is limited capacity to augment supply in response to the

ensuing increase in demand. This will benefit existing home owners at the expense of those seeking to purchase, including first home buyers.

The Reserve Bank in their evidence to the Senate committee inquiry agreed with this statement and argued that, as a supply strategy, the first homeowner grant is inefficient and inflationary. The Reserve Bank said:

... it is now widely accepted that policies that simply give people more money to spend on housing are likely to be capitalised into higher housing prices.

The Australian Council of Social Service CEO, Clare Martin, has also raised concerns about the impacts and equity of the scheme. The Greens share these concerns and highlight the Productivity Commission finding that a greater community benefit would be realised if it were redirected to support the housing needs of low income households in rental, public or community housing. The scheme has not delivered higher rates of homeownership and has done absolutely nothing to assist those who simply cannot afford to buy a home.

This is significant expenditure, and I would very much like to ask what analysis has been done and what are the costs and benefits to the ACT of this scheme. It seems to me that we are just blindly following and no-one has been listening to the chorus of criticism from some of the most highly respected economic minds in the country and now internationally.

The irrationality of the expenditure is only augmented by the economic climate we find ourselves in. Global uncertainty and now a reduced GST revenue forecast for the ACT mean we need to be even more careful in our expenditure decisions. An open-ended scheme with no demonstrable benefits seems far from prudent economic management.

The Greens do not oppose the grant entirely, but, given the overwhelming evidence, our view is that we must evaluate the scheme in the context of our broader affordable housing strategy. The opportunity cost of the scheme is significant. Think what could be done for public housing with that money and the impact that would have on rental demand and rental affordability.

The government is currently undertaking an internal review of its affordable housing strategy, and the Greens agree that a comprehensive review needs to be undertaken. We do need to have a comprehensive look at our strategy. This should be a public process, and it should include all the initiatives around both homeownership and rental affordability. This includes the first homeowners grant and the stamp duty concession scheme, as well as other government charges and assistance schemes.

The Greens support initiatives that assist people to move into homeownership, and we would very much like to see a comprehensive plan that is effective, efficient, targeted, proportionate and actually assists people improve their circumstances and enjoy the benefits of homeownership.

The ACT already has a much more targeted and effective assistance scheme. That is the stamp duty concession scheme. The scheme is capped at the median price and is means tested. This is a much more effective way of providing assistance.

I asked the government in a briefing about the links between these two schemes, and their response was that they had no idea. The information is on separate databases and no cross-referencing has been done. It does seem odd that we would not want to know who is accessing the respective schemes and how much crossover there is.

As I said, a cap on the scheme is a good first step. What we need to do now is have a genuine and thorough inquiry into affordable housing in the ACT, including inquiring into the effectiveness of the first homeowners grant.

**MS GALLAGHER:** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.08), in reply: I thank members for their comments and for their support for this bill. This bill makes three changes to the First Home Owner Grant Act 2000. The changes to the First Home Owner Grant Act are designed to ensure the grant remains available to first homebuyers in the ACT most in need and that the administration of the scheme continues, where possible, to be uniform across jurisdictions.

These changes are also consistent with the principles of the intergovernmental agreement on federal financial relations, and the ACT government continues to provide various housing affordability initiatives, such as the homebuyer duty concession scheme, deferred duty options, land rent and mortgage relief. These financial concessions to first homebuyers help to ease the up-front costs of homeownership in these difficult times.

Housing affordability remains a priority for this government. Since the release of the affordable housing action plan in 2007, the government has successfully worked together with the community and industry to deliver all 62 initiatives. We have seen record releases of residential land, with 20 per cent of all new developments now required to deliver house and land packages for \$328,000 or less. The homebuyer concession scheme and the pensioner duty concession scheme are updated every six months to ensure they remain current. A \$40 million equity boost has been injected into community housing, and a \$50 million loan facility will allow more Canberrans to access affordable housing.

The government is continuing to build on these achievements to meet the housing needs of older Canberrans and the homeless. The first amendment to the First Home Owner Grant Act will allow an applicant to be eligible to apply for a further grant if the original grant, together with any penalties and interest, has been repaid. An applicant is still required to meet other eligibility criteria of the grant.

The second amendment is aimed at discouraging homebuyers from providing false or misleading information. If an applicant has previously been convicted of an offence under the ACT's First Home Owner Grant Act or a first homeowner grant act in another jurisdiction, they are ineligible to receive a further grant.

The final amendment introduces a first homeowner grant property value cap of \$750,000. This is equal with New South Wales, Victoria, Queensland, Western Australia and the Northern Territory. South Australia has introduced a property value cap of \$575,000. This amendment will also ensure that the scheme is more targeted to the first homebuyer in need of assistance. The ACT first homeowner grant cap applies to eligible transactions that commence on or after 1 January 2001. I commend the First Home Owner Grant Amendment Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.12): Pursuant to standing order 182A(b), I seek leave to move an amendment to this clause. It is minor and technical in nature.

Leave granted.

**MS GALLAGHER:** I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendment [*see schedule 1 at page 5486*].

This amendment is technical in nature and clarifies the policy intention. The only change to this provision is that it inserts a commencement date for the new provision and clarifies the operation of the provision for eligible transactions before the commencement of the amendment.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.13): I move amendment No 1 circulated in my name [*see schedule 2 at page 5486*].

As I said in the in-principle debate, there is a significant concern about the efficacy of the scheme. It does not achieve the aim now assigned to it. The scheme costs the ACT a significant amount of money at a time when we particularly need to be prudent in

our expenditure decisions. This is money that could be put to a far better use that would make a real difference for many Canberrans who need it most.

It is well accepted that the grants have had an inflationary effect on house prices. Given that house prices have risen very significantly during the life of the grant scheme, it is not possible to determine how much of the rise can be attributed to each of the various factors, but it has been almost universally accepted that the scheme has played a part in inflating house prices. The median price of established house transfers in Canberra is \$550,000, according to the Australian Bureau of Statistics March quarter 2010 report, which is the most recent available as June quarter results have not yet been published.

What the scheme should do is help those who would not otherwise be able to purchase a home. Above the median house price, the grant makes no difference as to whether or not someone would buy a home. Below that price, it can at least be reasonably argued that it does make a difference to realising homeownership. The amendment will save around \$2 million annually, which could be better spent on alternative housing initiatives that deliver real benefits to those who are in real need of housing assistance here in Canberra.

It is universally recognised that the scheme should be more targeted. What this amendment does is restrict the grant payments to a level where at least it can be argued that it will make a difference. We know that a whole range of initiatives will be necessary to tackle housing affordability and this is just the first step that identifies some money that could be better allocated to tackle that issue.

As I said, what we should do now is ensure that the scheme is part of a comprehensive review of our affordable housing strategy. The finding of that review can then inform the debate on further amendment to the scheme, as well as other affordability strategies to ensure that we have an effective, consistent and cohesive scheme that delivers real outcomes for Canberrans.

The proposed amendment recognises the overwhelming weight of evidence that unequivocally says that the scheme should be wound back, or phased out completely, in favour of more effective and targeted policies that would deliver a far greater benefit to the Canberra community. But, of course, in this case, my amendment is to lower that cap. I hope that other members in the Assembly will support the amendment.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.16): The government will not support the amendment to cap the value of the grant at a property value of \$550,000. We did move the amendment to the act to have \$750,000 put in it as the cap. This was done in relation to some consistency across jurisdictions. It was not being implemented as a way to minimise significant access to the first homeowner scheme. I think that if you extended it to \$550,000, you would affect hundreds of transactions every year. The first homeowner scheme usually involves around 2,900 applicants and those over 750 are very minor—I think about one per cent of the applicants. If you are extending it right down to 550, you would deny potentially hundreds of first

homeowners the opportunity to get an up-front payment to support the costs of getting into homeownership.

It would also be against the IGA, which the ACT government is a signatory to, which allows the states and territories to set a first homeowner grant property value cap at not less than 1.4 times the relevant jurisdiction's capital city median house price. For this, the lowest cap we could introduce would be \$672,000, which is 1.4 times \$480,000, which is the median house price in Canberra based on the ACTPLA sales data at the end of June 2010. The Greens' amendment to cap it at 550 is clearly well below this limit and would not meet the terms of the IGA. I think the government's intention was not necessarily to restrict access to the scheme. The amendment was around providing consistency across jurisdictions for access to the scheme. This is what is achieved by a cap of \$750,000.

Apparently in my closing speech I said that the amendment would commence on or after 2001, instead of 2011. I just clarify that for members.

**MR SMYTH** (Brindabella) (11.19): We are very relieved at that correction. The opposition will not be supporting this amendment. Ms Hunter, in her speech, challenged the Treasurer to present the data in her analysis. I would challenge Ms Hunter to do the same. We hear bold assertions, but we are never given the benefit of the data to back up those assertions. It would be interesting to see if Ms Hunter can back up what she has just said.

I raise the point: if you wanted to purchase your first home in the inner city, it would be far more expensive than perhaps a block at the bottom of Tuggeranong or the top of Gungahlin. If you make a decision, for instance, that you want to be a one-car family or a no-car family, which apparently is dear to the Greens' hearts, and therefore you choose a location that allows you to be close to public transport, to the schools of your choice, to the shops of your choice and to the community of your choice, often that will be in and around the city, and that is a far more expensive place to purchase a home.

If you have actually struggled and done the right thing and you want to make choices based on some of the things that apparently the Greens hold dear, you will have to pay a higher price for those locations. It is logical. We all know the prices in those locations are much higher than in the outer suburbs. But, according to this amendment, you are then excluded from the assistance to achieve that. It is important that if the Greens are going to put forward these amendments they actually back it up with data.

Where is the analysis on the cost of getting into the inner city as opposed to getting into the outer suburbs? I have not seen that. If we are serious about encouraging people to be one or no-car families, should they not get some assistance as well? There are many questions that are raised by the Greens' amendment. I assume at the time it probably sounded sane, it looked good and it might have even made you feel good, but if we are trying to encourage families to live a different lifestyle then perhaps some assistance in that regard might be useful to those families to meet those ends. In that regard we will not be supporting the amendment.

**MS BRESNAN** (Brindabella) (11.21): I want to respond to some of the points which have been raised by the Treasurer and Mr Smyth. Firstly, there was a point made that this was done to have consistency under the intergovernmental agreement. We have deviated from these agreements in the past. An example is the national registration accreditation scheme for health. We have put in our own provisions there. There are also other instances. In terms of the industrial relations harmonisation with New South Wales, they are going down a different path. There are actually provisions for us to do this with intergovernmental agreements.

I think the issue we need to consider, which Ms Hunter raised in her speech, is that we have an obligation to the ACT to act in the best interests of the ACT. All the evidence on this scheme shows that it is not in the best interests of the ACT community. We have an obligation to act on that evidence. We have not had any evidence put forward to say how this is in the best interests of the ACT. I think the question that we have to ask is: why is it in our best interests, given the evidence which Ms Hunter has outlined? Mr Smyth has said, "The Greens don't have any evidence about this." Well, we have the Reserve Bank of Australia coming out about this scheme. We have the Productivity Commission, the OECD and the Senate inquiry—

**Mr Smyth:** No; I asked for your analysis on the \$550,000 cap.

**MS BRESNAN:** There is your evidence, Mr Smyth. Are you saying that you do not—

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

**MS BRESNAN:** There is your evidence, Mr Smyth—

**Mr Smyth:** Just twist it again. Twist it to suit yourself.

**MS BRESNAN:** Are you saying that you do not respect the work of these organisations—that they are not good enough to provide evidence to you?

**Mr Smyth:** No, no, no. You didn't listen. I talked about the 550 cap. You should listen.

**MR SPEAKER:** Order!

**MS BRESNAN:** Thank you, Mr Speaker. No, I did listen to you, Mr Smyth—

**Mr Smyth:** No, no, no. You didn't.

**MS BRESNAN:** And I am just reiterating—

**Mr Smyth:** Clearly not.

**MS BRESNAN:** I am just reiterating the organisations which Ms Hunter has outlined. So there is your evidence. Again, on the point of the intergovernmental agreement, it

is something we have deviated from before so it is not a reason to be used as to why we should be signing up to this scheme.

Amendment negatived.

Clause 7 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

## **Housing—public and community Ministerial statement**

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women), by leave: Arising from the budget estimates hearings in May of this year, I undertook to address the Assembly on public and community housing in the ACT and the various approaches of other states and territories.

There are approximately 360,000 units of social housing in Australia made up of 320,000 public housing stock and 40,000 community housing stock, including Aboriginal-managed housing. This is a huge national asset and it needs to be well managed.

The national investment in housing provided under the national affordable housing agreement and its associated national partnership agreement is almost \$10 billion over five years. An additional \$5.64 billion has also been provided to states and territories through the nation building and job plans, an unprecedented level of investment in social housing.

These agreements commit governments at all levels to deliver fundamental reform of the social housing and homelessness landscape. Housing ministers have already provided a substantial report to the Council of Australian Governments on the progress of the reform under the national affordable housing agreement, and I commend the report to members, which is available on the COAG website.

Today I will focus on two key areas of this national reform agenda. The first is the ACT and other jurisdictions' approach to the growth of community housing as required under the national affordable housing agreement. The second is the increased targeting of public housing nationally and the financial and social pressures this targeting puts on the public housing system.

I will go on to outline how the ACT has argued for funding reforms to address these pressures and show how the ACT has maintained stock numbers and, indeed, grown stock numbers despite the perverse incentives that the commonwealth provides to reduce stock numbers. The conclusion the Assembly must draw is that the ACT continues to be at the forefront of the reform agenda, providing improved housing and support services, more housing and better outcomes for clients.

Strengthening and growing the community housing sector is an explicit objective of the reforms agreed by COAG, which are being delivered by housing ministers under the national affordable housing agreement. Housing ministers have agreed that up to 75 per cent of housing stock constructed under stage 2 of the \$5.64 billion nation building and jobs plan will be transferred to the community housing providers by 30 July 2014, and that jurisdictions and the commonwealth will develop over time a large-scale, not-for-profit sector in Australia comprising up to 35 per cent of social housing by 2014.

My predecessor, John Hargreaves, strongly represented the interests of small jurisdictions on this issue and achieved the following important concessions: that community housing growth should not occur through the loss of overall stock numbers in public housing, that public housing must still be viable, and that there should be no reduction in the capacity overall to house priority clients into the future.

These are ambitious targets for growth, and to achieve it, there is a significant focus on strengthening the role and capacity of community housing in the not-for-profit sector nationally. The community housing sector in each jurisdiction varies greatly, and the commonwealth has acknowledged that each jurisdiction will require individual plans for community housing growth in recognition of the specific circumstances in each jurisdiction.

The sector in the ACT is very small, with fewer than 400 tenancies compared to the 11,200 tenancies in public housing. This arrangement is largely historical and reflects the vital role of public housing in building the Canberra community. The aim of these reforms is to develop a strong, vibrant community housing sector that affords customers the opportunity to make a genuine choice over their landlord and to drive up the quality of service delivery by introducing competition, including competition for capital funding. The growth in social housing stock will also be supported through the higher rents charges—up to 75 per cent of market rent, tenant access to commonwealth rent assistance and lower taxation arrangements through exemptions from income tax and GST.

There will be new players in this space who have expertise in other types of social housing and other types of supportive housing. The commonwealth's national rental affordability scheme has attracted several large welfare and church organisations for whom social housing has not to date been a core part of their business. These organisations bring considerable capability and substantial assets, including land holdings, which would accelerate growth across the sector.

There are now a small number of growth providers in community housing, and they have grown steadily over the past three years and will receive a significant boost through the national rental affordability scheme and the transfer of stock funded under the social housing initiative and the nation building economic stimulus plan. These two measures alone will roughly double the number of community housing dwellings and take a proportion of social housing stock in community housing hands to around 15 per cent nationally. This will provide a solid base for further expansion of the sector.

However, the objective of creating a diverse and growing community housing sector will need to be carefully balanced against the risks of transferring title of potentially up to \$20 billion worth of public housing asset to community housing providers nationally. This investment in the community housing sector must deliver sustainable growth. Sustainable growth means that providers are able to provide high quality and responsive housing services into the future and have the portfolio and rent structures to enable it.

It means that providers are able to maintain and manage their assets. It also means that they are able to utilise their rental income stream and asset base to increase their portfolio. The best option will be a phased-in approach of community housing progressively assuming responsibility for a tenancy management role up to 35 per cent of social housing stock over the next five years, with transfer of title contemplated once effective regulatory systems are firmly in place and providers establish a clear record against agreed performance benchmarks.

Substantially greater tenancy management responsibility will need to be underpinned by a strong regulatory framework and integrated waiting lists for social housing at each place in each jurisdiction. The ACT, like other jurisdictions, will grow the community housing sector under the national building economic stimulus plan, and the ACT is one of the first jurisdictions in Australia to pass legislation for a regulatory framework, preceded only by Victoria and New South Wales.

The framework will oversight support provided to CHC Affordable Housing under the government's affordable housing action plan 2007. It will also protect the dwellings constructed and/or managed by affordable and community housing providers under the nation building and jobs package.

These measures will provide protection for government assets, tenants and the viability of the sector and provide reassurance to investors. The ACT's focus for community housing is to ensure viability and capacity for growth, which contributes to increased housing supply overall, underpinned by strong regulation. This is consistent with the ACT's own affordable housing action plan.

Using the commonwealth's stimulus funding and the land provided for free by the ACT government, Housing ACT will deliver an additional 421 dwellings by July 2011. With the targeting of Housing ACT's normal capital program, the total number of dwellings delivered increases to 507. Two hundred and ninety seven of the dwellings will be constructed on the community facilities land transferred to Housing ACT from the ACT government at no cost to Housing ACT. Control of 109 of these newly constructed units on the community facilities land will pass to the community housing sector. This will provide a significant injection of properties into the community housing sector and enable new, national providers to enter the ACT market and enhance sector capacity. This includes the Salvation Army and Blue CHP.

We must be clear that the stock transfer alone will not deliver effective and efficient community housing. There is considerable work still to be undertaken both within the ACT and nationally to ensure the quality of community housing is adequate and that it

operates as a viable sector, not reliant on government funding alone to deliver additional properties. The ACT has a strong legislative regulatory framework, and providers receiving nation building properties will become registered and take allocations from the social housing register.

So what is happening elsewhere in Australia? South Australia has entered into an agreement with the commonwealth that it will transfer up to 75 per cent of stage 2 of nation building and jobs plan stock to preferred growth providers by 2012, and in July 2009, 18 organisations accepted the offer of preferred growth provider status. These properties will not receive any ongoing government subsidy, and the growth providers will be able to retain 100 per cent of the rental income and fund maintenance and operating costs through the rental income received.

Queensland has identified two options for increasing the scale of the not-for-profit sector: firstly, capital grants to non-government organisations and head leasing or title transfer to non-government organisations; and, secondly, transfer of existing social housing currently directly managed by the state to the not-for-profit sector. Combining strategies could accelerate growth.

The not-for-profit sector in Queensland is mainly small organisations with very small numbers of properties. Queensland has over 300 registered providers. Outside the remote communities, only a handful of organisations have more than 200 properties under management. There are very few organisations solely dedicated to the provision of social and affordable housing. While the nation building and jobs plan injection for a small number of organisations will result in rapid growth, it is not without risk, both for the organisation and for social housing in Queensland.

Under the nation building jobs plan, over 4,000 new additional dwellings will be added to Queensland's social housing stock. Queensland must focus on ensuring the new homes are built in areas of unmet need for social housing, which has resulted in the state maximising the stimulus effort right across the state, particularly in regional areas. Through this process, Queensland has gained the greatest level of involvement of the not-for-profit sector in the development and construction of new dwellings in all jurisdictions across Australia.

The sector is providing a contribution of over \$50 million in value to the Queensland program. The sector will own approximately one-third of the properties from the outset, and the balance will initially be owned by the department and head leased to organisations with a view to transferring title in the future. At the affordable housing end, of course, the Brisbane Housing Company is well known as a vehicle of the Queensland government and the Brisbane City Council.

Western Australia is finalising its five-year community housing growth strategy. Western Australia is attracted to the community housing sector's ability to unlock the equity in its housing assets to attract finance from bank and other investors and its access to a number of other cash flows and tax benefits which support the growth agenda. The Western Australian Treasury Corporation modelling has identified that for every \$1 of investment provided by government, the community housing sector can provide \$1.20 return by way of making additional social and affordable housing.

Up to 75 per cent of stage 2 stimulus housing will be transferred to the community housing sector for the purpose of growth through the request for proposal and transfer of freehold title of social housing initiative dwellings to community housing organisations. The WA Department of Housing registered growth and preferred providers were invited to bid for six packages, divided by geographical region, and clearly outline how they would achieve growth in social and affordable housing from each of these packages.

Western Australia is concerned that it does not yet have the regulatory framework to manage the risk associated with the title transfer. Western Australia is also using direct funding grants to community housing providers for stage 2 stimulus construction. In addition, it is also working with community housing providers and developers who have formed strong partnerships.

Victoria and New South Wales have legislation in place to regulate their community housing providers and are homes to the few national growth providers. Victoria has a very robust regulatory framework which has been in operation for over four years. The Victorian regulatory system has extensive intervention powers, including the power to order mergers between providers.

Approximately half of the community units in Victoria are leased from the Victorian government, while providers hold title to the remainder, mostly subject to a director's interest held by the Victorian Director of Housing. In Victoria, community housing providers are developing approximately 2,400 units under the nation building plan which they have title to, subject to a director's interest. This amounts to approximately 52 per cent of Victoria's nation building units. There is also potential for some additional units to be transferred to the sector by the Director of Housing. Given the size and capacity of their sectors, this additional investment will create a strong platform for growth.

A regulatory framework commenced operations in New South Wales in 2009, and has so far registered 116 organisations, with a further 219 organisations to be assessed by May 2011. New South Wales amended its legislation this year to introduce some intervention powers, enabling it to require organisations to appoint special advisers to their boards in particular circumstances. New South Wales has 20,000 units under community housing management, 15,000 on lease from the New South Wales government and 5,000 rented on the private market with a rental and management subsidy from the New South Wales government. The total number managed by community providers will grow to approximately 26,000 by late 2011, due to further transfers from public housing. New South Wales will transfer most of its nation building properties to the community housing sector.

We all want a strong and vibrant community housing sector and we all want to provide choice for tenants. It is therefore crucial that community housing be able to meet the depth and breadth of need, including serious and complex need. This, of course, brings me to the largest service provider for complex need—our public housing system.

Public housing is a finite resource—320,000 properties nationally, five per cent of the total housing stock in Australia. In the ACT, public housing accounts for eight per cent of stock. To allocate it in a fair and transparent way, all housing authorities have criteria for allocation and they all have waiting lists. States and territories continue to target public housing to those most in need. Housing is allocated across all jurisdictions on a priority needs basis. As a consequence, the proportion of newly assisted households that are in the greatest need has steadily risen.

The ACT has created 557 new public housing tenancies in 2009-10, and 89.2 per cent of these were allocated to people in the greatest need from the public housing register. This rate of priority allocation was second only to Tasmania, which allocated 94.8 per cent of its 291 new allocations to people in the greatest need. This targeting to highest need also influences the ability of housing organisations to be responsive to people's changing housing needs over time. So when we look at the total number of people housed in the ACT for 2009-10, we see that 83 per cent of these were people off the priority or high-needs housing list. This means that clients must have crisis or priority response needs to move.

The national average for priority allocations was 74.9 per cent, with Queensland at 87.7 per cent and South Australia at 80.3 per cent—also above the national average—Victoria at 72 per cent, New South Wales at 69.5 per cent, Western Australia at 61 per cent and Northern Territory at 45.7 per cent. They are all well below the national average. New South Wales created the most new households in 2009-10 with 5,851. Victoria established 3,799, Queensland 3,886, Western Australia 2,400, South Australia 2,249, and the Northern Territory 467.

The increased targeting of public housing has led to a more complex tenant population in public housing. In 2009-10 the ACT reached a level where 90 per cent of its tenant population was on a rebated rent. This means their incomes are so low that their rent was more than 25 per cent of their income, so they got a rental rebate from Housing ACT. All jurisdictions face similar pressures, with New South Wales also at 90 per cent and other jurisdictions having a rebated rental population higher than 83 per cent of their total tenant population.

The largest average rebate of \$224.70 per week belongs to the ACT, which is \$97.50 over the national average of \$127.20. Let us stop for a minute to think about that. Public housing tenants in the ACT on average receive rent assistance from Housing ACT each week worth \$224.70. That is a significant level of support, and I am proud to be able to provide it to individuals and families who need it. The New South Wales average rental rebate is \$145.20, by way of comparison, and the Northern Territory's average rebate is \$157.70.

Over time, increased targeting to the most disadvantaged has placed two critical pressures on our system. The targeting of clients, in effect, puts extreme pressure on the rental revenue stream. The complexity of this client group also places upward pressure on the cost of service. Additional resources are required to assess and

manage complex tenancies and their impact on the community, as well as increased costs for maintaining, repairing and upgrading stock portfolio. For the majority of jurisdictions in Australia, except the ACT, the response to these pressures has been to sell properties in order to reduce maintenance and property costs and fund ongoing operational costs. The ACT government has not taken this approach. Stock numbers have been maintained over the life of this government. By the end of the nation building program, we will add over 500 new houses to our stock.

The national funding system provides perverse incentives for jurisdictions to sell stock, and there is no penalty for jurisdictions that have reduced their portfolio over time. The commonwealth government funding of states and territories is allocated on a per capita basis, rather than the proportion of public housing dwellings managed. So the less stock you have, the higher per property share of the available funding there is to maintain stock and support tenancies. This funding system significantly disadvantages the ACT, as we have the highest ratio of public housing stock in Australia and a commitment to maintain the stock numbers.

The 11,500 properties owned by Housing ACT are almost eight per cent of the total dwellings in Canberra, which gives the ACT the highest ratio of public housing in Australia. The ACT continues to press the case for funding reform to remove those perverse incentives to reduce stock numbers, and the funding issue is under discussion and negotiation as part of the ongoing work of the housing ministers under the national affordable housing agreement.

In summary, I have provided a broad overview of some of the major reforms and issues I am progressing with my colleagues under the national affordable housing agreement. With respect to community housing, we are growing and supporting the sector. I have also painted the picture of increasing targeting of public housing and the impact that has on the rental revenue stream of all state and territory housing authorities and the social impact as well.

From creating vibrant community housing organisations to growing social housing stock and supporting tenants and applicants most in need, it is clear that this government is at the forefront of progressive social change.

## **Planning, Public Works and Territory and Municipal Services—Standing Committee Report 8**

**MS PORTER** (Ginninderra) (11.47): I present the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 8—Variation to the Territory Plan No 298—Holt Section 99 Part Block 11 (Belconnen Golf Course)—Structure Plan, Concept Plan and Zone Changes, dated 3 November 2010, including additional comments (Ms Le Coureur), together with the transmittal letter and a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to be able to table this report and the recommendations of the Standing Committee on Planning, Public Works and Municipal Services in relation to the draft variation of territory plan No 298, which proposes to amend the territory plan by changing the PRZ2 restricted access recreation zone on a section of the Belconnen golf course to residential RZ1 zoning. This report was circulated out of session. The change, if approved, will enable a future development application to be considered for a residential development of around 330 aged-targeted dwellings on the site.

The committee received 12 submissions and two additional comments in relation to this matter and held two public hearings. After considering the submissions and the evidence presented to it, the committee formed a view that it was generally supportive of the draft variation.

As I mentioned, the proposed development for the site, if the variation is approved, is to be aged targeted. Therefore, the committee particularly focused its recommendations on ensuring that any future estate development is bus accessible and that ACTION bus services are offered to the estate. The committee also recommended that open space provisions be adequate for the number of dwellings proposed in any estate, that the solar orientation of any development is maximised for block and dwelling design and that mature remnant native trees in good condition are retained. The committee recommended that the variation proceed, subject to the committee's other recommendations as I have just mentioned.

I would like to thank all those who put forward submissions and those who appeared before the committee. I would also like to thank my fellow committee members Ms Le Couteur and Mr Coe, the committee secretary, Mrs Kosseck, and the Committee Office staff for their support. I commend this report to the Assembly.

**MS LE COUTEUR** (Molonglo) (11.50): I would like to echo the chair's words in thanking the secretary, Nicola Kosseck, and Lydia Chung and my fellow committee members for their contributions on this.

In looking at the proposed development in Holt, I think the planning committee has made a valuable contribution towards better development on that site. I agree with the six recommendations that the committee has made and I have had additional recommendations to make as well.

Starting first with the six recommendations that the committee agreed with, we looked at maximising solar orientation. As members may be aware, the draft territory plan variations which would hopefully enforce this are still a long way off. As members may recall, the Greens have a proposal to facilitate more solar access in the ACT through territory plan variations, but the government has not yet chosen to look at a way of moving the solar access away from the more controversial parts of its proposal.

The second recommendation was that there be sufficient open space provisions, which, of course, are clearly necessary. The third and fourth are about bus services. That is

the area where I have most concerns. As this estate is currently planned, no bus services will go into it. There will be a footpath, but it will be over a kilometre from many houses to that bus stop, and it is not a very frequent bus stop. We also recommended that the mature remnant native trees be retained.

Getting back to the major issue around the bus provision, basically, this development does not meet ACTPLA's normal requirements for bus provision, as is detailed in the report. The report spends a couple of pages going through the estate development rules, which say that you need to have a bus stop within 400 metres of the vast majority of development. We do not have that in this development, and we did not have it in the earlier development in Holt that goes between the two parts of the golf course. So I strongly feel that this development should be modified to allow a bus service and that a bus service should be provided.

I note that last month the Assembly passed legislation committing the ACT to a 40 per cent reduction in greenhouse gas emissions by 2020. As the debate made clear, this, while quite possible, is an ambitious target. I think we are going in the wrong direction if we continue to do new developments which do not have public transport provision. Given that the Assembly has recognised the importance of greenhouse gas, it is imperative that we act on this in the future and make sure that we do not plan places that do not have public transport.

The other comments that I made were, as Ms Porter mentioned, that the marketing of this is designed to be age specific. I would be much happier to see a mix of household and dwelling types. I think that in the long run the place would be a lot more sustainable, a lot more vibrant and have a lot better community if there was a mix of people.

I have mentioned that I am concerned about greenhouse gas emissions and public transport. Finally, I think that the development will be considerably improved if the planning minister takes up the recommendations of both my additional comments and those of the committee as a whole.

Question resolved in the affirmative.

**Sitting suspended from 11.54 am to 2 pm.**

### **Document—tabling Statement by Speaker**

**MR SPEAKER:** Members, I would like to make a brief statement regarding standing order 213. On 28 October, Ms Burch was ordered to table a document she quoted from, pursuant to standing order 213. In my statement to the Assembly that day I referred to the practical difficulties posed by the standing order and the broader question of what constitutes a document.

Mr Corbell also referred to the potential impact the implementation of the standing order may have on the effective operation of question time should ministers be liable to table their question time briefs. In addressing Mr Corbell's concern, I draw to the Assembly's attention a quote by a minister in 1995:

There has been an informal agreement in this place that members are entitled to read from briefs or speaking notes without having to table those notes. Where a member reads from, say, a letter or a document, that is another matter. Members would certainly expect to have to table that document if they use it on the floor of the House.

Having reflected on this, I believe that the standing order quite rightly places no restriction on what constitutes a document. It should be open to the Assembly, on a case-by-case basis, to insist that a document quoted from be tabled so that others may judge the veracity of the claims made during the member's speech. However, that decision should be an informed one and, in reaching its decision, the Assembly should take into account the nature of the document and any arguments put forward for not tabling. It does rest upon the member being asked to table the document to make a clear case why the document should not be tabled if that is that member's position so that the Assembly can vote in an informed way on the motion. The member should be explicit about the exact nature of the document.

I accept Mr Corbell's concern and past convention and agree that the standing order generally should apply to a class of documents that are public or official in nature, rather than private speech notes and briefing papers. My intervention on 28 October was solely based on the fact that Ms Burch had evidently not tabled the complete document, contrary to the will of the Assembly. As it stands, the standing order does not give the chair any discretion or guidance once a member moves for the tabling of a document. The decision on whether or not the motion to table is agreed to is a vote of the Assembly. Should members wish to revisit this standing order, the appropriate forum would be the Administration and Procedure Committee.

This discussion has also caused some members to ask what happens in the event a member is ordered to table a document, and that member was in fact reading that document from a laptop computer. My view is that the practical and commonsense response should simply be that, where a member is so ordered, that member should, in a timely manner, arrange for the document or web page to be printed, then return to the chamber and table the print-out as soon as reasonably practicable.

## **Questions without notice**

### **Planning—answers to questions on notice**

**MR SESELJA:** My question is to the Minister for Planning. Minister, I refer to question on notice No 551. This question asked a range of budget-related questions that arose during estimates committee this year. In answer to this question, minister, you wrote: "The answers to these questions have been provided in QON 693 and QON 647."

Question on notice 647 provides part of an answer for one of the points in the question from a previous year, but many others are unanswered and no current details are supplied. Question on notice 693 states:

The Government is not prepared to invest the significant time required to address such questions as it would be too resource intensive and time consuming.

Minister, the question available on the Assembly committee's website has track changes enabled on it. By using this function, it indicates that a complete answer to the question actually was prepared but then deleted. The electronic records appear to indicate that the answer was deleted by an ACT public servant working in your office. Minister, what justification can you provide for an answer to an estimates question to be prepared by your department and then deleted by a public servant working in your office?

**MR BARR:** I will have a look at the questions—I do not have them in front of me—and I will come back to the Assembly.

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

**MR SESELJA:** Yes, thank you, Mr Speaker. Minister, did you issue instructions that the answer prepared by your department be deleted? Was it a member of your personal staff or was it the public service deleting answers without authorisation?

**MR BARR:** It is difficult, without having the questions in front of me, to be able to ascertain that. I will have a look. Of course it is up to the minister how questions on notice are answered, and I will investigate those questions.

*Mr Seselja interjecting—*

**MR BARR:** I will investigate those questions that the member has raised and get back to the Assembly.

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

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

**MR SMYTH:** Thank you, Mr Speaker. Minister, was the question deleted because the answers were embarrassing or was it deleted merely to frustrate and hold in contempt the processes of accountability of the Assembly?

**MR BARR:** Neither, Mr Speaker.

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

*Members interjecting—*

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

**MR SMYTH:** Thank you, Mr Speaker. Minister, how many other answers to questions on notice have been deleted by your office?

**MR BARR:** None, Mr Speaker.

### **Children—foster and kinship carers**

**MS HUNTER:** My question is to the Minister for Children and Young People and concerns the new financial subsidy arrangements that were recently implemented for

foster and kinship carers. Minister, can you confirm that costs associated with tutoring, medical expenses, including doctors' fees, and medication costs are now all rolled into the new financial subsidy? If so, how much is the subsidy being increased by?

**MS BURCH:** I thank Ms Hunter for her question. Certainly the costs for out-of-home care have been recently reviewed. We looked at other states. I think New South Wales was the key comparator to look at, and we had to bear in mind that different states had structured their payments somewhat differently. So, if we looked at a global sense of what New South Wales were paying through out-of-home care subsidies and contingencies and support payments and ours, we think ours are comparable or indeed slightly above those of New South Wales.

To the question of elements line by line, I would assume that those existing known common components of caring for a child in out-of-home care components and placements are indeed included in one of those strata of payment formats.

**MS HUNTER:** A supplementary.

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

**MS HUNTER:** Minister, does your department have a formal mechanism to review any carer's situation if, under the new subsidy arrangements, those carers are disadvantaged or worse off than under previous arrangements?

**MS BURCH:** The department works closely, through both the kinship carers and the foster carers, and they were part and parcel of the review of the contingencies and subsidies payment. I know there were a number of meetings and a number of discussions through those groups and the department to clarify and to outline our process and how the calculations came to be. If an individual carer is facing financial difficulties, I would hope they would raise that with their case manager in the department and so that, as appropriate—

**Ms Hunter:** Mr Speaker, I have a point of order around answering the question directly. The question was actually about whether there was a formal mechanism to review any carers who, under the new subsidy arrangements, find that they are disadvantaged or worse off than they were under the previous arrangements.

**Mr Hargreaves:** On the point of order, Mr Speaker, I think it is reasonable in this place for any minister to rise in this place and to put a context about the response. Sometimes it is not possible to just say yes or no. I would just ask that members allow that sort of thing.

**MR SESELJA:** Ms Burch?

**MS BURCH:** I was getting to that. If there was a carer who felt disadvantaged, they could raise it with the case manager. But the context was that the carer groups have been involved and have been well briefed on how we constructed the new costing arrangements.

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

**MS LE COUTEUR:** Yes, Mr Speaker. Minister, was ACT specific analysis undertaken in determining the payments? If so, could you provide the Assembly with a copy? If not, how was the payment schedule developed?

**MS BURCH:** It is my understanding—and I am quite happy to come back with some advice—that we did look at our existing cost structures and we also compared them with other jurisdictions. As I said, I think we looked to New South Wales most particularly. Being an island state within New South Wales, it makes sense to do that. It is certainly my understanding that our global fee structures, or payment structures, for carers are indeed in excess of New South Wales.

**MS BRESNAN:** A supplementary, Mr Speaker.

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

**MS BRESNAN:** Thank you, Mr Speaker. Minister, could you explain why it is appropriate that the territory as a parent discharge its financial responsibility for the medical care of children and young people and rely on its carers to pay for visits to the doctor and the cost of prescriptions?

**MS BURCH:** I am happy to take some advice and come back. I do not think the territory as a parent would abrogate any of its responsibilities. The new cost structures have been reviewed and they have created a new global cost structure for care and out-of-home placements. I am quite happy to take that level of detail, but as a territory parent, as a principal, we would not abrogate any responsibilities.

### **Tourism—Asian market**

**MR SMYTH:** My question is to the minister for tourism. Minister, on 12 March 2007, you decided to “pull advertising resources out of the Chinese market”. Minister, on 31 December 2009, following a “market review”, you closed the Singapore office of Australian Capital Tourism. This office had been operating since 2004 with the intention of tapping into the tourist markets of South-East Asia. Minister, yesterday, the Tourism Forecasting Committee, in the latest *State of the industry report*, said that China would contribute almost 30 per cent of the aggregate growth in tourism export dollars over the period to 2020. Minister, why have you turned your back on Asia as a source of tourists for the ACT?

**MR BARR:** I have not, and the member would be aware, of course, that having a direct flight into your city is an important aspect of tourism promotion. So until the Canberra airport begins its international operations, decisions were taken that it would be best to devote our limited resources in tourism marketing to areas of domestic marketing. However, we do recognise that there will be new opportunities that will open up for the city if international flights come directly to Canberra airport. I understand that—

**Mr Hanson:** Did you have a direct flight to Spain, Jon?

**MR SPEAKER:** Order, Mr Hanson, thank you. Mr Barr is actually answering the question that Mr Smyth asked.

**MR BARR:** You seem surprised, Mr Speaker.

**MR SPEAKER:** Not at all, Mr Barr.

*Opposition members interjecting—*

**MR SPEAKER:** Order! Let us hear the minister in silence.

**MR BARR:** Thank you, Mr Speaker. Members would be aware that Canberra airport and the airlines are closely examining the possibility of direct flights between Canberra and a number of New Zealand cities, and Singapore and Hong Kong are also being considered. So in that context, and in line with Australian Capital Tourism's five-year strategic plan, we will be looking again at international marketing once the airport goes international.

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

**MR SMYTH:** Thank you, Mr Speaker. Minister, what is your analysis of the forecast that China will contribute almost one-third of all of Australia's tourism export dollars growth in that period to 2020, particularly in providing tourism business for the ACT?

**MR BARR:** I understand that that research was released yesterday. The Tourism Directions Conference was held here in Canberra, at Parliament House, yesterday. It is clearly the subject of a considered Australia wide response in terms of the national long-term tourism strategy, of which the ACT is a willing participant. However, our marketing budget is limited, Mr Speaker, as I am sure you would understand. China is a massive market. Our capacity to have any market penetration in China with the budget that we have is very limited, so our work would need to be in partnership with Tourism Australia. That is the appropriate way for the ACT to engage in an international market of that size and we will be focusing any future international marketing exercises based on cities and countries that have direct flights into Canberra once the Canberra airport goes international.

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

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

**MR HARGREAVES:** Thank you very much, Mr Speaker. In the context of international tourism particularly, minister, do you believe that it would be the responsibility of places like this Assembly to start talking up the territorial aspects of tourism as opposed to the national aspects of tourism and that, in fact, talking it down will actually work contrary to the interests of the territory?

**Mrs Dunne:** On a point of order, Mr Speaker. Mr Hargreaves asked Mr Barr whether he believed something was the case. I believe that is an expression of opinion and not in accordance with the standing orders.

**Mr Hargreaves:** On the point of order, Mr Speaker—

**MR SPEAKER:** Yes.

**Mr Hargreaves:** I have not asked for an expression of opinion at all. Mr Barr is the minister responsible for tourism and I want an expert opinion on it.

*Members interjecting—*

**MR SPEAKER:** Order! There is no point of order, Mrs Dunne. I think that ministers are often asked questions in this place which might be considered an opinion. I think that to uphold the point of order we would have a very narrow interpretation of how this place is conducted. Mr Barr.

**MR BARR:** Thank you, Mr Speaker. I thank Mr Hargreaves for the supplementary. Indeed, it would be a welcome change if there was some unanimity in this place in relation to the marketing of this city. I do note that we did have a rare breakout of unanimity on the matter of the GWS partnership. That was, I think, an encouraging sign for the future possibilities of marketing our city.

I know that Mr Smyth and a number of other members attended the recent Canberra Business Council's annual dinner where the concept of city-wide branding was discussed. I think a number of members would recognise the value in there being a consensus to the marketing of our city. One would hope that, particularly when the airport moves into its next phase of international operations, there can again be agreement on our international marketing efforts.

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

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

**MR DOSZPOT:** Minister, what action are you taking to market ACT tourism in China and is the ACT considering targeting any other emerging tourism markets in Asia, such as India?

**MR BARR:** I recently led a delegation to Shanghai, in September, focusing mainly on education but we did take—

**Mr Coe:** On a direct flight?

**MR BARR:** We went via Sydney, actually, like you have to do. For inbound tourists coming the other way, the additional flight is, indeed, quite a barrier to—

**Mr Coe:** I have never seen a Chinese tourist in Canberra.

**MR BARR:** It is quite a barrier to attracting that extra level of visitation, outside of organised tour groups.

**Mr Coe:** You can't fly to the Blue Mountains but they still go there.

**MR SPEAKER:** Mr Coe, you are now warned for repeated interjections.

**MR BARR:** Given the sheer volume of the Chinese market, all regions within Australia clearly benefit from Tourism Australia's marketing efforts in China. Anyone who has been to that country would appreciate that the sort of money required to have a tourism campaign of any effect is well beyond the means of the territory. So we would have to work in partnership with our international marketing arm, and that is Tourism Australia.

### **Taxation—change of use**

**MR HANSON:** My question is to the Minister for Planning. I refer to a question on notice No 1173 which asked:

What was the average amount of change of use charge paid by developers, per unit, from (a) 2003 to May 2010 and (b) May 2010 to date, and how many units has this been applied to.

In response, you answered that “no change of use charge for residential development has been paid since May 2010”. Minister, on 28 October this year you made a statement that contradicted the clear and unequivocal answer to the question on notice. You said, “\$2.8 million in charges have been paid since May 2010.” Leaving aside your transparent attempt to wriggle out of this contradiction by referring to the time that the charges were assessed, can you explain the obvious contradiction between your written answer that stated no charges were paid when in fact \$2.8 million was paid during the period in question?

**MR BARR:** As I indicated to the Assembly at the time, the question from the Leader of the Opposition related to particular dates in relation to rectification of change of use charge, so I interpreted the question as seeking information in relation to change of use charge paid after the period of rectification had begun. It is an ongoing matter, as amounts are paid on a regular basis. I recognised that there could be some confusion in relation to that answer, so I came back to the Assembly and sought to clarify that information and have subsequently provided full detail, a full reconciliation, of all change of use charge paid, both residential and commercial.

The question that Mr Seselja initially asked appears to refer to residential change of use charge and he was not interested in commercial. Mr Hanson appears to have quoted an amount in his question that relates in fact to commercial and residential. But, just to clarify matters for everyone, I have provided a full table of all commercial and residential change of use charge, both in terms of when the assessment was made and when the amount was actually paid. There is often a period of some months between when an assessment is made and when a change of use charge is actually paid. That information is on the public record and is there for all to see.

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

**MR HANSON:** Thank you, Mr Speaker. Minister, given that you did today provide a written response that outlines in precise detail how much was paid, how can you

explain the obviously incorrect answer that you provided in the response to the question on notice?

**MR BARR:** In fact, I have provided more information than was requested in the question. The question simply asked for information on change of use charge paid on units. I have now provided, to ensure that the information is there for all to see, information on all change of use charge paid. I accept that in interpreting Mr Seselja's question—

**Mr Seselja:** It is as clear as day.

**MR BARR:** No, it is not as clear as day. But, in order to ensure that there can be no issue on any questions raised about any matter of change of use charge, both commercial and residential, I have provided a full table and a full reconciliation of all of the change of use charge paid in the period.

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

**MR SESELJA:** Thank you, Mr Speaker. Minister, when you provided your first written answer, were you advised by your department that no fees had been paid, or was this incorrect answer generated in your office?

**MR BARR:** As my office has no role in the collection of the change of use charge, all of the information came from the Planning and Land Authority.

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

**MR SESELJA:** Minister, will you now accept that your written answer was incorrect and, therefore, misleading and will you apologise to this Assembly as required by the rules and practices of this place?

**MR BARR:** I did seek, in the previous sitting, to provide further clarity. I have now gone even further and provided a full list of the information. If it would help members opposite, I apologise for the confusion in relation to Mr Seselja's question. I have taken steps to provide the Assembly with all the information.

### **Waste—management**

**MS LE COUTEUR:** My question is to the minister for the environment and it concerns waste management in the ACT. Last Friday, two experts on waste management and soil spoke at the Assembly about recycling organic and green waste, explaining why and how the ACT can do it. Does the government accept—as the experts said—that providing organic recycling in the ACT is achievable and that it would bring enormous environmental, economic and social benefits to the ACT?

**MR CORBELL:** I thank Ms Le Couteur for the question. The government does indeed recognise that the next step in achieving further reductions of waste to landfill is to target organic or wet wastes in the domestic waste stream. This is a very important part of our future planning for waste here in the territory.

The government is currently finalising its consideration of a draft waste strategy to provide for public comment, which will outline a range of measures to address and tackle the issue of separating more waste out of the domestic waste stream in particular, particularly those organic or wet wastes—the food scraps, for example, that comprise a significant component of domestic waste from households—and measures to provide for the reuse of that waste, and diverting it away from landfill. It is certainly an issue of significant attention by the government at this time.

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

**MS LE COUTEUR:** Thank you, Mr Speaker. Minister, are you aware that for other cities providing organic waste recycling the service has turned out to be cost neutral or even cost positive?

**MR CORBELL:** I am aware that there are a range of technologies available to provide for the capture and reuse of organic waste from households. The territory's draft waste strategy, which will be released for public comment later this year, will outline the detailed cost-benefit that the territory has already undertaken in relation to the range of methodologies that could be used to capture organic wastes and to reuse them. We will put that information out to the broader community and ask for their views on those issues. We will identify in the draft waste strategy how we believe organic waste can be most cost effectively captured and reused and therefore diverted from landfill. That material will be made available as part of the government's consultation on its draft waste strategy.

**MS BRESNAN:** A supplementary?

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

**MS BRESNAN:** Minister, given that the previous waste strategy expired at the beginning of the year and there is still nothing to replace it, what impact is the delay having on the government's ability to address our growing waste problems?

**MR CORBELL:** I do not know whether Ms Bresnan heard my previous answer but it is quite clear that the government has not been sitting on its hands on this issue. A detailed waste strategy is close to finalisation, for public comment, and I will be very happy to provide a detailed briefing to members to demonstrate the extent of the government's thinking as we move forward and provide an innovative and forward-thinking waste strategy which will achieve further reductions to landfill.

**Ms Le Couteur:** On a point of order, Mr Speaker, the question was about the impact on current waste operations and recycling, not on whether or not a draft strategy is being prepared.

**MR SPEAKER:** Yes. Mr Corbell?

**MR CORBELL:** As far as I am aware, there has been no impact on current waste operations.

**MS HUNTER:** A supplementary.

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

**MS HUNTER:** Minister, can you update the Assembly on how you have used the commercial sector waste reduction work done by the Conservation Council which you funded and also launched last year?

**MR CORBELL:** I will have to take the question on notice. I have not seen any information on that program recently.

### **Planning—variation 2010-31**

**MR COE:** My question is to the Minister for Planning. Minister, when exactly and why exactly did ACTPLA initiate planning variation 2010-31, and when did it first inform the Land Development Agency and the Department of Land and Property Services?

**MR BARR:** I will have to take the detail of that question on notice. I presume that it would have come the other way—that there would have been a request for the Planning and Land Authority from a referral agency, in fact, rather than going back the other way. That is generally the nature of these sorts of variations.

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

**MR COE:** Thank you. Minister, on what basis was the decision made to delete ovals from the plans of Casey and Crace and was any consultation completed with Canberrans that had already purchased houses or land in Casey?

**MR BARR:** I think this provides an important opportunity to address a particular misnomer that is out there as a result of some fairly hysterical beat-up from Mr Smyth. The sport and recreation department has been working on the community recreation irrigated park model for some time. Members who have attended estimates and annual reports hearings for the department have even asked questions in relation to what is proposed with this new model.

For the benefit of members, it might be worth while tabling a diagram of what a community recreation irrigated park looks like. The suburbs of Crace and Casey are not losing recreation facilities; they are getting enhanced recreation facilities, including, amongst other things, structured court spaces, barbecue areas and a range of other enhanced facilities. I think it is worth noting in the context of the accusations about those areas having less public space—

**Mr Hanson:** Where is the oval?

**MR BARR:** It is right in the middle of the community recreation irrigated park, Mr Hanson. I am happy to table this for members, who might benefit from actually understanding what is proposed. I table the following paper:

Crace Estate—Landscape sketch design, dated 22 September 2010.

**MR BARR:** I think it is worth noting that the amount of public space in these suburbs is significantly greater than the amount of public space in many existing suburbs. In relation to Crace and Casey, we are talking about 25 per cent of the suburb being open space, and that compares with about seven per cent in Palmerston and six per cent in the suburb of Torrens.

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

**MR SESELJA:** Minister, Gungahlin is currently struggling to service the number of junior sport participants in the area, with limited access to formal ovals. How will this policy change by your department assist in this problem for Gungahlin families?

**MR BARR:** The policy change relates to the provision of much more substantial district playing fields. Mr Seselja might be aware that the Harrison district playing fields have recently opened. In partnership with the commonwealth government, two new world-class synthetic facilities have opened in Nicholls. They are on the shared campus of Gold Creek and Holy Spirit schools. There is, of course, work underway on the Gungahlin enclosed oval and the Throsby district playing field.

Recognition of the needs of sport and recreation organisations and the capacity to run organised sport on weekends requires a number of fields to be co-located to maximise the benefit of volunteers' time and the capacity to run organised sport and recreation competitions. We are focusing on district-level playing fields for organised sport and, within a suburban area, a community recreation, irrigated park that provides more than just an oval. It provides picnic spaces. It provides wetlands. It provides basketball courts, tennis courts and a range of other facilities that are valuable at a suburban level.

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

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

**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, is it not true that when you were considering the educational needs of Gungahlin, not long after you assumed the ministry, in fact, you raised the issue of the sporting fields and the sporting facilities in Gungahlin and that every bit needs to be folded into that consideration? Are we not talking about something which is a couple of years old now? Don't you find it a bit rich for people to criticise you—

**MR SPEAKER:** Mr Hargreaves, please sit down.

**MR HARGREAVES:** who do not know where Gungahlin is?

**Mr Smyth:** On a point of order, Mr Speaker, it is clearly not—

**MR SPEAKER:** I have just sat Mr Hargreaves down, Mr Smyth.

**Mr Smyth:** May I have the supplementary? Are you ruling the supplementary out of order?

**MR SPEAKER:** No, I am not. I asked him to sit down. He had asked his question.

**Mr Smyth:** On a point of order on the supplementary. The supplementary was about variations to the Casey concept plan, not about education in Gungahlin. I would ask that you consider whether or not it is in order.

**Mr Hargreaves:** On the point of order, Mr Speaker, the supplementary to the supplementary wandered off into sporting facilities for young people in Gungahlin.

*Members interjecting—*

**MR SPEAKER:** Order! Thank you, members. I sought to confirm my recollection. Mr Seselja's question, I think, did branch out into the broader aspect of sporting facilities and on that basis Mr Hargreaves's question is in order.

**MR BARR:** Thank you, Mr Speaker. As members would be aware, the integration of education and sport and recreational facilities in Gungahlin is important and indeed valued by that community. It is, I think, recognition of a long-term goal for both the ACT and other Australian jurisdictions to be able to unlock the gates of school sporting infrastructure to make that more available for the community. You see, for example, in the design of the Gungahlin college that those facilities are designed in a way to be accessible to the community outside of school hours. There are similar arrangements around Harrison and, of course, with the new facilities at Nicholls. They are just some examples of the sort of work that the government is undertaking in this area in order to ensure that we get good utilisation of this important community infrastructure.

### **Housing—shared equity scheme**

**MR HARGREAVES:** My question is to the Minister for Housing, and I have a reasonable abiding interest in this, not unlike Ms Porter's abiding interest in education.

**MR SPEAKER:** Mr Hargreaves, your question.

**MR HARGREAVES:** I am indeed, I hope, allowed a preamble.

**MR SPEAKER:** Mr Hargreaves, your question.

**MR HARGREAVES:** My question is to the Minister for Housing. Could the minister please inform the Assembly of the current progress with the shared equity scheme?

**MS BURCH:** I do thank Mr Hargreaves for his ongoing interest in innovative schemes for home ownership. The shared equity program is an innovative program that is affording home ownership to people for whom home ownership would

otherwise be out of reach. The shared equity scheme means that the benefits of home ownership are available to many in our community who were previously excluded because they could not get over the initial financial hurdle.

There have been some very positive developments since I announced that IMB, one of Australia's most established building funds, was to be Housing ACT's partner in the shared equity scheme.

To briefly outline how the scheme works, people will be required to purchase at least 70 per cent of their property using funds provided from IMB. The outstanding 30 per cent equity share will then progressively be purchased. A minimum of two purchases, at five years and 15 years, is required. It is expected that people will move to purchase the remainder of the property, buying out Housing ACT's share, sooner, increasing their equity and moving to full ownership.

Money raised by the sale of properties under the shared equity scheme will be reinvested into public housing.

Public information sessions were held in May of this year for interested public housing tenants, and the response has been very positive. An information session was also held for the ACT Law Society to provide information to the legal profession who may act for public housing tenants purchasing a property under the shared equity scheme.

Since the shared equity scheme commenced in May of 2010, 48 applications have been received, six applications have settled and 14 applications are ongoing in the purchase stream.

This scheme is just part of a range of initiatives developed by the ACT government to make home ownership attainable for more Canberrans and it is part of the government's goal of developing a housing continuum, supporting people to transition from homelessness to long-term sustainable housing, and in this case to home ownership.

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

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

**MR HARGREAVES:** Minister, to assist me to be able to respond to the many inquiries I get around the purchasing of government housing, could you please outline any other initiatives that enable public housing tenants to own their own home?

**MS BURCH:** Thank you, Mr Hargreaves. The shared equity scheme is, in fact, an extension of the ACT's very successful sale to tenant scheme which has been operating since 1991. The sale to tenant scheme is aimed at providing a home ownership opportunity to public housing tenants and, under the sale to tenant scheme, public housing tenants purchase the home they are living in outright from Housing ACT. There are no restrictions on which financial institution can be used to provide any finance that might be necessary.

The sale to tenant scheme aims to encourage higher income earning tenants to consider purchasing their home and gives Housing ACT an opportunity to refresh and review its housing stock, as money raised by the sale is reinvested in public housing stock. Sale to tenant is a wonderful example of how this government provides housing assistance across the continuum from crisis to home ownership.

Not all public housing properties are for sale under the scheme. Public housing tenants can apply only to purchase the home that they live in, for example. In regard to the properties sold under the sale to tenant scheme, in 2007 there were 54, in 2008 there were 17, in 2009 there were 29. So far this year there have been 13, with seven others still being active in that purchase stream. Public housing tenants also need to satisfy eligibility criteria. For example, they need to be head tenants and have been public housing tenants for at least three years. They are just two of the initiatives that we have in the ACT.

**MS PORTER:** A supplementary, Mr Speaker.

**MR SPEAKER:** Ms Porter.

**MS PORTER:** Thank you, Mr Speaker. Minister, can you inform the Assembly of any other initiatives within your portfolio that help Canberrans along the housing continuum?

**MS BURCH:** I thank Ms Porter for her interest in public housing. The two schemes I have just mentioned are but some of the initiatives this government has implemented to support Canberrans along the housing continuum. One area where we have done a lot of work in recent years has been in strengthening the community housing sector. In April 2007, the government announced an expansion of community and affordable housing in the territory. Community housing is a small but important element of the social housing mix here in the ACT, meeting important social needs and providing critical support to people experiencing housing stress. It also provides an alternative to public housing and additional housing options in the system.

The expansion of community housing has seen Community Housing Canberra become a major provider of affordable housing in the ACT. This is a not-for-profit company that operates as both a community housing asset manager as well as a provider of affordable housing.

The ACT government has provided Community Housing Canberra with an injection of equity of \$40 million through the final transfer of title of 135 properties already under CHC's control. We have also provided CHC with land at market rates and a revolving \$50 million loan facility at government borrowing rates. In return, CHC will develop an additional 500 affordable dwellings over the next five years, increasing to more than 1,000 over the next 10 years. CHC has also offered a shared equity program to eligible tenants.

By supporting community housing, and through the establishment of the social housing register, which provides a single point of contact for Canberrans seeking

access to public or community housing, we are ensuring that Canberrans have greater options when it comes to housing.

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

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

**MR COE:** Minister, given that both the sale to tenants scheme and the shared equity scheme are based on agreed value, what strategy do you have in place to still encourage tenants of the ACT to invest in their home, to take pride in it and to hopefully do renovations but not to actually incur an extreme additional increase in the cost of the actual home when it comes to the shared equity or the sale to tenants schemes?

**MS BURCH:** The shared equity scheme is a very promising scheme and, by the numbers that I have just said, is very popular amongst tenants. Those are tenants that live in a property for a number of years and do take pride in their home. We encourage all our tenants to take pride in their property. It helps us in our asset management and certainly helps them to move from a house to creating a home.

As to equity that tenants put in through renovations or property improvements, where they are tangible and where they can be considered and quantified through either a sale to tenant program or a shared equity program, that is all put into the mix as negotiations go through.

As I said, with the shared equity program, there are three points of payment: the upfront payment and then at five and 15 years. The guidelines for the program are clearly outlined and are publicly available and anyone who has an interest in purchasing a property through that is walked through the step by step processes and obligations and responsibilities that they would have.

### **Disability services—providers**

**MS BRESNAN:** My question is to the minister for disability and is about disability service providers. Minister, in the last sitting week I asked you what the government did to engage with service providers when concerns were being raised.

**MR SPEAKER:** Order, members! There are a lot of conversations happening in the chamber. It is hard to hear Ms Bresnan. Ms Bresnan, could you start your question again?

**MS BRESNAN:** Yes, I will start again. Minister, in the last sitting week I asked you what the government did to engage with service providers when concerns were being raised. You replied that the department actively investigates any concerns that come to its attention. Minister, beyond “active investigation”, how is a service provider held to account if concerns about a service are found to be true?

**MS BURCH:** Without having a detailed incident or exercise in front of me, I cannot give specifics, other than to say that we take very seriously the quality of care

provided, not only through government services but through non-government providers. I would say that every incident is thoroughly reviewed and appropriate action put in place. So the resultant response would be determined by (1) the incident; (2) the issue, complaint or comment being raised; and the results of the review that has been undertaken.

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

**MS BRESNAN:** Thank you, Mr Speaker. Minister, what are the possible repercussions for a service provider which is found to have provided substandard care?

**MS BURCH:** I would say, following to its natural conclusion an absolutely unacceptable provision of service or incident, that under the funding agreement and their contract requirements service provision could not perhaps be pursued through that provider. But, again, without an incident and without something tangible in front of me, it is a tad hypothetical. But we do, as I said, take this stuff very seriously. There are controls and constraints within funding agreements and requirements for them to meet particular standards.

**MS HUNTER:** A supplementary?

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

**MS HUNTER:** Minister, when Disability ACT is investigating or has concerns about a service provider, how does Disability ACT tell the service users about the concerns that they have with the service provider?

**MS BURCH:** Again, there is a line between reviewing and looking at concerns that have been raised and substantiating those concerns. Assuming that there are valid concerns being raised and substantiated, Disability ACT would inform the providers of that service or ask the service providers themselves—and I am not quite sure which it would be—to provide that advice to their client base. But I can get some detail if that would be useful for you.

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

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

**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, in relation to contracts which have not been provided in the way that we should see them provided, does the department use the principles of natural justice and communication when it talks to people about the administration of those contracts?

**MS BURCH:** I think that was the thread I was getting to when I was saying that some comments or some concerns can be raised and they need to be thoroughly reviewed and investigated, rather than just going out and putting some unnecessary stress or angst into families that are using that service. So the element of natural justice is clearly there but, first and foremost, we run on a principle that people receiving a

service should be receiving a quality service and we will review and investigate, to the extent that we need to, to have assurance that that is indeed the case.

### **Schools—Throsby Catholic school**

**MR DOSZPOT:** My question is to the Minister for Education and Training. Minister, we have recently received representations from the Gungahlin community regarding the time frame for the prospective opening of a Catholic secondary school in Throsby. They are interested in gaining a clearer understanding of the government's time frame in relation to the development of the suburb, which is critical for the planned opening of the school in 2013. Minister, what is the time frame in relation to the development of the suburb?

**MR BARR:** I think Mr Doszpot actually should have asked that of me as Minister for Planning. There are a number of statements I can make in relation to this particular school. Firstly, I very strongly support the establishment of a Catholic high school in Gungahlin and have indicated that to the Catholic education office. I understand that the site that the Catholic education office is looking at is in the suburb of Throsby and that the development of that suburb is, of course, subject to the usual environmental assessments. So the process in terms of a time frame for the development of that suburb actually sits outside my portfolios.

I understand the Chief Minister has responded to the Catholic education office in relation to the specifics of the timing of that estate development, as that is not something that is within my portfolio responsibilities. But I can advise the member and the Assembly that, as minister for education, I am very supportive of the establishment of such a school. The planning work is complete. However, it then passes on to the estate development and land development area of government. So that is not within my portfolio responsibilities in either planning or education.

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

**MR DOSZPOT:** Minister, can the government assure the Gungahlin community that the school will be able to commence classes by January 2013?

**MR BARR:** I cannot, because I am not building the school. Subject to the successful completion of the environmental work that is required before the suburb of Throsby is able to commence development, then, yes, I believe it is certainly very feasible for that school to be operational by then. I will be working with the Catholic education office in terms of the registration aspects of the school. The question of whether the suburb itself is ready is a matter that will be determined once the appropriate environmental processes are concluded.

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

**MR SESELJA:** Thank you, Mr Speaker. Minister, when does the government anticipate that these environmental and other approvals will be completed?

**MR BARR:** Again, I am not running that process. I can seek some advice and provide the member with that information.

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

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

**MR HANSON:** Minister, in your opinion, your expert opinion, do you think that the students at the soon to be opened Catholic college will enjoy a 50-metre pool or a 25-metre pool?

**MR SPEAKER:** The question is out of order, Mr Hanson.

### **Sport and recreation—Greater Western Sydney Football Club**

**MRS DUNNE:** My question is to the Minister for Sport and Recreation. Minister, did the government conduct a cost-benefit analysis or other economic or financial analysis before agreeing to the deal with GWS? If so, what were the outcomes? If not, why not?

**MR BARR:** Yes, the government has been engaged in this discussion, I think, for about two or three years, ever since it was apparent that an 18th franchise would be entering the AFL competition and our arrangements with North Melbourne, Melbourne and the Western Bulldogs were going to come to an end as a result of a direction from the AFL or a lack of desire by those clubs to sell matches interstate. Yes, this work has been underway for some time.

I understand, Mr Speaker, that both you and the shadow minister for sport and recreation have sought a formal briefing in relation to the details of the partnership agreement with the AFL. As I understand it, a time has been set for this Thursday morning. I am sure full details of the elements of the partnership between the government, the community and business sectors in the ACT and the AFL can be discussed at some length, including the details in relation to the economic benefits from the partnership for the territory.

I think it is interesting to note, in light of some of the commentary and positions of individuals before and after the announcement—

**Mrs Dunne:** On a point of order, Mr Speaker, I have let the minister go on for a minute and a half. My question was quite specific. It was: has the government conducted any cost-benefit or other financial or economic analysis of the deal? He has gone on for a minute and a half and has not answered that question.

**MR BARR:** I said yes.

**MR SPEAKER:** There is no point of order. I think Mr Barr did address that in his answer. I think he is free to give some other information as well. I think I did hear him answer it.

**MR BARR:** Thank you. To repeat for Mrs Dunne, yes. And a full briefing is being provided to the shadow minister for sport and the Greens' spokesperson on sport on Thursday morning in relation to all elements of the partnership between the ACT, our

community partners, the business partners, the AFL and the new Greater Western Sydney Football Club.

The point I was going to make before Mrs Dunne took the point of order was to observe that yesterday the Tasmanian government renewed their partnership with the Hawthorn Football Club .

**Mr Hargreaves:** Shame!

**MR BARR:** Aside from Mr Hargreaves's dislike of the Hawthorn Football Club—and I understand they were the last team to beat Collingwood in 2010—that partnership was a five-year arrangement for \$18 million. The ACT arrangement over five years is more like \$11 million. Admittedly, Tasmania does have one extra premiership match as part of that partnership with Hawthorn Football Club.

But it does put into some perspective the question of the totality of the ACT package and the value for money of the ACT package when compared with the arrangements that the Tasmanian government have just renewed with the Hawthorn Football Club. One would hope that this would put some perspective on the debate that has occurred in the ACT since the ACT's announcement.

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

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

**MRS DUNNE:** Minister, what measures will be put in place to ensure that the territory gets value for money from the GWS deal?

**MR BARR:** The heads of agreement contains review provisions, and we have indicated that we will regularly look at the performance outcomes from the agreement. There are some matters, obviously, that can be readily measured in terms of attendances at matches and GWS meeting its commitments in relation to talent academies, community camps, work within schools and other aspects of the ACT community. There are clear measures there that it can be assessed against. Obviously, we have a range of tourism and promotional targets that are part of the package as well. I refer to the ACT jersey and branding for all matches—

**Mr Hargreaves:** Guernsey.

**MR BARR:** Thank you, Mr Hargreaves—and also indeed those matches that are played at Manuka Oval. There will, again, be some very clear performance measures and people will be able to see the particular benefits in relation to those elements.

**Mr Hargreaves:** A jersey's a cow.

**MR SPEAKER:** Mr Hargreaves!

**MR BARR:** Of course, Mr Speaker, we undertook analysis of the economic and tourism impacts of previous AFL matches at Manuka and they clearly informed our

decision-making process. Both the shadow minister and yourself will be briefed on behalf of your respective parties on Thursday morning.

**MS PORTER:** Supplementary question, Mr Speaker?

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

**MS PORTER:** Thank you. Minister, is the amount of money that is being committed any different from that being considered in the Capital Football's A league campaign?

**MR BARR:** Members would be aware—I know a number were signed-up supporters of the A league or Canberra bid and the government did commit to putting \$2½ million on the table for that particular bid to see that club be established as part of an expansion of the A league competition. Unfortunately, the Football Federation Australia determined not to take up the Canberra bid, in spite of the very considerable foundation membership and other business and community partnerships that were established as part of that particular bid process. To the credit of ACT 4 GWS, they did achieve their targets of 5,000 members and their business and community involvement targets.

I do note that in this chamber only in the last sitting there was a matter of public importance moved where all members appeared to express their very strong support for this particular partnership, and I am pleased to see that that strong support has continued post the announcement of the detail, and I look forward to all members of the Assembly welcoming this wonderful new addition to the Canberra sporting landscape when they play their first matches at Manuka Oval in 2012.

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

**MR DOSZPOT:** Thank you, Mr Speaker. Minister, in the contract between the territory and GWS, what exit clause provisions have been included for both parties?

**MR BARR:** The formal contract has not been entered into at this point. That is a matter that will be determined in the middle of next year. We have signed heads of agreement and those heads of agreement include review provisions and also the capacity for parties to seek to exit from the arrangements. They are fairly standard legal requirements.

I must say, though, that it is disappointing that a week after signing into such agreement I am being asked questions like this. I think the AFL community would feel rightly disappointed, given the nature of comments that were made in this place only a few weeks ago. I do—

*Members interjecting—*

**MR BARR:** I will give the shadow minister the benefit of the doubt and recognise that he is just seeking due diligence in relation to these matters. We look forward to briefing him on Thursday.

**Australian Capital Territory (Self-Government) Act**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, you are on the record as advocating for a review of the self-government act. Could you inform the Assembly why such a review is important for genuine democracy and true self-government in the ACT?

**MR STANHOPE:** I thank Ms Porter for the question. It is an important question. Indeed, I think questions going to the extent of democratic rights and the strength of our democracy are fundamentally important. Indeed, at the end of the day, there is probably no more important issue for an Assembly or a parliament to address or deal with or be concerned about than the nature of its democracy, the strength of its democracy and the strength of its institutions. I think all members of this place, most particularly, would be acutely sensitive to deficiencies that we as an Assembly and as a community suffer—

**Mr Hanson:** You couldn't even be bothered to turn up for the last two sitting weeks, Jon. How can it be the most important thing you're worried about?

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

**MR STANHOPE:** in relation to our constitution, in relation to the self-government act. These are most pertinently relevant as a result of two bills that have been introduced into the federal parliament by the leader of the Greens federally, Senator Bob Brown. The first of those debates focuses most particularly—

**Mr Hanson:** Why didn't you send me a postcard?

**MR SPEAKER:** Mr Hanson, you are now warned for interjecting.

**MR STANHOPE:** on the removal of legislation introduced in the mid-90s in relation to proscribing the capacity of the territories—the three self-governing territories, the Australian Capital Territory, the Northern Territory and Norfolk Island—to legislate in the area of euthanasia, an area that is recognised as being, and indeed is, within the constitutional domain of the states and the territories. It is a domain that was constricted through that legislative intervention in relation to the territory. That debate has commenced. I am advised that the debate on this will continue this Thursday in the Senate.

The issue that is being debated, of course, should not be euthanasia. I fear that it will be. The issue is, as Senator Brown has said, and as I have reiterated, as have my colleagues, about the rights of the people of Canberra. It is fundamental. There is nothing more fundamental than the democratic right of a people. It is fundamental to the order, peace and good government which prevails within Australia and in all of the states and territories, but which, within the territories, is constrained by inappropriate intervention by the commonwealth post self-government in our right or capacity to legislate as we see fit.

We have seen two significant examples of inappropriate intervention, one in relation to euthanasia, irrespective of one's views on this issue, and the other in relation to the right of this Assembly to legislate in relation to the relationships of gay and lesbian couples within our community. These are unacceptable interferences with this place and with our constitutional right to be treated fairly, equally and on the same basis and level as all other Australians.

It is remarkable that there is a view within our federal parliament that the residents of the ACT should not be able to debate and have legislated in their name any issue in a way that, for instance, the residents of Queanbeyan can. It is as simple as that. On this side of the border, you cannot debate, within this place, certain issues. You cannot debate on behalf of your constituents certain issues. Across the border, the people of Queanbeyan expect their elected representatives to debate those issues on their part. It is as simple and as fundamental as that, and all members of this place really should do everything within their power to ensure that Senator Brown's bill is passed. *(Time expired.)*

**MS PORTER:** A supplementary, Mr Speaker.

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

**MS PORTER:** Thank you very much, Mr Speaker. Minister, can you update the Assembly on the representations you have made on behalf of the government in this matter? Thank you, Chief Minister.

**MR STANHOPE:** I thank Ms Porter for the supplementary question. Indeed, one of the, I think, significant representations that were made by me was made on behalf of the Assembly when in June last year the Assembly passed a motion which achieved tripartisan support to petition the then government to undertake a review, in concert with the ACT government, of the self-government act. I passed that resolution of this place to the Prime Minister with a request that there be such a review. It is a matter of enormous regret to me that that request was not actioned and has not been actioned.

I have re-raised the issue with the current Prime Minister. Indeed, it is a representation which I have now made to each of the last three Prime Ministers. It is a representation I made regularly and continuously to Prime Minister John Howard. I made it to Prime Minister Kevin Rudd and I have now repeated that specific representation to Prime Minister Gillard on the need for the self-government act to be reviewed and the willingness of this Assembly and this government to participate in that review.

In addition to that, I have made repeated representations, most particularly in those seven years that I was Chief Minister whilst John Howard was Prime Minister, about something as simple as a review and each of the Prime Ministers was disinclined to pursue amendments of the sort that Senator Brown is now championing. Those are the sorts of amendments that I have requested repeatedly of successive governments. That is why I am being as public in my support for Senator Brown in the decision that he has taken to champion this community's rights to equal and fair treatment in relation to our capacity to rule ourselves. *(Time expired.)*

**MS HUNTER:** Supplementary, Mr Speaker?

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

**MS HUNTER:** Thank you, Mr Speaker. Chief Minister, what has been the feedback from your federal colleagues about whether they will support these two bills or not?

**MR STANHOPE:** I thank Ms Hunter for the question in relation to that. At this stage I have to say, Ms Hunter—and it is similarly a matter that has caused me to reflect—that my colleagues and, I believe, members of the Liberal Party, within the federal parliament have been granted a conscience vote on this issue. I have to say, and I have publicly suggested, that I believe it inappropriate on an issue such as this. The fundamental issue, the issue of principle, is our democratic rights and I have put a view strongly and in writing to every single member of the House of Representatives and the Senate that I did not accept it appropriate that this be treated as a conscience issue. It is not a conscience issue.

What is the conscience issue in relation to the rights of the people of the ACT to be treated equally and fairly? This is not a conscience issue and I have expressed the view, in writing, to each of my colleagues and indeed the Liberal members of the federal parliament that the conscience that I would wish them to bring to bear to this issue is to apply a conscience vote to the democratic rights of the people of the ACT and of this parliament to govern in the best interests of the people they represent and to be judged by the people they represent.

To suggest that a bill which at its heart is only about restoring a democratic right is a conscience issue misses the point—and misses the point completely. It actually diverts attention to the fact that the substance of the bill took away the democratic rights relating to euthanasia. If members of the federal parliament want to take a leadership role on issues like euthanasia, they can go the next step and take the lead on issues nationally such as abortion and other conscience issues.

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

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

**MR HARGREAVES:** Chief Minister, what steps have you taken to have the ACT's interest highlighted ahead of the debate in the federal parliament this week on a private member's bill that seeks to restore the right of the ACT to legislate in the area of euthanasia—

**Mr Hanson:** He has already answered that. Did you read the wrong question, John?

**MR HARGREAVES:** Something that I know Mr Hanson is very interested in.

**MR STANHOPE:** I have taken a range of steps, including meeting, at his request, Senator Humphries. I must say that I am pleased to see Senator Humphries working quite assiduously with his colleagues federally to deal with this issue and the rights of

the people of the ACT. Indeed, I look forward to hearing a squeak out of the Leader of the Opposition in this place or any member of the Liberal Party in this place in relation to these issues. A tiny squeak of any sort in defence of the people of the ACT and of their rights would be welcome.

There is an interesting contrast between the very productive meeting I had with Senator Humphries on this issue and the pin-drop silence that has emanated from the opposition in this place in relation to this particular issue. I have spoken with Senator Humphries about his plans and the strategy he is developing in relation to these issues.

I spoke yesterday with Senator Brown. We had a very productive meeting around his stewardship and championing of these issues and his willingness to expand the extent of the influence and the leadership he has shown on our behalf in relation to the utterly grievous shortcomings within the self-government act.

Indeed, I have written to every single member of both the House of Representatives and the Senate. The Deputy Chief Minister has made contact with colleagues. I have spoken to colleagues within the federal parliament. I have made repeated public requests of, most particularly, the federal parliament to respect the rights of the people of Canberra to be treated fairly and equally, not to be treated as second-class citizens but to be treated as Australians equal with all other Australians. (*Time expired.*)

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

## Papers

**Mr Speaker** presented the following papers:

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

8/2010—Delivery of Mental Health Services to Older Persons, dated 29 October 2010.

9/2010—Follow-Up Audit—Courts Administration, dated 12 November 2010.

Standing order 191—Amendments to:

Climate Change and Greenhouse Gas Reduction Bill 2010, dated 1 and 2 November 2010.

Liquor (Consequential Amendments) Bill 2010, dated 1 and 2 November 2010.

ACT Legislative Assembly Secretariat—Annual Report 2009-2010—Erratum, dated 2 November 2010.

## Executive contracts

### Papers and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for 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:

David Matthews, dated 19 September 2009.

Gregory Jones, dated 29 October 2010.

Ian Hubbard, dated 11 July 2008.

Khalid Ahmed, dated 28 October 2010.

Martin Hehir, dated 13 October 2010.

Short-term contracts:

Christopher Norman, dated 29 September 2010.

Daniel Stewart, dated 8 October 2010.

David Jones, dated 21 September 2010.

David Purser, dated 22 October 2010.

Helen Shephard, dated 26 October 2010.

John Wynants, dated 1 October 2010.

Kerry Webb, dated 21 October 2010.

Linda Kohlhagen, dated 1 October 2010.

Meredith Whitten, dated 26 October 2010.

Narelle Ford, dated 30 September 2010.

Samantha Tyler, dated 29 October 2010.

Sarah Byrne, dated 16 September 2010.

Sushila Sharma, dated 19 and 20 October 2010.

Wendy Jane Cuzner, dated 24 October 2010.

Contract variations:

Anna Thornton, dated 12 October 2010.

Bronwen Overton-Clarke, dated 27 September 2010.

David Colussi, dated 27 September 2010.

Donna Mowbray, dated 3 June 2010.

Elizabeth Trickett, dated 26 October 2010.

Francis Duggan, dated 27 September 2010.

Gregory Kent, dated 29 April 2010.

Gregory Tong, dated 22 October 2010.

Lois Ford, dated 27 September and 7 October 2010.

Mark Huxley, dated 24 October 2010.

Shane Kay, dated 26 and 27 October 2010.

Vanessa Little, dated 26 October 2010—

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

Leave granted.

**MR STANHOPE:** Thank you, Madam Assistant 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. Contracts were previously tabled on 19 October 2010. Today I present five long-term contracts, 14 short-term contracts and 12 contract variations. The details of the contracts will be circulated to members.

### **Terrorism (Extraordinary Temporary Powers) Act 2006 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:

Terrorism (Extraordinary Temporary Powers) Act, pursuant to subsection 100(b)—Review of the operation and effectiveness of the Act—

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

Leave granted.

**MR CORBELL:** Thank you, Madam Assistant Speaker. Today I am tabling the government's review of the Terrorism (Extraordinary Temporary Powers) Act 2006. This review fulfils the government's statutory requirement to complete a review of the operation and effectiveness of the ACT's terrorism act, which must be tabled in the Assembly before 19 November 2010.

Before I outline the eight recommendations arising from the review, I will provide members with an overview of the circumstances behind the enactment of the ACT's terrorism act. In 2008, Australia's national approach to terrorism was formalised by the intergovernmental agreement on Australia's national counter-terrorism arrangements. As a result of the agreement, in 2003 the states referred their powers to legislate for terrorism offences to the commonwealth. This resulted in the commonwealth enacting comprehensive national terrorism offences.

In late 2005, following the London terrorist attacks, it was necessary to review Australia's terrorism laws to assess Australia's ability to respond to a similar attack. The London attacks highlighted a change in the strategy of terrorist organisations, because the planning and implementation of the attacks was from within the United Kingdom.

Consequently, the Council of Australian Governments counter-terrorism summit agreed that state and territory governments would enact further laws to combat

terrorism, which the commonwealth could not enact due to constitutional constraints. These new laws were deemed necessary as they provide specific powers to police to respond should a terrorist attack be organised and executed within Australia.

The ACT's terrorism act commenced on 19 November 2006. It allows for the preventative detention of a person for up to 14 days to prevent an imminent terrorist attack or to preserve evidence relating to the commission of terrorist acts. The act also provides police with special stop, search and seizure powers to be used in response to, and in the investigation of, terrorist acts.

The review makes eight recommendations, which I will now describe for members. Firstly, the review recommends that the terrorism act continue past the expiry date of 11 November 2011. This conclusion is based on an analysis of terrorism assessments conducted by the commonwealth government, the Australian Security Intelligence Organisation and the reviews of similar legislative schemes conducted by governments across Australia.

It is important to note that, due to the cross-jurisdictional challenges presented by terrorism, Australia's response relies on the complementary roles between the commonwealth, states and territories. Significantly, our counterparts across Australian jurisdictions who have reviewed their counter-terrorism legislative schemes have all recommended that their legislation continue.

The recommendations from our interstate counterparts to continue their respective acts was despite the fact that, like the ACT, many of the jurisdictions have not exercised the powers in their counter-terrorism legislative schemes. This is apart from Victoria, who have exercised their powers on various occasions to support counter-terrorism investigations.

The continuation of the ACT's terrorism act is therefore necessary because it supports the national legislative approach and, furthermore, because of the specific threat to the ACT. As the ACT houses the seat of government and approximately 90 diplomatic missions, it is a potential target for a terrorist act. This is evidenced by the fact that the Israeli embassy was the target of the publicised planned but aborted terrorist act in 2000.

Australians continue to face the threats of terrorism. The current security assessment, conducted by ASIO, is medium. A medium assessment indicates that a terrorist act is feasible and could occur. ASIO have also recently reported that, in 2008-09, Australia was identified as a terrorist target by Islamic extremists. The most serious activity identified by ASIO was the alleged planning by a Melbourne-based group of extremists of an armed suicide assault on an Australian military facility.

The commonwealth government have also reported in their recent counter-terrorism white paper that 38 people have been prosecuted or are being prosecuted as a result of counter-terrorism operations. Thirty-five of these prosecutions have been for offences against the terrorism offences located in the commonwealth Criminal Code. Whilst a number of these prosecutions are ongoing, 20 people have been convicted of terrorism offences.

The second recommendation is to extend the expiry clause, at section 101 of the terrorism act, to 11 November 2016. This expiry date will be 10 years after the commencement of the ACT's act.

The third recommendation is for a further review clause to be included at section 100. It is proposed that the second review be conducted before the end of the terrorism act's ninth year of operation.

Recommendation 4 proposes that an issue be referred to the ACT government's current review of police criminal investigative powers. It is recommended that the review considers whether a general warning should be included in ACT legislation to require police officers to warn that a failure to comply with an order or direction may amount to an offence.

Recommendations 5 to 8 propose minor amendments to the terrorism act to ensure that the act is consistent with other legislation in the ACT and that the act operates in the way the government intended.

I note that in 2011 the government intends to present a bill to the Assembly to give effect to the recommendations that are outlined in this review. I commend the paper to the Assembly.

## Papers

Mr Corbell presented the following papers:

ACT Criminal Justice—Statistical Profile 2010—September quarter.

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

Legislation Act, pursuant to section 64—

Criminal Code—Criminal Code Amendment Regulation 2010 (No 1)—  
Subordinate Law SL2010-41 (LR, 25 October 2010).

Government Agencies (Campaign Advertising) Act—

Government Agencies (Campaign Advertising) Exemption 2010 (No 4)—  
Disallowable Instrument DI2010-272 (LR, 21 October 2010).

Government Agencies (Campaign Advertising) Exemption 2010 (No 5)—  
Disallowable Instrument DI2010-278 (LR, 28 October 2010).

Health Act—Health (Fees) Determination 2010 (No 4)—Disallowable  
Instrument DI2010-274 (LR, 25 October 2010).

Health Professionals Act—Health Professionals Amendment Regulation 2010  
(No 2)—Subordinate Law SL2010-43 (LR, 1 November 2010).

Juries Act—Juries (Payment) Determination 2010—Disallowable Instrument  
DI2010-270 (LR, 21 October 2010).

Magistrates Court Act—Magistrates Court (Dangerous Goods Road Transport  
Infringement Notices) Regulation 2010—Subordinate Law SL2010-42 (LR,  
28 October 2010).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2010 (No 1)—Disallowable Instrument DI2010-277 (LR, 28 October 2010).

Planning and Development Act—Planning and Development (Jerrabomberra Wetlands Nature Reserve) Plan of Management 2010—Disallowable Instrument DI2010-280 (LR, 28 October 2010).

Planning and Development Regulation—Planning and Development (Change of Use Charge—GP Practice Clinics) Policy Direction 2010 (No 1)—Disallowable Instrument DI2010-275 (LR, 25 October 2010).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2010 (No 8)—Disallowable Instrument DI2010-282 (LR, 31 October 2010).

Road Transport (Offences) Regulation—Road Transport (Offences) (Declaration of Holiday Period) Determination 2010 (No 1)—Disallowable Instrument DI2010-281 (LR, 1 November 2010).

Utilities Act and Utilities (Water Conservation) Regulation—Utilities Water Conservation Measures Approval 2010—Disallowable Instrument DI2010-279 (LR, 31 October 2010).

## **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 14—Instrument directing a transfer of funds within the Department of Territory and Municipal Services, including a statement of reasons, dated 27 and 29 October 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 table an instrument issued under section 14 of the act. Section 14 of the act, “Transfer of funds between appropriations”, allows for the transfer of funds between appropriations as endorsed by the executive. The direction and statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given.

This instrument transfers \$51,000 in the Department of Territory and Municipal Services net cost of outputs appropriation to departmental capital injection. The transfer is required to correct an adjustment made in the 2010-11 budget relating to a reduction in commonwealth funding. The reduction in funding was inadvertently applied to the black spot program funded through capital injection instead of the road maintenance program which is funded through net costs of out outputs. 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 Department of Land and Property Services, including a statement of reasons, dated 3 November 2010.

I seek 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. Sections 16(1) and (2) of the Financial Management Act allow the Treasurer to authorise the transfer of appropriations for a service or a function to another entity following a change in responsibility for that service or function.

Section 16(3) of the Financial Management Act 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 Legislative Assembly.

This instrument facilitates the transfer of \$51.464 million in capital injection appropriation associated with the transfer of land release projects and various projects in the city centre from the Department of Territory and Municipal Services to the Department of Land and Property Services.

This transfer will centralise the delivery of land release projects within the department responsible for land release under the current administrative arrangements. The transfer is budget neutral and 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 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Territory and Municipal Services, including a statement of reasons, dated 3 November 2010.

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

Leave granted.

**MS GALLAGHER:** Section 16B of the Financial Management Act relating to rollover of undisbursed appropriation allows for appropriations to be preserved from one financial year to the next as outlined in the instruments signed by me as Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over undisbursed appropriation from 2009-10 to 2010-11.

This package includes one instrument for one project signed under 16B. The appropriation being rolled over was not disbursed during 2009-10 and is still required in 2010-11 for the completion of the project identified in the instrument. The instrument authorises a total of \$94,000 of capital injection appropriation to be rolled into 2010-11 for the Department of Territory and Municipal Services. The rollover is required for the Canberra CBD upgrade program which was delayed due to consultation outcomes.

This rollover is being made as the appropriation clearly relates to project funds where commitments have been entered into but the related cash was not required or expended during the year of appropriation, for example, where capital works projects or initiatives for which the timing of delivery has been changed or delayed, where outstanding contractual or pending claims exist or where there are delays in implementing budgeted recurrent initiatives.

Specific details regarding the rollover are included in the instrument and I commend these papers 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) (3.25): For the information of members, I present the following paper:

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

This report was circulated to members when the Assembly was not sitting. I seek leave to make a statement in relation to the paper.

Leave granted.

**MS GALLAGHER:** I present to the Assembly the September quarter 2010 financial report for the territory. This report is required under section 26 of the Financial Management Act. The September quarter 2010 results are in line with expectations, presenting a headline net operating balance for the general government sector of a \$107.3 million surplus against a year-to-date budgeted surplus of \$108.8 million.

The strong September year-to-date result is in line with previous September quarters and is significantly influenced by the full year recording of general rates in the first quarter in line with accounting practice.

The territory continues to maintain a strong balance sheet as reflected in a number of the indicators such as net worth, net financial liabilities and net debt. I commend the report to the Assembly and move:

That the Assembly take note of the paper.

**MR SMYTH** (Brindabella) (3.27): I thank the Treasurer for the tabling of the September quarter 2010 consolidated financial report.

**Ms Gallagher:** You are the only excited person about the September quarter, Brendan.

**MR SMYTH:** It is very important, and the Treasurer will no doubt surely table the consolidated annual financial statements, because it is important that the two are read in concert. I note that the consolidated financial report was released on 5 November—for those that were not at the wonderful hearing that we had last week, the day after the Treasurer appeared before PAC for the annual report hearing. Some might say it was a clever strategy to avoid any questioning on this report, but the minister assured us that there was no conspiracy; it was just coincidence that it arrived the day after we had had the hearings that it may have got an airing in. Another win for openness, transparency and accountability!

If you take the September quarter report as the quarter that follows on, it is important because in a sense they complement each other because one provides a quarterly follow-on to the other's insight into the performance during the previous financial year.

I am sure the Treasurer at one level will say that it would appear that the ACT economy and fiscals are travelling very well. I am sure she would be delighted to say that—that there is no need to be concerned; everything is travelling along quite nicely and “we've got a plan”. But, unfortunately, all is not what it seems from the information in this relatively benign report. What you can take at first blush is that there is absolutely no sense that this government is attempting to drive the ACT economy. It is, in fact, the economy that is driving the government. And there is no sense that this government is responding to economic developments in the way in which other jurisdictions are responding.

We know, because the Treasurer always quotes from it when it is in her favour, that the latest report on state economies from CommSec, the economic research arm of the Commonwealth Bank, concluded that the ACT and Western Australia have been the two best performing economies in Australia. One would expect that this would see the ACT budget performing as well as those in other jurisdictions—wouldn't we?—especially given the strength of federal government spending in the ACT, the very strong ACT housing market and very low unemployment in the ACT.

But what is the reality? If we look at the performance of various of the other states for the 2009-10 financial year we see that even the cot case economy, New South Wales, recorded a \$2 billion turnaround, largely due to a much stronger residential property market. Victoria recorded a surplus—it was four times the original surplus estimate of

\$165 million—again because of a stronger property market, increased payroll and motor vehicle taxes. Queensland, the state that had its rating downgraded, recorded a \$1.7 billion turnaround, and South Australia recorded a half-billion dollar turnaround. Western Australia doubled their estimated surplus of \$400 million, and even Tasmania recorded a turnaround of \$135 million to record a surplus.

So where is the ACT in this mix? How has the ACT, judged by CommSec to be one of the two best performing states, ranked against the other states? I look forward to the Treasurer telling us where the ACT is in this, simply because what you see is almost a steady state. There is no dramatic turn around because, again, this government is not driving the economy; the economy is simply driving itself.

There are a couple of other matters, and they both relate to superannuation. On page 34 of the consolidated report there is a reference to various transaction dealings with the payments of entitlements under the CSS and PSS schemes. I note that the payments for emerging costs increase from \$71 million in 2008-09 to \$97 million in 2009-10. It appears, however, that the ACT underpaid for these costs in 2008-09. When she rises, perhaps the Treasurer could tell the Assembly why there was such a large increase year on year in the payment for emerging costs and why such a large adjustment was required after the actuary's review of these payments.

On page 35, for instance, of the consolidated reports, there is some commentary on the superannuation liability. The assumptions on which this liability is determined are set out on page 39 for all the members who I am sure are interested in the territory's largest debt. I note that the discount rate that was used during 2009-10 was 5.16 per cent. As the general interest rate environment has started to move up in recent months, I wonder if the Treasurer could advise the Assembly what this means for the determination of the superannuation liability. I certainly look forward to the Treasurer's speech concerning the consolidated annual financial statements, and I look forward to her answers to those questions.

Question resolved in the affirmative.

## **Financial Management Act—consolidated annual financial statements 2009-2010**

### **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 25—Consolidated Annual Financial Statements, including audit opinion—2009-2010 financial year

This report was circulated to members when the Assembly was not sitting, and I ask leave to make a short statement in relation to the paper.

Leave granted.

**MS GALLAGHER:** I am pleased to present to the Assembly the 2009-10 consolidated annual financial statements for the territory. I am pleased to advise that the consolidated statements have received an unqualified opinion from the Auditor-General. The final 2009-10 headline net operating balance for the general government sector is a surplus of \$147.9 million. This is a positive outcome for the territory, highlighting the government's disciplined approach to management of the territory's finances and a commitment to financial control across the sector.

Key financial indicators in the balance sheet indicate that net worth has grown to \$15.4 billion, while net debt remains in a negative position, demonstrating that the territory's GGS cash reserves and investments are greater than our gross debt liabilities.

The ACT continues to have one of the strongest balance sheets of any government in Australia. Combined with our fiscal strategy to strengthen our operating position and to manage debt prudently, there are strong grounds to indicate the territory can continue to meet its liabilities as and when they fall due and continue to be assigned a AAA credit rating when Standard & Poor's report on their 2010 review of the ACT. I know Mr Smyth will be eagerly awaiting that report—quietly confident, but eagerly awaiting it.

When the revenues from the commonwealth stimulus initiatives are excluded from the result, the underlying GGS net operating balance is, however, a deficit of \$6.7 billion. The commonwealth stimulus packages have been very welcome. Their initiatives, as well as our own, have been essential to support jobs and maintain confidence in the economy. The positive impact of this is seen clearly in our economic performance.

Despite the improved result in 2009-10, we do need to be mindful as the challenges outlined in the 2010-11 budget remain. The budget remains in deficit, and we need to continue with our efforts and the objectives in the budget plan to get the budget back to surplus.

The headline net operating balance improved by \$93.7 million compared to the 2009-10 estimated outcome. This improvement largely reflects a number of technical outcomes and adjustments which have occurred following the release of the budget. As previously outlined in the June interim report, these include: externally driven factors such as payments by the commonwealth for financial assistance grants brought forward to 2009-10 and those related to the sale of government goods and services; outcomes associated with the ongoing management of the territory's liabilities for superannuation and insurance; transactional variances associated with the transfer of assets between the government agencies; improved revenue from the Land Development Agency; and higher dividends from Actew as a result of the ActewAGL joint venture activities.

Additionally, other technical variations have impacted on this result since the release of the interim report and include: variations associated with the revised discount factor impacts; increased depreciation expenses associated with the write-down of the Canberra hospital car park; and the recognition of make-good provisions for fit-outs

in government-leased accommodation. Many of these variations are technical in nature and will not flow across the forward estimates.

I am pleased to report that our economy has seen continued improvements in growth in the latter quarter of the financial year, and prospects for the Australian and ACT economies remain positive. The territory's state final demand was 7.8 per cent in year-on-year original terms in the June quarter 2010, predominantly due to strengthening in public demand and public infrastructure investment.

Following two years of below average growth, household final consumption expenditure in 2009-10 in the ACT has increased at its fastest pace in eight years. This was supported by strong employment growth of 1.2 per cent and solid population growth of 1.9 per cent.

Private dwelling construction also increased at a solid pace, reflecting the impact of initiatives to stimulate first homebuyer activity, the relatively low official interest rate environment, solid population growth and increased land supply through our accelerated program. Even with this improved outlook, the territory still has a substantial task ahead to return the budget to surplus, and we should be mindful of the budget adjustment task of our federal counterparts and the risks this represents for the territory economy and budget moving forward.

I can advise members that the next update of the territory's financial position will be released with the budget review in February 2011—in line with Mr Smyth's preference—including a review of our revenue forecasts and impacts of the commonwealth's mid-year economic and fiscal outlook.

The financial statements I present today have been prepared in accordance with the Australian accounting standards and are in line with the requirements of the Financial Management Act.

The issue Mr Smyth raised around the superannuation liability fluctuating goes back to the issue mentioned at the previous question time, where the discount rate when the budget was put together was 5.9 per cent. A long-term average of six per cent is used, and when the budget was put together it was 5.9. It actually was 5.19, so the liability has increased. That is the chunky change in the order of \$40 million.

In terms of how we meet our liability into the future, we have our own review processes built in. If the discount rate had not changed, I am advised that we would be on target at 50 per cent of our liability being met. It is now at 45 per cent. There is a three-year review, I think, during 2011-12. We are taking a very close look at this and remain committed to our target at that point in time. I commend the statements to the Assembly.

## **Implementation plan—Future directions towards challenge 2014 Paper**

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for

Women) (3.38): For the information of members I present a paper entitled *Future directions: towards challenge 2014—implementation plan: 2010-2014*. I move:

That the Assembly take note of the paper.

I am pleased to table the ACT government's next implementation plan for people with a disability in the ACT, *Future directions: towards challenge 2014—implementation plan: 2010-2014*. This government is committed to improving outcomes and opportunities for all Canberrans with disability and achieving the vision established in 2002 that all people with a disability achieve what they want to achieve, live how they choose to live and are valued as full and equal members of the ACT community.

The 10-year vision articulated in challenge 2014 calls on the whole community, including government, to take responsibility for effective change to improve the potential for people with a disability to enjoy meaningful, valued and included lives in our ACT community.

For those of you who may not know, there are an estimated 45,000 people with a disability in the ACT. In September of 2004, this government launched *Future directions: a framework for the ACT 2004-20-08*. This was the first step in a collaborative, coordinated and holistic approach to achieve the vision and the rights of people with disability to self determination, respect, dignity and participation in all levels of the community. The framework delivered considerable gains for individuals, families and community services.

You would know that the ACT government has significantly increased recurrent funding for disability support since 2002-03 from \$41.5 million to \$74.1 million in 2010-11. This represents a 79 per cent increase in annual recurrent funding. As well, the government continues the reform and evaluation of how services are delivered. Along the way, we have seen innovation, courage and vision in how we do our work, and the future looks positive.

Continuing this commitment, the ACT government launched *Future directions: towards challenge 2014* in September of 2009. This document is the ACT government's guide for delivering disability policy and services over the next four years. It is a bold piece of work, crafted with the assistance of people with a disability, their carers, their families and others in the community, and it is making a real difference in the lives of people with a disability and, therefore, their families.

An important element of future directions was an initial 2009-10 plan of action. Since the launch of this first implementation plan, significant progress has been made against its 42 actions, and I would like to outline a few of these here today.

The ACT government has progressed actions that will assist people with disability to get the right support at the right time and in the right place. We have achieved this through developing policy frameworks to better support people with a disability who are ageing and Aboriginal Torres Strait Islander people with a disability, piloting direct funding approaches for people with a disability after consulting on direct payment options, implementing programs to reduce household energy and water costs

for people with a disability, and implementing the policy framework for children and young people with a disability and their families.

We have taken significant steps to assist more people with disability to contribute to the community. We have achieved this through partnering with Social Ventures Australia to establish the ACT social enterprise hub, which is already enhancing self-employment opportunities for people with a disability, and the ACT government has provided funding to the ACT social enterprise hub of \$230,000 over three years; developing a disability education strategic plan 2010-13 for public schools, which was guided by the 2009 review of special education in ACT schools; establishing a transition service in 2009 which is already improving outcomes for many school leavers who need time-limited support to establish themselves into early adult lives; and forming partnerships with community and environmental groups to provide volunteering opportunities for people with a disability.

We have also taken steps to enable people with a disability to socialise and engage in the community. We have developed and supported a broad range of inclusive sports, arts and recreational activities. For example, Basketball ACT and Wheelchair Sports New South Wales have started a weekly wheelchair basketball competition at the Belconnen stadium for basketballers with a disability and able-bodied basketballers.

We have delivered disability awareness training to the Australian Federal Police and ambulance drivers and developed a disability awareness and discrimination training register. We provided innovation grants of \$200,000 for eight projects in 2009 and a further \$200,000 for seven projects in 2010. These projects support the community participation of people with a disability and showcase non-traditional approaches to support.

The ACT government has explored new ways of providing information to people with a disability and their families. Public information stalls have been held in shopping centres; the Luke 14 Launch, which is a disability awareness program for church groups, and as part of National Aboriginal and Torres Strait Islander Observance Committee—NAIDOC—Week in July 2010.

We are closer to achieving the goal that people with a disability are able to tell their story once. We are working on a no-wrong-door scheme for people to receive information about supports and services and apply for multiple supports across a service system using a web-based personal information collection tool. We are also improving the quality of the service system, providing an access guide for government, business and community, and a new workforce strategic plan for the period 2010-14.

There is still more to be done, and I turn now to the actions to be undertaken over the next four years. The next implementation plan builds on the progress achieved in 2009-10. It outlines the priority areas for ACT government action through to 2014. The implementation plan has been developed within the context of the ACT Human Rights Act 2004 and is consistent with the United Nations Convention of the Rights of Persons with a Disability.

The development of a four-year implementation plan has been overseen by the ACT disability strategic governance group. This is a unique model of shared governance,

partnering family, community and government members in strategic planning and decision making. I would like to thank the members of this group for their commitment to deliver this plan.

To develop the 22 actions in the plan, the strategic governance group hosted eight roundtables in the areas of inclusive communities, employment pathways, transport and parking, aids and equipment, housing, supporting families, justice and crime prevention and access to government.

A mix of people with diverse disabilities, their family members, community, business and government agencies took part in those roundtables, and I would like to thank the community members and agencies who shared their experience, knowledge and time. A report on the suggestions from the roundtables has been released by the strategic governance group, and the key message from roundtables confirm that we are on the right path to achieving the vision.

We heard about the need for concerted action by ACT and federal governments, community groups, schools and businesses. We heard that people with a disability and their families want the ACT government to invest in flexible funding models and service approaches that will give them greater choice and control over the way they obtain their support services, as well as to invest in innovative approaches to provide greater housing choices.

They told us people want the ACT and federal governments, community and businesses to work together to create opportunities for people with a disability which will lead to paid work, strengthen community networks, protect their human rights and make it easier for them to navigate and access services, supports and community activities.

They want the ACT government to take an active role in educating and supporting mainstream community groups and for employers to recognise and respect the contribution of people with a disability and to welcome them as valued family members, friends, employers, employees, clients and volunteers. The roundtable provided 183 separate suggestions for action. These have been considered in detail by the strategic governance group and ACT government agencies and form the basis of our new four-year implementation plan.

There are new areas for action. We will increase planning assistance for future housing, tenancies and support requirements, enhance access to aids and equipment, establish an ACT government disability employment strategy and enhance the promotion and protection of human rights for people with a disability. We will also strengthen and streamline access to information, support and accommodation services and implement a national quality framework.

The actions in the four-year implementation plan put the ACT at the forefront of the contemporary practice in terms of services and supports for people with a disability, in line with the reforms being pursued nationally. All Australian jurisdictions have committed, through the national disability strategy, to a whole of government effort in creating an inclusive Australian society which enables all people to fulfil their

potential as equal citizens. Implementing the four-year plan will enable the ACT to meet its obligations under the national disability strategy.

The strategic governance group will have a leadership role in ensuring that the outcomes envisaged by the future directions framework are achieved over the next four years. The Department of Disability, Housing and Community Services has responsibility for ensuring the actions are implemented. The strategic government group will report annually on delivery, and the first report is due shortly.

I am heartened that so many community members continue to be involved in implementing this plan, and I believe that this in itself is proof that we are on the right track as a government and as a community. The task we have set is large, but significant achievements have already been delivered through future directions.

I firmly believe that we have the tools required to continue to assist people with a disability in the ACT to live the kind of life expressed so eloquently in 2002 by people with a disability. This is nothing less than each of us would wish for ourselves. I commend the four-year implementation plan for *Future directions: towards challenge 2014* to the Assembly.

## **Movember**

### **Discussion of matter of public importance**

**MADAM DEPUTY SPEAKER:** Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves, 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 Mrs Dunne be submitted to the Assembly, namely:

The importance of Movember.

**MRS DUNNE (Ginninderra) (3.50):** I am very pleased to take this opportunity today to speak about Movember and the importance of Movember and in this context to speak about the importance of men's health. I received a bit of a ribbing around this place this morning because I was the only Liberal female member and my name came out of the hat. I think it is important that we speak about men's health and I think it is very important that women speak about men's health because it is a very important issue and one that should not be diminished by jibes and humour, although humour is always part of a healthy debate and a healthy discussion.

I spent a lot of time mulling on these issues and I did spend some time mulling on these issues with my senior staff this morning. Whilst dwelling on the fact that this is an important issue not just for men but one that women should be involved in as well, I did think I would want to reflect upon men's health from what I hope is a man's perspective.

I have taken some advice from Clinton, my adviser, about some of the issues and his appreciation of men's health. His appreciation of men's health and the importance of

Movember come from years of experience that show that the community needs to be more aware of men's health and the wellbeing issues associated with men's health. Clinton has said to me that he has an understanding of the tragedy of prostate cancer because of the experiences of his friends who have suffered from the disease. He understood only too well the consequences of testicular cancer. One of his best mates suffered from that disease when he was only in his 30s.

He understood that depression in men is one of the most debilitating illnesses that men can face, because until then men thought they had to ignore it, to be seen to be strong and to be resilient. Clinton said to me that he knew that blokes were blokes. They are tough and strong, and showing emotion is a sign of weakness. Blokes should not even hug their dads or their best mates.

I think that is very much an issue for men from a certain era, a certain age, and I think that is something that I see with my brother, my husband and people of our generation. And a lot of men in my circle never got to hug their dads. As Clinton said to me today, he never hugged his dad but he has now learned to hug his mates and their dads. And that is almost the same.

Blokes do not have society's permission to express their feelings and emotions in the way that women sometimes do. If I get teary today, that is just one of the things that Vicki does. But men are expected to bottle them up.

Clinton saw this happening in farming communities when he was growing up, when drought or financial difficulty or even government intervention ripped the heart out of generations of farming practice. He saw the statistics of farmers whose depression had put them at such a low ebb that the only way out was suicide. I note that the member for Leichhardt, the independent, Bob Katter, speaks at length and with passion about this issue.

Clinton has seen it in his own family. Many years ago a teenage cousin, seemingly happy in life, put a shotgun in his mouth and pulled the trigger. A nephew in his early 20s recently attempted to take his life because that life had become too much for him to bear. And closer to home, Clinton experienced it himself when he went through a profound feeling of failure as a bloke when his family home burned to the ground in the 2003 bushfires. It may have been an unfounded, perhaps even an imagined, failure but the feeling was real and I think it stays with him even today.

Men's health and men's wellbeing are what Movember is all about and that is why people like Clinton have participated in Movember. Back in 2006 he had the singular achievement of raising \$1,500 for the Movember cause and he promises to show me the photo of a hirsute Clinton. He said that it took a while for the mo to actually register on his face.

Working closely with someone like Clinton, I get to see some of his personal encounters. One of the reasons for that is that we share personal experiences—the good times, the bad times, the fun times and the sad times. This is good because to share is to care, and to care is to give permission, which men historically have been denied, to express their feelings—the happiness, the sadness, the successes, the failures, the satisfaction and the frustrations.

It is very important for me, as a wife and a mother of sons, that we give permission to the men in our lives to be more in tune with their feelings, to be more in tune with their health and to deal with the real issues. I know my son Tom is a regular supporter of Movember, and I congratulate him and all the young men who take part in this event. I think it is a way not only of raising good and needed funds but of raising awareness amongst a new generation that it is okay, and not only okay but very important, that we take stock of our health.

My colleague Mr Hanson will give you the hard facts and the stats about the men's health issues I have already mentioned. What I want to do now is mention some of the support services that are available to men. First of all, of course, is Movember itself. It is a global campaign that actually gets men to talk about the serious subject of their health and the medical challenges that are unique to men. It does this by making fun of, and having fun with, the most manly of achievements, blokes being able to grow facial hair. The Movember website, of course, sums it up quite nicely when it says:

Men sporting Movember moustaches, known as Mo Bros, become walking, talking billboards for the 30 days of November and through their actions and words raise awareness by promoting private and public conversation around the often ignored issue of men's health.

It is often the case that you see a colleague or a friend who is suddenly growing a moustache, with varying degrees of success, at this time of the year and that does lead to a conversation about the importance of men's health that comes from that very public reminder. It goes on to say:

Supported by the women in their lives, Mo Sistas, Movember Mo Bros raise funds by seeking out sponsorship for their Mo growing efforts ...

According to the Movember website, the money raised is channelled into men's health partners for a number of world-class and innovative education, research and awareness initiatives. More than \$21 million was raised in Australia alone in 2009 to advance these causes.

One of the most significant partners of Movember is beyondblue, the national depression initiative. Beyondblue's mission is:

... to provide a national focus and community leadership to increase the capacity of the broader Australian community to prevent depression and to respond effectively.

Their aim is:

... to build a society that understands and responds to the personal and social impact of depression, works actively to prevent it, and improves the quality of life for everyone affected.

Beyondblue has an extraordinary website, packed full of information and programs and is an easy way for some of those perhaps not-so-tough or bulletproof blokes to get in there and quietly check things out.

Movember's other partner is the Prostate Cancer Foundation of Australia. Formed in 1996, the foundation—and I quote from their website:

... plays a vital role in the fight against prostate cancer and devotes its resources to reducing the impact of prostate cancer on the community.

According to the website, the goals of the foundation are to:

Reduce the impact of prostate cancer on Australian men and their partners, their families and the community; and

Represent the interest of all Australian men diagnosed with prostate cancer.

The Prostate Cancer Foundation of Australia funds research into the disease, provides information, support and counselling and raises community awareness about the need for early detection and the treatment of the disease.

I note, Madam Deputy Speaker, that you, the minister and Mr Hanson participated in a recent community awareness and fund-raising sausage sizzle in support of the Prostate Cancer Foundation. Clinton and I came along, and we did pass up the vegetarian sausages on the day, although they were well intentioned.

Like the beyondblue website, the Prostate Cancer Foundation website is extensive and comprehensive and has a no-nonsense approach to providing information to men as well as links to support groups.

In the ACT there are a range of support services for men. The Canberra Men's Centre provides counselling, information, referral, outreach, support, supported accommodation for homeless men, anger management and peer support services. Men's Link promotes the value, wellbeing and social participation of men, in particular young men and boys, by providing appropriate and professional services with outreach activities, especially mentoring. The Still Ticking Men's Group is an outings-based program for active men diagnosed with dementia. The Male Carers Support Group is a forum for male carers to share and discuss stories and issues in an accepting environment.

Samaritan House offers crisis accommodation to men over the age of 18 and offers support and medium-term accommodation for men with mental illnesses who are exiting institutions. The Service Assisting Male Survivors of Sexual Assault provides support, information and referral services for survivors of male sexual assault and their supporters. The Lone Fathers Association provides self-help, educational and welfare services to lone fathers, their children and their friends, relatives, grandparents and extended family.

Men's Shed is an innovative men's support group that connects men with their communities and provides mutual support for men suffering men's health problems— isolation, loneliness and depression. The unique feature of Men's Shed is that it brings men together in the ubiquitous shed environment, surrounding them with much-loved tools and machines, and encourages them to work with their hands to make a range of

useful and practical products that can help others in their communities. Through this work and the interaction it creates, Men's Shed is able to help men face their challenges and talk about them in a non-threatening environment.

Movember is a special month for the men in our community. Movember helps us to talk about the many elephants in the room: the threats to the health and wellbeing of our men. Movember helps us to raise money for research into the issues that are faced by our men. Most important of all, Movember gives our men permission to talk, to cry, to go to the doctor and to hug. I urge all to embrace the lighter side of Movember but also to realise and recognise the significant contribution it makes to making life just that little bit better for the men in our community.

**MR HARGREAVES** (Brindabella) (4.03): My first thought when rising here today was about where this month of Movember might end. It is not such a harebrained or harelip idea at all. I actually welcome this matter of public importance because men's health is an important issue. If we talk about it, perhaps men will think about it. If we talk about it in this chamber, perhaps, in fact, men generally will talk about it, and they will just talk about it with their doctor.

I had cause to wonder, however, knowing that the Liberal party room approves all items for MPI discussion, what was it that Mrs Dunne used to ensure that she could put her name on such an MPI? Was it a race to raise the importance of such an issue? Was it a race to prove that the removal of a subnasal hirsute lip and a subsequent publication might be controversial? Or was it just a case of who had the bigger moustache? I do not know. I still wonder.

I welcome this MPI, and I thank our "mo sista" over here, Mrs Dunne, for bringing it to the Assembly. I am reminded of where we finished off last year at that famous Canberra bastion and defender of men's health, King O'Malley's, here in Civic. You might remember that last year I made the supreme sacrifice and offered up my hirsute lip, my sub-proboscis forest, in support of Movember and what it supports—men's health and particularly the focus on depression, that black dog, and prostate cancer.

I must again thank the tremendous effort by Peter Barclay OAM, the managing director of King O'Malley's Irish pub. Peter has been at the forefront of the push to firmly establish Movember as the men's premier health promotion in Canberra over the past five years. I am sure that I can say on behalf of all members that we thank Peter for his tremendous efforts in hosting Movember at King O'Malley's and raising tens of thousands of dollars to support men's health issues. Members might like to know, in fact, that each of the last two years has been a record in terms of the amount of money collected. The ACT has had, for the last three or four years, the greatest amount collected per capita in support of men's health issues and, in particular, the fight against prostate cancer. A lot of it is down to Peter Barclay and his infectious commitment.

Importantly, when we arrive at the time of the month at the end of Movember when the 'tasche, the little forest, is felled, the message, Madam Deputy Speaker, remains clear and it still stands: get your act together, fellas, and talk about your health. Although some of the efforts at the end of Movember can best be described as

feeble—I refer to Lachlan Kennedy of WIN fame, who had to put eyebrow liner on to win a bet—I have to tell you that those efforts might have been feeble, but the message was not.

Whilst the focus is on mos, beards and goatees have also been developed and subsequently sacrificed in the name of promoting men's health. Last year, as I mentioned earlier, I sacrificed both my famous mo—somebody once said to me that my moustache was more famous than I was, but I thought that was not a big ask anyway—and a grown-for-the-occasion goatee for this great cause. I make the point that not too many of my fellow male members of this place have bothered to subject themselves to the barber's razor in the interests of men's health. I would encourage them to have a go. See if you can beat Uncle Johnno's mo. I do not think they are up to it.

The money raised by Movember in Australia is shared between those two excellent and worthwhile organisations targeting prostate cancer and male depression—as Mrs Dunne quite rightly said—the Prostate Cancer Foundation of Australia and beyondblue, the national depression initiative. I do not say too many things nice about the Liberal Party, but I have to pay credit to Jeff Kennett for his effort. I really think that what he has done in respect of this has been nothing short of miraculous. I have paid credit to him on many occasions outside this chamber, and I will continue to do so.

Last year, more than \$9 million went to the Prostate Cancer Foundation, and this year Movember again looks set to raise millions of dollars for research into this important men's health issue. As men all too often ignore their health, initiatives such as Movember that tackle the problem in a unique and engaging way are important for raising awareness of issues such as prostate cancer and men's mental health. Research into men's health shows that men visit their GP less frequently than women. Duh—I think that is pretty obvious. Men will wait longer before seeking treatment for health problems and men's life expectancy is significantly shorter than women's. One wonders why.

According to the Australian Institute of Health and Welfare, prostate cancer is the most common cancer diagnosed in Australia and the second greatest cause of cancer deaths in men. We need to actually take a bit of a breath and understand that. The most common cancer diagnosed in Australia—most people would say it is breast cancer, but it is not—is prostate cancer, and it is the second greatest cause of cancer deaths in men.

Each year in Australia, close to 3,300 men die of prostate cancer, which is equal to the number of women who die of breast cancer annually. Around 20,000 new cases of prostate cancer are diagnosed in Australia every year and one in nine men in Australia will develop prostate cancer in their lifetime. Between 2002 and 2006, there were 146 deaths in the ACT due to prostate cancer. As a result of a lack of awareness around men's health issues, many blokes do not have an adequate knowledge or understanding of the risks they face and what they should do to avoid these risks. Movember encourages annual testing for prostate cancer in all men over 50 and those over 40 with a family history of prostate cancer.

Movember also promotes awareness of depression in men, so that more men with depression know that it is a disease for which they can and should seek help. Further, Movember promotes general awareness of men's health issues and the importance of regular check-ups. Men need to know that they should not wait until they are sick to see a doctor. Annual check-ups with a GP are the go and the most effective way of catching any potential problems early.

Throughout history there have been many men who have rejected the razor and have shunned the shaving cream. There are a fair few of them: Genghis Khan—just have a mind picture here, Genghis Khan's mo was a good one; Salvador Dali—that was a ripper; Friedrich Nietzsche; Billy Hughes, the little rat; Uncle Joe Stalin; Henry Lawson. And as for those complete moustaches and beards, of course, we had George Bernard Shaw; Karl Marx; Henry Parkes and Paul Watson. Paul who, you may ask? He is the slightly rotund, hirsute captain of the *Sea Shepherd*, a man who should focus on his health. He should sacrifice the facial hair in the name of Movember and go and see his doctor and try and knock off some weight. For the interest of members, I seek leave to table a photo of Captain Watson. There are enough copies for instant distribution, Madam Deputy Speaker.

Leave granted.

**MR HARGREAVES:** I table the following paper:

Captain of *Sea Shepherd*—Copy of photograph from ABC website.

I thank members. I really wanted to make the point about this Movember thing. It is about using humour and it is about using laughter to address a serious issue. Mrs Dunne actually made the point and I think it is a very valid one. We do take the micky and in doing so we are able to talk about a really serious issue. I think that is great. We also need to address the point that blokes do not go to doctors, blokes do not cry—all that sort of stuff. Well, being a bloke will not save your life either.

Mrs Dunne also made the point about depression, the black dog. It is a point particularly well taken. I actually wanted to put on the record that walking with the black dog, let me tell you, is not a fun thing to happen to anybody. I have done it. And when you have got the black dog, it is the only friend you have got. You do not need enemies when you have got a black dog. You also do not have any friends because you are internal; you are inside your own head.

You do not realise that you have got families that love you, friends that respect you, colleagues that seek your counsel, because you have got a black dog that is all-consuming. I did not seek help because I was a bloke. I was bigger than my black dog. Well, it beat me in the end, until I sought help, because I had to. But my life had been through the shredder. So you have to seek that help and, once you do, it is fine. I would like to see blokes doing it before it gets to that point. If we can take the micky out of each other and start talking about it, that would be just fantastic.

As I said, Movember is about fun. It is about laughter, silliness and saving lives. I reckon we should join with Peter Barclay and those that are at the forefront and put

the conversation around men's health into the home, into the workplace and into the clubs and pubs, because if we do not, someone will die. At the end of the day, if we do not do this, someone is going to die.

I thank Mrs Dunne very sincerely for bringing this forward. I, like everybody else, and indeed Mrs Dunne herself, had a great chuckle when it was she that drew the lottery. In the spirit of Movember, we had a lot of fun on the way up when we talked about the serious stuff. Having Mrs Dunne's name drawn out of the bucket was fantastic. It was most appropriate, because it actually showed that this place can have a lightness about a serious subject and we can join together.

One of the sad things that I have to say, though, is that, apart from Mr Hanson, Peter and I, there are no blokes in the chamber to contribute to the debate or consider it. I think that is a bit sad. I am not critical of the opposition, the government or the crossbench individually, but collectively I am not particularly impressed with all of the blokes who are sitting up in their rooms and perhaps listening to this. You might find yourself walking with a black dog. Perhaps you should be down here and contributing to this. At the end of the day, it could be you that has got depression and prostate cancer. It could be your father, it could be your brother or it could be your son.

As Mrs Dunne said in her speech, the thing strikes early. This stuff strikes early and it strikes people in their 30s. Prostate cancer is not the province of the over-60s. My former father-in-law had prostate cancer. He was told that something like 90 per cent of men over the age of 70 had got prostate cancer and most of them died with it, instead of because of it. That may be true, except that the numbers have sort of caught up a bit now. Our life expectancy has increased so people are now being affected by prostate cancer and are dying. 3,300 people with a preventable disease is 3,300 too many.

I really think that we should enjoy a chuckle and take the micky. I have been down at King O'Malley's and I have lost my mo and I have coloured my hair. I have done all sorts of silly things down there, all in the name of promoting men's health. I thought I might just throw that one in to see if Mrs Dunne would enjoy it. But all I was able to do, yet again, was reduce Mrs Dunne to tears.

**Mrs Dunne:** A paroxysm of laughter.

**MR HARGREAVES:** Seriously, there are two things about Australian men which are fantastic: we have a massive sense of humour and we are a lot of blokes. We are blokes. Every now and again when we talk about our own health, we have got to stop being blokes. We have to keep our sense of humour and stop being blokes—because maybe one day the life that you save may very well be your own.

**MS BRESNAN (Brindabella) (4.18):** I, too, would like to thank Mrs Dunne for this matter of public importance today. Movember is a very effective community action to raise awareness and funds for men's health, specifically prostate cancer and depression. As you know, I think there is quite a bit of stigma associated with both

those illnesses, and I think having something like this, which addresses these very serious issues in a light-hearted way, is a great way to engage in discussion about them.

It is a movement that engages men of all ages and provides an innovative way of raising money. As you walk around Canberra and, indeed, Australia at this time of year, you are likely to encounter a variety of moustaches invoking a variety of retro styles, and it brings an element of laughter into a lot of lives. As we have already talked about today, men are often less likely to discuss health matters, and having events such as Movember and approaching health issues in a light-hearted way allows for a discussion of more serious issues to occur.

Men in the ACT have a lower life expectancy than women and have a higher mortality from most serious diseases than women. This is most likely because men access health services less frequently than women, which can lessen the chance of early detection and treatment for common diseases. Recent studies have shown that men do not get regular health checks because they are embarrassed to discuss their health issues or scared it will lead to a hospital visit. Combating society's stereotypes can be hard, and some men can be quite confronted by the prospect of being unwell.

One of Movember's key aims is to inform men that they should not wait until they are sick to see a doctor; rather, men should have an annual general health check-up, as this will provide the best chance of identifying problems and hopefully preventing or lessening complications and side effects.

During the last estimates process, I was informed through the response to one of my questions on notice that the ACT government is committed to developing a male health policy that reflects the national male health policy. This is important, because the national policy recognises a holistic view of health, including physical, mental, and social aspects, and also takes into consideration the social determinants of health.

I look forward to seeing the first draft of the men's health policy and hearing what new initiatives the government proposes to better engage those men who are on a low income in particular and are suffering higher levels of health inequity. We need to engage them not only in preventative health physical activities but also programs that build their social capital and resilience.

Two of the specific illnesses that Movember is concerned with are prostate cancer and depression. According to the Australian Institute of Health and Welfare, prostate cancer is the most common cancer diagnosed in Australia and the second greatest cause of cancer deaths in men. The latest data shows that in 2010, almost 20,000 men will be diagnosed with prostate cancer and more than 3,300 will die as a direct cause of prostate cancer.

The Prostate Cancer Foundation of Australia notes that there is currently no population-based screening for prostate cancer, and this leads to confusion amongst men and their doctors. It is recommended that men talk to their doctors about prostate cancer from the age of 50, if not before, and especially if there is a history of prostate cancer in their families.

In the last budget cycle, I supported a budget submission by the prostate cancer support group of the ACT region for three specialist prostate cancer nurses to be appointed and funded by ACT Health. I urge the government to invest in prostate cancer services for the ACT, both to help treat those with prostate cancer and to increase community awareness about the risks and the importance of testing.

Movember also serves to highlight another men's health issue: depression. As with prostate cancer, men can be reluctant to discuss depression with their families and friends or with their health professionals. As we well know, depression can have significant and devastating impacts on men in the community and their families and friends.

According to beyondblue, one in eight males will experience depression in their lifetime. Despite this high incidence of depression amongst men, they are far less likely to seek assistance for depression. The impacts of depression on men are typically different from those for women. Men have a higher risk of suicide than women, and depression in men can also be associated with an increased risk of a variety of disorders, including cardiovascular disease and diabetes. Men may also be more likely to turn to alcohol or drugs when they are depressed or anxious.

Beyondblue has noted some good news in that recent research conducted by beyondblue found that people's awareness of depression is growing, attitudes towards depression are improving and, importantly, awareness amongst men has increased significantly. More men are becoming aware that depression is a major mental health problem, and, among men who have experienced depression, more are seeking help.

The Movember campaign helps to build on this improvement, increase this awareness and help prevent the very negative impacts of depression for men. There are also some very important programs occurring in the ACT. Workplace mental health and suicide prevention programs include tradies tune-up and mates in construction. There is also the targeting of men's suicide prevention and mental health and wellbeing programs in Bimberi Youth Justice Centre and the Alexander Maconochie Centre.

Mrs Dunne has already talked about the Men's Shed movement, which is also an important avenue for providing men, particularly older men, with an opportunity to share their skills and knowledge and talk about issues such as depression. It is also an important means of addressing social exclusion, which often leads to depression. I have met with the men who run and attended the Tuggeranong Men's Shed, and a number of the men noted that if they did not have the Men's Shed, they would probably be at home. For many of the men, that would mean being home alone, and they admitted that that would lead to depression or unhealthy levels of alcohol consumption.

The Men's Shed is a very simple activity, but it leads to really important outcomes, particularly in areas like the ACT where it is often harder to engage with some activities. Particularly when you are older, it is really important for men to have this opportunity.

The focus through Movember on depression also highlights the importance of investing in mental health and recognising the burden of disease that it accounts for in the community. This includes moving towards having 12 per cent of the health budget spent on mental health, which is something the Greens and mental health groups have been calling for for quite some time. For too long people with mental illness have gone unrecognised and unserved. The latest ACT Chief Health Officer's report showed that the burden of disease for mental illness increased from 13 to 15 per cent.

Notably, mental disorders now make up five per cent of the mortality rate in the ACT. National figures show that, for young people, this rate is much higher, and mental illness is the biggest cause of death amongst men aged under 44. That is a very sobering statistic to keep in mind.

There are a number of campaigns that draw attention to various health issues, and each of these campaigns is welcome and important. Movember provides an engaging way to highlight serious issues for men's health, and I congratulate the Movember Foundation, its partners and all of the men involved in the campaign, which encourages men to talk and think about their health.

**MR HANSON** (Molonglo) (4.26): I would like to thank Mrs Dunne for bringing this matter of public importance before us today and also Ms Bresnan and Mr Hargreaves for their words. Mr Hargreaves, who lambasted every person who was not here, has now disappeared. That is a bit ironic, but he certainly made the unique claim that he is the only politician in the history of probably the ACT and beyond who can claim that their moustache has made a greater contribution to civic life than themselves.

It is good that we can be in this place talking about men's health. We were here in the last sitting period talking about women's health, and we did so in a collegiate fashion. It is good that we are here talking about men's health in a similar fashion. I would like to highlight, firstly, that Movember is a triumph of Aussie enterprise. Movember actually started in Australia with 30 men becoming—I quote from their website—"walking, talking billboards for the 30 days of November".

The aim of their initiative was to raise awareness and funds for the much maligned issue of men's health. Now in Australia alone, 128,000 "mo bros" and "mo sistas" participate in this event. A "mo sista", I believe, is a woman who does not shave her legs during November, so we can look forward to that next year from some of the ladies present, perhaps.

Movember has also spread to nine other countries—New Zealand, USA, Canada, the United Kingdom, Finland, Ireland, South Africa, Spain and the Netherlands. Not only does Movember provide an important vehicle for the promotion of men's health, but it has become a travelling billboard for the great Aussie can-do attitude. The organisers of Movember must be congratulated on identifying a need in the community and working hard not only to address it but to address it so successfully. We should be proud of Movember and what it has achieved so far. We should also be proud of one of our attendants, Denis Axelby, who is contributing to Movember this year, and I would like to acknowledge his efforts in doing so.

Why do we need Movember? Men make up 50 per cent of the population and, as the statistics show, we make up the majority of company boards. There are also more male than female doctors. We appear to have no difficulties in talking about ourselves in the political arena. However, when it comes to our health, we are suddenly silent. Movember is aimed at abolishing this silence and making it okay for men not only to talk openly about health issues, including physical and mental health, but also to ensure that much needed funding is targeted to these causes.

Movember in Australia shares the focus that it has raised equally between two foundations—beyondblue and the Prostate Cancer Foundation of Australia, both very worthy, established organisations in the men's health arena. In 2010 prostate cancer once again, unfortunately, won itself the title of the most common cancer in Australia and the second greatest cancer killer of men in Australia. It is estimated that it will, unfortunately, take the title of the greatest cancer killer in men by 2015.

Before the end of 2010, it is estimated that 20,000 new cancers will be diagnosed in Australia alone. Sadly, of these, 3,300 men will die as a direct result of this cancer. To put that in perspective, every three hours a man dies of prostate cancer. However, this death rate can be mitigated by promotion and research. Not all prostate cancers are life threatening, and early detection is the key. A landmark Western Australian survey of over 5,000 men in October this year showed that almost 60 per cent of men were being diagnosed with prostate cancer too late. This rate was almost twice the rate of men in the USA.

The symptoms of prostate cancer are hard to detect, which is why regular check-ups for men are so important. The Cancer Council of Australia recommends that every man over the age of 50 have regular check-ups for prostate cancer. If men have a history of prostate cancer in their family, they should ensure they have regular check-ups from the age of 40. These regular check-ups are the key to the successful treatment of prostate cancer, as early detection ensures survival.

The Prostate Cancer Foundation of Australia works hard to ensure that its message gets out in the media by running campaigns and bringing in celebrity supporters like Bert Newton and Steve Waugh. They provide information in GP surgeries, in pharmacies and through other health professionals. They run men's health information days and are prominent at community events. I also have some information in my office if anyone would like some.

Prostate cancer is an unknown for many men. Due to the silence that surrounds this issue, many men do not know the risks, what they should be doing to mitigate the risks and, upon diagnosis, what treatment options are best for them. A survey conducted by the Prostate Cancer Foundation earlier this year found that nearly 40 per cent of men believe the advice given on the benefits of testing for prostate cancer was too confusing. Additionally, the survey also found that 41 per cent felt conflicted about treatment options for the disease following a diagnosis.

Awareness must be coupled with research to ensure the survival of men diagnosed. Importantly, the Prostate Cancer Foundation also invests in a broad range of

innovative and world-class research. We do not know what causes prostate cancer, but we do know that it is on the increase. The research currently being funded by the foundation targets a wide range of issues. To counter the increase in prostate cancer diagnosed, research has been conducted into possible genetic triggers and links between vitamin D deficiency and the spread of cancer and boosting the immune system to allow more effective treatment.

In the war on the cancer itself, research currently funded by the foundation is developing anti-tumour drugs, detection triggers for the clues that highlight the differences between harmful and non-harmful cancers, complementary and lifestyle therapies for men living with prostate cancer and adult stem gene therapy treatment for those with advanced cancers.

It is clear that the foundation is doing amazing work. There is also much more that can be done. The Prostate Cancer Foundation of Australia receives limited funding from the government and relies heavily on corporate sponsorship and community activities. By the age of 85, one in five men will be diagnosed. This number is staggering and just highlights how hard we must work as a community to ensure that there is support for research in this area.

I certainly congratulate the minister and all the other members of the Assembly that attended the barbecue on 24 September hosted at King O'Malley's. That was supported by the President of the ACT Cancer Support Group, Peter Daley, Jim Clough and the rest of the members. I pass on to them my congratulations. I know, Madam Deputy Speaker, that you have an affinity with that group and have done work in this area also.

Movember also raises awareness and funds for beyondblue. The mission of this organisation is to provide a national focus and community leadership to increase the capacity of the broader Australian community to prevent depression and respond effectively. It is an often quoted statistic but an important one: one in five Australians will suffer from mental illness at some point in their lives. Mental illness, including depression, which is highlighted by beyondblue, can lead to a level of disability for its sufferers equivalent to other chronic diseases.

In men, the issue can be even more severe, essentially because our culture currently means that men are unwilling to admit to or identify the symptoms of mental illness. Furthermore, they are reluctant to seek treatment. Research shows that men are more likely than women to identify the symptoms of depression rather than highlight the cause. For example, they identify significant weight gain or loss, sleeping problems or digestive upsets rather than describing how they feel. This means that men will seek treatment for these symptoms without addressing the underlying cause. Often a GP is unable to address the mental health issues at the centre of the problem, because they are never alerted to the identifying triggers by the male patients.

One in 10 men experience anxiety disorders and are more likely than women to treat the issues with alcohol or drugs rather than addressing the problems. The paper published by the *Australian and New Zealand Journal of Psychiatry* in August this year showed that young people did not seek treatment for mental health issues, but are

also likely to be suffering from substance abuse. This paper also highlighted that, whilst young people have the highest incidence of mental illness, they have the lowest rate of receiving help. For men, this statistic was even more distressing, with just over 13 per cent receiving help.

Untreated anxiety disorders can lead to depression, marriage and family problems, financial difficulty, job loss and self-harm. Of course, one of the most distressing results of untreated mental illness is suicide. In 2005, more males committed suicide than the entire Australian road toll for that year. The highest risk group for male suicide is men aged 30 to 40 years of age, followed by men aged 40 to 45.

A recent survey of Australian attitudes towards mental illness shockingly revealed that only seven per cent of people view anxiety disorders as a major mental health problem. This is why Movember is so important. It is about men highlighting to men that it is okay to talk about mental illness and to seek treatment for it.

At the recent mental health forum that I held here at the Assembly, I met a wide range of mental health organisations and consumers. It was clear from my discussions that mental health is indiscriminate; it can affect anyone at any time. What is important is to ensure that we have a supportive culture and sufficient infrastructure in place to ensure that people seek treatment and receive treatment.

I would like to thank those “mo bros” and “mo sistas”—I know there are many in our community—who are supporting this initiative. One team that has received a lot of prominence lately is that of Peter Barclay, John Efkarpidis, David Parkes, Theo Dimarhos and Ivan Slavich. I believe there is a gala event coming up on 25 November, and I wish good luck to all those participating in that event. (*Time expired.*)

**MS GALLAGHER:** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.36): I would like to thank Mrs Dunne for raising this very important matter today. As other members have already said, Movember is a unique and effective campaign engaging a broad section of the community in a very light-hearted way to better understand men’s health needs and a way of seeking assistance.

Movember is an Australian grassroots initiative that has grown in patronage and attention over the past seven years. In November, men sign up to grow moustaches, a campaign that is now worldwide, with the aim of increasing awareness of men’s health and raising funds for men’s health needs.

Movember has a specific focus on prostate cancer and depression in men, has now had its millionth participant and has raised millions of dollars that have gone towards increasing awareness of men’s health needs as well as establishing and contributing to research, education and the maintenance of services that reach men.

Most importantly, thousands of men and boys know about Movember and use it to draw attention to men’s health needs. The reach of Movember is remarkable. We witness school teachers, sporting personalities, news readers, rock stars, other celebrities and workmates all wearing the Movember moustache, championing

attention to men's health needs across multiple domains, a signature of participation that "men's health matters".

Movember provides a real opportunity for having conversations, raising awareness about men's health and enhancing men's help-seeking behaviour, which I think all other members have commented on.

The campaign is broad enough that it is inclusive of women, allowing men to be supported by the women in their lives, aptly labelled "mo sistas", who help their Movember "mo bros" to raise funds by seeking out sponsorship for their mo-growing efforts.

The reach and fundraising from Movember are substantial and contribute a major source of funding and awareness raising for the Prostate Cancer Foundation. Funds from the Movember Foundation are used to fund a range of important prostate cancer projects. They provide the ability to undertake important research into the cause, diagnosis, prevention and treatment of prostate cancer and enable awareness raising activities to be developed and undertaken in communities about prostate cancer.

A component of the funds is also directed to beyondblue for further important work. It contributes to the development of the info line, which is a national 24/7 service providing depression information and referral services for the general public. This service was initially developed to support men in rural settings but now provides a broader service right across Australia. The helpline is well utilised by men. This service provided information referral and assistance to over 61,000 callers between January 2009 and April 2010.

The funds are also supporting men in rural communities. Beyondblue's "Don't beat around the bush!" seeks to raise awareness of depression, anxiety and related disorders in rural communities. This service also provides information on where to get help and how to access services. Movember fundraising also goes to the beyondblue information network map, which has been developed to help people in rural and remote areas to find local support services as an online service.

Efforts have also gone into enhancing the beyondblue rural workforce training sessions to businesses and organisations in rural Australia; enhancing mental health literacy and access to service providers, which includes depression and anxiety in men with prostate cancer; the development of fact sheets, DVDs and user-friendly books, resources and materials that focus on specific illnesses and disorders, as well as where to get help and stay well; and Movember funding for beyondblue is working towards providing depression awareness training in men's sheds, creating Indigenous men's spaces and community forums for men.

These are just a few of the resources and services that have been enhanced and sustained and supported because of the massive fundraising effort from a simple concept like Movember. Apart from giving men a once-in-a-year opportunity to demonstrate their ability to grow hair on their face—and let us remember that some cannot do it as well as others—and in allowing men to reveal a glint of that secret or hidden groovy personality, Movember provides an opportunity for men's health to be

cast in the spotlight for a sustained month of activity and reflection. It allows us as a community to acknowledge that our own health is important and that we must look after it through prevention and promotion activities. For some, this might be as simple as going and getting a regular health check-up.

This year we saw the national male health policy launched by the Department of Health and Ageing, focusing on the health needs of males and the social determinants that impact upon men's health—a clear and specific strategy around the health needs of men. In the ACT, building a stronger foundation, a framework for promoting mental health and wellbeing in the ACT, draws specific attention to men's mental health needs. We do know that men have significantly high suicide rates, that men have unique mental health issues and needs and that men face barriers to accessing services and support. We are working to address these issues, both in conjunction with national initiatives and in building upon our own local initiatives and services, to specifically address men's mental health needs, issues regarding stigma, literacy and barriers to access and inclusive practice.

Movember is a high impact awareness campaign that gives due emphasis to men's health needs and elicits support to talk about and address men's health needs, not just in the health arena but more broadly; it reaches right into and across the community.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.42): I thank Mrs Dunne for bringing this forward. It is a really important issue and I think it is something that has really taken off. I first became aware of Movember just after being elected to the Assembly. I had a group of uni students approach me and ask me to help them promote Movember, which I was very happy to do. Ms Gallagher touched on some of us who are follicly challenged in the facial region, and I am one of those, but it is ironic that when I look at many of the people who grow the best moustaches they often do not have much hair on their head, so it is probably one of those things that sort of balances itself out—

**Mr Hargreaves:** Hello!

**MR SESELJA:** John Hargreaves notwithstanding. I do have a picture here, which I am happy to table, that backs up my claim. Nonetheless, I am one of those rare Croatian Australians who is facially follicly challenged. But I was very happy to support them with my fake mo, because it is a great cause, men's health. Men's suicide rates, as I have highlighted on a number of occasions in this place and other places, are far too high, as are female suicide rates.

We know that for a particular demographic of men the issue of depression is very serious and significant. What Movember does, I think, really engages men in a way that very few other fundraising events can. There is something about it—its simplicity, and the fact that it is also a bit of a challenge when some men can demonstrate just how much facial hair they can grow in a short space of time. Some are high profile examples. Tom Learoyd-Lahrs was playing for Australia on the weekend and has a set of handlebars that I think need to be seen to be believed, so he is clearly getting into the spirit. We have seen a number of the Wallabies who have far less impressive mos—nothing as impressive as Mr Hargreaves's regular mo, although I think he should be shaving it off every November.

I want to pick up where Mr Hanson left off, because he did not have enough time to go into some of the great work that has been done by the TransACT Rocks Movember team. There are a number of important, really active community citizens as part of that team and I just want to make a public mention of them. Ivan Slavich, who seems to be involved in so many different community events here in Canberra, who has sort of been referred to as Mr Canberra from time to time, is heading up the team. Ivan does a mountain of work in the community. I know that with the Escarpade challenge he has raised hundreds of thousands of dollars over the years and I know that this team, the TransACT Rocks Movember team, are aiming to raise \$150,000. I understand they may be around the \$50,000 mark already, so I have no doubt that they will get there, or thereabouts. So well done to Ivan Slavich, who is always involved with many of these events.

Danielle Neale, the Sybil's Closet owner, is one of the "mo sistas" and does a sensational job in the community as well. She was recently involved with the Bachelor of the Year, amongst other things. David Parkes is also part of the team, as are John Efkarpidis and Theo Dimarhos. John and Theo are both very active members of the community. As well as being part of the TransACT Rocks Movember team, they have also been supporting particularly Diabetes ACT in a number of ways. So I would just like to pay tribute to all of those. I do note that for a number of these gentlemen there is often more hair on the face than on the head. Peter Barclay is another part of the team and he is growing quite an impressive mo and of course Peter does a sensational job in the community. He is one of our businessmen who really contribute right across Canberra in a number of ways.

It is a fantastic event. It is now a worldwide phenomenon. It is something that most men will get involved with in some way. I think most men are happy to get involved. Some really go over and above in the amount of money they raise and the way that they promote this. It is for a fantastic cause and I am happy on behalf of the Canberra Liberals to lend my support to Mrs Dunne's matter of public importance today and indeed to all of the efforts to promote Movember and all of the fundraising efforts that go with that and the promotion of men's health issues.

**MADAM DEPUTY SPEAKER:** The discussion is concluded.

## **Adjournment**

Motion (by **Ms Gallagher**) proposed:

That the Assembly do now adjourn.

## **Timor-Leste**

**MR HANSON** (Molonglo) (4.47): I rise tonight to talk about an event that I attended, co-sponsored by the Ryder-Cheshire Foundation of the ACT and the Canberra Friends of Dili, at the Timor-Leste Embassy on Thursday, 28 October 2010. Timor-Leste is one of the poorest countries in the world and the work that is being done by organisations such as the Canberra Friends of Dili, the Ryder-Cheshire Foundation,

Rotary and the Podmore Foundation—I know that you, Madam Deputy Speaker, have attended those dinners at the Podmore Foundation, as have I—is much needed work. I commend all of those organisations for looking after the interests of one of the poorest countries in the world and one of our nearest neighbours. The event was hosted by the ambassador and was well attended by a cross-section of the Canberra community, unified in our desire to help the good people of Timor-Leste.

I have special affection for the people of Timor-Leste, having served in what was then called East Timor in 2000, with the Australian Army, and I saw firsthand the poverty, the hardships and the trauma that had been experienced by the majority of the population.

I would like to take this opportunity to thank Robert Altamore and all of those who attended the evening and sponsored it, all the organisers for their generosity and for their ongoing support of Dili and the people of Timor-Leste.

### **Free Rain Theatre**

**MRS DUNNE** (Ginninderra) (4.49): Last week I had the privilege of attending the Free Rain Theatre Co's final presentation of the year. It was a great shame I had not got to it earlier in the season. *Who's Afraid of Virginia Woolf?* was directed by Cate Clelland and was performed in the Canberra Courtyard Studio, in the round or at least in the three-quarters round, which made it very intimate when George and Martha had their domestic altercations. I want to congratulate the team at Free Rain Theatre on this outstanding production.

I had heard very good reports about it. I went with a friend and we went away, after three hours of up-close and personal theatre of a deeply confronting kind, blown away by Andrea Close in the role of Martha, Michael Sparks as George, Ben Williams and Hannah McCann as the young visitors and a fabulous production team headed by Cate Clelland. I want to pay tribute to Free Rain Theatre Co and the contribution that they make to life and artistic life in the ACT. With their artistic director Anne Somes at the helm, Free Rain have become the acme of theatre in the ACT.

I would like to draw to members' attention their 2011 season, the theme of which is putting colour into your life, which begins with Anne Somes directing a reprise of *Oklahoma* at the Q in February, followed by *Aunty Mame* at the Canberra Theatre Centre, which is a great space—as you would know, Madam Deputy Speaker; I have seen you there often—in April, followed by *Sweet Charity* and *The Dark Side of Midnight*, a new play for Free Rain, *The Removalists*, a perennial but great play by David Williamson, finalising the year with *Grease*. In addition, in the Courtyard Studio over the Christmas period, Free Rain will be doing *Goldilocks and the Three Bears* and, in the July break, *Beauty and the Beast* for the children.

Free Rain has got a great history in the ACT and I just want to draw to members' attention the great achievements of Free Rain by pointing out some of the people who have gone from Canberra through Free Rain and who are now active in professional theatre elsewhere. These include Alison Bell, who has gone on from Free Rain to the Sydney Theatre Co, the Melbourne Theatre Co, Belvoir as well as TV and film;

Patrick Brammall, who has appeared with the Melbourne Theatre Co, Bell Shakespeare; Kelly Somes, who is the artistic director of Soullart Productions; Rhys Holden, who is the artistic administrator of the Sydney Theatre Co and the touring manager of the Really Useful Company and has toured to Korea, New York and Washington; Claire Bocking, who has appeared in *Company of Angels* in Los Angeles and the Theatre Royal in London and has had extensive experience in film and theatre; Nicholas Linehan, who has gone to London Central; one of our up and coming young stars, Lexi Sekules, who has recently been accepted into London Central; and Graham Henstock who is the head of lighting at the Sydney Theatre Co.

I think this is a great tribute to the determination and the artistic endeavour of local Canberra people who, through Free Rain Theatre, make a great contribution. I want to congratulate them on their latest production, *Who's afraid of Virginia Wolf?*, but also on their continuing contribution to arts in Canberra.

### **Citizens Advice Bureau**

**MR COE** (Ginninderra) (4.53): It is a pleasure to rise this afternoon to commend all those involved with the Citizens Advice Bureau. The first Citizens Advice Bureau was established in the UK in 1939, providing advice and information for citizens during the time of war. The bureau opened air raid shelters and operated mobile units in badly affected areas. The Citizens Advice Bureau of the ACT opened some years later, in 1973, as part of the Canberra Lifeline services. It became an independent body in 1978, offering a telephone and personal advisory service manned by volunteers.

The Citizens Advice Bureau provide a referral service, enabling the community to access community-based support services. This comprehensive list of community organisations and their contact details are made available through the annual publication of a contact book and via their website. Those of you that have seen the contact book or used it or indeed used their fantastic website know just how invaluable a resource it actually is. I and Jeremy Hanson had the pleasure of going to the launch of this year's contact book just a few weeks ago at the Griffin Centre.

Many of these organisations operate in partnership with the ACT government and in many cases rely on the goodwill of their volunteers. However, the services of such organisations are of little help if nobody knows where or how to access them. This is where the CAB comes in—to provide information on such services to a wide range of Canberra's residents and to ensure that those that are disadvantaged are not forgotten in today's society.

In 2005 the bureau began operating from the newly finished Griffin Centre in Canberra city. Today their database consists of an ever-expanding computerised collection of over 3,000 organisations and can also be searched online via their website. The Citizens Advice Bureau now also offer specialised services such as the ACT Communities Online, a community events portal, and CANaccess, an online directory of disability services in Canberra. Despite such advances in technology, the core service has always remained the same: "to provide up-to-date, comprehensive information and referral on Canberra's community services, organisations, and not-for-profit groups".

The staff and volunteers of this great organisation continue to strive to improve their service delivery. This is seen through constant reviews of shopfront services, as well as constant monitoring and improvement of the websites and CONTACT online.

The CAB are also consistently involved in discussions with government sectors and the community, contributing to and participating in disability-related planning, positive ageing, discussions around affordable housing, homelessness, mental health, multicultural and Aboriginal and Torres Strait Islander inclusion, men's and women's health and wellbeing, community sector industrial reforms, the human rights consultation, a whole range of community information sharing forums, and the development of online information forums in areas such as mental health and disability services.

There are many people I would like to thank for their involvement in this great organisation. The president is Peter Collins. The vice president is Kate Lyttle. The secretary is Janice Beazley. The treasurer is Raami Rattur. The manager, ex officio member of the board, is Liz Howarth and the committee members are Peter Berentson, Pat Brown, Matthew Buckley and Paul Thompson. The staff manager is Liz Howarth. The volunteer shopfront coordinator is Jen Hutson. The database manager is Susan Kosonen. The database administrator is Aimee McLaren. The Access City Hotline project officer is Adrian Nicholls. The ACT Communities Online moderators are Susan Kosonen and Aimee McLaren, the policy and administration officer is Sarah Pau and the accountant/bookkeeper is Warren Turk.

There are also a number of volunteers and I would like to put on the record my thanks to Peter Berentson, Pat Brown, Deborah Burns, Norma Fraser, Peter Greenham, Lynne Grayson, Tony Hobbs, Ruth Hurrell, Penny Joy, Ann Junor, Carol Keil, Helen Knight, Karen Ragg, Barbara Richardson, Gillian Roberts, Beverley Shallcross, Carolyn Tweedie and Lyndall Young. I thank all involved for the invaluable role they play in helping Canberrans to navigate the many services which are on offer in our great community.

### **Commonwealth Parliamentary Association Conference**

**MR RATTENBURY** (Molonglo) (4.57): From 2 to 6 November the ACT Legislative Assembly hosted the Commonwealth Parliamentary Association's 30th Australian and Pacific regional conference. It was a successful event and I think the delegates from both Australia and the region were positive about the experience they had while they were here.

I would like to thank the Assembly's staff, particularly the Acting Clerk, Max Kiermaier, the Acting Deputy Clerk, Janice Rafferty, and of course Celeste Italiano, as well as the rest of the staff in the Assembly who played a part, in some cases simply backfilling or covering the ongoing work of the Assembly while others were involved in the preparation of the conference.

During the conference I attended a session on climate change, particularly a presentation by Dr Mark Howden from the CSIRO climate adaptation national

research flagship. It was a very insightful presentation and I would like to share some of it with the Assembly.

Mindful of the fact that he was speaking to an audience of politicians, Dr Howden framed these five questions about climate change. Is it real? Does it matter? Can we do anything about it or its impacts? How do we take action? And how do we know we are doing the right thing? This works quite well visually on the screen but the first three questions were directed to scientists. The third and fourth questions were directed to economists and the fourth and fifth questions he said were directed towards policy makers and politicians. I thought this was a very insightful way of breaking down what needed to be done.

He then went on to answer the questions that he said were the ones for scientists, essentially: is it real, does it matter and can we do anything about it? He gave a series of graphs and presentations and information on the science, including carbon dioxide concentrations, including the parallels between CO<sub>2</sub> concentrations and global temperatures. This graph shows a dramatic projection for the increase of CO<sub>2</sub> concentrations in the Earth's atmosphere and, given historical records, paints a very powerful question for the future.

He also presented graphs of annual mean surface temperature anomaly and annual sea surface temperature anomaly, including tracking a 12-year running average, and both of these graphs showed a significant increase in temperatures in recent years, particularly compared to historical figures.

At the end of this presentation, he came back to the questions that he had posed at the start and he answered them himself based on the research that his organisation has done and the research that it has analysed. These are the questions: is it real? Yes. Does it matter? Yes. Can we do anything about it or its impacts? Yes. The last two questions were: how do we take action and how do we know we are doing the right thing? He deferred those to the politicians in the audience and said, "Frankly, that's your business."

I think this is a very instructive presentation. I seek leave to table this presentation for the Assembly.

Leave granted.

**MR RATTENBURY:** Thank you, colleagues. I table the following paper:

Responses to climate change: an Australian scientist's perspective—Copy of presentation by Mark Howden, Chief Research Scientist, CSIRO Climate Adaptation Flagship, to the Commonwealth Parliamentary Association Conference, Canberra, November 2010.

I particularly wanted to table this presentation speech in light of comments made by Mr Smyth during the recent debate in this place about a greenhouse gas reduction target. Mr Smyth came in and crudely tipped his hat to the climate sceptics and he did what climate sceptics do: he grabbed a few carefully selected factoids that suited his stance and alluded that in some way this mounted a credible case. He said:

Climate change is occurring. Climate change always occurs. It has done for thousands and thousands of years. Indeed, you only have to look at the Wilsons Promontory lighthouse annual mean temperature. The annual mean temperature at the Wilsons Promontory lighthouse in 1880 was 20 degrees Celsius. By 1885 it was about 18 degrees Celsius. By 1935 it was 17 degrees Celsius. In between it was just a jagged peak. It was about 17 degrees in 1988. In 1995, the mean was 16.2 degrees. Has it got hotter since? Yes, it went up in 2000 but then it dropped again. The climate does change all the time. But the mean for the Wilsons Promontory lighthouse is pretty consistent at about 16.3 degrees.

This is the sort of pseudo-science propagated by Lord Monckton and his followers. But I guess at least Lord Monckton has the courage to publicly state his scepticism. Frankly, the research of more than 2,000 scientists who participate in the IPCC process, the research of Noah, NASA, and even locally the CSIRO, carry a little more weight than Mr Smyth's irrelevant grab bag of random recordings from Wilsons Promontory and it gives me some reassurance that most of the members in this place do actually believe in science, not junk information.

One must always be open to debating the science and to having a thorough analysis of what we think we know. But such an argument should not be based on lazy pseudo-science. It should be based on the evidence, the data and expertise. In tabling this information I invite all members to review the latest science.

### **Sport—participation by children with a disability International Disability Day**

**MR DOSZPOT** (Brindabella) (5.03): In my capacity as shadow sports minister as well as shadow disability minister, it has been my pleasure to have attended, over the past few weeks, a wonderful initiative by the supporting community aimed at helping children with disability enjoy some outdoor activity and involvement in sport. The initiative was by Capital Football. I must compliment Heather Reid and, in particular, coaching coordinator, Pat McCann, and his wonderful team. They have done a fantastic job in involving children with disability in this initiative. The sporting community, furthermore, included Donna O'Brien and the Weston Creek football club and Malcolm Buchanan and Belwest and Belconnen football clubs, who sponsored the development of this idea that was built on the networks and contacts developed in cooperation with the Paralympics and Special Olympics organisations.

There have been weekend training and open day activities held at Hawker oval for the past few months. I have attended a number of these and spoken to many of the parents and coaches who have been involved. Their enthusiasm and dedication are inspirational. The parents I have spoken to are very appreciative of the contributions of all the coaches. I would like to echo the parents' thanks to all of the organisations, clubs and individuals involved. In particular, I would like to read out a letter from a parent I met at Hawker oval who wrote to me and copied me a letter she sent to Pat McCann of Capital Football:

Hi Pat,

I attended today's Football-Connect Development games and just wanted to say what a wonderful thing you are doing! My husband, son and I travelled from

Goulburn to watch our nephew/cousin Trent Soley play his first game of soccer and what an absolute delight it was. Words cannot explain the warm feelings we all got this morning. Trent has grown up watching his twin brother, Luke, play soccer (quite successfully) and for a long time showed no interest in playing. It was all too hard for him. That was until now. The excitement was bubbling over before he left Goulburn to travel to Hawker. He said to his Dad, Brian, "Please stop the excitement Dad". It was almost too much for him. To see that amount of joy in Trent's face is priceless.

Please accept our heartfelt thanks and pass on our thoughts to all of your assistants—you obviously put a lot of time and effort into bringing this program alive. We will support and promote this program any way we can.

With kind regards, Sue, Steve and Ryan Soley.

That parent's sentiments obviously capture the emotional words that I have had from a lot of the parents who have attended these Football-Connect development programs. I would like to pay particular compliments to Pat McCann from Capital Football, who is the assistant technical director, and the wonderful work that he and his team have done; and to Merryn Brown, Capital Football coach and coordinator of the Football-Connect program as well.

I have already mentioned Donna O'Brien, the president of Weston Creek soccer club. She was coach at the open day and Football-Connect Sundays. She was also involved, along with Connie Ehlers, a former Weston Creek soccer player and a parent of one of the children who has been involved in these afternoons. Both Connie and Donna have been involved in setting up an introduction day at Turner primary school, where they provided football sessions for about 30 of the Turner students.

Chris Logue has been very much involved as an assistant at the open day at Waramanga and with the Football-Connect programs at Hawker. Colin Townes has been assisting with the coaching each week at Football-Connect at Hawker since the opening day at Waramanga.

I would also like to make mention of a few events that will take place in a few weeks time around International Disability Day on Friday, 3 December. Vision Impaired Sport ACT have invited me and others to attend the VISACT sport carnival on Friday, 3 December at the Australian Institute of Sport in Bruce. I would hope that more of us from the Assembly could attend this. The VISACT sport carnival will be the final event of the hugely successful blind sports in schools program that has been run in three primary schools and three high schools in terms 3 and 4. There will be 10 to 12 teams participating in the sports of blind baseball and junior goalball. There are a number of events scheduled.

Also, as part of the International Disability Day, on Friday, 3 December, 2010 at the AIS, there will be a whole host of activities scheduled, including an opening ceremony, athletics, basketball, bocce, cricket, sailing training and swimming. It will continue on Sunday, 5 December. All in all, I would commend to the Assembly some of these activities that are coming up. (*Time expired.*)

**Royal Institute of Architects—Walter Burley Griffin lecture**

**MS LE COUTEUR** (Molonglo) (5.08): I rise today to talk about a very interesting lecture which I and fellow MLA Brendan Smyth attended a few weeks ago. It was a lecture by Robert and Brendan Vale. It was the ACT Branch of the Royal Institute of Architects annual Walter Burley Griffin memorial lecture. It was all about sustainability. They started off talking about the concept of ecological footprint, which I think many of us here are probably aware of. But what that is talking about is trying to measure how much land it would take to support the lifestyle of a person, that global average land.

The important thing is that the amount of land in the world is effectively finite. The Dutch have done a little bit of land reclamation but we can basically say that it is a finite resource. This technique of calculating the ecological footprint was first started in Canada in the 1990s by Mathis Wackernagel and William Rees. Using that, it has been worked out, as you can find from the ACT commissioner for the environment's report, in the ACT, each person is responsible for about 8.5 global hectares. That is what it takes to keep each of us.

However, if you look at the number of people in the world and divide the amount of arable land by that, you will find that we can only afford 1.9 global hectares per person. Basically, the ACT is using in the order of four times our equitable, sustainable long-term allowance. We, of course, are not alone in this. The whole developed world is over-consuming along these lines.

The other thing to note, of course, is that, as the world's population increases, the amount of space per person in effect decreases. But the Vales did not start by pointing out the problem. They are incredibly practical people and what they spent their time doing was pointing out solutions. They have written a whole book on the solutions, which I bought a long time ago, *Time to Eat the Dog? The Real Guide to Sustainable Living*. They did some work comparing different pets and hobbies and decided that golf was not nearly as bad as people thought it was but that very large dogs were somewhat problematical.

In the talk they gave in Canberra, they went through two areas in particular. They went through food and concluded that we could all get down to an equitable, sustainable amount of land for food production if we made some changes, which some people would find significant and some people would not, to our food habits. They said we need to eat local, we need to eat organic food, we need to largely eat non-meat. And we can do that. We have got the Farmers Market in Canberra. We have got it at EPIC and on the south side. Canberrans are starting to embrace that sort of change.

The other thing they talked about was buildings. They made the totally obvious point that the easiest, most effective way of reducing energy consumption from buildings is to reduce the size of buildings. You may or may not be aware that Australia has the dubious honour of having the largest new buildings in the world and Canberra has the honour of having the largest new houses in Australia. So there are certainly areas

where Canberra is in a good position to easily make improvements in the sustainability of our lifestyle.

I commend the Vales and their book to anyone who has a spare moment to read it. It goes through a lot of things and is sincerely food for thought for all of us who are interested in the sustainability of Canberra and the world.

**Ben Donohoe run and walk for fun**  
**Tour de Femme**  
**Hospitals—emergency departments**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.12), in reply: I am the last speaker, so I will close the debate. I want to briefly mention a couple of things.

One of them is the Ben Donohoe run and walk for fun that was held two weekends ago on the shores of Lake Ginninderra, which was organised by the Hawker college. They did a fantastic job. There were hundreds of people out there at a reasonable time in the morning to raise funds for cancer research. I would like to thank Hawker college, because it ran very smoothly. They are very hard events to run, to make sure everyone gets around in time and safely. They did a great job.

I send the same message to the Canberra Cycling Club, particularly Maryann Simpson and her team who organised the Tour de Femme on Sunday. Again, I rode the Tour de Femme this year, probably the fourth or fifth time that I have ridden it. I would say there were more than 600 cyclists, all women, at varying ranges of ability and fitness, all enjoying the 20-kilometre cycle around beautiful parts of Canberra. It was a very well organised event and a fantastic result. I would like to acknowledge the effort that is put into it by community organisations to raise funds for really valuable causes.

The other issue, finally, is that I want to extend my thanks to all the staff working across the two public hospitals at the moment, Canberra Hospital and Calvary Public Hospital. The two hospitals are experiencing periods of unprecedented demand. Presentations to the emergency department on Sunday reached 481 across both of our hospitals.

To put that into perspective, that was 247 at Canberra Hospital and 237 at Calvary. A normal day, if there is such a thing in emergency department time, is around 160 at Canberra and 130 at Calvary. The only other time that we have seen numbers comparable to that was when Canberra Hospital saw 251 presentations on the day of the 2003 bushfires. To give you an understanding of just how busy the hospitals are, yesterday Canberra had over 221 presentations and I am advised that it was a similar number at Calvary.

I understand this will mean that some people are waiting to be seen but the message really is that our staff are working as hard as they can. We do not know why so many people are presenting to the emergency departments. In fact, we cannot tell why at the moment, because people are too busy actually seeing the patients to analyse why they are coming. But we will do that, because this is a level of demand that has simply not been experienced in the territory before, with no apparent explanation.

To the emergency department staff, thank you. You are a credit to your profession. We understand you are working very hard. We know that, when you have periods of demand like this, it does take almost a week to resolve the busyness of the hospital. It is everyone in the hospital, because these periods of peak busyness will impact on every single person that works across the public health system in the public hospitals. I would like to acknowledge their efforts while they are going through this level of demand.

Question resolved in the affirmative.

**The Assembly adjourned at 5.16 pm.**

## Schedules of amendments

### Schedule 1

#### First Home Owner Grant Amendment Bill 2010

##### Amendment moved by the Treasurer

1

Clause 5

Proposed new section 10 (2)

Page 2, line 25—

*omit proposed new section 10 (2), substitute*

- (2) However, the applicant is not ineligible if—
  - (a) for an application that relates to an eligible transaction with a commencement date before 1 January 2011—the grant was later paid back under the conditions on which the grant was made; or
  - (b) for an application that relates to an eligible transaction with a commencement date on or after 1 January 2011—
    - (i) the grant was later paid back; and
    - (ii) any amount payable as a penalty or as interest was also paid in relation to the earlier application.

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### Schedule 2

#### First Home Owner Grant Amendment Bill 2010

##### Amendment moved by Ms Hunter

1

Clause 7

Proposed new section 13A (2) (a)

Page 3, line 19—

*omit proposed new section 13A (2) (a), substitute*

- (a) \$550 000; or