



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

15 NOVEMBER 2011

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**Tuesday, 15 November 2011**

**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.

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

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to reportable contracts under section 39 of the Government Procurement Act 2001.

The Government Procurement Act 2001 requires agencies to provide the public accounts committee with a list of “reportable contracts” every six months. Reportable contracts are defined, with some exceptions, as procurement contracts over \$20,000 that contain confidential text. Agencies provide the committee with the names of the contracting parties, the value of the contract and the nature of the contract.

The committee is aware that the information directors-general provide in relation to “reportable contracts” is readily available in the public domain on the ACT government contracts register.

The former Minister for Territory and Municipal Services informed the committee that consideration was being given to changing the process for the reporting of “reportable contracts”. As an interim step in this process, the committee again welcomed receiving the list of reportable contracts for this period in one consolidated report. The committee believes that there is value in the provision of a consolidated report for the six-monthly reporting periods. However, the committee is of the view that the purpose of scrutiny would be served by a report that combines the two current six-monthly reporting periods. The committee wrote to the former minister in June 2010 to convey its views on this matter.

The former minister subsequently advised that while he welcomed the committee’s willingness to reduce the frequency of reports on reportable contracts, he believed that the new register rendered the reporting of reportable contracts redundant. As a consequence, the former minister indicated that he intended to change the legislation to remove the requirement for chief executives, now directors-general, to report to the committee.

The Treasurer has recently written to the committee outlining a proposed amendment to the Government Procurement Act 2001, as foreshadowed by the former minister with responsibility for procurement, and seeking the committee’s views in relation to the proposed amendment.

Until such time as the legislation is amended, the committee will continue to table reports on reportable contracts for the applicable six-monthly reporting periods as provided to the committee.

I therefore seek leave to table the list of reportable contracts for the period 1 April 2011 to 30 September 2011 as received by the public accounts committee.

Leave granted.

**MS LE COUTEUR:** I present the following paper:

Reportable contracts—Agencies reporting reportable contracts for period 1 April to 30 September 2011—Table.

## **Children and young people—care and protection**

### **Statement by minister**

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs)(10.05), by leave: On 14 October the Public Advocate provided the Assembly with her interim report *Emergency response strategy for children in crisis in the ACT*. It was a review that I commissioned, and I made a commitment that the government would respond as a priority.

I can inform the Assembly that I will be releasing the government response to the report within a week. The response will address each of the recommendations in the report, as well as announcing additional measures to address the difficult issues facing our hardworking and dedicated child protection workers.

One of the matters that I asked the Public Advocate to address was whether there was a breach of the Children and Young People Act 2008 in relation to the placement of a number of children with a service provider. A breach of the act is a very serious matter, as I made clear at the time.

While the Public Advocate expressed a strong view on this matter, the government also sought legal advice to help determine its position in response to the interim report. That legal advice, provided by the Solicitor-General, is very clear. The decision to place the children with Northern Bridging Support Services did not breach the act. The Solicitor-General states that the director-general may place a child or young person in any care arrangement that the director-general considers suitable.

The guidelines for placing children with out-of-home carers in the act are considered part of a “legislative scheme” for placing children and young people in care which is neither exclusive nor mandatory. The care and protection staff who made the decision to place the children with the agency when no other option was available made a lawful decision.

This advice is important in the context of the Public Advocate’s review. That is why I sought to table it at the nearest possible opportunity. However, it remains a fact that the review has drawn attention to areas where we could improve. Even though the decisions made were lawful, there were things that happened that should not have happened. Our service can do better, and I am determined to make the changes

necessary to ensure that it does and that we continue to provide support to our community.

The directorate will not shy away from areas for improvement, whether it identifies these areas itself or through an independent process such as the Public Advocate's review. These I will detail in the government's response to the Public Advocate's review. I seek leave to table the legal advice provided by the Solicitor-General.

I table the following papers:

*Children and Young People Act 2008*—Interpretation of Part 15.4—Advice from the ACT Solicitor-General, dated 26 October 2011.

Residential care placements for children and young people—Inquiry by the Public Advocate—Speaking notes, 15 November 2011.

**Mr Seselja:** Could I ask the minister to move that the statement be noted?

**MS BURCH:** I move:

That the Assembly takes note of the paper (Speaking notes).

Debate (on motion by **Mr Seselja**) adjourned to a later hour.

## **Evidence Amendment Bill 2011**

Debate resumed from 25 August 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.09): The Liberal opposition will be supporting the Evidence Amendment Bill 2011.

This bill is the last in a series of bills to adopt the national uniform model law. It establishes four elements. Firstly, it provides for professional confidential relationship privilege. This privilege protects communications from disclosure and evidence where one of the parties involved is a professional and is acting under an obligation of confidentiality. It extends to a wide range of professionals, including health and medical professionals, journalists and social workers. In order to ensure an appropriate level of openness in court proceedings, the privilege is not absolute. The bill gives courts a guided discretion to exclude or include evidence as appropriate to the circumstances of each case.

Secondly, this bill provides for the mutual recognition of self-incrimination certificates. This means that if a court in one jurisdiction issues a self-incrimination certificate in a particular matter, that certificate will apply equally for that witness in another jurisdiction.

Thirdly, the bill expands the circumstances in which a person is taken to not be available to give evidence. It allows an excuse based on mental or physical inability that it is not reasonably practical to overcome.

The most significant element for which this bill makes provision is the adoption of existing commonwealth law that established journalist shield laws. These provisions, which are similar to the provisions relating to the more general professional privilege provisions I outlined earlier, provide for protection from evidence of information that would disclose the identity of a journalist's sources. Once again, a discretion is available to the court to allow the evidence if it is in the public interest. The onus is on the party seeking the disclosure to show that the disclosure is in the public interest.

The scrutiny committee raised a concern about what it saw as a lack of clarity in relation to the scope of the court to exclude or include evidence of a protected certificate. In its response, and noting that the Law Society raised a similar concern, the government acknowledged this issue. In doing so, the government also noted that the bill mirrors the uniform national legislation and that it is important to maintain consistency in the national approach. Nonetheless, both in its response to the scrutiny committee and in the briefing the directorate officials gave Mrs Dunne, the government undertook to follow up on the matter at the national level. I am aware that this process has started already, and the opposition is grateful for that.

In relation to the journalist shield provisions, I note that the definition of "journalist" is very broad. It does not, for example, specify that a journalist must hold any particular qualifications. Thus it could be that someone who runs a social media page or a blog on the internet could be regarded as a journalist. The law as it applies to the ACT is quite new, because it was only recently introduced into the commonwealth law. Accordingly, there is no journalist shield case law that could provide guidance on these matters. So these provisions are untested, and we do have some concerns about them. It is clear that some revision will be required in the future as case law develops. This is an area of law which will need constant monitoring, and it may well be up to the Assembly to come back after a reasonable period of time has elapsed, review these laws and look at whether or not any amendments are necessary.

With those caveats, the opposition will support the bill.

**MR RATTENBURY** (Molonglo) (10.12): The Greens will be supporting this bill today. It makes important changes to update the evidence law for the ACT.

As the attorney has described in detail, one major change is the expanded range of evidence that is protected and that can be prevented from being disclosed in court. Under the current law, communication with a lawyer is, of course, protected. The amendments today will extend that protection to include communications with other professionals such as doctors, psychologists and social workers where confidentiality is vital. The court will be empowered to prevent the professional from divulging information that was given to them on trust and on a confidential basis.

There are clear public policy grounds for giving legal recognition to the ethical duty to respect conversations of this nature. The relationships covered by the law all hinge on trust. If the client does not trust the person they are speaking to, they will not open up and talk frankly with them, which means that they will not get the full benefit of the assistance they require.

There is, however, a tension between, on the one hand, that public policy and, on the other the hand, the public interest in having relevant evidence brought before a court during a trial. The proposed law balances these competing interests well because it does not give an absolute right to the professional to not divulge the information. The court can grant the protection only where the client will be harmed by the release of the information and that harm outweighs the desirability of the evidence being heard in court. There is a long list of factors that a court will consider when determining that question.

The second major change is the creation of a separate subcategory of protection for journalists who receive confidential information, known as the journalist shield law, which Mr Seselja spoke of. The new law states that journalists cannot be compelled to release the name of an informant where the journalist promised the informer that they would protect them. This law recognises the public interest in a freely operating press which can demand accountability from government. The law creates a rebuttable presumption that journalists cannot disclose their sources. It is important that the presumption is rebuttable because there may be a time when the public interest in the identity of the informant outweighs the public interest in respecting the confidential nature of that person.

It is also important to note that this ACT bill adopts an important amendment moved by my Australian Greens colleague Senator Scott Ludlam when the laws passed through the federal parliament. This amendment ensures that new media are covered by the protection, not just the traditional print media. This means that the protection for bloggers, citizen journalists and independent media will be equal to that of print journalists. This is important because new media can play a pivotal role in providing a free press; the laws must support them in that role and recognise the emerging nature of press diversity and the fact that many of the online sources of journalism, particularly, are becoming as important, and certainly as timely and in some cases as well respected, as some of the more traditional forms. We have all seen that in the way that some stories get broken these days. That is an important extension to the law that Senator Ludlum inserted, and I am pleased to see that it has been reflected in the ACT bill.

In conclusion, the Greens will be supporting this bill today.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.16), in reply: I thank members for their support of this bill. The passage of this bill today is another important step in the reform of evidence law in the territory. The bill's primary purpose is to finalise the territory's adoption of the uniform evidence law. It does this by adopting reforms agreed to by all attorneys-general but not as yet implemented in the commonwealth. The bill has a secondary purpose of ensuring the continued operation of the commonwealth's specific journalist privilege law in the territory.

Members will remember that earlier this year the territory established its own evidence act. While this was a first for the territory, it did not seek to substantively

change the law of evidence applying for the territory. The act as established implements the bulk of the uniform evidence law which had been implemented by the commonwealth.

While the commonwealth has implemented the bulk of the law, there are a number of agreed reforms that have not yet been implemented. Accordingly, these reforms have not been part of the territory's law to date. Through implementing these reforms in the territory, this bill will ensure that the ACT fulfils its commitment to uniformity in evidence law. It will also bring our evidence law more closely into line with legislation in New South Wales, Victoria and Tasmania.

The most significant of these reforms is the establishment of the uniform professional confidential relationship privilege. This privilege is designed to protect communications from disclosure where one of the parties involved is a professional and is acting under an obligation not to disclose the communications. This protection will extend to a wide range of professions, including doctors and other health professionals, journalists, social workers and professionals in other relationships where confidentiality is key.

It is important to clarify that the privilege is not analogous to the more commonly known client legal privilege or legal professional privilege. In no way is the professional confidential relationship privilege an extension of client legal privilege.

Client legal privilege affords an absolute protection because it is always in the interests of justice that a client knows that any facts relating to past events revealed to a lawyer will remain confidential. The professional confidential relationship privilege, on the other hand, is not a "true" privilege. It only gives the court a discretion to direct that evidence not be adduced where it would involve the disclosure of a protected confidence. It acknowledges that it may be in the interests of justice to protect the confidentiality of a particular relationship in the circumstances of the case.

The courts will exercise a guided discretion to exclude evidence if it is likely that harm would, or might, be caused to the person who imparted the confidence, and the nature and extent of that harm outweighs the desirability of having the evidence given.

In exercising its discretion, the court is also guided by a list of specific matters set out in the act. These factors include, among others, the probative value and importance of the evidence, the nature of the proceeding, the availability of other evidence, and the likely effect of adducing the evidence.

During consultation, the Law Society raised a concern that the privilege provides the courts with an unguided discretion to direct that evidence not be adduced, in addition to a guided discretion. It is clear that the privilege was only ever intended to involve one discretion. In exercising this one discretion, the court is to be guided by a number of factors listed in the legislation in determining whether the evidence that would be caused through disclosure outweighs the desirability of the evidence being given. A review of the case law in New South Wales indicates that this is how the privilege has been interpreted since it was established there in 1997.

In the absence of case law to the contrary, and in accordance with the ACT's commitment to implementing the model evidence law without substantive variation, this bill sees the ACT implementing the uniform privilege unchanged. However, I believe that there would be value in considering an amendment to the privilege to further clarify the intention. Any amendments to the uniform law must be considered at the national level, and officers from the justice directorate have commenced that process through consultation with officers in other jurisdictions.

The Law Society's other concerns about the operation of the privilege with existing full disclosure provisions in ACT legislation are proposed to be addressed in an upcoming bill, the fourth and last bill for the evidence reforms.

When an exposure draft of the bill was first circulated to key stakeholders in April, comments strongly supporting the privilege were received from the Women's Legal Centre and the Domestic Violence Crisis Service. To understand the importance of this reform for some of the most vulnerable parties in our justice system it is perhaps useful for members to reflect on some of the comments received from these organisations.

In their submission the Women's Legal Centre indicated that many of their vulnerable and traumatised clients have the potential to benefit from the privilege. Their clients develop relationships of trust with counsellors and social workers, in some cases over an extended period of time, and often disclose extensive details relating to current and past trauma. For many clients, the disclosure of these very personal records brings the threat of re-traumatisation. The centre also recognised the very real possibility that the threat of such disclosure, or a past experience of disclosure, can prevent a client from accessing support services which are crucial to their ongoing physical and mental health.

The Domestic Violence Crisis Service indicated their delight and relief that the ACT was now moving to adopt this privilege. The service have experienced firsthand the difficulties arising when these records are subpoenaed. They welcome the changes which will provide clarity to the protection that is afforded to the client information held by their organisation.

The final set of reforms to be established in the ACT includes mutual recognition of self-incrimination certificates issued in other jurisdictions, the clarified operation of the professional confidential relationship privilege to journalists, and provision for people to be considered "unavailable" when they are mentally or physically unable to give evidence.

I would now like to discuss the reforms in the bill which continue the operation of the commonwealth's specific journalist privilege in the territory. As members would be aware, journalist shield laws have received a lot of attention in recent years, with growing recognition of the vital role that journalists play in ensuring an open and democratic society. Freedom of the press is an essential safeguard for the public in ensuring accountability in government.

The journalist privilege to be established in the territory is modelled on the new commonwealth privilege. The commonwealth privilege is in turn based on New Zealand legislation. The privilege is designed to strengthen the capacity of journalists to protect the identity of their sources.

The privilege establishes a presumption against the disclosure of evidence that would reveal the identity of a journalist's source. However, in recognising the public interest in all relevant evidence being brought before the court, the privilege provides that the presumption can be rebutted. This will occur if the court is satisfied that the public interest in revealing the source's identity outweighs both the likely harm to the source or another person and the public interest in reporting the news. Unlike the uniform professional confidential relationship privilege, the onus on establishing the public interest is on the party seeking disclosure.

The establishment of a journalist privilege in the territory, modelled on the new commonwealth privilege, will ensure that the law in relation to journalist privilege in the ACT continues unchanged following these evidence reforms. The ACT's privilege is also largely consistent in operation with New South Wales, which established a similar privilege in June this year.

The amendments in this bill will see the ACT take the final steps in independently adopting the uniform evidence law in the territory. It will also ensure that the existing journalist shield law in the territory is continued once the completed package of evidence reforms commences in 2012.

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.

## **Evidence (Consequential Amendments) Bill 2011**

Debate resumed from 20 October 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Molonglo) (10.26): The Greens will be supporting this bill today. It is the fourth and final bill in this series that creates the ACT's own Evidence Act for the first time.

Taken as a whole, these bills are a significant reform package and a large piece of work. To finalise the transition to a new and updated evidence law, the bill repeals references to the commonwealth law that applied previously. The changes proposed

are relatively minor, taken in isolation. However, they are important in the larger context of transferring to a stand-alone ACT Evidence Act and the Greens support this bill as part of our support for the overall reform package.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.26): The Liberal opposition will be supporting the Evidence (Consequential Amendments) Bill 2011. This bill amends a large number of laws in the ACT as a result of the passing of the last of the series of evidence bills earlier today. Together, these evidence bills give the ACT its own evidence laws, but in concert with other jurisdictions, all of whom are following a uniform approach.

The amendments in this bill are largely technical in nature. The bill also repeals the Evidence Act 1971. I note that a number of provisions that will continue to apply in the ACT have been transferred to the Evidence (Miscellaneous Provisions) Act 1991 and elsewhere. It also updates provisions relating to interpreters when they are used in court proceedings.

This bill also repeals chapter 6 of the Civil Law (Wrongs) Act 2002, which relates to the way in which expert medical evidence is received and treated in court. The repeal will take effect when these procedural matters are taken up in the Court Procedures Rules 2006. A subcommittee of the court rules-making committee currently is working on this.

The opposition will be supporting this bill.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.28), in reply: I thank members for their support of this bill. The passage of this bill will conclude the government's reform of the law of evidence in the territory. As members would know, earlier this year legislation was passed to establish the ACT's own Evidence Act.

The purpose of this bill is to make minor and technical amendments as a result of the establishment of the ACT's new Evidence Act. The bulk of the amendments in this bill are necessary to recognise the establishment of the ACT's Evidence Act and the cessation of commonwealth evidence law in the territory. For example, amendments have been included to update references to the commonwealth Evidence Act with references to the new ACT act. Notes have also been removed from provisions across the ACT statute book which refer to the operation of the commonwealth Evidence Act. The bill also removes redundant provisions from the statute book which are no longer necessary because of the broad operation of the new Evidence Act.

The bill includes a minor amendment to the new Evidence Act to further clarify its operation. Two examples have been inserted into section 8 referring to parts of existing ACT legislation which are not impliedly repealed by the establishment of the new act. The examples have been inserted to remove any doubt about the intended operation of this section which provides that the territory's new Evidence Act does not affect the operation of provisions of other acts.

In addition to these technical amendments, the bill repeals the Evidence Act 1971, which is largely redundant on the establishment of the territory's new Evidence Act. While repealing the bill, the bill preserves the operation of a small number of provisions previously in the act which remain necessary despite the new Evidence Act. These provisions deal with evidence of probate or administration and the use of interpreters for witnesses giving evidence.

The bill also repeals provisions from the Civil Law (Wrongs) Act 2002 which deal with the way expert medical evidence is received and treated in court. The provisions set out the way in which the court controls the receipt of expert medical evidence, the assessment of its admissibility and the treatment of evidence given by experts.

These provisions are being repealed because this body of law is more appropriately made at the court rules level, where the remaining rules concerning expert witnesses are found. Rules are currently being developed by the rules committee to replace the repealed Civil Law (Wrongs) provisions. The bill includes sufficient safeguards to ensure that the provisions are not repealed until the rules have been made. This will ensure that the transition from the existing law to the court rules is a smooth one.

The removal of this body of law and the introduction of rules governing this area of the law will enable better integration of court processes and also enable the court to be dynamic in responding to trends in this area.

The amendments in this bill will see the ACT take the final steps in the development of the territory's own stand-alone Evidence Act. The reforms that have been introduced in the Assembly this year underline the government's commitment to the principle of uniform evidence law and have provided an opportunity to update and consolidate evidence law in the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Justice and Community Safety Legislation Amendment Bill 2011 (No 3)**

Debate resumed from 27 October 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.32): The Liberal opposition will be supporting the third justice and community safety legislation amendment bill for 2011. This bill makes minor, non-controversial amendments to legislation administered by the Justice and Community Safety Directorate. Eleven acts are amended by this bill.

On Thursday the Assembly will debate the second statute law amendment bill for 2011, which introduced a definition in the Legislation Act 2001 for CrimTrac. CrimTrac is used for investigative purposes in a number of applications, and the SLAB bill amends a number of laws to provide appropriate signpost definitions. This bill, too, as well as for consistency across the statute book, introduces the signpost definition in a number of laws administered by the Justice and Community Safety Directorate. These are as follows: the Agents Act 2003, the Fair Trading (Motor Vehicle Repair Industry) Act 2010, the Liquor Act 2010, the Pawnbrokers Act 1902, the Prostitution Act 1992, the Sale of Motor Vehicles Act 1977 and the Second-Hand Dealers Act 1906.

The bill also contains a range of more substantive but no more controversial amendments. The Crimes (Sentence Administration) Act 2005 is amended to remove the requirement for the director-general to give notice to a credit reporting agency of the details of a fine defaulter. This is in response to the view of the office of the commonwealth Privacy Commissioner that a fine probably is not a loan within the meaning of the Privacy Act. Thus, it probably is a breach of privacy to report fine defaulters to a credit reporting agency. This amendment deals with that anomaly.

The Fair Trading (Australian Consumer Law) Act 1992 is amended by this bill to make it clear that the Fair Trading Commissioner has a broad power of investigation. It inserts a provision that enables the commissioner to investigate compliance with fair trading legislation, which can be done by a delegated investigator. I think it is important that the Fair Trading Commissioner has this power of investigation. There is no doubt that in many cases when it comes to breaches of fair trading legislation there is a need for broad-ranging investigative powers by the commissioner. I think it is important that this bill clarifies that position and enables the Fair Trading Commissioner to do his or her job.

Finally, the Road Transport (General) Act 1999 is amended as a result of the new administrative arrangements. Both JACS and TAMS now have responsibility for certain elements of road transport regulation. This amendment makes it clear that the relevant director-general can exercise their functions according to the laws falling into their administrative responsibilities. There is a consequential amendment to the dictionary note to the definition of “road transport authority” in the Legislation Act 2001.

These amendments make our statute book clearer and respond to unintended anomalies that have arisen in the course of the administration of our laws. I am pleased that these amendments are minor and non-controversial in nature and do not go to matters of significant policy. Before I close, it is worth saying that that has not always been the case from this government in the way that it has treated omnibus bills. Omnibus bills are not a vehicle to sneak through policy. They are not a vehicle to make controversial changes. They are not a vehicle to make substantial changes that deserve to be debated independently and debated in some detail.

Whilst the opposition looks at omnibus bills very closely—and in the past we have found things that were controversial—we are really taking the government on trust

somewhat in that they will not try and sneak through significant or controversial amendments in the name of an omnibus bill. From what we can tell, this bill does not do that. It is good to see the government have got that message and finally appear to be treating their omnibus bills in this way. As a result of that, the Canberra Liberals will be supporting this bill.

**MR RATTENBURY** (Molonglo) (10.38): The Greens will be supporting this bill today. It makes relatively straightforward amendments to 10 pieces of law. The changes are minor but will make the lives easier for people who are covered by the various laws that are being addressed in this bill.

One of the changes is the amendments to the 2010 unpaid fine legislation. Since the law commenced last year an operational difficulty has arisen about whether unpaid fines could be listed with a credit reporting agency. The government have resolved this issue by removing the relevant parts of the legislation so that the power to list no longer exists.

The Greens support this approach because the credit reporting aspect was only a small part of the overall scheme and it is better to make the laws clearer and less ambiguous. This will make the laws more easily understood by the people who enforce them and the people who are bound by them. There are a range of other amendments that improve the laws in different ways. They all work to make the ACT statute book clearer and more effective. The Greens support the remainder of the bill.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.39), in reply: I thank members for their support of this bill. This bill is part of a series of legislation that concerns the Justice and Community Safety portfolio and it is about improving the statute book of the territory. The bill amends a number of acts—the Crimes (Sentence Administration) Act, the Fair Trading (Australian Consumer Law) Act and the Road Transport (General) Act. The amendment to the Crimes Act arises from the new legislative scheme for the enforcement of court fines introduced in 2010.

As part of the scheme a new chapter 6A has been inserted, setting out the legislative framework for that scheme. Section 116N contained within chapter 6A requires courts to report to a credit agency a defendant's failure to pay a fine, or to default on an arrangement to pay a fine by instalments. This was intended to ensure that a person's fine default was recorded by credit agencies to ensure that failure to pay court-imposed fines had consequences that encouraged people to take fine enforcement seriously.

However, there have been difficulties identified with the implementation of this provision which were not anticipated. Since the new scheme has commenced, negotiations with credit reporting agencies have highlighted uncertainty as to whether unpaid fines represent the kind of information that should be disclosed to a credit reporting agency. The office of the commonwealth Privacy Commissioner has since indicated its view that a fine is probably not a loan within the terms of the commonwealth Privacy Act and is therefore ineligible to be listed on a credit report.

Therefore this bill omits section 116N of the Crimes (Sentence Administration) Act 2005 to prevent uncertainty around its operation. It also omits section 116I(1)(d)(iii) and amends section 116ZS to remove the references to “relevant credit reporting agency”. This is a very small part of the fines enforcement scheme and its removal will ensure the ongoing integrity of the scheme.

The bill also amends the Fair Trading (Australian Consumer Law) Act 1992 to provide power to the Fair Trading Commissioner and investigators to undertake investigations under fair trading legislation. Section 33 sets out the functions of the commissioner. It was intended to provide a broad power to the commissioner and investigators to carry out investigations under fair trading legislation, which is defined in the act to mean stated laws administered by the Office of Regulatory Services.

However, this section does not state generally that the commissioner has the function of carrying out investigations. Section 33(1)(d) does provide that the commissioner may inspect records and accounts that must be kept under fair trading legislation. This has had the intention of unintentionally narrowing the scope of the investigatory power that the commissioner and investigators have under the fair trading legislation. So to avoid doubt, the bill proposes to amend section 33(1) to clarify the powers of the commissioner and investigators to investigate compliance. These amendments give effect to the original intent of the legislation.

This bill also amends a number of other acts which require different kinds of criminal checks for licence applicants to provide flexibility and consistency. Some ACT acts require an Australian Federal Police check to be carried out. One requires a CrimTrac check, while others provide for inquiries by police officers. An AFP or CrimTrac search uses the same database information and will provide the same results. A CrimTrac search is more expensive but is faster to obtain. In the interests of providing options to licence applicants, these amendments allow applicants to choose between an AFP check or a CrimTrac check and make ACT legislation consistent in this regard.

Therefore the bill makes a number of changes to acts to provide that references to the AFP or a police officer include a reference to CrimTrac. To give effect to this arrangement, the following legislation will be amended: the Agents Act, the Fair Trading (Motor Vehicle Repair Industry) Act, the Liquor Act, the Pawnbrokers Act, the Prostitution Act, the Sale of Motor Vehicles Act and the Second-Hand Dealers Act. These are technical amendments which confer rights in the sense that they allow licence applicants to choose which criminal check to use. The amendments do not, therefore, adversely impact on human rights.

Finally, JACS bill No 3 amends the Road Transport (General) Act. The recent changes to the administrative arrangements giving effect to the Hawke review recommendations mean that the Justice and Community Safety Directorate has become the administrative unit for some road transport legislation. Some Road Transport Authority functions are transferring to the directorate. However, other functions, such as the management of the ACT’s road assets and traffic management, remain with the TAMS directorate.

To clarify which directorate has responsibility for each section of the road transport legislation, this bill amends section 16 of the Road Transport (General) Act to reflect these administrative arrangements. These are technical amendments to give effect to the intent of the changes in the administration of road transport legislation in the territory.

These bills continue to ensure that legislation gives effect to the policy decisions that led to the enactment of the territory's laws. They allow the government to respond promptly to community and stakeholder concerns and allow us to respond to changing needs and attitudes in the territory. This bill is no exception. It introduces amendments to the statute book that are minor and uncontroversial in nature, including matters that are not changes in policy. It allows this Assembly to ensure in a timely fashion that the territory's laws continue to operate with minimal confusion and uncertainty and address current challenges and issues. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Justice and Community Safety—Standing Committee Scrutiny report 45**

**MR HARGREAVES** (Brindabella): 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 45, dated 10 November 2011, together with the relevant minutes of proceedings.

On behalf of the committee chair, Mrs Dunne, I seek leave to make a brief statement.

Leave granted.

**MR HARGREAVES:** Scrutiny report 45 contains the committee's comments on six bills, eight pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting.

The committee wishes to raise two issues with respect to the Business Names Registration (Transition to Commonwealth) Bill on which it has made comment; namely, the use of Henry VIII clauses without justification for their use being offered in the explanatory statement and the inclusion of a clause stating that a section has effect despite anything in another territory law—something which it plainly cannot do. Unfortunately, this is not the first time the committee has commented on these issues. The committee finds the continued repetition of such practices inappropriate and objectionable and calls on the executive to take greater heed of the committee's views in future.

I can advise the house that occasionally this house seeks the application of Henry VIII clauses without justification and the committee has commented adversely on it. Occasionally we have seen the inclusion of clauses stating that a section has effect despite anything in another territory law. That is not acceptable either. But almost uniquely, we see both of those two issues raising themselves in one piece of legislation. That needs to be pointed out. We would like to see those people drafting legislation take note of the fact that we find Henry VIII clauses abhorrent. Having a clause saying, "This section has effect despite anything in other territory law," we find unacceptable as well. We want the drafters to take very serious note of this. I commend the report to the Assembly.

**Sitting suspended from 10.49 am to 2 pm.**

### **Rostered ministers question time**

#### **Statement by Speaker**

**MR SPEAKER:** Before we get started with question time, I wish to make a statement concerning a rostered question on notice lodged by Mrs Dunne. Page 189 of the Assembly's *Companion* points out:

The Assembly follows the practice of the House of Representatives in that a Member suspended from the Assembly is excluded from 'chamber-related' activities—the lodging of petitions, notices of motion ... and matters of public importance.

Accordingly, Mrs Dunn's question No 4 is out of order.

**Mr Smyth:** A point of order on that ruling, Mr Speaker. If that is the case, why was the question, when submitted, included in the draw? Why is it then included on the supplementary program and now deleted from the program, which of course denies the opposition a question?

**MR SPEAKER:** That was an oversight on my part, Mr Smyth, and in the advice I received. I am now correcting that.

### **Questions without notice**

#### **Environment—plastic bag ban**

**MR SESELJA:** My question is to the minister for the environment and is in relation to the fines for businesses handing out plastic bags. Minister, I quote an interview on ABC radio on 1 November:

ROSS SOLLY: Does your legislation not say that businesses can face fines of up to \$27,500?

SIMON CORBELL: No it doesn't. That was a proposal ... when the legislation was first presented but I've subsequently taken the decision to significantly wind back the fines.

On 4 November, in an exchange with Jeremy Hanson, you said:

On-the-spot fines for an individual are \$110, on the spot fines for a company are \$385. If you choose to contest that in court and if the offence is serious enough ... a company ... could face up to \$27,500.

Minister, given that the legislation makes it crystal clear that businesses could face fines of up to \$27½ thousand for giving out plastic bags, why did you go on radio and claim that this was not true?

**MR CORBELL:** I was in error, and I have corrected the record.

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

**MR SESELJA:** Minister, did you mislead the community because you were embarrassed at the massive fines faced by Canberrans who dare to hand out a plastic bag?

**MR CORBELL:** I am not embarrassed about anything, Mr Speaker. This is an important initiative that will help reduce waste to landfill, and the government is very proud to have implemented it. In relation to the details of the fines, as I have said to Mr Seselja in relation to his previous question I was in error and I have corrected the error.

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

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

**MR SMYTH:** Minister, why do you continue with this pattern of behaviour which led to the Assembly previously censuring you for persistently and wilfully misleading the Assembly?

**MR CORBELL:** I refer Mr Smyth to my previous answer.

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

**MR HANSON:** Minister, are there any other facets of the plastic bag ban that you have lied about?

**Mr Corbell:** I ask Mr Hanson to withdraw.

**MR SPEAKER:** Mr Hanson, I would like you to withdraw that and reframe the question, thank you.

**MR HANSON:** Certainly, Mr Speaker. I rephrase the question. Minister, are there any other facets—

**MR SPEAKER:** You will have to withdraw first, thank you.

**MR HANSON:** I withdraw. Are there any other facets of the plastic bag ban that you have misled the community about?

**MR CORBELL:** I have not misled the community about anything. The obligation on me is that once an error is drawn to my attention I correct it. And that is what I did. I did so publicly. I did it publicly on ABC radio. I did it publicly by social media. That is my obligation as a minister.

### **Youth justice—strip searches**

**MS HUNTER:** My question is to the minister for children and young people and relates to the youth justice system. Minister, in a response I received to a question taken on notice from 20 October of this year about routine strip searching within Bimberi, you said that young people are not routinely strip searched on the way to and from court, but that decisions are informed by risk assessment of each individual case. The Human Rights Commission report found:

There was information in the register, confirmed verbally by staff, that young people were routinely strip searched on their way to, and from, court. Rarely was anything found.

Minister, can you inform us of why you disputed this finding in the government response to the report and again in your recent answer?

**MS BURCH:** I thank Ms Hunter for her question. Strip searches are part and parcel of the youth justice environment within the detention centre. But as replied to in the answer to the question on notice, on the advice I have from the department, young people are not routinely—nor should they be routinely—strip searched as they go to and from court. They are patted down and certainly there is a risk assessment and strip searches are applied accordingly.

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

**MS HUNTER:** Minister, can you tell us the total number of times that a young person has travelled to and from Bimberi and court, the number of times a strip search was conducted and the number of completed risk assessment forms on the register of searches and uses of force in the last 12 months?

**MS BURCH:** Clearly a question with that level of detail I will take on notice and bring back as I can.

**MS LE COUTEUR:** Supplementary, Mr Speaker.

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

**MS LE COUTEUR:** On what basis does the government response dispute the Human Rights Commission's finding that strip searches have been conducted in the presence of staff of the opposite gender, contrary to the Children and Young People Act, and what have you done to satisfy yourself that this is not the case?

**Mr Seselja:** Now breaching another act—breaching acts all over the place.

**MS BURCH:** I will refer to Mr Seselja: we actually have not breached an act. If he is going to mutter over the chamber then he should get his facts right.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members!

*Opposition members interjecting—*

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

**MS BURCH:** If you would like another copy of the Solicitor-General's report I am quite happy to send it to you.

*Opposition members interjecting—*

**MR SPEAKER:** Members, order! Stop the clocks, thank you. I cannot hear the minister and I expect to be able to hear the minister's answer.

**Mr Hanson:** I have a point of order, Mr Speaker.

**MR SPEAKER:** There is no point of order. Are you taking one, Mr Hanson?

**Mr Hanson:** You made a comment about the opposition and the point I would like to make is that the minister directly engaged with the opposition in a conversation across the floor. I think that if you are going to have a chip at the opposition you should also point out to the minister that if she is going to do so she should expect some level of interjection from the opposition.

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

**MS BURCH:** Thank you, Mr Speaker, and I will get back to Ms Le Couteur's question. It was around strip searches and she made a comment about the opposite sex. The advice that I have, and everything that I have seen in front of me and in my conversations, is that the opposite sex are not part of that strip search, whether they are there as the person conducting the strip search or those observing or those on the CCTV.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Minister, on what basis do you claim that no young person has ever been segregated in Bimberi? Why do you dispute the finding of the Human Rights Commission that the Coree holding cells are used for the behaviour management of young people? What documentation is kept of these decisions to place young people in Coree?

**MS BURCH:** I thank Ms Bresnan for her question. The Coree unit is used at times. I do not think that has ever been in dispute. It is used as part of the on site management. These decisions are made on a daily or almost an hourly basis to make sure that fair and safe conduct at Bimberi Youth Detention Centre is undertaken so that it is safe for the young people there and it is safe for the workforce there.

There has been some commentary, as I understand it, from the Commissioner for Children and Young People. He has written to me and provided some commentary that he appears to have not agreed or he feels that we have not agreed or rightly interpreted his recommendations. I look forward to his full reply to me. I think it is the first time ever that we have a reviewer reviewing the government's response to the recommendations. So I will get that in full and make a comment to him directly.

### **RSPCA—funding**

**MR COE:** My question is to the Minister for Territory and Municipal Services. Minister, on 27 October, you wrote a letter to the *Canberra Times* stating:

Last financial year the Government paid an additional \$150,000 to the RSPCA over and above the amount agreed in its funding agreement ...

Further to this, in the recent TAMS annual report hearing, you said that \$570,000 was paid to the society in the 2010-11 financial year. Do you stand by your comments that \$570,000 was granted to the RSPCA in 2010-11?

**MR CORBELL:** That was the basis of my advice. Yes, Mr Speaker.

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

**MR COE:** Yes, Mr Speaker. Minister, in the annual report of the RSPCA, which was audited by Ernst & Young—

**Mr Hargreaves:** On a point of order, Mr Speaker, this is a preamble on the supplementary.

**MR SPEAKER:** Yes. Thank you, Mr Coe, if you can come directly to the question.

**MR COE:** Sure. Given that the annual report of the RSPCA, which was audited by Ernst & Young—

**Mr Hargreaves:** On a point of order, Mr Speaker, this is a dressed-up preamble.

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

**Mr Hargreaves:** I'm not talking to you, Mr Seselja.

**Mr Seselja:** I am talking to the Speaker.

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

*Members interjecting—*

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

**Mr Seselja:** There is latitude always given on these things. If somebody is saying, “Given this, why that?” that is not a preamble to a question. That is simply a question. These kinds of questions are often allowed, particularly for Mr Hargreaves.

**Mr Hargreaves:** On a point of order, Mr Speaker, that was a slur. There was no need for that slur. I would like to ask him to withdraw it.

**MR SPEAKER:** Mr Hargreaves, there is no point of order. Mr Coe, try and keep it focused, thank you.

**MR COE:** Given the annual report of the RSPCA, which was audited by Ernst & Young, does not reflect \$570,000 from the government which was promised to the society, how is it that the RSPCA did not receive all the funds by 30 June 2011 if your government is saying that the transfer was made?

**MR CORBELL:** I stand by my advice, Mr Speaker. I cannot answer questions about how the RSPCA undertakes its bookkeeping.

**MR SESELJA:** A supplementary.

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

**MR SESELJA:** Minister, will you provide to the Assembly by the close of business today written evidence of the amounts granted to the RSPCA for the last 18 months, including the dates of those transactions?

**MR CORBELL:** I am happy to try and do so. I will have to make some inquiries from my directorate as to whether or not that material is available in that time frame, but I will use my best endeavours.

**MS LE COUTEUR:** A supplementary.

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

**MS LE COUTEUR:** Minister, when will the money and the site be available for a permanent home for the RSPCA?

**Mr Hargreaves:** On a point of order, Mr Speaker, in fact the issue was about the grants funds for the RSPCA. It was not about the building or the sites.

**MR SPEAKER:** The question was about the resourcing of the RSPCA, and I think the practice we have had in this place is that, within a reasonably close range of topics, the question is in order.

**MR CORBELL:** My understanding of the negotiations around the relocation of the RSPCA, which has been necessitated by the development in the North Weston area, is that those negotiations are ongoing. Those negotiations are led by the Economic Development Directorate, my colleague Minister Barr's portfolio. But I understand that those negotiations are ongoing and the government has indicated its in-principle agreement to provide a new facility for the RSPCA within Symonston at the cost of the government, because of the requirement for them to relocate due to development in the North Weston area.

### **Open government**

**DR BOURKE:** My question is to the Chief Minister. Chief Minister, can you please update the Assembly on the latest open government initiatives?

**MS GALLAGHER:** I thank Dr Bourke for his question. In June this year I committed the government to reforming a number of areas of government and administration to deliver greater transparency. This includes the adoption of a default position that information available to the government should be made available to the community, thereby enabling greater participation by Canberrans in the business of government.

Significant progress has been made over these open government reforms since they were first announced, including providing very significant access to government information, a new information office, a weekly online cabinet summary report, the new community engagement manual and the ICT strategic plan. Two virtual community cabinets have been held and another one will be held on Monday, 28 November. In launching the website—

*Opposition members interjecting—*

**MS GALLAGHER:** I know that when those opposite get going it must be annoying them. Of the 10,000 hits that we have had on the open government website, I wonder how many have come from those opposite. As that would involve doing a little bit of work, maybe that is being a bit generous to them. The open government website has attracted significant attention, including viewing of the cabinet summaries and recently, of course, the new section on FOI material that has been provided on that site.

The government has always said from the beginning that this open government website, with the provision of more information, is not necessarily a free-for-all. There will be protections on certain information but, as a general rule, we believe the default position should be about the provision of more information. That includes government reports and data sets where they are available.

The new FOI website has attracted some attention in the last week or so as journalists can access information that an individual or an applicant has received. It is now provided for the entire community to access. There has been some concern raised around the level of redactions included in that FOI material. I have spent some time

talking with the public service and indeed the journalists and the paper in particular about the concerns that they have around that. The government has flagged its intention to amend FOI laws, and new legislation will be introduced into the Assembly. I welcome members' debate on those very important reforms when they are introduced.

However, there still will be restrictions on information and, in particular, if members look at the health records act, health records are provided with extra protections, including an individual's right to privacy. I am sure Mr Hanson, Mr Seselja and Mr Smyth would all agree that someone's health records should not be available for release to the rest of the world. In the cool light of day I think even those opposite who have been squealing around redactions would actually agree that an individual's health record should be offered protection from release under FOI legislation. If they do not agree with that then they should bring forward amendments to the health records act to amend that. Rather than just standing and screaming, if they actually agree that redacted information should be made available, they should seek to amend the relevant legislation that offers protection at the moment.

**MR SPEAKER:** Supplementary, Dr Bourke.

**DR BOURKE:** Chief Minister, you mentioned that the government was now making FOI documents available online. Can you provide more detail about this initiative?

**MS GALLAGHER:** Yes, thank you, Dr Bourke. From 4 October 2011 non-exempt information disclosed to an applicant under the FOI act is now available on the Open Government website. This includes schedules of all documents released and schedules of documents withheld in response to an FOI request, copies of all text documents released to an applicant under the FOI act, subject to the exclusions detailed in the policy, and details about how to obtain photographs.

The Open Government website currently includes material released for eight FOI applications on seven different topic areas, including material released from 20 October to 11 November. The latest material released relates to live music IDC, security upgrades in public housing, and block 15 section 130 in Kambah, a development application.

As I said earlier, it is important to understand that open government does not mean that all information is released. There are many legitimate reasons, including privacy, protection of the territory's interests and protection of confidential commercial material, which would preclude release of certain information. It is essential to remember that every single request under FOI legislation is considered individually, and a separate decision maker is accountable for information under the scope of that request.

It is also important for members to understand that ministers do not sit in their offices considering FOI applications, as the opposition would have people think. These are matters that are handled, quite appropriately, at the departmental level.

**MS PORTER:** A supplementary.

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

**MS PORTER:** Minister, what sort of response have you received from the community in relation to this?

**Mr Hanson:** The *Canberra Times* is impressed.

**MS GALLAGHER:** Indeed, I can hear Mr Hanson interjecting that the *Canberra Times* is very impressed. I met with the editor, and he fully supports the measures that we have taken around open government. We had a very good discussion about the measures that have been put in place. Mr Hanson might like to sit there and smirk. These are important reforms—reforms that we would actually like you to say that you would support because you are incredibly silent on it. None of you actually have a view on open government.

The paper is very supportive of the reforms that we are putting in place. Yes, they may have views around how the FOI Act is applied. Indeed, it is their right to pursue the avenues that are available to the applicant for review of those decisions, as they feel appropriate.

But in terms of open government, in terms of the cabinet summaries, in terms of the FOI, the fact that we are even having this discussion and the paper is having this discussion is actually very positive because what it means is that people are understanding more and more that more information than has ever been available before is now available to the community for their consideration and interest—much more than was ever available under Mr Smyth when he was in government, much more than was available even six months ago. The fact that we are actually debating open government, that there is a reform agenda underway that those opposite have no view about, is an important part of the open government agenda.

I am very proud of the work that the bureaucracy has done in terms of supporting the government's work in this area, and there will be more coming.

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

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

**MR HANSON:** Minister, ACT Labor promised in 2001 that it would release cabinet documents after six years. Why do you continue to break this promise?

**MS GALLAGHER:** I understand it was the Liberals' position, too, at that point in time but I am not sure what their view is on it now. It is the normal practice in this place that governments are measured on their election commitments at the next election. Indeed, we are very busy implementing all the election commitments we made to the people of Canberra in 2008. While you sit there and do nothing, and have done nothing for three years, we are actually rolling out the election commitments that we went to the people with in 2008. We will be judged on them in 2012, and we will have a very good, strong record to campaign on.

### **Transport—city cycle loop**

**MS LE COUTEUR:** My question is to the Minister for Territory and Municipal Services and is in relation to last week's announcement of \$9 million for the city cycle loop and six other cycling and walking projects. Minister, was this an announcement of a new funding allocation; or is it part of the previously committed \$3.6 million recurrent funding to increase bicycle and pedestrian infrastructure through the Labor-Greens parliamentary agreement; or will it draw from the additional \$1.5 million allocated in this year's budget for walking and cycling infrastructure?

**MR CORBELL:** Funds for this financial year and for future financial years are provided for in the budget currently. I am happy to provide Ms Le Couteur with more information in relation to that, but the funding is funding that has been made available in previous appropriations and will also be provided through a range of other projects within the Territory and Municipal Services Directorate that address issues around walking and cycling infrastructure.

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

**MS LE COUTEUR:** When will work on the city cycle loop start and when will it be completed?

**MR CORBELL:** The first stage of the development of the Civic cycle loop is expected to be a stretch of Marcus Clarke Street and Rudd Street in the city. That is expected to start later in this financial year.

**MS HUNTER:** A supplementary.

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

**MS HUNTER:** Minister, how will the seven walking and cycling projects announced last week be prioritised in terms of implementation?

**MR CORBELL:** The seven projects that have been identified are the seven projects that will receive funding, and that funding will commence to flow to those projects in this financial year.

**MS BRESNAN:** Supplementary.

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

**MS BRESNAN:** Minister, what further examination will be undertaken on establishing a shared space on Bunda Street in addition to the consultation previously undertaken in 2009?

**MR CORBELL:** Further discussions are needed with stakeholders along Bunda Street before any final decision is made in relation to how we can best create a shared space along that very busy inner city road. There are a range of stakeholders who have

views in relation to how that should be managed. For example, options such as a Copenhagen style lane—that is a separated but on-road cycling lane—does raise issues that need to be resolved in relation to verge parking, loading zones and so on. That does have a direct impact on businesses operating in the area and we need to talk those issues through with those stakeholders before a final decision is taken in relation to what the preferred design is for Bunda Street.

### **Crime—penalty for manslaughter**

**MR DOSZPOT:** My question is to the Attorney-General and it relates to the currently maximum penalty of 20 years for the offence of manslaughter. Attorney, on 27 October 2011 you told the Assembly that, in his evidence to the JACS committee in its inquiry into the Crimes (Murder) Amendment Bill 2008, the Director of Public Prosecutions said that “the current penalty is appropriate”. You went on to say:

The DPP has since reconfirmed his position that he believes the current penalty for manslaughter is appropriate.

The *Hansard* transcript of the relevant JACS committee hearing does not appear to report a definitive statement from the DPP about the adequacy of the current penalties. He said:

I prefer to do any commentary on the level of sentences through the courts.

He continued:

I think that is the better way for DPP to give its commentary on level of sentences, rather than to pontificate upon it in committees.”

Attorney, can you point to the evidence of the DPP, given to the JACS committee, that stated that the DPP considered the current penalty is appropriate?

**MR CORBELL:** I do not have any advice in front of me in relation to the detail of that quite detailed exchange Mr Doszpot is asking me about. I will need to check the record and see exactly what occurred in that discussion, which I think, if I recall the question correctly, occurred three years ago. I will do that and take the question on notice.

**MR SPEAKER:** Mr Doszpot, a supplementary.

**MR DOSZPOT:** Attorney, will you table in the Assembly by the close of business this day the DPP’s subsequent confirmation that the DPP believes the current penalty for manslaughter is appropriate?

**MR CORBELL:** I will take the question on notice.

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

**MR SESELJA:** Attorney, have you misled the Assembly? If not, in what way do your statements to the Assembly reflect the evidence and views of the DPP? If yes, will you now apologise and correct the record?

**MR CORBELL:** I simply have no recollection of the exchange that Mr Seselja and Mr Doszpot are referring to. I will need to check the record and refresh my memory before I give an answer to this place. Therefore, I take the question on notice.

**MR SESELJA:** A supplementary.

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

**MR SESELJA:** Attorney, did you seek to put words into the mouth of an independent statutory office holder and hold that to be the basis for your claim that the current penalty for manslaughter is adequate?

**MR CORBELL:** I would never act in that manner. In relation to the substance of the question, I simply refer Mr Seselja to my previous answer. You were asking me about a series of exchanges that occurred a number of years ago. They are not matters—as they relate to exchanges in relation to a committee inquiry that occurred some time before that, if I recall the question correctly, it is entirely reasonable for me to go and refresh my memory about the circumstances before I seek to provide any answer to the Assembly, and that is what I will do.

### **Trade mission to the United States**

**MS PORTER:** My question is to Minister Barr. Minister, can you please update the Assembly on your recent trade mission to the United States?

**MR BARR:** I thank Ms Porter for her question. I am pleased to report to the Assembly on a particularly successful ACT government trade mission to Washington DC which I led between 30 October and 4 November.

Members may be aware that earlier this year, in July, with the assistance of the Australian Ambassador to the United States, Kim Beazley, I announced the launch of a new initiative for the ACT government, a pilot program, to be delivered in close partnership with Austrade, aimed at developing new markets for ACT businesses that are focused on delivering innovative commercial solutions in public sector administrations and in the delivery of public sector services.

The ACT exporting solutions to government pilot program was conceived and developed in recognition of the territory's clear strengths—strengths as both a centre of excellence for public sector administration and a key Australian contributor of innovation in the public sector sphere. The pilot program has focused on companies with proven capabilities, companies that are already delivering effective solutions to governments in an Australian context. The objective was to expand their capability and knowledge to win business in the US public sector market.

I am pleased to report that it was a very successful trade mission. Our focus on a market with so many correlations and consistencies with the ACT economy looks highly likely to deliver very strong dividends for those participating companies.

Of course Canberra and Washington share many attributes. Both are the seats of their national governments and home to major national administrative and security facilities. Both are home to leading national research and education institutions that fuel the growth and development of their knowledge-based economies. And both are home to institutions, museums and monuments that unify and define their respective national psyches and histories.

While the scale might be somewhat different, there is no doubt that there are strong parallels and connections between our two cities and I have returned with a clear view that there are great opportunities for ACT and Australian businesses in the US public sector market.

Seven ACT companies on the exporting solutions to government pilot program were able to participate in the mission. The companies included Intelledox, Isidore, Aspen Medical, NICTA AutoMap, Random Computing Services, Seveno and Quintessence Labs. Washington-based representatives from Canberra companies Noetic Group and Kord Defence also participated in parts of the trade mission program.

In addition to my role of supporting the ACT company programs I also participated in a range of meetings with officials and key decision makers to discuss opportunities around the economic development, education, sport and recreation and tourism portfolios. Some of the key organisations and people that I met with while in Washington included the Smithsonian National Air and Space Museum to discuss potential developments with the ANU and the Mount Stromlo observatory; the Smithsonian Centre for Education and Museum Studies to discuss a potential exchange program of education officers between the Smithsonian and national capital attractions; the International Economic Development Council to discuss global trends in regional economic development; the Greater Washington Board of Trade to discuss opportunities between Canberra and Washington; and government agencies from the cities of Baltimore and Annapolis to discuss regional economic development and tourism. I also had the opportunity to meet with Ambassador Beazley to discuss the success of the pilot program and the potential to grow Australian trade in the US public sector.

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

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

**MS PORTER:** Minister, can you inform the Assembly of any feedback you have had from businesses?

**MR BARR:** I am pleased to report that all of the companies have related that the mission has been particularly beneficial. The ACT exporting solutions to government pilot program attracted nine ACT small and medium enterprises from the ACT, companies with a demonstrated capability of delivering innovative solutions based on products or services aimed at delivering more effective public sector administration. Over the course of the mission, company representatives participated in a number of group forums focused on aspects of the US public sector market, panelled pitching practice sessions and business matching programs with public sector decision makers.

Jed Johnson from Random Computers reported:

The quality of the meetings was much higher than I had expected. The mix of ACT Government, Austrade and industry help seemed to be the key. Random Computing's meeting with the Assistant Sergeant at Arms and CIO of the United States Senate has opened a real opportunity for the use of our mobileX for Government software in all 534 Congressional Offices.

Paul Stapleton from NICTA Automap reported:

The mission delivered the industry insight Automap was looking for. We had the opportunity to gain a clearer understanding of the potential for our technology in the US through targeted discussions with Government stakeholders and industry associations in the transport sector. A highlight was an invitation to submit an article for publication in the *American Surveyor Magazine*.

Austrade worked in partnership with the ACT government to develop and manage the in-market business matching programs for the mission participants. Austrade also worked with DFAT to deliver my own program. All business mission participants benefited from the ACT government's financial support which subsidised Austrade's in-market services.

**DR BOURKE:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Dr Bourke.

**DR BOURKE:** Minister, can you inform the Assembly of any future actions in this area?

**MR BARR:** Now that the trade mission has returned, I can inform the Assembly that the work and effort does not stop here. The pilot program continues with mission debriefing and company follow-up sessions next week. The companies will continue to be engaged in the next phase of the program to refine and implement their US public sector market strategies. A follow-up market visit is being considered for May 2012.

Work is also progressing to broaden the reach of the exporting solutions to government pilot program. The Economic Development Directorate will be participating in planning sessions with Austrade in early December to investigate further opportunities to deliver the program on an ongoing basis.

The directorate is also looking at partnership models with the Department of Innovation, Industry, Science and Research, Austrade and state governments to develop the pilot into a commercially delivered business development training program for Australian businesses, to be delivered from the ACT. There might also be opportunities to develop the program in focused areas for other markets, particularly emerging markets in Asia and the South Pacific.

To sum up, it was a very successful trade mission to Washington. I would particularly like to thank all of the company executives who participated in both the pilot program

and the trade mission for their drive and commitment in finding success in new markets. I am sure all Assembly members will join with me in wishing them well in the follow-up work that they are now undertaking to deliver concrete outcomes for their businesses and for the territory economy.

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

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

**MR HARGREAVES:** Minister, will you table by the end of question time copies of all emails of congratulations from those opposite on the success of this mission?

**MR BARR:** If any are forthcoming, I will be delighted to table them.

### **Alexander Maconochie Centre—capacity**

**MR HANSON:** My question is to the Attorney-General. On Friday, 11 November, the Official Visitor stated to the Standing Committee on Justice and Community Safety that inmates at the Alexander Maconochie Centre had to exercise in an area described as follows:

There is a very small area, but it is kind of meshed and is enclosed ... I suppose it is like caged chooks.

Attorney-General, why are inmates at the Alexander Maconochie Centre being treated like caged chooks?

**MR CORBELL:** They are not.

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

**MR HANSON:** Is it in line with the alleged human rights compliance of the jail for inmates to be treated “like caged chooks”, in the words of the Official Visitor?

**MR CORBELL:** I note the Official Visitor’s comments in relation to that matter. The Official Visitor is referring to a particular part of the AMC where prisoners are kept in segregation from other prisoners. In those facilities, rather than prisoners exercising in a common yard, they exercise in an enclosed—

*Opposition members interjecting—*

**MR CORBELL:** They do not want to hear my answer, Mr Speaker.

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

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

**MR SMYTH:** Minister, the Official Visitor also stated that, due to capacity constraints, some inmates were unable to attend programs and activities. Why are inmates prevented from attending programs and activities due to capacity constraints?

**MR CORBELL:** Generally speaking—

*Members interjecting—*

**MR SPEAKER:** Order, members!

*Mr Hanson interjecting—*

**MR SPEAKER:** Mr Hanson!

*Members interjecting—*

**MR SPEAKER:** Members, that is enough. The next person that speaks before we get to Mr Corbell will pay the consequences. Mr Corbell, you have the floor.

**MR CORBELL:** Generally speaking, prisoners are not hindered from undertaking programs and activities. However, there are circumstances where they cannot. The primary reason why they cannot is because they are in segregation and cannot come into contact with other prisoners. It is simply not feasible to run two lots of programs, given the very small numbers of prisoners involved, where some prisoners are on segregation and are unable to engage with other prisoners who may be undertaking those programs. Regrettably, these circumstances do occur from time to time, but they are isolated and they relate to the need to segregate some prisoners from other prisoners for their own safety and security.

In relation to the earlier question that was asked about the exercise areas for prisoners on segregation—for example because they are in the crisis management unit—they do have their own private exercise yard. That yard is small. That yard does have wire across the top of it because of the need to maintain operational security. But all elements of that facility have been assessed as consistent with our human rights obligations and, indeed, were part of the integral design of the centre which the Human Rights Commission was closely involved in.

There is no doubt that the physical design of this facility was developed in close consultation with the Human Rights Commission. These issues were looked at as part of the design of the facility. I accept that the Official Visitor has a particular view about these matters, but that does not—

**MS BRESNAN:** A supplementary.

**MR SPEAKER:** Just one moment. Mr Corbell will finish his sentence. No? Okay, Ms Bresnan has the call.

**MS BRESNAN:** Minister, has there been any resolution of the situation of long-term detainees at the crisis support unit having access to larger or grassed areas for recreation?

**MR CORBELL:** The number of long-term detainees in the crisis support unit has reduced significantly since this issue was of concern a number of months ago. That

reflects the particular circumstances of each individual prisoner, where they are at and whether or not they are fit to return to the broader general prison population. The government makes every effort, and Corrective Services make every effort, to ensure that prisoners are able to get effective exercise. In relation to the circumstances of detainees currently within the CSU, I would need to seek further advice, and I will provide an answer to the member.

### **Housing—social**

**MS BRESNAN:** My question is to the Minister for Community Services and concerns the redevelopment of the ABC and Northbourne flats. Minister, can you please advise the Assembly of the level of profit the ACT government stands to make from each redevelopment which it will then use to purchase housing stock elsewhere?

**MS BURCH:** I thank Ms Bresnan for her interest in social housing in the ACT. The final design and the built form are not on the table so the amount of revenue raised—I think that is what you are referring to—is not able to be determined at the moment. But let me be quite clear that we will not be reducing social housing stock, unlike those opposite, who I think ripped a thousand properties out of social housing when they were last in government.

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

**MS BRESNAN:** Minister, will you please table by the end of this sitting week documents outlining the redevelopments' estimated costing?

**MS BURCH:** In regard to the ABC flats, we have gone through extensive planning for a territory plan variation. That is coming to conclusion and I hope to go out to broader community consultation in regard to that.

In regard to the Northbourne flats, I announced last week the successful design competition. It was a wonderful design by a Melbourne architectural firm, John Wardle, who did provide very good amenity. It did increase the housing stock there from about 250 to a tad over 900. It was a good design. It was a design that was chosen unanimously by the jury. It will now be progressed. CSD will work with the architect and will progress to a DA, which I am hoping will be in place by the early part of next year.

**MR HARGREAVES:** A supplementary.

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

**MR HARGREAVES:** Minister, is it not true that all funds realised from the sale of public housing stock must be ploughed straight back into acquiring or renovating further housing stock?

**MS BURCH:** I thank Mr Hargreaves for his continuing interest in social housing and again put on record a number of reforms that he brought to the ACT for social housing. Certainly, it is true that we are committed to no net loss in social housing.

We will replace those properties not necessarily with like properties, because I think the whole notion of redeveloping Northbourne Avenue would be that we do not replace concentrated disadvantage. We have learnt from that and we are looking to alternative mixed tenancies.

**MS HUNTER:** Supplementary.

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

**MS HUNTER:** Minister, has the government calculated the estimated financial loss or gain if it were to retain the full number of public housing dwellings in the redevelopment? If yes, what were those estimated costs?

**MS BURCH:** I thank Ms Hunter for her question. Some of that answer I have referred to in the answer to an earlier question. It is more important to think about what are the housing options that we will provide the tenants in social housing. To think that we would replicate what is currently there and that that is the best that we can do for social housing is wrong. There are a number of people in Northbourne flats who would welcome the opportunity to live in the glorious surrounds of Tuggeranong Valley.

### **Emergency Services Agency—headquarters**

**MR SMYTH:** My question is to the Minister for Police and Emergency Services. Minister, in July 2007 your department compiled an analysis of the 11 critical requirements for the preferred location for the new ESA headquarters. The requirements included emergency response times, access to existing stations, response from crews in training, deployment of specialist vehicles and equipment, as well as collocating command personnel. Minister, the analysis concluded with each of these factors: the Fairbairn option was rated as poor, and against each of these requirements the Fyshwick option was rated as good. Minister, why did the government take the poor option?

**MR CORBELL:** I have previously answered this question. The answer is the same as the one I have provided previously, which is that the government was in a contractual commitment with Fairbairn and it would have been too expensive to the taxpayer to relocate from Fairbairn. It made sense to renegotiate the contract with the Canberra airport at Fairbairn to deliver an effective outcome. That is what we have done. In addition, we have taken other steps to ensure that there has been no compromising of response times in relation to a range of ambulance and fire brigade functions. Those changes have been funded in a budget about four years ago.

**MR SPEAKER:** Mr Smyth, a supplementary.

**MR SMYTH:** Minister, why did the government not take the good option, as outlined in our requirements analysis?

**MR CORBELL:** I have just answered the question.

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

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

**MR HANSON:** Minister, what is the additional delay in emergency response times resulting from the ESA headquarters being located at Fairbairn?

**MR CORBELL:** There is no delay. Operational response occurs first and foremost from the ESA stations. Members opposite clearly do not understand how the emergency services operate, in that you have these buildings called fire stations. So you have these buildings called fire stations and you have these buildings called ambulance stations. And guess where they are? They are spread out all around the territory, and they are there for a reason. What happens when someone picks up the phone and says, "I need a fire truck, please"? The fire truck is dispatched from the fire station to the suburban area. Mr Speaker, believe it or not, that response does not occur in the first instance from Fairbairn. I would have thought that after nearly four years in the job as shadow minister for emergency services, Mr Smyth would understand that there are facilities called fire stations and ambulance stations and that that is where fire trucks come from and ambulances come from.

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

**MR HANSON:** Minister, does the fact that the helicopter facility and the ESA training facility have been relocated to Hume validate that you got it wrong in keeping the ESA headquarters at Fairbairn?

**MR CORBELL:** No. The development of the RFS helicopter facility at Hume and also the ESA training facility at Hume is an effective response because, first and foremost, it saves the territory money. We are able to park helicopters at Hume without the need to pay parking charges to the airport, and that significantly reduces costs to taxpayers.

### **National Multicultural Festival**

**MR HARGREAVES:** Mr Speaker, I congratulate you on your initiative to further the cause of Movember.

My question is to the Minister for Community Services. Minister, could you inform the Assembly about initiatives to engage the ACT multicultural community in the lead-up to the 2012 Multicultural Festival?

**MS BURCH:** Mr Speaker, I think I have already made comment on your contribution to date.

The National Multicultural Festival is an extremely popular and important way of recognising the diversity that exists in Canberra and across the ACT. I have been told that last year the festival reached a new record, with over 110,000 people attending on the Saturday.

In addition to the festival steering committee, this year the Office of Multicultural Affairs has partnered with the Canberra Multicultural Community Forum which held

two community forums in July and August to discuss new ideas for the lead-up to the 2012 festival. These forums were a great opportunity for the community to put forward their views and opinions and I understand that the forum attracted 90 people from 55 different organisations, some of those with Anglo-Indian association, the Iraqi community, the Lithuanian community, Canberra women's group, the multicultural forum, the Thai community, Rotary Club, Lions Club, Red Cross and many other community groups. The community members also provided new ideas and initiatives for their showcase coordinators who regularly meet with the festival organisers.

All the new ideas have been considered and most have been incorporated into the 2012 event. These include an enhanced children's activities program, expanding the footprint of the event so as to make it easier for people, particularly seniors and parents with young children, to get around the stalls and entertainment and to decrease the congestion around the more popular food stalls; a new Latin American quarter; and enhanced rest areas with more tables and chairs.

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

**MR HARGREAVES:** Minister, can you tell us what feedback you have received on these initiatives?

**MS BURCH:** I do know, through my discussions with members of the community, that the 2012 festival is anticipated with eagerness by many. Many community members are delighted that their initiatives have been considered in the next festival. The feedback so far from the community has been positive, with members of the multicultural forum and the multicultural steering committee providing support to the introduction of these new ideas. We have worked hard to listen to the community and to deliver on their suggestions as we are able.

In terms of feedback, I would like to mention that the Office of Multicultural Affairs is working closely with Multicultural Women's Advocacy to deliver a multicultural children's program for the 2012 festival. Finally, I understand that many of the ACT community language schools are looking forward to participating in the community parade, which is another new initiative to be implemented in 2012.

**MS PORTER:** A supplementary.

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

**MS PORTER:** Minister, given that this year's festival had a record attendance of over 200,000 people and given this increase in popularity and the huge crowd involved, can you tell us what initiatives you are progressing to assist older and less mobile Canberrans or people with young children to enjoy the festival?

**MS BURCH:** I do thank Ms Porter for this question. And it is an important question. Surveys show that the festival is consistently given a very high approval rating, in the high 90 per cent range. We are listening to the feedback about how busy the footprint has become, and we are responding. That is why a number of changes and new

initiatives will be implemented in next year's festival. These include expanding the footprint of the festival to provide more open spaces and create better pedestrian flow. As part of this, London Circuit will be fully utilised for the 2012 event. Stalls are being positioned further away from the main stage so that there will be better access to stalls while performances are underway.

The Multicultural Women's Advocacy, in conjunction with the OMA, is looking to run enhanced children's activities and is also working with ACTION to design a parking plan to improve accessibility to the festival site. The Multicultural Festival team is working closely with other directorates such as the Office for Ageing and the Office for Women to ensure a bigger sanctuary space which will include a children's program. It is also proposed to have a pram parking space and all-day activities and entertainment programs aimed at the children. I am confident that these new initiatives will enhance the festival for Canberra families.

**Ms Gallagher:** I ask that all further questions be placed on the notice paper.

## **Rostered ministers question time**

### **Minister for Tourism, Sport and Recreation**

#### **Convention centre—evaluation**

**MR SMYTH:** What actions are the ACT and federal government taking to facilitate the next stage of the evaluation of a new convention centre in Canberra?

**MR BARR:** Mr Smyth would be aware that the 2011-12 budget made provision for \$1 million in capital expenditure to support further investigations of the identified or preferred site for the Australia Forum project in West Basin. An inter-directorate committee has been established which will consult with representatives of the ACT business community who have brought the Australia Forum proposal to this stage. The federal government are assisting through the National Capital Authority and have made available to the territory government a vast array of information based on their own studies around the precinct.

**MR SMYTH:** Minister, do you stand by your statement that it is unlikely that anything will happen for about a decade in regard to the future of the Australia Forum?

**MR BARR:** It would appear that if federal government funding is being sought to underpin the project, then, given the stated commitment of the commonwealth government to return the budget to surplus and their current exercise of spending restraint, it is unlikely that the federal government will be providing funding for the project in the foreseeable future. Given the construction time frame of a project of that scale, I believe my statement is an accurate one.

#### **Sportsgrounds—couch grass**

**MR SESELJA:** Minister, last year you announced that "where possible we are converting sportsgrounds to couch grass, which provides water savings of up to

50 per cent". How many ovals have had their playing surfaces re-grassed to couch and what has been the cost to date per oval?

**MR BARR:** The following sportsgrounds have had a full conversion using couch turf maxi rolls: Hawker softball centre, Narrabundah ball park, Ngunnawal neighbourhood oval, Chisholm district playing field No 1 and Isabella Plains neighbourhood oval. Charnwood district playing fields 27 and 28 are currently being completed. The cost of laying these maxi rolls, including preparation, is around \$100,000 per hectare.

Several sportsgrounds have also been over-sown with couch seed. This transitions the sportsground surfaces over a period of time. The advice from the directorate is that it can take 18 to 24 months before the surface has sufficient cover to be playable. I am advised that the cost of this particular method is approximately \$20,000 per hectare. Tuggeranong enclosed oval, Phillip oval, Harrison district playing fields and Duffy neighbourhood oval have had that process utilised for their restoration.

**MR SESELJA:** Minister, has any assessment been done as to the water savings generated on those ovals that have been re-grassed and, if so, what have been the results of that assessment?

**MR BARR:** Yes. As I indicated in the original statement that Mr Seselja quoted, it is about a 50 per cent water saving. The total figures for water usage on sportsgrounds vary from year to year, depending on the amount of rainfall. But it is certainly the case that couch requires less water.

### **Festival funding program**

**MR HARGREAVES:** Minister, can you please outline how the government's festival funding program operates?

**MR BARR:** The festival fund is a funding program aimed at encouraging festival activity. It enables the community to access support for festival program development. There is a clear and equitable process that is followed for the festival fund every year. Potential applicants are encouraged to have a pre-application meeting where all criteria are outlined and explained. This is an important process for applicants to ensure they know what information and level of detail to provide in their application, as not every application will be successful. All applications are carefully assessed by an independent expert committee and judged on the quality and innovation of the festival and the opportunities offered to the Canberra community to participate.

The 2012 festival fund was once again very competitive, with more than 30 applications and a total request for funding of more than \$650,000. There were a number of applications that were not recommended for funding at this first stage. These applicants were unsuccessful for a number of reasons, including non-compliant applications or not meeting the relevant criteria. The ACT government will not allocate funding for non-compliant applicants. This would undermine the process and be an inappropriate use of government funds. Unsuccessful applicants were notified of the decision and have been offered the opportunity to discuss the strengths and weaknesses of their applications.

In this financial year the ACT government will provide more than \$200,000 through the first round of the ACT festival fund to almost half of the applicants to support the community celebrations and events. Approximately \$20,000 still remains to be allocated and I am opening a second round of funding. Previously unsuccessful applicants are welcome to reapply and I would encourage them to speak with the Economic Development Directorate to seek feedback on their original application. New applicants will also be welcome to apply, and as with the first round, there will be a clear and equitable process to allocate this funding.

**MR HARGREAVES:** Can the minister please explain the benefit of such programs?

**MR BARR:** The purpose of the fund is to support local events targeted at local community activities. Funding is provided to support program development, community participation, audience development initiatives, marketing activities and business skills development. The fund assists festival organisers in putting on the best possible events for our community. This provides a great calendar of events that link to and enhance Canberra's identity and stimulate community engagement. It also helps to stimulate the local economy.

The ACT festival fund is provided in addition to other funding programs, such as the events assistance program and the major events strategy. These programs are targeted at local events, with a focus on attracting national and international visitation. This range of event and festival funding programs aims to support a full annual calendar of events for all members of the Canberra community.

### **Lakes—recreational activities**

**MS LE COUTEUR:** What information does the government have about the types of recreational activities that Lake Tuggeranong, Lake Ginninderra and Gungahlin Pond are used for?

**MR BARR:** The urban lakes and ponds within the ACT are managed by the Territory and Municipal Services Directorate. This includes Lake Ginninderra, Lake Tuggeranong and Gungahlin Pond. The plans of management describe the way in which the urban lakes and ponds are managed by the TAMS directorate to provide public and community use and environmental values and protection.

I can advise Ms Le Couteur that the plans of management are available on the TAMS website. I can also advise that the foreshores of Lake Ginninderra and Lake Tuggeranong contain major recreational facilities for a range of ages, including beaches, designated swimming areas for toddlers and young children, jetties and boat ramps for non-petroleum powered boats, barbecues and playgrounds. Other activities that can take place on the lakes are fishing, wind surfing and scuba training. Special events, commercial activities, model boat regattas and recreational boats—steam and electric—and motorised sport support or training craft are allowed subject to a permit.

The remaining ponds scattered throughout Canberra, including the Gungahlin Pond, make up a series of controlled ponds which intercept urban run-off before entering the

Murrumbidgee River. These ponds also encourage the existence of flora and fauna and benefit the community both aesthetically and recreationally—for example, through walking, running and cycling.

The Gungahlin Pond can be used for fishing, model boating, non-motorised recreational boating and wind surfing.

**MS LE COUTEUR:** Has the government undertaken any formal analysis of the needs of all lake users across Canberra and has there been any identification of additional facilities that might be required, such as signage, paths, ramps, equipment storage or other group facilities?

**MR BARR:** Most of that question would be better directed to the Minister for Territory and Municipal Services, but I am happy to take it on notice and provide further information to the Assembly.

### **Answers to questions on notice**

#### **Question No 1713**

**MR HANSON:** I seek an explanation under standing order 118A from the Minister for Health with regard to question 1713, which is now two months late. It is a question regarding the capital asset development plan.

**MS GALLAGHER:** That question involved quite a lot of work. Indeed, I think I spoke about that during the last sitting period. The question has now been signed off and should be with you.

#### **Question No 1800**

**MR SESELJA:** Under standing order 118A, I seek an explanation from the Attorney-General in relation to question on notice 1800.

**MR CORBELL:** I regret I do not have any information on that question. I will have to seek some advice and provide an answer to the member.

#### **Questions Nos 1824, 1825 and 1826**

**MR SESELJA:** Under standing order 118A, I seek an explanation from the Treasurer in relation to questions 1824, 1825 and 1826.

**MR BARR:** Those questions go back over a number of years and require information, as I understand it, to be drawn from other directorates, because what is contained within the Treasury Directorate now is different and has been different over each of those financial years. An example is Shared Services, which has been in and out of the directorate over the time that the member's question covers. So it has taken some time to collate all of that information across a number of different directorates. I hope to have the information to the member as soon as possible.

**Question No 1786**

**MR SMYTH:** Under standing order 118A, I ask the Chief Minister why question 1786 is outstanding, given it was due to be answered by 20 October this year.

**MS GALLAGHER:** Is that about boards and committees?

**Mr Smyth:** It is.

**MS GALLAGHER:** That has been signed off and should be—

**Mr Smyth:** When was it signed?

**MS GALLAGHER:** In the last two days.

**Question No 1756**

**MS LE COUTEUR:** I just want to add to the queue under standing order 118A. Could I ask about question 1756?

**MR SPEAKER:** Who is that for, Ms Le Couteur?

**MS LE COUTEUR:** The Chief Minister; it is about the centenary unit.

**MS GALLAGHER:** I will have to take some advice on that. I did ask that all questions that I was responsible for be brought to my attention, but that one was not part of it. I will have to chase it up, Ms Le Couteur.

**Supplementary answer to question without notice  
Public housing—energy and water efficiency**

**MS BURCH:** During the last sitting week I was asked by members on the crossbench about cost modelling in relation to the residential tenancies bill. This bill looks to set minimum standards for energy efficiencies and water and to create requirements around other standards, such as security. For the information of members, I table the following cost modelling for Housing ACT, which includes a summary of costs, to the value of \$217,300,000:

Residential Tenancies (Minimum Housing Standards) Amendment Bill—Cost implications.

**Papers**

**Mr Speaker** presented the following papers which were circulated to members when the Assembly was not sitting:

Standing order 191—Amendments to:

Unit Titles (Management) Bill 2011, dated 1 November 2011.

Working with Vulnerable People (Background Checking) Bill 2010, dated 3 November 2011.

Motor vehicle registration—Annual cost of removal of fee on part payment—Letter from the Chief Minister to the Speaker, dated 27 October 2011, pursuant to the resolution of the Assembly of 27 October 2011.

An Assessment of the Performance of the Three Branches of Government in the ACT Against Latimer House Principles by Professor John Halligan, ANZSOG Institute for Governance, University of Canberra.

## **Answer to question on notice**

### **Question No 1756**

**MS GALLAGHER:** In response to Ms Le Couteur's question about question on notice 1756, I am advised that this was signed by Minister Barr when I was away but an oversight meant that it was not delivered. It has been delivered today; it was signed when Minister Barr signed it on my behalf.

## **Executive contracts**

### **Papers and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations): 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—

Short-term contracts:

Adrian Makeham-Kirchner, dated 19 September 2011.

Alan Traves, dated 19 September 2011.

Anita Hargreaves, dated 15 September 2011.

Benjamin Ponton, dated 25 and 26 August 2011.

Brett Monger, dated 5 October 2011.

Christopher Reynolds, dated 25 August 2011.

Colm Mooney, dated 26 October 2011.

Daniel Roberto Iglesias, dated 26 August 2011.

Daniel Stewart, dated 13 September 2011.

Daniel Walters, dated 20 October 2011.

David Peel, dated 14 and 25 October 2011.

David Power, dated 21 October 2011.

David Turner, dated 17 August 2011.

Edith Hunt, dated 21 September 2011.

Glenn Lacey, dated 21 October 2011.

Gregory Ellis, dated 13 and 14 September 2011.

Janelle Day, dated 25 August 2011.

Jenny Priest, dated 30 August 2011.

John Meyer, dated 15 September 2011.

Liliana Hays, dated 25 August 2011.

Mark Whybrow, dated 14 and 29 September 2011.

Melanie Saballa, dated 19 September 2011.

Michael Edwards, dated 30 September 2011.

Norman Fraser, dated 16 September 2011.

Sara Lynch, dated 31 October 2011.

Simon Kinsmore, dated 19 September 2011.

Contract variations:

Alison Purvis, dated 12 October 2011.

Austin Kenney, dated 21 October 2011.

Benjamin Ponton, dated 21 October 2011.

Bob Hyland, dated 21 October 2011.

Brian Wilson, dated 20 September 2011.

Brook Dixon, dated 9 September 2011.

Chris Reynolds, dated 26 October 2011.

David Matthews, dated 9 March 2011.

David Metcalf, dated 14 October 2011.

Fiona Barbaro, dated 9 September 2011.

Hamish McNulty, dated 30 September 2011.

Ian Cox, dated 17 August 2011.

James Corrigan, dated 24 and 26 October 2011.

Jenny Dodd, dated 1 September 2011.

Judith Redmond, dated 20 April 2011.

Julie Field, dated 14 and 24 October 2011.

Liesl Centenera, dated 25 July 2011.

Mark Collis, dated 27 July 2011.

Paul Lewis, dated 25 August 2011.

Penny Farnsworth, dated 14 October 2011.

Peter Garrisson, dated 11 and 21 March 2011.

Richard Baumgart, dated 21 October 2011.

Shane O'Leary, dated 17 August 2011.

Stuart Friend, dated 30 August 2011.

William Mudge, dated 30 September 2011.

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

Leave granted.

**MS GALLAGHER:** 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 director-general and executive contracts and contract variations. Contracts were previously tabled on 18 October. Today I present 26 short-term contracts and 25 contract variations. Details of contracts will be circulated to members.

## **Paper**

**Ms Gallagher** presented the following paper:

Gene Technology Act, pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2010-2011, dated 15 September 2011.

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

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): For the information of members, I present the following papers:

Financial Management Act, pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation of the—

Chief Minister and Cabinet Directorate, dated 11 November 2011.

Community Services Directorate, dated 11 November 2011.

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

Leave granted.

**MR BARR:** I thank the shadow treasurer for granting me leave. Section 16B of the Financial Management Act 1996 allows for appropriations to be preserved from one financial year to the next, as outlined by instruments signed by me as Treasurer.

As required by the act, I table a copy of a recent authorisation made to roll over an undisbursed appropriation from 2010-11 to 2011-12. This package includes two instruments signed under section 16B. The appropriation being rolled over was not disbursed during 2010-11 and is still required in 2011-12 for the completion of the projects identified in the instrument.

The first instrument authorises a total of \$4.010 million in rollovers for the Community Services Directorate, comprising \$509,000 net cost of outputs and

\$3.501 million of controlled capital injection appropriations. The second instrument authorises \$401,000 in a controlled capital injection rollover for the Chief Minister and Cabinet Directorate for the injury prevention and management information system.

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

The rollovers of net cost of outputs for the Community Services Directorate include \$200,000 for the allocation of commonwealth funding under the national disaster resilience program, \$163,000 for the maintenance of public art, and \$100,000 for business and industrial relations support for community organisations in the ACT.

CSD's rollovers of capital injection include \$954,000 for the completion of the Tuggeranong 55 Plus Club, \$736,000 for the continuation of the percent-for-art scheme, \$301,000 for the completion of the Flynn childcare centre, \$289,000 for the third child and family centre in Belconnen, \$286,000 for additional studios and a residence at the Watson Arts Centre, \$118,000 for design work for extensions to the Street Theatre, and \$95,000 for improvements to Strathnairn homestead.

Specific details regarding these and other rollovers are included in the instrument. I commend these papers to the Assembly.

## **Financial Management Act—consolidated annual financial statements**

### **Paper and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation of the—

Chief Minister and Cabinet Directorate, dated 11 November 2011.

Community Services Directorate, dated 11 November 2011

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

Leave granted.

**MR BARR:** Section 16B of the FMA 1996, “Rollover of undisbursed appropriation”, allows for appropriations to be preserved from one financial year to the next, as

outlined in instruments signed by me as Treasurer. As required by the act, I table a copy of a recent authorisation made to the rollover appropriation from the 2010-11 to 2011-12 financial years.

This package includes one instrument signed under section 16B. The appropriation being rolled over was not disbursed in the 2010-11 financial year and is still required in the 2011-12 financial year for the completion of the projects identified in the instrument. The instrument authorises the rollover of \$692,000 in a controlled capital injection for the Exhibition Park Corporation. This rollover relates to capital works projects for which the timing of delivery has been delayed, specifically the installation of the electronic billboard and the project to use non-potable water to irrigate the Exhibition Park venue.

Specific details relating to this rollover are provided in the instrument. I commend the papers to the Assembly.

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

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation)(3.14): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2010-2011 financial year, dated 26 and 28 September 2011.

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

Leave granted.

**MR BARR:** I am pleased to present to the Assembly the 2010-11 consolidated annual financial statements for the territory. I am pleased to advise that the consolidated statements have again received an unqualified opinion from the Auditor-General.

The final 2010-11 headline debt operating balance for the general government sector is a surplus of \$22.9 million. This is a positive outcome for the territory, again highlighting the government's disciplined approach to the management of the territory's finances and a commitment to financial control across the sector.

This result broadly aligns with the estimated outcome of the budget.

*Mr Smyth interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order, members! Mr Smyth, you may be amused but do not share it, please.

**MR BARR:** Key financial indicators in the balance sheet demonstrate the continued strength of the territory's financial position, as indicated by net worth, which has

grown to \$15.9 billion, whilst net debt remains in a negative position, demonstrating that the territory's cash reserves and investments are greater than our gross debt liabilities.

The headline net operating balance has improved by \$3.2 million compared to the 2010-11 estimated outcome and is a \$12.4 million improvement from the June interim result. The improvement over the interim outcome is a result of technical variation identified through the agency audit process in relation to the recognition of additional revenue by ACT Health, as required by Australian accounting standards, for funding decisions taken by third parties in relation to grants, specific initiatives and research funding.

Whilst the outcome indicates that we are in a surplus position, we do remain mindful that this is boosted by revenues from the commonwealth government stimulus initiatives. Once these are excluded, the underlying GGS net operating balance is a deficit of \$69 million. The commonwealth stimulus packages have been very welcome, at least on this side of the chamber. Their initiatives, as well as the government's own, have been essential in supporting jobs in the ACT economy and have certainly assisted in maintaining the strong confidence that there is in the territory's economy.

I am pleased to report that the economy is growing strongly, with reported growth of the territory's state final demand of 5.8 per cent in the year to June 2011, outperforming the Australian national figure of 1.4 per cent. Household final consumption grew by four per cent, supported by real wages growth, solid employment growth and strong population growth.

As we undertook stimulus measures to counteract the effects of the global financial crisis, now that the economy is recovering the government is committed to returning the budget to surplus, particularly taking into consideration the fiscal debate at the federal level and the risks that this presents for the territory's economy and budget.

As I have indicated before in this place, uncertainty still remains in relation to sovereign debt concerns in Europe and the continuing challenges faced by the United States in stimulating their own economy and boosting employment. This global economic slowdown may continue to impact on our budget. Should a significant negative scenario occur, the government stands ready to respond as and when necessary.

I can advise members that the next update of the territory's financial position will be released with the budget review in February 2012, including a review of our revenue forecast and the impacts of the commonwealth's midyear economic and fiscal outlook.

The financial statements I present today have been prepared in accordance with Australian accounting standards and are in line with the requirements of the Financial Management Act 1996. I commend the 2010-11 consolidated annual financial statements for the territory and associated reports to the Assembly. I move:

That the Assembly takes note of the paper.

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

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

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (3.19): 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 2011.

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

Leave granted.

**MR BARR:** I am delighted to present to the Assembly the September quarter 2011 consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act. The September headline net operating balance for the general government sector was a surplus of \$78.7 million. This result was \$18 million lower than the year to date budget of \$96.7 million. This reduction is mainly due to lower than anticipated tax receipts and delays in receiving commonwealth revenues. Total expenses were in line with the year to date budget.

On an AAS basis, the general government sector recorded a deficit of \$78.3 million compared to a year to date budget surplus of \$110.5 million. This is due to the net losses on the territory's superannuation related equity investments due to continued turmoil in international markets. As I indicated in my previous speech, the territory continues to maintain a strong balance sheet, as reflected in a number of key indicators such as net worth, net financial liabilities and net debt. I commend the September quarterly report to the Assembly. I move:

That the Assembly takes note of the paper.

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

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

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 62(1)—Statement of Intent 2011-2012—Australian Capital Territory Compulsory Third-Party Insurance Regulator, dated November 2011.

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

Leave granted.

**MR BARR:** The statement of intent for 2011-12 is tabled under section 62(1) of the Financial Management Act 1996. On 30 September 2010 the CTP regulator was established as an independent authority under the 2008 compulsory third-party insurance law following the passing of the Road Transport (Third-Party Insurance) Amendment Bill 2010 by members of this Assembly. An unfortunate oversight resulted in no statement of intent being prepared by the regulator in 2011 and a delay in preparing the 2011-12 statement of intent. Whilst it is now clearly too late to address the absence of a 2010-11 statement of intent, the tabling of this document for the 2011-12 financial year fulfils the regulator's remaining obligations.

### **Treasury Directorate—annual report Paper and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): For the information of members, I present the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Treasury Directorate—Addendum.

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

Leave granted.

**MR BARR:** The annexed report for the director of territory records was inadvertently omitted from the Treasury's 2010-11 annual report. I am tabling this report as an addendum to Treasury's annual report and commend it to the Assembly.

### **Papers**

**Mr Barr** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—ACTTAB Limited—Corrigendum.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Exhibition Park Corporation—Corrigendum.

### **Roads—safety Papers and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following papers:

Road Safety—

Strategy 2011-20, prepared by the Justice and Community Safety Directorate.

Action Plan 2011-13, prepared by the Justice and Community Safety Directorate.

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

Leave granted.

**MR CORBELL:** I am pleased to present to the Assembly the ACT road safety strategy 2011-20 and the road safety action plan 2011-13. The ACT has a good road safety record in comparison to other parts of Australia and indeed the world. We have the benefit of an established and well-designed road system, a general urban environment and a small, well-defined geographic area. But despite this, there is no room for complacency. Each year an average of 14 Canberrans are killed and 565 Canberrans are injured on the ACT's roads. Over the last five years 71 people have been killed and over 2,800 people have been injured. This level of death and injury affects a great number of Canberrans and their families. Unfortunately, we often take this level of suffering for granted.

The two most common factors leading to road crashes and road deaths in the ACT are speed and alcohol, yet the general community perception is that it is okay to speed and drivers continue to be caught for drink-driving. Increasingly, driver distraction is also becoming an issue. The government is committed to achieving a cultural shift in order to reduce the deaths and injuries on our roads.

The ACT government's road safety strategy is influenced by the Swedish government's vision zero policy, which ultimately aims for no-one being killed or seriously injured within the road transport system. Vision zero is important because it moves away from a mindset of only making incremental improvements to road safety. It provides an aspirational goal of what the ultimate state of the road transport system should be.

During 2009-10 a series of roundtables were held with key stakeholders, co-hosted by the then minister, Mr Stanhope, and Alan Evans from NRMA Motoring and Services, to consider if and how this policy could be applied to the ACT. As a result of these discussions, a number of proposed themes were developed for the strategy and a discussion paper on vision zero was released for public comment in August and September last year.

Some elements of the discussion paper were strongly supported, such as tighter penalties for repeat and high-end offenders, more focus on lifelong road safety education and awareness and greater priority for the safety of vulnerable road users, such as pedestrians, cyclists and motorcyclists. There were mixed views on the appropriateness or otherwise of the vision zero philosophy, with the point made that vision zero needed to be supported by a genuine commitment to action. A number of

respondents felt there was an overemphasis on speed and speeding at the expense of other important road safety issues.

As I will outline a little later, while these concerns are recognised, effective speed management measures are a critical part of any road safety strategy. Concerns were raised about speed zoning and speed enforcement, particularly at work sites. There was a strong public message that there needed to be an increase in police presence to enforce all offences, rather than just relying on speed camera technology.

The need for strong linkages between road safety and sustainable transport was also raised, including the need to reduce private vehicle use and hence crash exposure and encourage active travel modes. These public and stakeholder comments have been considered in the framing of the strategy. The strategy also complements work at the national level under the national road safety strategy, or the NRSS. A draft NRSS was released for public comment in December 2010 with comments closing in February this year. The final NRSS was launched on 20 May following its endorsement by Australian Transport Council ministers.

Australia's national approach to road safety improvement is guided by the safe system approach. A safe transport system requires responsible road user behaviour but also makes allowance for human error and recognises that there are limits to the forces humans can withstand in a crash. An essential element of the safe system approach is the design of roads and vehicles to reduce the risk of crashes and to reduce the harm to people if a crash does happen.

Speed management is also a critical factor in limiting the impact energy of crashes to survivable levels. These two approaches—vision zero and safe system—complement each other. The safe system approach provides the technical methodology to move towards the goal of vision zero.

The previous ACT road safety strategy and its supporting two-year action plans were based on an integrated approach to improving road safety using a range of education, encouragement, engineering, enforcement, evaluation and support measures. The new strategy continues this integrated approach but with a stronger vision element based on vision zero, more robust application of safe system principles and stronger measures to address cultural change.

Key directions for the strategy are to support cultural change in the community towards road safety issues, emphasise speed management as a critical component of the safe system approach, investigate and implement safe system engineering solutions, implement an educational approach to road safety for all road users, with investment in strategic awareness campaigns and lifelong learning measures, support this educational approach with effective enforcement, including an increased focus on visible police enforcement of all traffic offences and stringent controls on repeat and high-end traffic offenders, obtain strong alignment with key safety stakeholders on the overall approach to road safety and implement best practice data, performance monitoring and evaluation processes.

Further details are contained in the strategy document. Examples of some key initiatives to be progressed under the action plan include the development of a strategy for the gradual expansion of the ACT safety camera program and the introduction of point-to-point cameras—which this Assembly endorsed earlier this year—implementation of best practice road safety engineering programs, including trials of reduced speed limits in areas with high conflicts between pedestrians and cyclists with motor vehicles, participation in national programs encouraging the purchase of safer vehicles, an ACT road safety education strategy, awareness campaigns targeting priority road safety issues, best practice traffic enforcement, random roadside drug testing, compulsory pre-provisional training for novice motorcycle riders, development and implementation of national models for graduated licensing for novice drivers and novice motorcycle riders and enhanced road safety liaison and coordination arrangements building on the previous strategy.

As I mentioned previously, the strategy and action plan are also designed to support ACT implementation of the national road safety strategy. In this context, the next action plan will be for a three-year period to align with the period for short-term measures under the NRSS. Both the national and ACT road safety strategies recognise that a number of serious and contentious measures will need to be taken to achieve more than business as usual in terms of road safety and the road toll over the next 10 years. Examples of ambitious measures in the NRSS are the implementation and extension of best practice speed enforcement measures, better alignment of speed limits with the risk profile of the road network, significant investment in safety targeted road infrastructure measures and strengthened regulatory measures in the road user area.

It is recognised at both the national and ACT levels that benefits from more ambitious road safety strategies will only be realised if there are significant levels of stakeholder and community support and commitment by governments to implement action, particularly in the areas of speed management and road infrastructure. This will be a challenge for us all. Additional speed management measures are likely to be highly effective, but they do encounter mixed responses in the community.

Investment in road infrastructure and speed management and enforcement needs to be balanced with other important budget demands. Many of the actions identified in the NRSS are already being planned or will be considered under this strategy. These include network risk assessment programs, point-to-point cameras, intelligent speed adaption and reduced speed limits in areas of high pedestrian activity.

Over time the ACT will also need to be prepared to seriously consider a range of stronger road safety measures under the NRSS. These include ACT government fleet purchasing policies, potentially extending zero BAC to more drivers, alcohol interlocks, wider use of vehicle sanctions, national best practice graduated licensing controls for novice drivers and riders and incentives to encourage the purchase of safer vehicles. The ACT will continue to contribute to national discussions on these initiatives and relevant issues have been identified in our strategy and action plan for development and implementation at a local level.

In conclusion, road safety is not just the government's business. While the government can and will take strong efforts to build and manage a safer road system, we also need to increase the awareness of the community towards road safety issues, work on improving the road safety culture in the ACT and align with other stakeholders and partners on the overall approach we take. The ACT road safety strategy 2011-20 draws these aspects together and provides a framework for addressing road safety concerns in an integrated way over the next 10 years. The plan provides a list of items to be progressed in the next three years, aligned with the short-term initiatives in the national road safety strategy. I commend the strategy and the action plan to the Assembly.

## **Paper**

**Mr Corbell** presented the following paper which was circulated when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Public Advocate of the ACT—Amended report.

## **Papers**

**Mr Corbell** presented the following papers:

Legislation Act, pursuant to section 64—Liquor Act—

Liquor (Fees) Determination 2011 (No. 1)—Disallowable Instrument DI2011-295 (LR, 11 November 2011), together with its explanatory statement.

Liquor Amendment Regulation 2011 (No. 2)—Subordinate Law SL2011-29 (LR, 11 November 2011), together with its explanatory statement.

## **Planning and Development Act 2007—variation No 300 to the territory plan**

### **Paper and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 300 to the Territory Plan—Gungahlin Town Centre: zoning changes, revisions to structure plans for Gungahlin and the introduction of a precinct code, dated 9 November 2011, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL:** Variation 300 to the territory plan has been prepared to implement the recommendations of the Gungahlin town centre planning report. The planning report, which was prepared by the Planning and Land Authority, responded to issues raised by residents, businesses and other parties with interests in Gungahlin during consultations in 2008 as part of the Gungahlin town centre planning study. The planning study reflected the government's commitment to engaging the community in the planning and delivery of improved services to the Gungahlin community.

In 2008 the government gave a commitment to consider the public submissions made on the planning study and then release a planning report on the findings of the planning study and a response to the findings in the form of a draft variation to the territory plan.

About half the land in the town centre had been developed or committed to development by 2008, and it was considered timely to review the planning policies to ensure they would support the aspirations and ongoing needs of the growing Gungahlin community.

The government's commitment to progress the review of planning policy in the form of a draft variation was met when draft variation 300 was placed for public consultation in November last year. Variation 300 represents the ACT government's response to another round of consultation with the community in Gungahlin and reflects a further degree of refinement to planning policies in the area.

Variation 300 delivers a contemporary planning framework to guide development in the Gungahlin town centre. The proposed changes support the economic, environmental and social sustainability of the community in Gungahlin while building upon the "urban village" design concept that was adopted for the town centre through the territory plan in 1995.

Meanwhile, other ACT government agencies, including the Economic Development Directorate, the Land Development Agency, Territory and Municipal Services and Community Services, are involved in the development of the town centre and in the provision of services to the Gungahlin community.

The government released a draft concept plan for Gungahlin town centre and an issues paper for public consultation from 16 May 2008 to 16 June 2008. The issues paper received a strong response, with 129 submissions. The community in Gungahlin indicated a strong interest in the provision of the following activities in the town centre: setting aside land to attract more jobs; developing recreational and sporting facilities; providing for open spaces and parkland; reducing traffic on Hibberson Street; enhancing public transport and services; providing for a mix of building heights; and improving weather protection for pedestrians.

These issues have been carefully examined by the planning authority in conjunction with other ACT government agencies. The Gungahlin Community Council and local businesses were also involved in the consideration of issues and the development of recommendations for the Gungahlin town centre planning report.

Variation 300 proposes to rezone land in the town centre. It is proposed to change the zoning of land along the town's northern and southern boundary, which currently includes single dwelling residences, to commercial C75 mixed use zone, which would allow mostly higher density residential development with small-scale shops or offices. A portion of these transition areas, mostly in the eastern and undeveloped part of the town centre, is to be made available for zoning as community facility zone through the precinct code.

Variation 300 also makes more land commercial CZ1 core zone to enable development of a mix of retail tenancies and enable core retail functions to be co-located with the two office parks within the town centre. The variation also provides TS71 transport zone to allow the development of the Valley Avenue connection to Gundaroo Drive, which will form an important part of the proposed town centre ring road. Finally, the zone of Gungahlin oval has been extended to cover land south of the oval to allow the development of various complementary activities, including car parking for oval patrons.

A precinct code with particular planning controls for the development in the town centre is also proposed in variation 300. The precinct code provides additional planning, design and environmental controls to support the objectives of the relevant zones.

The Gungahlin code includes planning controls on various subdivision elements as well as controls on building height and design, public car parking and development in the public realm. It includes area-specific development controls for key precincts in the town centre, including two retail precincts, two office precincts, the services and trades area, the major community and recreational facilities precinct and transition areas along the southern and northern boundary of the town centre.

In order to support the variation and the revised planning framework, it was considered necessary to review the existing Gungahlin town centre and central area structure plan and extract the town centre specific policies to a stand-alone structure plan while retaining a structure plan for the Gungahlin central area.

Issues raised by the community were addressed in draft variation 300, which proposed the following responses.

- Land to the east of the town centre was identified for additional office use.
- Zones and planning controls on land being developed for educational, recreational and sporting uses to the west of the town centre were reviewed and confirmed in conjunction with the relevant ACT government agencies.
- A new urban open space spine is proposed in the core office area to the east of the town centre to provide more open spaces.
- Development of a ring road is proposed to divert "through traffic" away from Hibberson Street.
- The existing grid street pattern is extended across the town centre to improve pedestrian and cycling connections.

- The inter-town public transport route is diverted along Hibberson Street and various new developments on Hibberson Street will be required to provide facilities for bus patrons.
- Various provisions enabling small-scale activities to operate in Gungahlin Place and enhance the public realm, including extending the length of mandatory awnings over main pedestrian areas and routes in the town centre.

The proposed changes have undergone extensive public consultation. DV300 and the planning report were released jointly for 12 weeks of public consultation from November 2010 until February 2011.

In addition to promoting the draft variation on its website, ACTPLA advertised the draft variation through the normal channels. Planning officers presented to the Gungahlin Community Council on 10 November last year and 9 February this year, and an information stall staffed by planners was set up in Gungahlin Marketplace.

The NCA, Conservator of Flora and Fauna, Heritage Council, Environment Protection Authority and various other ACT government custodians of public or unleased land were also consulted. The comments of these agencies have been included in the report, which is to be tabled together with the approved variation.

The variation is consistent with the territory plan's statement of strategic directions in terms of environmental, economic and social sustainability principles.

Eight public submissions were received on the draft variation during the public comment period. Support was expressed in various submissions for changes. These related primarily to: objectives which related to increased density, diversity of land uses and improved facilities, and various measures to reduce traffic on Hibberson Street; restrictions on driveway access in Hibberson Street and Gungahlin Place; the location of four public car parking sites; the inclusion of Well Station track in an open space network of off-road shared paths and in a bushfire protection buffer for the town centre; and provision of a new linear park through the main office area to the east of the town centre.

Elements of the proposal that attracted mixed comments included traffic, parking and function of the road network; changes to building heights in the business park; development in the public realm; location and scale of active frontage; scale of office and retail development; and building height-envelope and design controls.

Various parts of the draft variation were revised after consideration of all of these issues. The key revisions to the draft are detailed in variation 300 under the heading "revisions to the exhibited draft variation". In response to a public submission an addendum to the Gungahlin town centre planning report, which provides updated population data for Gungahlin, has also been released. A report on consultation was prepared by the Planning and Land Authority. That report is included with the documents I have tabled.

My decision to approve variation 300 without referring it to the standing committee on planning was taken after considering the extensive community engagement and

consultation undertaken by the Planning and Land Authority since 2008 on planning policy changes. I also took into account the views of various stakeholders, including the Gungahlin Community Council, who expressed a desire for the commencement of the variation to occur as soon as possible.

Finally, I note the motion on transport infrastructure in Gungahlin that was adopted by this Assembly in October. Variation 300 puts in place a framework that addresses these issues and guides the development of major transport infrastructure, including a ring road around the town centre to divert through-traffic from Hibberson Street, and improvements to public transport infrastructure and the development of various traffic management arrangements, including the establishment of a shared zone in Hibberson Street.

I am pleased to table the approved variation to the territory plan for the Gungahlin town centre today.

## **Planning and Development Act 2007—variation No 310 to the territory plan**

### **Paper and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): I present the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 310 to the Territory Plan—Removal of specified restrictions on use at Turner section 47 and part 63 and North of Macarthur and Wakefield Avenues (RZ4 Medium Density Residential Zone), dated 4 November 2011, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL:** Variation 310 responds to three of the recommendations of the Standing Committee on Planning, Public Works and Territory and Municipal Services report No 9 of 2011. I tabled the government's response to the report on 21 June. It addressed all 15 recommendations of the committee. In this regard, variation 310 is part of the implementation of the government's response to the standing committee report.

Variation 310 implements recommendation 1 of the committee's report by removing rule 21 from the residential zones—multi-unit housing development code. Rule 21 restricts development in medium density residential RZ4 zones north of Macarthur Avenue and Wakefield Avenue until such time as 23½ hectares of residential blocks in the RZ4 zone south of these streets have been developed for multi-unit housing.

In essence, rule 21 is a staging plan and was originally intended to focus redevelopment in RZ4 zones closer to Canberra City. Rule 21 did not anticipate the need for multi-unit housing along the length of the Northbourne Avenue transport corridor or that arising from the success of Dickson as a group centre and a key employment location in its own right. Variation 310 rectifies this.

Variation 310 also implements recommendations 2 and 3 of the committee's report by removing rule 44 from the inner north precinct code. This rule restricts use on blocks 12 to 21 section 63 and on section 47 Turner. It arose from the neighbourhood planning process for Turner and was introduced in response to concerns about higher density redevelopment in the area. It was based on residents' stated intentions to redevelop or not. That was in 2003. Since then it has become very clear that some residents' intentions have changed.

Additionally, the inner north, and Turner in particular, has experienced considerable redevelopment in the intervening period. Turner has, for good reason, become a very successful location for urban intensification. This is because of its proximity to the city, other key employment locations and to Northbourne Avenue as a major transport and public transport corridor. For these reasons Turner and other parts of the inner north were identified in the Canberra spatial plan and the sustainable transport plan as key locations for urban intensification.

The draft planning strategy and draft transport for Canberra policy, both recently released for public comment, reiterate the need for a sustainable settlement pattern.

The intentions of these plans are clear. To create a sustainable city, we need to provide more housing, and a wider choice of housing in a wider variety of locations where more people can access employment, services and facilities and where those people do not have to rely so heavily on the use of private motor vehicles.

This planning is working. The Australian Bureau of Statistics journey to work data for 2001 and 2006 shows that in Turner, where the number of dwellings doubled over the five-year period, the proportion of residents walking, bicycling or using public transport increased from nine per cent to 37 per cent. The increase in walking to work was most pronounced, rising from under three per cent to 24 per cent. This compares to the average usage of public transport, cycling or walking in the whole of the ACT of under 12 per cent. The number of people driving to work from Turner decreased from 66½ per cent in 2001 to 41.3 per cent in 2006.

Variation 310 does not respond only to the standing committee's recommendations. The variation was publicly notified in May and June this year, and the planning authority received 30 public submissions. Of these, 11 expressed support for all or part of the variation.

Submissions also raised concerns. These related primarily to the impacts of residential redevelopment in the inner north on traffic, parking, safety, streetscape character, solar access and privacy, infrastructure, community issues, vegetation and the quality of building design. The majority of these issues can and are being dealt with through a number of government initiatives.

In relation to traffic, the government is currently considering significant improvements to public transport provision on Northbourne Avenue and in north Canberra as a whole. There are also plans and programs to improve cycle path infrastructure.

In relation to building quality design, in July this year I convened a building quality forum. This involved industry and homeowner representatives identifying how to improve the quality of construction in the territory, particularly for multi-unit developments. At the suggestion of the forum, a number of working groups have been established to propose solutions to the issues raised. Short, medium and long-term measures will be reviewed over the next 18 months.

There is also ongoing broader policy review of the territory plan. Most notably, DV306 involves a comprehensive review of the residential codes. It also addresses the need for a range of multi-unit housing sizes, including one, two and three-bedroom dwellings. Of relevance to variation 310, Turner and the inner north generally, DV306 includes a requirement that where three or more bedroom houses are redeveloped, they must be replaced with at least the equivalent number of three-bedroom dwellings.

In direct response to the concerns raised in the public submissions, variation 310 has been amended. It now includes changes to the Turner control plans to create a seven-metre rear setback to blocks in Turner section 47 and section 63 blocks 12 to 21. This is specifically to create a deep-root planting zone and is consistent with the provisions elsewhere in Turner. This deep-root planting zone will protect sufficient space at the rear of these blocks for planting of trees in addition to the usual landscaping requirements for multi units.

I would like to thank the standing committee for its consideration and report on variation 310 and I commend the variation to the Assembly.

## **Paper**

**Mr Corbell** presented the following paper:

Auditor-General's Act—Auditor-General's Report No 5/2010—Delivery of ACTION Bus Services—Government response.

## **Community Services Directorate—annual report Paper and statement by minister**

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs): For the information of members I present the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Community Services Directorate—Corrigendum.

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

Leave granted.

**MS BURCH:** I present for the information of members a corrigendum to the Community Services Directorate 2010-11 annual report that I tabled in September this year. As part of this year's annual report, the directorate provided territorial financial statements for the year ended 30 June 2011. The directorate has identified an omission in the notes to and forming part of the financial statements that was caused during typesetting. I have tabled the correct pages as part of the corrigendum for members' information.

## **Targeted assistance**

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

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Mr Speaker has received letters from Dr Bourke, 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 Dr Bourke be submitted to the Assembly, namely:

The importance of targeted assistance in the ACT.

**DR BOURKE** (Ginninderra) (3.55): As a community, we Canberrans have weathered the global financial storms of recent years better than just about any other community on the planet. But there is no question that some in our community have not been as fortunate as the rest of us. Cost of living pressures, coming from a number of different directions, have put strain on the household budgets of some Canberra households.

Some households are finding that they no longer have the flexibility to absorb unexpected pressures—when the price of petrol jumps, for example, when seasonal food prices are affected by bad weather, or when illness means unbudgeted medical costs.

For Labor, identifying and creatively responding to the pressures on vulnerable households has always been a priority. It is why we have in place a whole array of concessions and support mechanisms that kick in to help the most vulnerable households with such things as their utility bills or rental bonds. I will speak more about these programs in a moment.

Labor has never been a party that believes in set-and-forget policy making. We know that, increasingly, no community can be insulated from what goes on in the wider world. Storms that begin on the other side of the world can end up wreaking havoc in our suburbs and battering our local economy.

That is why, as a government, ACT Labor has worked with the community, with the groups that are closest to the ground and closest to the pulse, to deal with new pressures as they arise and to keep an eye out for looming pressures that might today just appear to be storm clouds on someone else's horizon.

The Chief Minister will speak in more detail later about some of this proactive work the ACT government is engaged in, work that will identify precisely where the emerging pressures are for working families on low incomes and how as a community we can best respond.

First, however, I would like to speak about some of the policies and programs that are already in place: a framework of assistance that has been built up to provide support for households at the points where we know the pressure reaches its highest pitch. For some households, this will be when the power bill arrives in the letterbox. For another household, it might be the point at which a rental bond needs to be scraped together. For another, it might mean a bit of help to properly equip a child for the school year ahead.

Always, Labor's philosophy has been to target its support to those who need it most, when they need it most, where they need it most. It means talking to the community, listening to the community, and responding—and, importantly, responding in a manner that is fiscally responsible.

One area in which the government actively supports many households relates to utility costs: electricity, gas, water and sewerage. The ACT concessions program is targeted at low income individuals and households that are entitled to commonwealth income support—the households that generally have the least flexibility when it comes to budgeting, households for whom every dollar counts and for whom every dollar saved on basic bills can be used to relieve pressure elsewhere.

In addition to concessions on utility charges, the government offers a wide range of concessions to help the most financially vulnerable households better manage and meet other costs—in all, about 30 different concessions to ease the pressure for those feeling it most. These are available in the areas of education and training, housing and land, health and wellbeing, and transport. Examples in the area of housing and land include concessions on general rates, rental rebates for social housing tenants, help with rental bonds, and advice on saving energy. In the area of education and training, there is a secondary bursary scheme and student transport assistance. In the area of health and wellbeing, there is assistance with mobility aids, help for those receiving home dialysis, dental services, an interstate patient travel scheme, a spectacle scheme and ambulance cover. In the area of transport, there are concessions on drivers licences and motor vehicle registrations; concessional travel on public transport, including free bus travel for the over-75s; and a taxi subsidy scheme.

The government also administers a number of assistance programs that are designed to help those Canberrans who need just a gentle helping hand to join the ranks of homeowners. Under the homebuyer concession scheme, a concession is available to eligible householders buying a home valued at under \$465,000. For properties valued at under \$374,000, for example, duty of just \$20 is payable. Last financial year more than 1,500 Canberra households benefited from the scheme. 615 of those households paid duty of just \$20. The total value to Canberra homebuyers in terms of revenue forgone by the ACT government was \$12.5 million.

Another innovative target scheme is the pensioner duty concession scheme, which supports eligible age pensioners and disability pensioners aged 50 or more who want to downsize into properties more suited to their changing circumstances. The concession applies to residential homes valued at up to \$588,000. In fact, for properties valued at \$465,000 or less, just \$20 duty is charged. Last year, 91 Canberra households availed themselves of this scheme. Almost 70 per cent of these paid duty of just \$20. Since the scheme commenced in 2008-09, 224 pensioners have been helped.

Any Canberran who is eligible for the homebuyer concession scheme or the first homeowners grant scheme can also elect to defer payment of the duty, giving them greater financial flexibility at a time when they are likely to have additional costs associated with moving house. As of 31 June this year, 531 Canberra households had chosen to defer payment of duty.

One of the most innovative ways in which this Labor government has helped more Canberrans become homeowners has been through the land rent scheme. Instead of purchasing the land component of a house and land package, buyers are able to lease the land at four per cent of its unimproved value. For households with an annual income of less than \$85,500—rising to more than \$100,000 for households with a number of children—a two per cent concessional rate is available. Opting for land rent can effectively halve the size of the mortgage a buyer needs to take out, opening the door to homeownership to many families on quite modest incomes.

While we are all familiar with the predictable carping of the Liberal Party in relation to this program, many hundreds of Canberra families seem to have seen through the Liberal negativity—the Liberal opposition for the sake of opposition. The number of households involved in the scheme is rising, with almost 1,100 land rent contracts settled or exchanged. That is 1,100 households that Zed Seselja does not believe should be able to buy their own home. That is 1,100 Canberra families that the Liberal Party thinks should be excluded from the dream of homeownership.

While many of the measures I have mentioned this afternoon are similar to measures taken by governments around the country, some are genuinely innovative. Land rent is one of them. Good, socially progressive governments are not afraid of innovation. They are not afraid to look at what makes their communities unique and then seek to devise policies and programs that are specifically tailored to that community. As I said earlier, good governments do not simply set and forget when it comes to targeted assistance.

The ACT government considers its concession schemes every year in the budget context. For example, in the most recent budget, the government allocated \$12.35 million over four years to increase the energy concession available to low income households. The government also periodically takes a deeper and more comprehensive look at the state of play. The most recent major review of concessions was conducted in 2008.

But nothing stands still. That is why last week the Chief Minister announced the establishment of an expert panel to develop a new ACT targeted assistance strategy.

The task of the panel will be to examine options for further supporting Canberrans struggling with their daily expenses—working families feeling the pressure and looking to their government and their community to lend support. The panel is one of the actions arising from the roundtable of community sector stakeholders held in September this year. It will look at existing programs and policies that are designed to support Canberrans on low incomes, including current concession schemes, and also analyse some of the ideas that flowed from the community sector roundtable. What we want to emerge from this work is a strategy that is evidence based, a strategy that looks at not just what the government can do but what individuals can do, what markets can do and what the community as a whole can do to strengthen the capacity of those who are struggling.

The last thing Canberrans who are facing tough times need is a grab bag of ad hoc offerings, such as those being dribbled out by the Leader of the Opposition—a few cents here, a few cents there, with no real thought about whether they will make a difference or even whether the so-called savings will be passed down the line to their intended destination. What is needed is thoughtful, evidence-based policy, informed by the expertise of those who see firsthand where the real pressures are building and where the real remedies might be applied.

One of our challenges is to see beyond this city's general prosperity to where the real disadvantage lies concealed. It is a challenge that is perhaps more difficult in this city than in most. Recent ABS research has shown that the kinds of disadvantage experienced in the worst affected areas of the nation are also present in the ACT, but that the affected individuals are typically hidden in the areas of extreme advantage. That is why it is essential that we work closely with the community and with those organisations that have grown out of the community as we pursue this work.

The values that Labor brings to government are the same values that underpin the work upon which we now embark: a belief in equality of opportunity, a belief that the vulnerable among us deserve our support, and a belief that rendering that support helps create a community that is stronger, more stable and more resilient to whatever the future may bring.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.07): Madam Assistant Speaker, you have to ask yourself the question, when Dr Bourke brings this to the chamber: why do the ACT Labor Party hate Canberra families so much? Why is it that they think that Canberra families should be forced to continue to have the cost of living pressures piled one on top of the other on top of the other by this ACT Labor government? That is what this government are about. They have abandoned the families that they claim to represent. Long ago Labor lost the ability to represent these families, these hardworking families in the suburbs upon whom they pile cost of living pressure after cost of living pressure after cost of living pressure.

We had the amazing allegation in Dr Bourke's speech that he is now having a go at our sporting clubs. We heard it there when he said, "When the Canberra Liberals offer relief, it may not be passed on." Let us look at the areas where we have offered relief: registration. This is where the Labor Party says to low income Canberra families who cannot afford to pay their rego in one go: "Not only can't you afford it, but that's okay,

you don't have to pay it all at once. But we're going to tax you \$100 for the privilege." So for the mums and dads, the pensioners and others who cannot afford to pay, they have to pay extra. Some get a concessional extra, some do not have to quite pay all of the \$100, but they all have to pay extra.

Dr Bourke, Mr Corbell and Katy Gallagher believe these families in the suburbs are doing it so easy that, when the \$900-odd rego bill comes in, and they look at that bill and at their rates bill, which might be coming up at a similar time, at the school fees, their water bills, their electricity, their gas—all of these bills that pile up—the government say to them: "You don't have to pay your rego all in one go, but you do have to pay an extra 100 bucks now. You have to pay 100 bucks more than other high income earners have to pay because those high income earners are able to afford to pay it all in one go." What a disgrace.

Dr Bourke said that it may not be passed on. What is the other promise for relief from the Liberal Party? It is about the use of sports fields. Dr Bourke, in claiming that it is not going to be passed on, is saying that Canberra's local community-based sporting facilities are profiteering. He is saying that it is their fault that fees are going up; that it is their fault that many young, poor families cannot afford to play Rugby League, soccer or netball.

This just encapsulates how out of touch the Labor Party are in this place. They long ago abandoned these people and now they are claiming that the clubs would somehow profiteer if we give them some relief from the high fees charged to use ACT government facilities. We make no apology for fighting hard for Canberra families facing cost of living pressures.

This government, the Labor Party and their Greens partners, insult Canberra families when they say, "But we give targeted assistance." There has always been targeted assistance. There will always be rebates for the very lowest income earners, but this government take so much from so many and then say they should be grateful when they spit a little bit of it back at them.

Where is the targeted assistance for those who cannot pay their rego? Where is the targeted assistance for those who cannot pay their rego in one go? They get a tax. What an inequitable policy this government oversees—it charges Canberra families who are doing it the toughest. It is not MLAs in this place, who are privileged to have our registration paid as part of our salary packages, who are doing it tough. It is thousands of other families, though, who see that large rego bill and cannot pay it in one go. And the government says, "Thank you very much; we'll take an extra \$100 from you."

This is a government that pile it on. Let us look at it. We know how much they tax per person—an increase of \$1,696 per person. All of these families are copping that extra tax from the ACT Labor Party. We have seen the massive increase in rates that Canberra families are subjected to. Right across the board, they are being forced to pay around 80 per cent more on their rates than when this government came to office. Wages have not gone up by 80 per cent in that time. Wages have gone up by a little over 40 per cent. CPI has not gone up by 80 per cent in that time but rates have.

In fact, for many families the situation is much worse than that 80 per cent number. In Banks it is 151 per cent. In Spence it is 147 per cent. In Charnwood it is 158 per cent. In Chisholm it is 130 per cent. These are the families that this government thinks are doing so well. They are doing so well in these suburbs that the government thinks an extra 130 per cent is about right, or an extra 150 per cent is about right.

That is money they no longer have to spend on their families. That is money they no longer have to spend on that rego bill, which then forces them to pay that extra tax. That is money, perhaps, that means their child does not get to play sport this year. Maybe they do not get the opportunity to play sport this year, because they are seeing those hundreds of thousands of extra dollars going to the ACT government. This government dares to come in here and say, "That's okay, because we occasionally give a tiny fraction of it back." Well, keep giving the tiny fraction of it back to those who can least afford it, but there are tens of thousands of others who cannot afford it and who get nothing from this government.

We need policies that put downward pressure on these costs. We need a government that is prepared not to just keep taxing and taxing and taxing as if there is an unlimited number in the community who can pay. We have seen Tuggeranong residents hit by large rate increases over the last couple of years. Communities@Work said that, as of 31 March 2011, emergency relief for people in Tuggeranong and Weston Creek had gone up 18 per cent in the last year. Vinnies noted that interviews with residents in Tuggeranong seeking hardship assistance increased by 9.3 per cent and there was a 22 per cent increase in the number of employed people seeking hardship assistance. So we know they are feeling it.

They are feeling it across the board from this government. They have seen their rents grow by 68 per cent in those 10 years, with the second highest average weekly rent in the country, at approximately \$500. We have seen their water costs go up 200 per cent in 10 years. That is an increase of \$550 on the average annual amount paid for water. We have seen electricity costs go up, and this government adding to them with their policies which put direct pressure on low income families having to pay more and more and more. We have seen parking fees in Civic increase by 79 per cent in 10 years, an increase of \$1,378 for a full year of parking.

And what do we get from this government? What do we get from Katy Gallagher? On 18 August she said:

To reduce it to this silly little debate that the Liberals have been running for the past couple of years ...

It is not a silly debate. These are real families with real pressures, and many of these pressures have been piled on them by the ACT government. What about the young family who are working hard, who are making a reasonable income and who are now faced with an average first home cost of \$400,000? We did not hear that in Dr Bourke's speech. We did not hear him trumpeting, "Isn't it wonderful?" For the first time under ACT Labor we have seen the cost of a first home—the cost to get into the market—go up above the \$400,000 mark. That is the legacy of this government. We see it in childcare; we see it in so many other areas.

We heard last week the head of the Property Council nationally talking about the lack of affordable childcare in the ACT. It is one of the reasons which will turn women away from staying here in the ACT and, in turn, turn many families away from staying in the ACT. And what does this government do in response? It is okay because Katy Gallagher has some advice to the families who are struggling with that extra rego tax. Let us just reflect on that rego tax for a moment. That is a poor tax. It is a tax aimed specifically at those who cannot pay. That is what it is. It is a disgraceful tax, and that is why we want to get rid of it.

We have this advice, though, from Katy Gallagher in response: “Well, they could cancel the Foxtel for a while.” That is the advice. What is that saying to the community about how much Katy Gallagher and this government care about their cost of living pressures? It is saying that they do not care. That is why she says it is a silly debate.

And how else do we know? We see it because not only have their rents gone up and the cost of a first home has gone up, but this government’s response to that is to say, “We’ll put a new tax on units.” So with respect to that rental in Braddon, that unit is now going to cost maybe an extra \$50,000, with all of that being passed on. They have not seen a tax that they do not like. Of course, this comes on the back of all of the pressures that have been put on them by the federal Labor government. Whatever tax is put on by federal Labor, the Labor Party here give it a tick. Whether it is the carbon tax or the flood tax—it does not matter which tax—they will support their mates on the hill.

What is becoming quite apparent now is that this government does not have any answers. What was apparent from listening to Ms Gallagher on the radio the other day, when she came up with a thought bubble on cost of living, was that she had no plan, and she was not prepared to actually do anything that might actually cost her money. Madam Assistant Speaker, you only have to go to the transcript to see that she was asked by a caller or a texter about the Liberal Party’s promise to reduce rego for those who can least afford to pay. This is what she said about that:

That’s not part of the plan at this point in time ... um ... that has quite a cost to it and these are initiatives that don’t come at a considerable cost.

This is the government’s new policy for helping struggling families: “We’ll help you as long as there’s no cost.” That is how much they care. They will help you as long as there is no cost. They are happy to spend \$430 million on a government office building. They are happy to spend \$2 million just on a little bridge for ministers to get to the Assembly, so that they do not have to walk at the ground level. They can spend money on that but if there is any sort of cost with actually helping, say, a low income family struggling to pay their rego: “Well, no, sorry, we can’t help you with that. That costs money. And don’t you know we have other priorities? Don’t you know the ACT Labor Party has other priorities? Don’t you know we’ve got a \$430 million office building to build?” It is a disgrace.

We heard the lack of work and the lack of ability of this Chief Minister during that interview. She was asked: “What have you actually done? What are you doing?”

Ross Solly asked her a legitimate question, because she announced that she was going to work with the banks to get some relief. Okay, that would be good, if you can do it. She was asked: “How is that going to work and have you spoken to any banks about it at this stage?” She said:

Look we haven't ... what we're sending out though is a message and we know our banking contract ...

And she goes on, “We haven't spoken to the banks.” So she did not even bother to do the work. She says on radio that she is not preparing to do anything to help poor people if there is any sort of cost. She is not prepared to do anything to help those thousands of Canberra families who might be struggling to pay for various things—pay their rego, pay the sporting fees and various other things. She makes an announcement but she has not actually done the work. That shows how much she cares and how much Labor cares. That shows how much they care about these families. They do not care. They pile on these pressures year after year.

We have seen the government's income more than double since they came to office. Then they say, “That's okay because occasionally we will spit a tiny amount of that tax back in targeted assistance.” It is not good enough. It shows just how out of touch they are. It is why thousands of Canberra families are deserting them. They are seeing that the Labor Party has deserted them. They want to tax the poor, they want to make it harder for families in Canberra and they have got no plans to do anything about it.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (4.22): I thank Dr Bourke for raising this important issue today. The Greens very much agree that the way government assistance is provided to Canberra residents who are doing it tough is a very important issue. It is also a very difficult policy issue. It is difficult to ensure that assistance really helps those in real need in a manner that is accessible to consumers and also responsive to their particular needs.

There are at times unintended flow-on impacts that ultimately negate the intention of the assistance and end up benefiting those who do not really need the assistance as opposed to those who do. One example that illustrates the point is the first homeowners grant, which I have spoken about before. I think it is appropriate to start by outlining some of the important principles for targeted assistance and factors that we need to be aware of when making decisions about assistance that the government provides.

As a community, we have a responsibility to ensure that no-one gets left behind and that there is a safety net and fair government assistance to ensure that everyone can enjoy a decent standard of living. Equality within a community is an important part of everyone's prosperity and ensuring that no-one gets left behind is a real test against which we should be measuring ourselves.

Targeted, as opposed to general, assistance is the primary vehicle through which we should be looking to help those most in need. There are, of course, general measures that the government should be putting in place to help everyone and achieve a range of policy outcomes, but when it comes to those most in need, in most cases the only

realistic way of ensuring that they are provided for is through targeted assistance measures that we know will make it easier for those people who are struggling.

I also say that the Greens support the Chief Minister's announcements that she is commissioning an expert panel to examine additional ways of supporting struggling Canberrans, along with the implementation of a range of ideas that were put forward at a recent community roundtable.

I would like to go through a number of particularly important areas of government assistance. The first one is housing. The first area we need to apply the principle of targeted assistance to is, of course, housing. Housing is a human right and we have an obligation to ensure that we can provide the community with adequate housing. It must also be recognised that there is a group in the community who just miss out on public housing due to their income and who are doing it particularly tough, to the point where they find it difficult to meet the 75 per cent of market rent charged in the community housing sector.

This in-between group should be the subject of additional assistance. This problem highlights the broader issue when providing assistance measures of the need to be very mindful of the criteria that are imposed and the interaction between the different assistance measures. Of course, the answer to this particular problem is to provide additional public housing so that we can adapt the current criteria to ensure that they match up with contemporary circumstances and housing initiatives so that no-one is left in severe housing stress that some in our community currently experience—in fact, quite a few.

I would just briefly like to observe that the general provision of assistance, such as non-means-tested blanket stamp duty exemptions, will not help. Rather, all the evidence suggests it will simply inflate house prices and help landowners, just as the first homeowners grant has. It is a discussion for another day, but this does raise the point that transaction-based taxes are not efficient. This was, of course, the conclusion of the Henry tax review. It is something which I hope the current Quinlan tax review will pick up on and I look forward to when it reports.

In the area of utilities, the Greens were very pleased with the government's response on energy concessions in the last budget. My colleague Mr Rattenbury first raised this issue in a motion that was debated in March 2010 on the impact of energy price rises and climate change on low income families. That debate raised concerns about the impact of climate change policies and climate change itself on those who are most vulnerable in our community.

The Australian Council of Social Services suggests that there are three main reasons that this happens and at least two of them are highly relevant to low income Canberrans. The first is that low income earners spend a greater proportion of their total weekly household budget on energy and water, essential services for which prices are inelastic and for which price can be a blunt, regressive and unreliable tool for demand control. The second is that lower income households are currently less able to introduce measures to improve energy efficiency in terms of both capital improvements and updating their household appliances.

Unlike some in this place, we have been pleased to see that the government at least have not taken the attitude that this is an excuse not to take action, although we do recognise that they are moving rather slowly on some of these climate policies. We must take action, but we must ensure that those who are most vulnerable to energy price rises can continue to afford their energy bills and that they are our very highest priority for energy efficiency programs that are rolled out through the community.

In that debate and subsequently the Greens raised a number of very concrete measures. I am pleased to say that the government has adopted some of these initiatives. We suggested that the government adjust the energy concession rebate, such that the rebate amount is lifted to at least 20 per cent of the average household energy bill. The government's announcement last year to increase the concession mostly addressed this issue and the decision to index the rebate was also welcome, as figures attained from the government last year clearly indicated that the rate had fallen drastically over the past five years as a proportion of average power bills.

We also called on the government to consider extending the methodology of the WEST program to other low income families. It has been good to see this proposal taken up firstly with a trial program and now a program that seems more firmly entrenched. It is still small, but we continue to hear very successful things about how they engage with households. The program now targets households before they get into trouble because they cannot pay their bills. The previous WEST program specifically targeted those who had generally ended up in ACAT with financial problems already. We know that we must make services more accessible at the prevention end. The WEST plus program aims to do this.

One specific proposal that the government has not yet considered is to fund the community sector to properly advocate on behalf of the community with regard to energy policy issues. There are a number of issues that will require some proper consultation with the community, and particularly with those who represent households at risk of energy poverty, such as deregulated pricing, time of use tariffs and the national energy market consultations. I hope that these are the sorts of issues that the recently announced expert roundtable will address.

I would also like to mention the energy efficiency in public housing initiative in the Labor-Greens parliamentary agreement. The agreement has delivered a doubling of the funding for this. We now have \$4 million annually to provide very targeted assistance to those in public housing who need the assistance most.

In the area of transport, it is important to ensure that public transport patrons have appropriate concessions to use public transport. Lack of public transport opportunity is a serious issue that leads to social exclusion. It can create difficulties for people in terms of accessing employment, education, health and other services. We support the government's public transport concession fare system that recognises seniors and pensioners, students, veterans, people with a disability and carers. We also support the need for a national student card that would ensure that students, including international students, can receive concessions on their travel costs.

It is not only price that is important. Equity issues arise when significant areas of Canberra do not have access to quality public transport. Currently areas such as Wanniasa, east Tuggeranong, Weston Creek and west Belconnen have low public transport coverage. These are also areas that have some social disadvantage. I note the introduction of the Blue Rapid service from Kippax, which is another achievement under the Labor-Greens parliamentary agreement. These should be priority areas for bus network improvements.

The Greens welcome the initiatives on financial and banking services. This is, of course, a very important area where targeted assistance and services can make a real difference to people's lives. I look forward to seeing that develop and to that being rolled out. (*Time expired.*)

**MR SMYTH** (Brindabella) (4.32): It is always good to hear the Greens preaching about public housing and access for the poor to public housing, particularly when we had that fine example of how a Greens MLA stayed in public housing when on a wage and quite able to live in the community and support her own way. But, no, she chose to stay in public housing, denying that home to a family in need. That is the problem with motions like these. We get the sanctimonious chat from the Greens and we get the pious comments from the Labor Party, but the reality is that, after 10 years in office, the less well off in this territory are less well off under a Labor government.

There are not too many concrete examples that the former Treasurer and now Chief Minister can point to of where they have actually gone about reducing the cost of living impacts on the people of the ACT. It is not just those that live below the poverty line; it is not just those on average weekly earnings. There are a lot of superannuants out there, self-funded retirees, who have suffered through the last couple of years. There are very few, if any, breaks for them. The government say, "We've given some more money in our rebate programs." I think we all welcome that, but it is not addressing the root cause of the problem. The root cause of the problem is the Labor Party and their addiction to taxes and increasing fees and charges. The people that they hurt the most are the least well off.

It is just sanctimonious claptrap to have people lecture us on this side of the house as somehow being uncaring when the Chief Minister and former Treasurer will not be able to stand up and speak to a single initiative that has reduced the cost of living in the time that her party has been in office. When we announce an initiative that will take an administrative fee off people who are doing it tough, the people that this change in payment arrangement was designed to help, we get laughed at by those opposite.

What do we get in response? Instead of policy—and let us remember that there are about 20,000 public servants backing Katy Gallagher up—that is detailed, well thought out, researched, well written up and properly costed, we simply get thought bubbles. That is all they are from the Chief Minister—thought bubbles. It is like this notion of the new era of accountability and openness. It is like "the old era failed". Let's face it, nine years of Jon Stanhope was a failure in terms of openness and accountability. The only thing that the Chief Minister at this stage seems to be able to

talk about as her personal agenda is a new phase of the old personal agenda of the old Chief Minister who left because he failed.

Openness and accountability—well, it is not working. You can talk about it, but people know that when you are talking about it you are probably not delivering it. When you are talking about talking to the banks through the next tender round to see if we cannot do something that may or may not give, that might appear or not appear to give, some sort of low interest loan to those in trouble, it means you have not done the work. It means you are so lazy that you have not asked one of the 20,000 public servants at your beck and call to do the work for you.

Instead of concrete ideas, we have got a Chief Minister who reacts and overreacts: “I need to do something. What can I say? Oh, the banks will give them low interest loans.” Well, think about that. You are putting people in debt into another debt to the banks again. You have to ask yourself whether or not that is the right thing to do, because for many of them it is not an answer. The problem for many of them is that they have not been able to get loans from the banks in the past because they have got credit problems. They have used the credit card as the answer or they have used Cash Converters or they have used finance companies that deliver at a much higher rate. They went to them in the first place because the banks would not touch them.

Your cost of living pressures keep them locked in this financial state where they cannot escape. Take the pressure off the poor, the low income earners and the self-funded retirees who are suffering at the moment because of low returns. Take the pressure off them, detail a policy, cost something, put it in the realm so that we can have a discussion, as the Leader of the Opposition has done. But, no, we get thought bubbles. What was the other thought bubble from the Chief Minister on assisting the poor? That’s right: “Turn off your Foxtel.” I go to Tuggeranong every day. I live in Tuggeranong. Unlike others, I am there all day. I have a tea and a coffee in Tuggeranong, not every couple of weeks—

**Mr Seselja:** Amanda went there.

**MR SMYTH:** Yes, Amanda went there a couple of weeks ago apparently for a coffee—not to talk to the poor or the less well off or the constituents but to have a coffee. The problem is that when you talk to them, the less well off do not have Foxtel. They cannot turn it off, Chief Minister, because they cannot afford it. They cannot afford it because they are paying your record price for a first home in the ACT, which has crossed \$400,000. They are paying the highest childcare in the country. They are paying the highest rego in the country. They are paying their enormous electricity bills which will increase by \$142 next year on average. They are paying your taxes and the taxes of your federal colleagues, whether it be the flood levy, the mining tax or the carbon tax.

In the end, these taxes come out of the pockets of all Australians. The Labor Party are addicted to tax. Let us face it, the Labor Party have never met a tax they did not like and have never met a tax they have never tried to implement or would not be willing to implement in future. It will be interesting when we get the Quinlan tax review. I believe it was due in August. It is now November. I am not sure what the delay is in

the tax review. I am not sure whether the Chief Minister or the Treasurer even got the tax review. I am not sure what will occur.

I am willing to bet that what we will not see is the tax burden relieved off the ordinary Canberra by this Treasurer, and certainly not by this Chief Minister, because she was Treasurer and she failed. Every year the take went up. Every year we looked for a new option—a utilities tax or a change of use charge. We have got Mr Corbell talking about density: “Let’s have greater density along the transport corridors.” We have got the Greens who constantly talk about density but then back a tax on density. How illogical is that? “We want this. How are we going to make this happen? Well, we’re going to tax it. We’ll tax everybody that might move into this higher density area. We will tax you more.”

We have seen what is happening with fees and charges and land taxes in the quarterly statement. We have seen the effect. The problem is that it is illogical. It is not thought out. It is not good policy. It is not consistent policy when you have got this internal contradiction in the budget, when you have got the minister for planning saying, “We need greater density,” and you have got the Treasurer and the Chief Minister saying, “Well, let’s tax that density.” If you want to achieve the outcome, think your policies through in a coherent manner. Do not do something with one hand while you are retarding it with the other hand.

I am surprised Mr Barr has backed this tax—the lease variation charge. He has told committees in the past that every tax has a drag—every tax has an effect. But we hear from the Chief Minister that apparently there is no effect. The lease variation charge is not going to increase rents, it is not going to increase prices—it is not going to increase anything, apparently, except the take for the government. It is a magic tax. You should triple it or quadruple it. If it does not have any effect, just keep doing it. Nobody is going to be offended by this tax.

Of course, that is not what the experts say. That is not what members of the property industry say. Everybody knows this tax has an effect, and the effect will be to price people out of greater density areas—that is the effect—or slow down the densification of inner Canberra, Civic, the town centres and the transport routes. You will defeat the purpose of all of the planning through the application of this tax. Who pays for it in the end? It is those who cannot afford to live in these units and those who cannot afford to live in the greenfield sites in the outer suburbs—in fact, those who cannot afford to live under this Labor government.

You can go back to the UDIA. The Urban Development Institute of Australia 10 years ago had Canberra rated as a very affordable city in which to live. Over the years they published a little chart. It went from green through the yellows, the oranges and all the way up to red—red being bad. Where is the ACT now? We are in the red zone. What did they say contributes to that? They said two things: your fees and charges and your planning and land release policies.

Unlike any other jurisdiction in the country, we control the land here; it is a territory resource. But, of course, the government have constrained so badly the release of land over the course of the decade—yes, more land is coming on the supply market now—

that they artificially jacked up the price of a home, which the social determinants of health tell us is the most essential thing you need: a job and a roof over your head. This is the government that took the roofs from over the heads of those less well off in this territory. (*Time expired.*)

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (4.43): As usual, we had an arrogant, patronising and angry speech from the shadow treasurer, a speech that he often comes in and gives in this place. What Mr Smyth, in his arrogance, has done by trying to destroy the good work that we are putting in place with our community partners around targeted assistance is this. All of those initiatives that you just ridiculed and said how hopeless they were actually came from the people working at the coalface with people experiencing financial disadvantage.

*Mr Smyth interjecting—*

**MS GALLAGHER:** Mr Smyth, I listened to you in silence. The people working at the coalface actually made these suggestions to the government at the community roundtable. If you had had a community roundtable, I am sure they would have come and put similar ideas to you. They suggested low interest loans and spoke about the fact that banks offer them in other jurisdictions.

*Mr Smyth interjecting—*

**MS GALLAGHER:** Mr Smyth, I am trying to give a speech here. I listened to you in silence. They asked for low interest loans because people said: “We do not want handouts. We can manage, and we want to manage, on our own. But if there is a cost that comes up, an unexpected large cost that we have not factored into our budgets, we do not want to put it on our credit cards and then manage that debt. We would like another opportunity, whether it be through a low interest loan or whatever.”

The ideas that came through the announcements I made, however much they have irritated the opposition, have all come from the community partners. They are worthy of greater examination. As our community grows and develops, old ways of doing assistance—for example, targeting just concession card holders—need to be examined. That is what we are hearing from the community—that the bottom two quintiles, the bottom 40 per cent, are the people that require extra assistance. We have some data on that—not a great deal of data—and about the ACT government and how we can assist. We do know that there are about 7,000 people who live in the census collection districts that fall in the bottom 10 per cent, the most disadvantaged category in the country. We know about eight per cent live in districts that fall into the bottom 30 per cent. That is about 27,000—almost 28,000—people.

I expect that the target group for the targeted assistance strategy being considered by the panel that Gordon Ramsay will chair will be looking at those who are least affluent, so the bottom 20 per cent, but also moving out of the area where concessions are currently available and looking into disposable income and cost of living pressures on households that are doing it really tough. And there are a number of them in the ACT. It is somewhat masked on a jurisdictional basis by the relative affluence of the

majority of our community, but we acknowledge that there are a number of households, an increasing number of households, that need some extra assistance.

If the government is going to be in a position to offer extra assistance, we need to do the work. But we need to make sure that the work is targeted. You just cannot have a blanket approach to government assistance. There are many people in this community who do not need any extra government assistance, but that is not denying that there are some that need extra. And probably the ones that need extra are the ones that earn less than the average weekly wage and sit above the concessions threshold. They are the people that I was talking about with the community sector partners that came and met with me. They said, "There are some things you can do immediately about looking at how people pay." Fines and bills to the government were one of the issues—and putting in instalments.

I acknowledge the work of Care financial counselling service, who have done a lot of work in supporting the ideas that they put to the government in this area. They asked us to look at socially responsible banking products. The way we can do that is to leverage that as part of our banking contract. If a bank wants our work, we want to make sure that it is providing other community benefits with that work. It is one of the ways the government can use its size to try and benefit the rest of the community.

Another area was looking at how we use our purchasing power to support government organisations that are purchasing products for their constituencies and whether we can look at the purchasing power and the role of the government in that to support them with their work. They also suggested that we look at expanding food bank arrangements, particularly out into Tuggeranong. I think there is general agreement that they do need to be expanded, and I am hoping that there will be expanded services in place shortly.

In terms of some of the extra work that the financial counselling sector are doing, we are going to provide them with an extra \$60,000 to provide additional outreach services for their organisation. Based on their advice, I believe that work can start in March next year. Again, Care will tell you that it is not about people just wanting money from the government. It is about people understanding how to manage their costs and manage their household budgets. Care are in an excellent position to do that.

We have heard a lot from the Leader of the Opposition and the shadow treasurer around the issue of the rego surcharge. I was out of the chamber, but I understand that the Leader of the Opposition described it as a poor tax, a disgraceful tax. What he did not say, and I am not sure why the Liberal Party has not said this to date, is that it is a tax that Brendan Smyth introduced back in 1998. It was not a Labor tax. Yes, it is a charge that has existed, but it was actually Brendan Smyth's bright idea. Let me look at what Brendan said then and what he says now. He said:

Three-month registration should give people greater flexibility and make it easier for those who may have difficulty paying a lump sum in conjunction with all their other household bills.

So 10 years ago or 13 years ago it was there to assist families with their budgeting and cost pressures; now it is an outrageous, disgraceful poor tax. Why don't you tell the whole picture?

**Mr Smyth:** How times change.

**MS GALLAGHER:** So in government things are different? It is a good tax when you are in government, Brendan? Look at the disallowable instrument that you have signed here. It has got your fingerprints all over it. Look there:

**Additional fee payable** upon the grant or renewal of registration, or grant or renewal of a licence for a period of less than 12 months ...

And there are Brendan Smyth's initials at the bottom of each page.

Interestingly, this disallowable instrument also outlines very significant increases in parking costs and other charges that obviously are good in government—but not in opposition, right? When you are in opposition, you say—oops—“It is not a poor tax or a disgraceful tax.” There is article after article of Brendan explaining why it is a good and reasonable charge, but now it is a poor, disgraceful tax.

*Mr Smyth interjecting—*

**MS GALLAGHER:** I notice that this has not featured heavily in your announcements over this new charge—that it was actually your charge. “Yes. No. I was wrong. I was wrong to introduce it 13 years ago. It was wrong. It was a disgraceful tax when I was the minister in charge, and it is a disgraceful tax now but it is one that was worthy to implement the first time.” Let me look back at some of the increases in parking fees. Look at that one: parking in a no stopping area increased from \$50 to \$134, a 268 per cent increase. It may be worthy. I support that. But the issue—

**Mr Smyth:** Repeal it. Go on.

**MS GALLAGHER:** No; I actually support it. The issue is that you cannot come in here and say that, in government, you will raise no more revenue, you will put downward pressure on cost of living and you will remove charges that you implemented when you were last in a position where you could implement change. That is what you did, and that has not featured heavily in any of the speeches I have heard from the opposition about the implementation of this first wonderful election policy. I did not see in the fine print: “Yes, it was a really bad thing that we introduced. It is still a bad thing. But we thought that our first announcement is for Zed Seselja to overturn one of Brendan Smyth's last actions as a minister.” It is hilarious. How did the party room discussion go? “That was the last thing I did. I upped the parking—

*Members interjecting—*

**MS GALLAGHER:** Okay. “It was one of the first things I did.” It does not matter. “One of the first things I did was introduce a poor, disgraceful tax—a poor tax, a disgraceful tax. Yes, I introduced it but, Zed, okay. Sure. I will take that one. I will cop it. All of a sudden I will have a complete change of heart. Something that was targeted to assist families is now there as a cost on families.” What a joke.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): The discussion is concluded.

## **Children and young people—residential care placements**

### **Statement by minister**

Debate resumed.

**MRS DUNNE** (Ginninderra) (4.53): I thank the minister for the chutzpah, I suppose, in tabling the statement this morning. The exercise that we saw this morning was an exercise in self-justification and an attempt at self-exoneration. What we had this morning was the Government Solicitor being asked to pull the government out of a hole by some fairly creative interpretation of the law.

If you look really closely, tilt your head sideways, squint a bit and interpret and read enough sections and enough extrinsic material together, you could come to the conclusion that on 24 occasions when the care and protection service gave children into the care of people who were not authorised to care for them—and on occasions gave them to care where there was no hot water, there was insufficient electricity to provide heating in the middle of winter, there was broken glass on the floor, there were broken windows in the building, there were no beds, there was insufficient bedding and the persons given the responsibility by the care and protection service to look after those children were not authorised to do so—no law was broken. What this all boils down to is the Solicitor-General saying that if you look at the extrinsic material, look at the responsibilities of the chief executive, look at section 19 of the act and take into account a whole lot of other things, really the chief executive could do basically what he wanted with these children who are in his care.

Let us look at what section 19 of the act actually says. Section 19, which is what the Solicitor-General relies upon when he says that the chief executive can do just about what he wants with these children, says:

#### **Daily care responsibility for children and young people**

(1) A person who has daily care responsibility—

who could be the chief executive—

for a child or young person has responsibility for, and may make decisions about, the child’s or young person’s daily care.

And it gives examples of the decisions that you could make about a young person’s daily care. They include “where and with whom the child or young person lives”.

The Solicitor-General has said that it is perfectly all right, it is perfectly legal, for the chief executive to elect to send a child or young person to a place with no electricity, no hot water, no beds and no bedding, with broken glass on the floor and with broken windows letting in the cold in the middle of winter, and that it is perfectly all right for him to say that these children may reside with somebody who is not legally authorised to do so. This defies belief.

The fact that the minister is so desperate to exonerate herself that she would have the audacity to table this preposterous advice today shows just how desperate this is. This is a minister who is trying to distract from the fact. The facts are that, on 24 occasions, agencies in this town—not one: a number of agencies—were asked to provide residential care services when they were not authorised to do so.

Let us look at the legislation. It is quite complex. Section 508 of the Children and Young People Act says that one of the classes of out-of-home care is a residential care service. Section 511 says that a residential care service is “an entity authorised by the director-general under section 520”. Section 520 says that the director-general may authorise, in writing, an entity to exercise daily or long-term care responsibility but that the director-general may only do this if they are satisfied that that agency is a suitable entity. That takes us back to section 63. Section 63 of the act says that the director-general may approve someone to be a suitable entity if they are satisfied that they meet certain criteria and that if he does so orally he must follow that up as soon as possible, in writing. Going back to the 500s in the act, section 514 says:

A residential care service may, but need not, accommodate a child ... at a place of care.

Section 521 says that the director may orally authorise an entity as an out-of-home carer, but that the director-general must, as soon as possible, give the authorisation in writing and give that written authorisation to the entity. And here is the killer. Here is the real kicker at the end that ties the minister into this: the minister may approve a place of operation as a residential care service, as a place of care, if the minister is satisfied that the residential care service and the place of care comply, and are likely to continue to comply, with the out-of-home care standards.

What we have here is what the legislation actually says. There are a whole lot of instances of “may” here, but the Solicitor-General has said that, because it does not say “must”, he can do any of those things and anything else he likes. This defies the common man test. Go out there onto London Circuit and ask any man or woman getting off the 300 bus whether they think that, if you hold your mouth right and squint, when it says “may” it means that the director-general can do anything he likes. This is preposterous.

We have to ask the questions. A number of agencies were asked to provide out-of-home care services who were not authorised to do so. Were any of these agencies ever classified as a suitable entity? We know that in the case of one, in particular, that was never the case, because we have a copy of the letter from the ACT Government Solicitor saying at great length that they were not a suitable agency. On 30 August,

the Australian Government Solicitor wrote to the legal representatives of one of these agencies. The letter says:

As you may be aware, the *Children and Young People Act 2008* (ACT) (Act) requires in respect of the provision of certain services that the provider be approved by the Director-general under s63 of the Act as a “suitable entity”. Further, in respect of the provision of certain specific instances of residential care services by a suitable entity, the Director-general must issue—

must issue—

a general parental authority to the suitable entity in terms of s520 of the Act.

I am advised your client has never been approved by the Director-general as a suitable entity in terms of s63 of the Act, nor have they ever been issued a general parental authority. If your client wishes to provide any services that require to be approved as a suitable entity in terms of the Act they should make application to the Director-general.

So the question remains: was this agency ever approved as a suitable entity? The answer is no. The Government Solicitor’s letter dated 30 August 2011 makes that perfectly clear.

We have to ask the question: did the director-general, in terms of section 63, give oral authorisation to the agency as an out-of-home carer or suitable entity? We do not know for certain, but apparently not, because the Government Solicitor’s letter again says that they have never been approved as a suitable entity. And if he did give oral authorisation that he was satisfied that this agency was an entity that met the suitability criteria, did he actually pass that on? We do not know, but again the evidence so far indicates that he probably did not. And if he gave oral authorisation, did he follow that up in writing? Again, we do not know, but apparently he did not. And if the director-general did follow it in writing, did he give, according to law, a copy of that authorisation to the agency? We know for certain that he did not, because the agency does not have it.

Did the minister approve the Barton Highway premises as a place of care? Did Minister Burch or her delegate ever approve the Barton Highway property as a place of care? We do not know that. If the minister approved the Barton Highway premises as a place of care, did the minister satisfy herself that it complied, and was likely to continue to comply, with the out-of-home standards that apply? We do not know.

There are many things that we do not know about the mare’s nest that has been brought to light by the Public Advocate in her inquiry. What we do know is that this minister acted in a dishonourable way this morning, coming in here, producing a piece of paper and saying that the Public Advocate is wrong. What she is trying to do is undermine the entire advice and the entire report of the Public Advocate. What the minister is trying to do is distract the people of the ACT from the failings of the care and protection service over which she presides.

She will fail to do this, because what she did this morning fails to pass the common man test. The man and woman in the street know quite categorically that, when those children were sent to that property on the Barton Highway, they should not have been sent there, because it was not a suitable place. It is not a suitable place to send traumatised children in the dead of winter when there are no beds and no bedding. No-one checked beforehand. They just said, "Here's the keys; take them." And the agency, which was not authorised in any way to look after those children, had to make the best of those arrangements. They did. They did everything within their power to make the best of those arrangements. It is the fault of this government and its agencies that they were put in that position.

It is the fault of this minister that she did not ensure that, if that house was being used as a place for providing residential care, it met her conditions. It is this minister's responsibility to ensure that her chief executive complies with the law. And when he wants to ensure that someone is given residential care, he must authorise somebody—preferably in anticipation, but if there is an emergency he must do it orally, in accordance with the act, and then he must follow it up as soon as possible in writing and give that authorisation to the agency.

We know that none of those things happened. We know that those things did not happen. We know that the care and protection service did not communicate with the agency in an appropriate way. It is clear that the law was breached. What we have got here today from the Government Solicitor is an attempt to do what his masters asked him to do—come up with a plausible explanation as to how this does not breach the law. It is not plausible.

It still stands. This agency was not authorised. The place of care was not a suitable place. The minister is directly responsible for authorising the place of care. It was not a suitable place. No amount of tabling of learned legal opinions will distract from the findings of the Public Advocate that on 24 occasions that we know of so far there were unauthorised placements.

There is a second part to this review. We are waiting for the government to tell us how they are going to conduct the second part of this review. So far, we know of 24 occasions with multiple agencies in multiple locations that were substandard and possibly not approved. If they were approved, they would have breached the guidelines. The agencies were not authorised to do this. These are the clear facts.

No amount of attempt at self-exoneration will hide the facts brought to light by the Public Advocate in the ACT. The Public Advocate needs to be commended for her courage, and this minister needs to be condemned for her cowardly attack on the Public Advocate in this place this morning.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.08): There are a couple of issues—that is, the Solicitor-General's advice on care and protection placement—which the statement raises. Firstly, I would like to say that the main issue is that the system is not providing for the children and young people in care and protection as well as it should. I remain concerned about some of the directorate's

processes and the absence of sufficient permanent and ongoing services to meet the demand that clearly exists when we have those emergency cases and need to place children urgently. I do believe that such a service would do better at ensuring the best possible outcomes for children and young people in those traumatic circumstances.

Let me go now to the advice itself. It raises two issues. Firstly, if the interpretation in the advice is correct, we have a problem as it creates a clearly unacceptable situation where organisations do not have to fulfil additional requirements and that a director-general does not have to take the additional steps to ensure that they are appropriate for the children and young people in the director-general's care. This is not an acceptable outcome and if it is, in fact, the correct application of the current act, the Greens will be introducing amendments to ensure that it is no longer the case and that there are certain additional mandatory requirements in place where the director-general wishes to place children or young people in the care of a residential care service.

Secondly, I would like to say that, whilst I have only had a brief opportunity to reflect on the Solicitor-General's advice—and, of course, some further time will be required to provide a more considered response—I would say that there do appear to be a couple of issues in the advice that are problematic, and some difficulty arises with the outcome of this interpretation which appears to render ineffective a number of requirements in the act that would otherwise appear to create mandatory obligations. Again, I stress that I have not had the opportunity to thoroughly consider the advice and I will request a briefing with the Solicitor-General about the issue. I certainly am happy to be corrected on the following views, but I do think it is important to raise the issues.

I think it is important to firstly understand that the act sets out a scheme where the director-general is responsible for the care of children and young people and has a very broad scope in which to do this, depending on the best interests of the particular child at the time. In deciding how to provide for the care of these children and young people, the director-general must of course place them in the care of someone else, and the manner in which that is done is regulated by the act.

No attempt has been made in the act to prescribe all the options available to the director-general. This is an important factor, particularly as emphasis in the advice was placed on the discretion to place children and young people in out-of-home care. The director-general may place the child or young person in an out-of-home care situation or the director-general may return the child or young person to their parents. The director-general may place the child or young person in Marlow, if that is the appropriate place for them. Equally, the child or young person may be detained in Bimberi, which would of course mean that the director-general may not place them in any other care arrangement.

The advice appears to be saying that the act has not set out a scheme where anything is possible, depending of course on the best interests of the child or young person, but if a certain course of action is chosen it must be done consistent with particular requirements. This is not an uncommon statutory construction and I think it is the

assumed interpretation that everyone, including the directorate, was operating under previously. As I said earlier, this is the Greens' preferred construction.

To illustrate the point, when a child or young person is placed in the care of a foster carer, that is, an individual person under section 518 of the act, there is no requirement for the person to have been deemed a suitable entity, because the director-general has the opportunity to evaluate whether in the particular circumstances the person is suitable to care for the child or young person. However, in the case of a residential care service, the director-general does not have the opportunity to evaluate whether the particular people, their staff caring for the child or young person, are the most appropriate. It is because an additional level of trust is placed in the agency that the additional requirement is imposed and a determination made that they are suitable to provide the care.

I would draw the Assembly's attention to section 520 of the act, which provides in section 520:

- (1) The director-general may authorise, in writing, an entity to exercise—
  - (a) daily care responsibility for any child or young person for whom the director-general has daily care responsibility; or
  - (b) long-term care responsibility for any child or young person for whom the director-general has long-term care responsibility.
- (2) However, the director-general may authorise an entity only if satisfied that the entity—
  - (a) is a suitable entity to exercise the responsibility for any child or young person;

This matter is not referred to in the advice just tabled, yet it was referred to in the earlier advice provided by the Government Solicitor.

I would also like to draw the Assembly's attention to section 63, subsection 2, which creates a distinction between approvals for organisations providing care and individual foster carers, that of course the director-general has had the opportunity to evaluate in the circumstances. In short, it ensures that the director-general has considered that the entities that provide care under sections 517 and 520 must have been deemed to be a suitable entity before a child or young person is placed in their care.

This only adds to the argument that where a child is being placed in the care of an entity there are mandatory requirements that govern the manner in which that is done. The interpretation that those clauses are effectively optional does not appear to be consistent with these provisions of the act.

As I said, I have only had a limited opportunity to consider these issues and would very much appreciate the opportunity to discuss the matter further, as it certainly does have significant implications for the system and the way that we are going to ensure that we properly support our most vulnerable children and young people.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (5.15): I will rise to briefly put on the record clearly what the government was seeking to do today and to reject the allegations by Mrs Dunne that there was some untoward motivation. The advice was sought by the director-general, the territory parent, in order to clarify issues that had been raised in the report and to seek guidance from the Solicitor-General around the interpretation of the act as it related to the territory parent. This is not being run by the executive.

It was in discussions with the Minister for Community Services that I suggested she table in the Assembly for the information of members the government's legal advice to Martin Hehir, as the director-general and the territory parent. It was not to do anything along the lines of what Mrs Dunne has suggested. It is unusual for the government to table their advice, but I felt, in the public interest that has been generated from the Public Advocate's report, that it was important that that information be provided to members. And that was why Ms Burch this morning tabled that legal advice.

I think she was very clear that this was not about absolving responsibility, and if you read her statement—it is very short; it is to the point—it acknowledges the fact that the system did not work as all of us in this place would have hoped. But Mrs Dunne has come in here and raised further allegations around the motivations behind the minister. They are simply not true. The minister was trying to assist members in the performance of their duties. If you do not want us to provide you with information then that is fine. But in the interests of this piece of work, we thought it was the preferred way forward.

We will take the views of Mrs Dunne on notice and in future maybe we will not be as helpful as we can be, but please accept that at times we are trying to work collegiately and provide you with the advice that the government has. Okay? Yes, the Public Advocate believes there has been a breach of the law. The Government Solicitor, in advising the territory parent, has not supported that view. The government has played it straight down the line. Okay? But I think it is a bit rich for Mrs Dunne to come in here and start raising a whole range of allegations around the motivations of the minister. It is simply not true.

**MR HARGREAVES** (Brindabella) (5.18): I think it needs to be strongly put on the record that once again Mrs Dunne, at probably about the 85 per cent mark of her speech, has said something which is quite clearly incorrect. She said, "It is clear that the law was breached." It is not. The Solicitor-General's advice makes it very clear, categorically clear, unequivocally clear that the law was not breached. It is specific in that. What part of "it was not breached" do those opposite not know?

**Mrs Dunne:** He has given an opinion.

**MR HARGREAVES:** Mrs Dunne, would you please allow me to speak?

**MADAM DEPUTY SPEAKER:** Stop the clock, please. Thank you. Mrs Dunne, other members heard you in silence. Will you please do them the same courtesy.

**MR HARGREAVES:** It is crystal clear from the advice from the Solicitor-General that there has been no breach of the law. The Public Advocate may very well feel that there has and maybe that is the way in which she has expressed the view, perhaps. And what you do when you get that kind of an expression is you go and seek the highest legal advice available to you. In this case, the government employed the Solicitor-General to do just that. We have that advice and it is as clear as crystal and it is still not good enough for Mrs Dunne.

Mrs Dunne, on the other hand, will come into this place and say something which in effect is not only incorrect, and one might in fact ask whether or not it is misleading this Assembly by that statement, when we have had evidence given—

**Mrs Dunne:** On a point of order, it is unparliamentary for Mr Hargreaves to suggest that I have misled the Assembly, except by a substantive motion.

**MR HARGREAVES:** On the point of order—can you stop the clock firstly, please?

**MADAM DEPUTY SPEAKER:** Stop the clock.

**MR HARGREAVES:** I did not. I said one may wonder and I was about to express why one might wonder that.

**Mrs Dunne:** On the point of order, conjecturing on the subject of whether I have misled the Assembly is clearly disorderly. Mr Hargreaves wants to contend that I have misled the Assembly. He is not free to do so in idle conjecture. He has to actually move a substantive motion. He needs to withdraw.

**MR HARGREAVES:** I withdraw that and I will consider Mrs Dunne's advice on whether or not we should go down that track.

**MADAM DEPUTY SPEAKER:** No, just withdraw.

**MR HARGREAVES:** I will unequivocally withdraw. I will take your advice.

Another comment that she made just now enraged me, and I have to paraphrase a bit of it, I am afraid. With respect to the Solicitor-General's advice, she said, "And the minister said, 'Go away and come up with an advice to do X, Y and Z.'" The Solicitor-General does not do the bidding of the executive. The Solicitor-General responds to a request for advice.

That is the most appalling suggestion that I have heard in a very long time in this place, and I call upon Mrs Dunne to stand in this house and withdraw that slur on the Solicitor-General's reputation. Mr Garrison is probably one of the most respected solicitors in this town and has served faithfully governments of all persuasions. I will not stand here or sit in this place and see a suggestion that he might have done the government's bidding, and that is exactly what Mrs Dunne did.

I am afraid the real issue is that she has seen the advice from the Solicitor-General, she did not like that advice and did not take the appropriate way out and say, "Okay,

then, what that advice does actually say is that the minister did not breach the law.” There were accusations quite inappropriately, and the requirement to have those withdrawn, from those opposite that the minister did that. She has now come back into this chamber, tabled the advice which shows that clearly she did not do it, neither did the director-general, but that is not good enough for those opposite.

As the Chief Minister said, our concern is for these kids. How about we stop trying to find something in a situation that does not exist and how about we apply our minds in looking after these kids? I am sick to death of those opposite saying, “We have seen some advice from the Solicitor-General but, hey, the bush lawyers”—over there—“know better.” You do not know better. Through you, Madam Deputy Speaker, they do not know better. We have got a very learned Solicitor-General. We should take that advice and we should just understand that that is a valid advice. As far as insulting the Solicitor-General, I think that is just a step too far.

**MRS DUNNE** (Ginninderra): Madam Deputy Speaker, in accordance with standing order 47, I would like to explain words which I believe have been misunderstood by Mr Hargreaves. Mr Hargreaves has contended that I cannot say essentially that I disagreed with the words of the Solicitor-General and that I cannot contend that the law was broken. I remind you that the heading for the Solicitor-General’s advice to Mr Hehir is “Interpretation of Part 15.4 of the Children and Young People Act”. It is just that, an interpretation. It is an opinion, and his opinion differs from that of the Public Advocate.

Question resolved in the affirmative.

## **Adjournment**

### **Children and young people—care and protection**

### **Health—freedom of information requests**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (5.24): I move:

That the Assembly do now adjourn.

I will raise a couple of points in the adjournment debate. One of them is linked to issues that were raised in question time today, with the opposition questioning the Attorney-General about things said in the media and whether or not he had corrected them. There are two matters I would like to raise around the opposition. One is that the Leader of the Opposition said on radio that I refused to apologise to the children affected by events referred to in the Public Advocate’s report. Mr Seselja said:

Katy Gallagher, when she was asked in the chamber to apologise to these kids, refused to do so. She was asked several times. She refused to apologise.

That is clearly incorrect, and that can be seen in *Hansard* of the previous sitting days. Indeed, Mr Seselja has acknowledged to me personally that he inadvertently misled in his statements, but I think—

**Mrs Dunne:** And he spoke to you about it.

**MS GALLAGHER:** He did speak to me, but I have been waiting for an apology, which I believe should be public considering his misleading was very public and repeated a number of times. It is exactly what the opposition have questioned the Attorney-General over, and he corrected the record publicly when he inadvertently said something incorrect on the radio.

The other matter is about Mr Hanson. At times he is a little bit loose with his words, and he has raised a couple of points recently in the media. One was on ABC radio where he said:

It's quite clear that it has been done for what appears to be political processes and motives rather than, you know, sort of covering up the embarrassment of the government rather than consistent with the act.

If Mr Hanson has any evidence to support that, I ask that he prove that that statement is correct. I think it is totally incorrect.

Mr Hanson also went on a local political panel and made an allegation which is incorrect when he said that the Chief Executive of ACT Health had to appear before a privileges committee of the Assembly because the department was covering up FOI documents. The terms of reference of the privileges committee clearly indicate that that is not what the chief executive was called before the committee to discuss. Mr Hanson should correct the record, because both those statements are misleading. They are not true. The standards we apply to ourselves on this side of the chamber are that, if we make a mistake, we come in and correct the record. In the interests of fairness, that is a standard that should apply to the opposition as well, and they are not applying it to themselves at the moment. I look forward to both of those statements being corrected as soon as possible.

### **Health—freedom of information requests**

**MR HANSON** (Molonglo) (5.28): In response to the Chief Minister's comments, my assertion on ABC radio 666 was not that the chief executive had been found by the privileges committee to have committed any offence; it was simply that the matter about which I had raised concerns—an FOI that had been redacted—had led to a number of events that led to the chief executive appearing before a privileges committee. If there has been any misunderstanding, I am quite happy to make it clear that that was not the intent of what I said.

My point is that the FOI should not have been redacted as it was. I have those concerns, but I acknowledge that the matter about which the chief executive appeared before a privileges committee arose from that situation but that it was not in actual fact in the terms of reference of the privileges committee. His appearance related to a letter that he wrote to me arising from that matter. So there is some sort of confusion, but I am very happy to clarify that matter here.

## Uranium—proposed sale to India

**MS LE COUTEUR** (Molonglo) (5.29): I rise today to speak about the possible sale of uranium to India. It is not something obviously that I was planning to speak about, but from today's headline in the *Canberra Times* and many other newspapers this appears to be a subject that is back on the political agenda again. I was shocked to go to the *Age* and take part in their poll on the subject. When I was there I saw that 63 per cent of the people who had voted were in favour of Australia changing its requirements and being prepared to sell uranium to India.

My speech has got nothing against India. I think India is a wonderful country. My daughter lived there for about 10 years. I think it is one of the great democracies of the world—all of that. What my speech is about is the real dangers of nuclear proliferation. Previously Australia has always decided not to sell uranium to India because it is one of only four countries in the world who have not signed the only nuclear treaty that puts restrictions on the proliferation of nuclear material and weapons; it also has nuclear weapons. So the issue for Australia is that we really cannot have confidence in the safeguards regime.

India did acquire its nuclear weapons in the past by breaking its promises on nuclear materials. What confidence can we have that this will not happen again? For those people who saw Al Gore's movie *An Inconvenient Truth*, one of the things that struck me from that was that he was saying at the beginning that in his days as vice-president of the United States he saw a number of countries all get into nuclear from an energy point of view and almost without exception they then moved into nuclear from a weapons point of view. The two are related, nuclear power and nuclear weapons. Where do nuclear weapons get their fuel from? It is generally nuclear power.

We have not sold uranium to India and Pakistan in the past because they are not in the nuclear non-proliferation treaty; neither, of course, are North Korea or Israel, and both of those of course now have nuclear weapons. These four are the only ones outside. Are we going to be likely to sell to India, Pakistan, North Korea and Israel in the future?

According to the paper and the radio this morning, Stephen Smith said this morning that the reason we should sell to India is that it is a growing superpower. Something is really not totally clear to me: if you are a superpower, does that mean you are so big we should just do what you say? That is the only logic I can see to that argument, because I cannot see how being a superpower suddenly means you are not likely to do anything different with uranium. Clearly, the Greens would prefer to see Australia not selling uranium at all, but if we do sell uranium at the very least we should not be selling it to countries that have nuclear weapons.

The other furphy that is often raised with selling uranium is that if we have power from uranium this will be good from a greenhouse point of view. The analyses I have seen of greenhouse and uranium all say that if you take the full life cycle into account it is not actually that brilliant. It takes a lot of energy to dig it up and it takes even more energy to look after the radioactive by-products of nuclear power, which will be

by-products for a quarter of a million years. We do not need to go down this route and we do not need to go down the route of selling uranium to India.

I remember in the past when entering Canberra that there was a sign about the ACT being nuclear free. Unfortunately, maybe it is time that we have to revise these campaigns. The ACT is nuclear free. The rest of the world should be too, and selling uranium to India could only be a step in the wrong direction.

### **YMCA—70th anniversary**

**DR BOURKE:** (Ginninderra) (5.34): I start by saying happy 70th birthday to the YMCA of Canberra. The Y's success in supporting our community over such a long period of time is an astonishing achievement. The speed of change during that time has been immense and the make-up of our city has altered dramatically. But the services offered today are just as important as they were 70 years ago.

On Friday, 28 October I was able to attend the birthday celebration for the Y, as well as launch the book that details all of their activities for the last 70 years, *The Y Generation*. I have looked through the book, and it really is fascinating reading. It was a remarkable effort by all those involved in putting this book together. I am glad that the ACT government was able to help through a \$10,000 grant from ACT Heritage.

The book covers the start of the YMCA in Canberra in 1940, telling the story of when young men, construction workers, came to the city to make their money from the building boom. There are even a couple of tales from the 1950s about the YMCA ski club in Smiggin Holes and the efforts some people went to in order to get there.

As I mentioned, in the early days there was a focus on providing services to the men coming to Canberra, such as accommodation, recreation and sport. There was boxing, fencing and wrestling at the drill hall, youth activities at Corroboree Park and dances at the city Y. Then there were the programs for children at Camp Sturt that continued until 2003 and the bushfires.

Times have changed and so have the services. Today perhaps the Y's most important work is in the provision of early childhood education and care and outside-school-hours care and holiday programs. The early childhood programs include playschool, paint and play, rhyming connections and birthday parties. The Y still does a lot to provide for the recreational and health needs of Canberrans through its range of clubs and programs. Five thousand Canberra families are connected to the Y. Over 9,000 visitors are provided with accommodation each year. Along with the sailing and running clubs, there is a new health and fitness centre in Chifley.

The four key operational values of the YMCA—honesty, respect, caring and responsibility—are timeless, and this is why the work done by the Y today in Canberra is as relevant now as it was 70 years ago. I congratulate the Y, its staff, members and volunteers for 70 years of outstanding service to the ACT community.

## **Special Olympics St Peter's Memorial Lutheran church**

**MR DOSZPOT** (Brindabella) (5.37): I mentioned during the last sitting period in October that ACT Special Olympics were sending 16 athletes and five support staff to Wellington, New Zealand, to participate in the inaugural trans-Tasman Special Olympics tournament in basketball and football. I would like to now congratulate both teams and the officials for a very successful and apparently very enjoyable tournament.

The ACT Special Olympics basketball team won gold in the second division while the ACT Special Olympics football team finished fifth out of 11 teams. They beat Queensland in the opening game and, according to my informant—one of the players, Liam O'Donnell—everyone learned a lot from the tournament and had the opportunity to meet a lot of new people and make new friends.

The team left on Wednesday, 2 November and returned late on Sunday, 6 November. By any measure the trip was an outstanding success. The basketball team was coached by James McGill and managed by David Jones. The basketball team members were Peter Bandle, Paul Bell, Biljana Boskov, Matt Bowden, Kyra Corsini, Anthony Costa, Justin Koenig and Jack Littleton.

The football team was coached by Eugene Exposito and managed by Michaela Vergano. They were graded in the first division for the first time and came a very credible fifth. The football team members were Anthony Camilleri, Timothy Cologon, Rhys Hill, Rana Istambouli, Liam O'Donnell, Cherie Roberts, Nicholas Roots and Aidan Vergano. Once again I offer my congratulations to ACT Special Olympics for providing this great opportunity and also to all players and officials for their participation and contributions.

On 30 October I attended the golden jubilee celebrations of the consecration of St Peter's Memorial Lutheran Church in Reid at the invitation of Pastor Gabor Szabo. The building of St Peter's Memorial Lutheran Church was dedicated on 10 September 1961, but the congregation was formed more than a decade earlier in 1949. There was a great influx of migrants after World War II, mostly Europeans. Many of them were Germans who came in the late 1940s and during the 1950s.

In May 1949 it was decided that monthly worship services would be held in Canberra for the Latvian, Estonian and German congregations. Many of these migrants worked for the Snowy Mountains Authority scheme and for the Jennings construction company. Soon the Latvians and the Estonians formed their own congregations. Pastor Dr J J Stoltz, who served here in Canberra at the time, started to conduct services in both German and English. Soon there came another influx of Lutheran migrants from Finland. In the 1950s it was envisaged that St Peter's would serve as a general place of worship for all of these ethnic congregations.

In 1959 at the general church convention in South Australia a national appeal was made to raise funds for the church building and it raised over £20,000. The Australian

Lutherans responded well for the financing of this construction, and the foundation stone was laid on 4 June 1961. In September the church building was dedicated for worship and to serve as a spiritual home for the large Lutheran community in Canberra.

The church, at 80 feet long, 36 feet wide and 40 feet high, is certainly a dominating building on the corner of Boolee and Cooyong Streets in Reid. It has an alpine style with timber interior and a steep ceiling. It seats 250 people. Also there is a good size choir loft with a pipe organ which was donated by the West German government in 1964. The most dominating feature of the church is the large crucifix, 18 feet by nine feet. The idea of placing such a huge crucifix to the chancel window above the altar was quite controversial at that time. The crucifix was carved by John Pillig. He was 78 years old when he carved the crucifix and he worked on it for eight months.

At the golden jubilee celebrations Pastor Mark Lischke the President of the Lutheran Church of Australia, New South Wales District, gave the address, while Pastor Gabor Szabo, parish pastor of the Canberra-Queanbeyan parish, was the liturgist. The members of the church council and the Ladies Guild worked hard in organising the golden jubilee celebrations at St Peter's. Other contributors included Mr Ian Kummerow, the chief organist, and the Austrian choir conducted by Dr Gunter Brandstetter. My congratulations go to Pastor Gabor Szabo and his church community for a very impressive commemoration.

### **Community sector workers—equal pay**

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.41): I would like to bring to the attention of the Assembly today a historic agreement that was announced on Thursday, 10 November 2011. The Australian Services Union and the federal government reached agreement on the Australian Services Union claim for equal pay. This agreement is historic because for 30 years there has been an ongoing struggle to gain parity or a proper wage for community sector workers.

It has been reported that with the assistance of Fair Work Australia the federal government has agreed to fully support the Australian Services Union claim for equal pay. The federal government will now support social and community services workers being paid the same rates of pay that were awarded by the Queensland Industrial Relations Commission in 2009. If Fair Work Australia agrees with the joint position of the federal government and the Australian Services Union, every social and community services worker in Australia will receive a significant pay increase and there will finally be one, single pay scale for every social and community services worker in Australia.

The social and community services sector in Australia is an essential part of what makes our society work. They are the workers who are caring for the young, the frail, the vulnerable, the elderly, the unemployed, the ill as well as many others. I understand, over a lifetime of experiences, that at some point we will all need the help of the workers who are in the community sector. So I hope that this decision will not only be supported by the full bench of Fair Work Australia but also by the ACT government, to ensure that equal pay is achieved here within the ACT.

The details we know so far of the agreement mean that these rates of pay will be, with CPI increases, the rates awarded by the Queensland Industrial Relations Commission in May 2009. The rates will be phased in over six years, with those receiving the smallest increases getting them in a shorter time period.

In the first part of 2012, the federal government will fund an industry assistance package to help employers and employees understand the new arrangements. All staff will receive a pay increase from Fair Work Australia on 1 July 2012. Following this pay increase, workers will translate the new modern award classification structure and then be equal pay ready. All staff will then receive the first additional increase arising from being equal pay ready on 1 December 2012. In addition, all staff will receive a further increase on 1 July each year from the national wage review.

I understand that a number of parties are still opposed to the claim for equal pay and therefore a final decision in the case must be made by Fair Work Australia. The final dates of hearing are set for 28 November and 7 and 8 December of this year.

There is much work to be done in the months and years ahead, including how to ensure that adequate funding is delivered in a way which develops and supports quality services for all people and their communities that do rely on the community sector.

We now await the final decision from Fair Work Australia and hope that the right decision is reached for all of these workers, not only in our own community here in the ACT but right across Australia. I trust that the ACT government will participate to ensure a fairer wage is paid to our community sector workers, a wage that better reflects the vital work they do and the value we should all be placing on their work.

### **Father John Eddy SJ**

**MRS DUNNE** (Ginninderra) (5.45): Mr Speaker, 6 November saw the death of Father John Eddy SJ at Clare Holland House after a long battle with cancer. Father Eddy would be known to many in Canberra as a long-time historian at the Australian National University and priest to the people of Canberra. He was the founder of the Australian Institute for Jesuit Studies and the son of William Eddy and Mary Crosse and the brother of Margot Traill. Father Eddy lived for more than 40 years at the Jesuit residence in Yarralumla and was highly regarded as a teacher both in Australia and internationally and for his priestly ministry and his role as a human rights advocate.

Father Eddy died in his 62nd year as a Jesuit and his 49th year of priesthood. He was educated at St Louis school, Xavier college, Campion college, the University of Melbourne, and received a DPhil from Oxford on the subject of colonial government in Australia in the 19th century. Father Eddy was a fellow in history at the Research School of Social Sciences at the Australian National University and he was a director of the Georgetown Centre for Australian and New Zealand Studies. The chief executive of the Georgetown Centre for Australian and New Zealand Studies wrote on Father Eddy's death:

With sadness ... we witnessed the passing away of John Eddy, SJ. Father Eddy had served as the director of the Australian Institute of Jesuit Studies in Canberra and as a consultant to Georgetown University. In fact, without Father Eddy the Centre for Australian and New Zealand Studies would not exist.

Together with Jeffrey von Arx, he worked tirelessly to support Australian studies in the US. One Washington colleague wrote of him:

He's the one who did battle with the 2 embassies here and their Parliaments back home to secure the initial funding and the long-time support.

And she added that Father Eddy:

... adored Georgetown and loved both US and Aussie politics, and knew many of the major players on both sides. He had an amazing wit and zest for life, and will be missed by many who enjoyed his company.

Father Frank Brennan, who led the obsequies for Father Eddy on Remembrance Day, gave a lengthy eulogy. He spoke about his teaching career, his career as a priest, and he said, amongst other things:

This priestly Australian historian whose father, William, had fought in both wars would well be pleased that we had gathered in prayer as the clock moves towards 11 am on 11/11/11.

And he went on to talk about his great role as a Jesuit scholar and as a priest. He spoke affectionately of how Father Eddy stepped up, on the premature death of his brother-in-law, John Traill, and took over, essentially, fatherly responsibilities for his many nieces and nephews.

Those who have known Father Eddy over the years will know that he was a great conversationalist, a great controversialist, but was well loved in many circles. And Father Frank Brennan said that he would be missed in the halls of power, the halls of academe and the coffee houses around Canberra.

On behalf of the Canberra Liberals, I express my sympathy to Father Eddy's family, to his sister, Margot; his nieces and nephews, Mary Anne and Justin Fennel, Kate Traill and Doug Carlson, Pauline and Martin Duncan, Rosemary Traill, John and Miko Traill, Geraldine and Ian Hadwen; and his great nieces and nephews, Caitlin, Alex, Lizzie, Jack, Matt, Nikki, Tom, Bill, Genevieve, Amelia, Michael, Charlie and Natalie.

And I say, Father John Eddy SJ, requiescat in pace.

**Tuggeranong Evening VIEW Club  
Deepavali 2011  
Canberra Tamil Association**

**MS BRESNAN** (Brindabella) (5.49): On 26 October I had the pleasure of speaking at the Tuggeranong Evening VIEW Club and I would like to thank President Rae Lorenz

for inviting me to speak to the club. VIEW is one of Australia's leading women's organisations. It provides fun, friendship and support to members while assisting the work of the Smith Family. Meetings of the Tuggeranong Evening VIEW Club are held on the fourth Wednesday of the month at 6.30 at the Burns Club, Kett Street, Kambah.

VIEW women support each other and their communities, enjoy a meal and meet other women for friendship and support. They listen to and take part in discussions with speakers on a wide range of topics. VIEW women are seriously committed to providing educational opportunities to disadvantaged Australian children and their families and they have fun while actively contributing to their local communities. VIEW women in nearly 400 communities enjoy regular social events and the friendship of other women and through VIEW they learn new skills, develop new confidence and broaden their horizons.

VIEW started in 1960 when the general secretary of the Smith Family, George Forbes, created VIEW Clubs of Australia for women. VIEW stands for voice, interests and education of women. At this time, women were prohibited from joining the Lions and Rotary clubs and other such service clubs. The purpose of VIEW then was to offer companionship and help deal with social isolation, particularly for rural women, and to improve opportunities for women to have their say, especially at a government level, while recognising that they needed a network of support for this to happen.

So I thank again the Tuggeranong Evening VIEW Club for inviting me to speak to them. It was indeed a pleasure to go and be a part of their meeting.

Also recently in the ACT we have had a number of Diwali celebrations. On 30 October in Glebe Park the Diwali Mela Festival was held. I know Ms Burch also attended, and Mr Doszpot later in the day. I understand he actually sang as well, so it is a shame that I missed the singing of Mr Doszpot; hopefully next year I will get to see that. I would like to thank Krishnan Aggarwal, chair of Diwali Mela Inc in the ACT.

Obviously Diwali Mela is one of the main community festivals for the Indian and also other communities and it is held annually to celebrate the famous Festival of Lights. It marks the beginning of the Hindu new year according to the lunar calendar. It literally translates to "row of lights" and it is known as the Festival of Lights. It ushers in the new year. Especially for this event people clean their houses and wear new clothes. It is a celebration of the new year.

On 5 November, I also had the pleasure of being invited to and attending the celebration of Deepavali with the Canberra Tamil Association. It was held in Queanbeyan, and Senator Gary Humphries also attended. The celebration was for the Tamil community in the ACT and it was wonderful for them to have that celebration as well. People turned out in wonderful costumes and there was dancing and singing, so it was a real celebration of not just Deepavali but also the Tamil culture. I would like to thank Mr Ratna Ratnavale, who is President of the Canberra Tamil Association. There was a special farewell at this function for Drs K and R Nadana Chandran, who have been significant contributors to the Tamil community in the ACT.

### **Order of Australia Association—ACT student citizenship awards**

**MR COE** (Ginninderra) (5.53): I rise to speak about the continued good work of the Order of Australia Association ACT branch. On 3 November 2011 the association hosted the third ACT student awards for citizenship and community service. I have been privileged to be able to attend each of these ceremonies.

After being welcomed by Dr Ray Newcombe OAM, Len Goodman AO and Duncan and Dylan Smith, guests heard from General Peter Gratton AC OBE, who spoke about active citizenship and the Anzac tradition. Soon after the general's speech, guests were introduced to the exceptional Canberra students who have achieved a great deal and have given exceptional service to our community, all at such a young age.

I would like to acknowledge the award winners and briefly describe their contribution to our community. Unfortunately, my few words cannot do justice to their exceptional commitment. The individual awardees are as follows: Gemma Armarego is a year 11 student who, amongst other achievements, has raised funds for mental illness and is a leader of her school at St Clare's College; Natalia Nuutinen is involved in a youth group, has done volunteer work in Papua New Guinea and helps primary school students with reading; Jeeven Nadanakumar set up a green youth forum at Marist College, is involved with public speaking, is a leader at school and is involved in the United Nations Youth Association; Rachel Crampton Smith received a certificate of commendation in recognition of her community service in umpiring, photography of children and other demonstrations of leadership.

The group award was presented to Giralang primary school in recognition of their understanding, appreciation and demonstration of Indigenous culture, their commitment to preserving the legacy of the Rats of Tobruk which saw them receive a 2011 Anzac Day schools award, their commitment to the National Arboretum, and other achievements.

In addition to a number of students at the presentation, Principal Trish Keller OAM and Deputy Principal Andrew Macleod were present. Very recently I had the privilege of visiting Giralang primary school to witness the spirit of the school which the Order of Australia Association recognised. The motto of the school, "caring, cooperation, courtesy", was very much on display and could be seen in the commitment of the students to learning, the camaraderie of the staff, the parent involvement, the pride in appearance, the commitment to their community and the leadership that each member of the staff provides.

The atmosphere of the school is truly supportive and conducive to learning, and I commend the staff, students, parents and friends of the school that have made the school into the asset that it is.

Finally, I would like to commend the officer bearers of the ACT branch of the Order of Australia Association. They are General Peter Gratton, patron—

**MR SPEAKER:** Sorry, Mr Coe. The time for debate has expired.

Question resolved in the affirmative.

**The Assembly adjourned at 5.55 pm.**