



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**10 FEBRUARY 2015**

[www.hansard.act.gov.au](http://www.hansard.act.gov.au)

## Tuesday, 10 February 2015

Visitors.....	1
Resignation of member.....	1
Announcement of member to fill casual vacancy.....	1
Oath of allegiance by member.....	1
Inaugural speech.....	2
Petitions (Ministerial responses):	
Planning—residential apartments—petition No 12-14.....	8
Roads—Allara Street—petition No 19-14.....	9
Ms Joy Burch—portfolio responsibilities (Motion of no confidence).....	10
Standing and temporary orders—suspension.....	10
Justice and Community Safety—Standing Committee.....	13
Standing Committees.....	13
Government priorities for 2015 (Ministerial statement).....	14
Ms Joy Burch—portfolio responsibilities (Motion of no confidence).....	25
Questions without notice:	
Gaming—poker machines.....	44
Gaming—poker machines.....	46
Urban renewal—policy.....	47
Gaming—poker machines.....	51
Territory and municipal services—mowing.....	51
Transport—light rail.....	53
Territory and Municipal Services—mowing.....	55
Environment—Mugga Lane tip.....	56
Health—bush healing farm.....	57
Women—domestic violence.....	58
Papers.....	61
Budget review 2014-2015.....	61
Financial Management Act—instruments.....	64
Papers.....	65
Supplementary answer to question without notice:	
Environment—Mugga Lane tip.....	66
Papers.....	66
Public consultation (Matter of public importance).....	70
Ms Joy Burch—portfolio responsibilities (Motion of no confidence).....	82
Judicial Commissions Amendment Bill 2014.....	96
Adjournment:	
Ms Esther Woodbury.....	104
National Australia Day Council.....	105
Ms Sylvie Stern.....	106
Health—Aboriginals and Torres Strait Islanders.....	107
Schedules of amendments:	
Schedule 1: Judicial Commission Amendment Bill 2014.....	109

## **Tuesday, 10 February 2015**

**MADAM SPEAKER** (Mrs Dunne) 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.

### **Visitors**

**MADAM SPEAKER:** Could I acknowledge the presence in the gallery of Mr Joe Preston MP, the delegation leader and chair of the Canadian branch of the Commonwealth Parliamentary Association; Ms Chris Charlton MP; Mr Rodger Cuzner MP, who is accompanied by Ms Liz Cuzner; and Ms Elizabeth Kingston, the delegation's secretary and executive secretary of the Canadian branch of the Commonwealth Parliamentary Association. I welcome our Canadian friends to the Australian Capital Territory parliament.

### **Resignation of member**

**MADAM SPEAKER:** Pursuant to the resolution of the Assembly of 27 March 1992, which authorises me to receive written notice of resignation of a member, I wish to inform the Assembly that I received a written notice from Ms Gallagher, dated 23 December 2014. Pursuant to subsection 13(3) of the Australian Capital Territory (Self-Government) Act 1988, I present the following papers:

Australian Capital Territory (Self-Government) Act 1988 (Cwlth), pursuant to subsection 13(3)—Resignation of office as Member—Gallagher, Ms K—Letter of resignation, dated 23 December 2014.

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the Electoral Commissioner, ACT Electoral Commission, from the Speaker, dated 23 December 2014.

### **Announcement of member to fill casual vacancy**

**MADAM SPEAKER:** The Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Ms Meegan Fitzharris has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Ms Gallagher. I present the following paper:

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 16 January 2015.

### **Oath of allegiance by member**

**MADAM SPEAKER:** In accordance with the provisions of the Oaths and Affirmations Act 1984, which requires the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital

Territory or a judge of that court authorised by the Chief Justice, the Hon Justice Helen Murrell, Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber.

*The Chief Justice attended accordingly—*

*Ms Meegan Fitzharris was introduced, and made and subscribed the oath of allegiance required by law.*

*The Chief Justice having retired—*

## **Inaugural speech**

**MS FITZHARRIS** (Molonglo): I seek leave of the Assembly to make my inaugural speech.

Leave granted.

**MADAM SPEAKER:** Before I call Ms Fitzharris, I remind members that this is her inaugural speech, and the tradition is that she is heard in silence.

**MS FITZHARRIS:** Thank you, Madam Speaker, and thank you to my new Assembly colleagues for the opportunity to give my first speech today. I start by acknowledging the Ngunnawal people, on whose land we meet. I honour your ongoing contribution to our city and pay my respects to your elders, past and present, and I look forward to working with you in my capacity as a member of this place.

Madam Speaker, it is a privilege to be elected to the vacancy left by former Chief Minister Katy Gallagher. Katy's contribution to Canberra was remarkable, and I am glad it will continue. She made many decisions that improved the lives of people in this city as Chief Minister, and especially as health minister. But for me it was the way she did her job—her willingness to explain the complexities of governing and to take her community with her—that was her greatest legacy in this Assembly. That she did this as a working mum was something many women and men across Canberra were inspired by. I was one of them.

Katy lifted people's views of politicians and of what politics can be. She won, and kept, the community's trust—no mean feat these days.

Writing this speech was hard but rewarding, as each of you has experienced. There is not enough time to acknowledge everyone and everything, but I do want to say some thank-yous.

Thank you to the people of Molonglo, and especially Gungahlin, who supported me in 2012. I will work hard to honour the trust that you showed me through your support.

Thank you to my colleagues from other parties for your welcomes. We will not always agree, but where we do, I hope we can acknowledge it. I look forward to working with you. Thank you to the Assembly staff for all your support.

Thank you to ACT Labor, our members and unions, and the Labor staff in this building. And thank you especially to my Labor caucus colleagues for your warm welcome and good advice. With our shared values and diverse backgrounds, we are a team that is greater than the sum of our parts. A special thank you to the Chief Minister for his mentoring and friendship over the years, most recently as my boss. Your love of this city and all its possibilities and the energy and ideas you bring to your job are inspiring. You have showed me not only how to advocate a vision but also how to achieve it. And, while you are still my boss, I have about 104,000 more now as well.

Thank you to my supporters, and especially my 2012 campaign team—my campaign manager Jules Zanetti, Caitlin Delbridge and Andrew Wade. Also part of my team are Natasha Shahidullah, Mark Nelson, Gabrielle Blair and Alys Gagnon. Together with Dan Hughes, Bernard Philbrick and Michael Cooney, they are good friends who have been a big part of my Labor life. And to everyone who volunteered, especially the indomitable Gerry Lloyd, thank you for all your efforts. To Dan Gaul, Rebecca Ciavattone, Syed Jaffry and Michelle Hoare, Gungahlin locals who went on the record for me, a special thank you.

One person who is not here today is Kurt Steel. Kurt, your loss is still deeply felt, but your infectious optimism that Labor values will be delivered in our community lives on in many of us. Thank you to Jane for coming today.

To Charlotte Barclay and James Koval, it is great to have you with me to start this journey. To all our good friends—Melissa, Kim, Sue and Pete, and especially to Sam and Kate, thank you, Kate, for coming to Canberra today.

Thank you to my family. First of all, my in-laws, Werner and Olga Huetter, sadly are no longer with us. They lived childhoods in Europe during World War II, both born into good families but terrible times. They came to Australia as young adults, met and built a life from scratch, investing their common values in their two children. They worked hard for them to have a better life. They made personal sacrifices, especially Werner, but in Carla and Pierre they did very good and I know they were proud. And most of all I wish they were here today to see their three Aussie grandkids.

The migrant story is, and will continue to be, a major part of what makes Australia great. Olga and Werner's story is humble and ordinary but no less important because of that—and it is not one ever told in an Australian parliament. It is my privilege to put it on the record today.

To my own family, my sister, Kate, her husband, Jason, and my nieces Hazel and Keita, you set an example for how to tread lightly in this world but still make a huge contribution. This makes our family even luckier.

To my mum and dad—Robyn and Paul—thank you for always encouraging us to take the opportunities that your generation did not have. Mum gave me the values of compassion and hard work, and the value of being organised, although I am still working on the latter. Dad showed me what it means to keep an open mind and seize

an opportunity, and to value a conversation with anyone, anywhere, but especially in the middle of the footpath. Together, they gave me their love of talk radio and their example of an enduring friendship and marriage for over 45 years. Thank you.

To my own kids, Al, Esther and Eva, you are a curious, thoughtful and funny trio and you make our lives glow. I do all this in part for you and I hope you experience some of the joy that it can bring. To Pierre, we met talking about how we could change the world and then realised we could start right where we live. Here we are. Thank you for reminding me always of the big picture, for everything you do for us and for how fundamentally good you are.

Madam Speaker, it is an honour to represent the people of Molonglo. The electorate is large and diverse. I would like to talk in particular about one part—Gungahlin, my own local community. In a city only 100 years old, Gungahlin is the infant. With a rich Aboriginal and settler history, it is now what the inner suburbs were in the 1950s, Belconnen in the 1970s and Tuggeranong in the 1980s. It is growing fast every day and remains one of the fastest growing regions in Australia. But Gungahlin is not all shiny and new. Palmerston and Ngunnawal were built over 20 years ago, its residents pioneering the move to the far flung northern suburbs on single lane roads past paddocks.

Twenty years ago locals shopped at a marooned building in the middle of nowhere, but today the town centre is thriving and group shopping centres are emerging across the region, with small businesses being built from the ground up. You can eat Persian, Italian, Korean, Indian, Sri Lankan, Thai, Chinese and Japanese, and there is a vibrant sense of community—that people are building not just their own house but their neighbourhoods and communities.

The people who live in Gungahlin are diverse—from Australia and around the world. We are nurses, teachers, pensioners, retirees, IT professionals, retail workers, public servants, defence personnel, stay-at-home mums and working mums. And there are lots of babies being born; lots of them. In 1991 Gungahlin had 382 residents. Today it is close to 50,000.

Gungahlin is Canberra's latest pioneering region. This Labor government has invested significantly in high quality community and public infrastructure in the past 10 years especially, but before this there were no schools, no roads, no shopping centres and no recreational facilities. That is why, in 2012, I advocated strongly for a cinema. I look forward to work starting on that this year. There will always be more to do—especially on our roads—but we have always also known that this must be balanced with investment across other parts of our city. Every suburb counts.

I am proud to be the first member of this place to be elected on such strong support from Gungahlin. I came to Gungahlin via Canberra's inner north, Sydney and New Zealand, where I grew up in a pretty typical family: mum, dad, two kids. Dad was a policeman, mum a nurse. This normal life shaped me but was influenced by two particular experiences. When I was in primary school we lived in Singapore for a few years, a country where multiculturalism and trade are the norm.

We returned to New Zealand in the mid-1980s as a new Labour government was opening up the country. Like the Hawke-Keating government in Australia, this opening shook some of the country's foundations. But having returned from a dynamic and multicultural country that engaged with the world, it seemed the obvious and right thing to do, and it was.

I went to high school in Dunedin, a university town. I spent a few years working in the tourism sector after school, a few years that felt lost but contributed very much to who I am now. I eventually went to university and loved it. I loved research and understanding our world. I had two important experiences. I studied in Thailand and interviewed Thai women factory workers about their jobs. These women reaffirmed my belief in the importance of work and that globalisation, done well, was a good thing. I went to the United States as an intern at the United Nations headquarters. This strengthened my belief that our world is ever shrinking but that equality on a global scale matters.

I migrated to Australia in 1998, first to Sydney and a job with the New South Wales Police and then to Canberra as a federal public servant. I worked on a project to bring the Australian government into the digital age and then for the Australian Federal Police and Attorney-General's Department. The AFP is an incredible organisation that delivers such an important service to the Australian community, especially here in the ACT. I have huge respect for its role and its staff.

But I was first drawn to Canberra by the opportunity to contribute to public policy. I arrived at a time when public policymaking was becoming contestable, when governments were realising their old silos no longer worked and that other voices had to be heard. I found it exciting. There are profound possibilities for good that innovative policymaking can deliver.

I had long had instilled in me the idea that public service, in all its forms, was a good thing to do. I do believe government plays a crucial role, but, importantly, it should not play every role. As a Labor member I believe we should always aim to be in government, for only in government can we best express our values and priorities and deliver for our community.

In some ways mine is a new Canberra story: a career connected to the globe, a busy professional life, family in a new suburban area and juggling all the pressures of modern family life. In some ways, though, it is the oldest Canberra story: coming here for work, staying for friends and family and one day realising you love the city and could never leave.

Over the years I discovered Canberra's many charms: its exceptional quality of life, its many beautiful built and natural places, and its riches of experiences. But so many of these charms were hidden or only just emerging. I am a great supporter of revealing them. They must be shared, opened up and made more accessible. Canberra is no longer a hidden secret. It is coming of age. It is very exciting. And while Canberrans are generally wealthy by national standards, we must never forget that some in our community find it hard to get by.

Most Canberrans have an income that can sustain them, but some do not, and others can teeter—a big bill, a car problem, an unexpected illness. Personal resilience, especially through families, is vital in these times. A strong society and good intermediate institutions—importantly, including trade unions—are a tremendous advantage. And public policy matters. Government support and services at the right time for the right duration can make all the difference.

After having children I worked part time and then casually, juggling the child care, contract work and looking after three children under four. I have experienced Canberra as a young single and a newly married professional, as a part-time working mum, juggling child care and work, and as a stay-at-home mum, finding new activities and connections to enrich what sometimes seemed like very long days. I value these experiences and I bring them all with me to this place. Indeed, it was the sum of these experiences that informed my decision to run for public office. And I come here as a Labor member, with Labor values.

I joined Labor because I believe everyone should be able to reach their potential in life. I believe we should all be equal but not the same. I know that not everyone is born into equal circumstances, but this should not be what determines our future. Labor's modern values of growth, opportunity and equality through good economic management and progressive social reform are what drive me to be part of a movement that wants the best for everyone.

We must build an economy and a community that encourage growth and enable opportunity. Without both we cannot succeed. The greatest enabler of all is education. I want to be part of this Labor government's efforts to make our world-class education system even better—to invest in technology, to invest in the best teachers—and I want to help nurture all the possibilities that a great education brings. But to realise the benefits of a good education there must be jobs. It is clear the odds are stacked against you if you grow up in a household with no job. It is clear there will be great stress if you work in a job where you cannot rely on a fair go and representation when you need it.

Jobs are important not just because they bring wages into the home but because they bring social bonds and dignity. Jobs are the bedrock of our labour movement, our economy, our community. And Canberra faces real job challenges today. The commonwealth contraction is having a ripple effect across our community and into people's lives. The ACT government is doing everything it can to respond to this big external challenge. I know that this is a difficult period for our city, but I have great faith that we will come through it stronger in the long term.

In Canberra we have built a city with strong growth, despite current challenges, and more opportunity than most. But there must also be equality and justice. We are a wealthy city but we are also compassionate. We know we give more money and more time to people and causes that need our help. Our commitment to fairness and equality is part of our identity. We must continue to make sure that the most vulnerable in our community are always part of government's decision-making.



Madam Speaker, these values will guide me while I am here, but, importantly, I want to advocate for these values to be realised through the decisions this Assembly takes. I want to be part of decisions that keep our budget balanced over the economic cycle. This is important because we want our public money spent equitably over generations and we want the capacity to continue to deliver high quality services and infrastructure that improve people's lives.

I want to be part of decisions that grow our economy, particularly our services sector and our digital economy. I want our city to grow and I want this growth to be built on higher density living, a light rail system and clean, energy-efficient buildings. I want to be part of investing in prevention so fewer children end up in care, fewer people end up in jail and fewer people have to go to hospital.

Our out of home care system, our jail and our hospitals are of the highest quality and that must continue. But they are among the most expensive things we do. No-one wants to be in out of home care, in jail or in hospital unless they really need to be. We must continue to invest in these world-class services, but it just makes sense that we find innovative ways to spend more on prevention.

However, the community alone, through the territory's budget, cannot continue to fund all infrastructure and services. I want to be part of finding new ways to bring private sector investment to solving community problems, whether it is how we invest in our playgrounds or how we deliver more affordable housing—new partnerships that bring public and private sector expertise and resources together for the long-term benefit of our community. I am excited to be part of a government which has delivered real social and economic reform in marriage equality, human rights, our school system, renewable energy, tax reform and modernising human service delivery.

This Labor government has also built outstanding infrastructure across the city and I am excited that it is investing in light rail. I am certain capital metro is the transport system we need and I am certain we can afford it. I travel from Gungahlin to the city every day. I know what our roads are like; I know Northbourne is our most congested route; and I know we cannot go on the way we are forever. Led passionately by Minister Corbell, capital metro will prove to be a landmark investment that will transform our city. When it is built people will wonder why we waited so long and they will be thrilled when it comes to their community too. I am proud it is a Labor project.

I am proud also to be part of a team led by this Chief Minister, who stands on the shoulders of Jon Stanhope and Katy Gallagher before him in knowing how great our city can become but who brings his own outlook and considerable skills to this job, especially in understanding what a thriving economy and social justice combined can deliver for our community. In working for these outcomes, I commit to being an MLA who listens, advocates, explains and leads. I commit to being a good local member and a member who contributes to the ideas and debates that will shape our city. This is the uniqueness of this Assembly.

We are a local council and a state government. I do care, and I will care, about the state of our playgrounds, the quality of our roads and our natural spaces. I do care, and will care, about building a modern, sustainable transport system and about our world-class health and education systems. I will care about those people doing it tough. I will be part of this Labor team, the only team that ever truly gives them a voice. And I will care about modern, ordinary Canberra families—about their needs and their dreams. I will give them a voice too. They have no peak body or industry group. In the end, they are the one group that have only us in this chamber, their elected representatives. I will care about advocating for them and for the Labor values that support their lives and I will contribute ideas to promote growth, opportunity and fairness for everyone in our city.

But, above all, what makes this place so special is that we do not just debate how best to serve our communities. We can make decisions that actually change things. We can make laws that protect and enable and we can pass legislation that invests scarce public resources in our community to make it better. That is both our privilege and our responsibility.

It is a dream come true for a bit of a policy tragic who loves her local community and cares about everyone having the opportunity to reach their potential. It is the best job going. I look forward to working hard on achieving these things with and in my community. Thank you.

## **Petitions**

### **Ministerial responses**

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

By **Mr Gentleman**, Minister for Planning, dated 16 December 2014, in response to a petition lodged by Mr Corbell on 16 September 2014 concerning short-term accommodation in residential apartment complexes.

By **Mr Rattenbury**, Minister for Territory and Municipal Services, dated 20 January 2015, in response to a petition lodged by Mr Gentleman on 27 November 2014 concerning the construction of a one-way connection from Parkes Way to Allara Street.

### **Planning—residential apartments—petition No 12-14**

*The response read as follows:*

I understand the petition relates to the social and community problems associated with allowing short-term accommodation in residential apartment complexes. The petition requests the Assembly review legislation to allow residential apartments to remain only as people's homes and not be used as hotels, motels and for other short-term accommodation.

The matters raised in the petition reflect the experiences of all other States and Territories. I understand that the Australian Buildings Code Board will be

discussing these issues at its next meeting in February 2015. My Directorate will be participating with a view to determining if there are practical measures that will mitigate the problems raised by residents.

On this basis, the Government does not support the petition being referred to the Assembly for a review at this time.

### **Roads—Allara Street—petition No 19-14**

*The response read as follows:*

Firstly, I would like to thank Mr Gentleman MLA for submitting the petition on behalf of the Canberra residents who have taken the time to consider the proposal.

I can advise that since early October 2014 TAMS officers have been working with representatives of the various residential and commercial operations along Allara Street to respond to their concerns. Additional work has been undertaken to reassure the respondents that access and safety of all users has been considered and addressed in the current designs.

The contractor for the Main Contracted Works for the Constitution Avenue upgrade have erected construction fencing and made preparations to undertake construction of the connection of Parkes Way and Allara Street.

I also note the concerns with the potential impact of this connection on future events which utilise the existing pedestrian bridge to Commonwealth Park. TAMS event officers have discussed the potential for event proponents to temporarily close the new connection for event traffic management purposes.

The Constitution Avenue project team have reviewed a range of options for addressing the accessibility issue created by the Constitution Avenue project, which has generated the requirement for the Allara Street/Parkes Way Connection. Unfortunately, there is no alternative solution in this case.

Signalisation of the Parkes Way and Coranderrk Street roundabout, which has been described as an alternative, is also being considered to address the congestion issues on Parkes Way as part of the broader City to Lake Project. Unfortunately this improvement would not address the accessibility issue, which is the driver for the connection into Allara Street from Parkes Way.

The project team are taking every opportunity to ensure this new connection is designed and implemented in a fashion that provides a safe environment for all users. Measures such as a 40km/h speed limit and priority crossings for pedestrians and cyclists are being installed to create a slow speed environment. These improvements are included in the current designs for the Civic Cycle Loop Allara Street Southern Section, which will be submitted to the National Capital Authority for works approval early in 2015.

It should be noted that in previous planning documents for the City precinct, including the most recent City Plan which was presented to the community in August 2013, this new road connection had been identified. It was these planning documents that supported the proposed connection as a possible solution to the accessibility issues generated on Constitution Avenue.

The current City to Lake Plans, which include major changes along the Parkes Way corridor, are currently recommending that two way access is provided between Allara Street and Parkes Way. This is likely to be a connection with a future service road type arrangement separated from the main Parkes Way through traffic.

Based upon the information provided above, I have agreed that works on constructing the connection from Parkes Way into Allara Street can proceed, with activity likely to start in February 2015.

## **Ms Joy Burch—portfolio responsibilities**

### **Motion of no confidence**

**MR HANSON** (Molonglo—Leader of the Opposition): Madam Speaker, I seek leave to move a motion of no confidence in Minister Joy Burch.

Leave not granted.

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

**MR SMYTH** (Brindabella) (10.28): I move:

That so much of the standing orders be suspended as would prevent Mr Hanson (Leader of the Opposition) from moving a motion of want of confidence in Minister Burch.

Madam Speaker, these are very important motions, and the tradition of this place in the majority of the 100-odd cases that have occurred is to deal with them immediately. They should be dealt with immediately. This is about not just the minister in her role but the future of the minister in the government. It is about the delivery of services to the people of the ACT, where we believe the majority of people in the ACT want this minister gone. We believe the debate should be brought on immediately.

If you look at the tradition in this place, in the 100-odd motions of no confidence and censure that have been moved, all but one or two have been dealt with immediately. Why? Because that is the priority. Apart from a motion of no confidence in the Chief Minister, these are perhaps the most high level motions that we move, and it is important that they are dealt with expeditiously and dealt with when they are moved.

To say, “We’ve got the numbers and we don’t care what you think,” shows disregard for the process that over the last 25-odd years has been established in this place, a process largely adhered to. Indeed, in other places that is how it is dealt with as well; that is the tradition of Westminster. If a minister does not have the confidence of this place, the minister should not be over there. The only way to determine whether the minister has the confidence of the chamber is to have this motion. That is why it should happen now; it should not be discarded by a government that has got the numbers, aided and abetted by others. It should be dealt with because it is important to the future and the stability of this place. They are the reasons that it should occur. It should be brought on now. There is no reason not to do it now. It should occur.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.30): I appreciate the confected urgency from those opposite in relation to this motion this morning. The government does not support a suspension of standing orders at this time. We have said very clearly there are two important matters to be dealt with first this morning: the first, obviously, is the swearing in of our fantastic new member, Meegan Fitzharris, and the second is for our new Chief Minister to speak on the government's agenda for the year. Following those two items, we have indicated to the opposition that if they want to rehash the same script from the beginning of the sitting last year—which is what they are endeavouring to do with the confected urgency of a motion that is all too familiar and mundane—then they can do so. They can do so after the Chief Minister has outlined the government's agenda and program for the year.

Mr Hanson knows that; those opposite know that. Instead, they are wasting our time with this procedural motion this morning. Let us get on with the business of this government's agenda, the Chief Minister's agenda for the coming 12 months, then we can deal with the confected urgency of this motion that they wish to put forward.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.31): Madam Speaker, Mr Corbell knows exactly what is going on here, and so does Mr Rattenbury, who is supporting what the government is trying to do. A vote of no confidence is as serious as it gets. There is perhaps nothing more important in this place, other than the swearing in of a new member. The opposition have acknowledged that and we have allowed Ms Fitzharris to be sworn in and make her maiden speech. We have acted with good grace in allowing that to occur, as is right and proper.

To suggest that a vote of no confidence in a minister should be put aside because of a routine ministerial statement, the sort of statement that would normally be delivered routinely in the course of a day, is a nonsense. This is not a speech that could not be made by Andrew Barr at any other time. This is not a speech that is of such import that it should come before the most serious matter of business that should be before this Assembly, which is a vote of no confidence in one of his ministers. Simon Corbell knows that; Andrew Barr knows that; Shane Rattenbury knows that.

I understand why Labor as a team would want to rally round and protect their underperforming minister. I understand why they would want to do anything to cover up the failings and maladministration of Joy Burch. I understand why they would do that. But Shane Rattenbury is a former Speaker of this place. He knows the form of this place; he knows the history of this place. Today he is saying, "I put my Labor mates in front of what is right for this place and what is right for the community," and that is very disappointing. Again what we see from Shane Rattenbury is a preparedness to do a backflip on the precedents of this place and a backflip on all of his previous statements in order to lock in his support with his Labor mates. It is no wonder so many sections of the Greens party are wondering whether Shane Rattenbury is still a member of the Greens or is simply locked into this Labor government and is doing what is right for Shane Rattenbury and not what is right for this Assembly and this community.

This matter of business should take precedence; it should take priority. It is absolutely disgraceful that this mob opposite are going to knock it off as a matter of priority. It is a true indication of the priorities of this government.

**MR RATTENBURY** (Molonglo) (10.34): I am not supporting the suspension of standing orders, and it is important to underline what is being debated here this morning. This record should show that the Chief Minister, last week, through the manager of government business at the government business meeting, indicated his desire to make a statement early this morning and sought an assurance that that could be the case. When the Liberal Party yesterday indicated they wanted to move a motion of no confidence, there had already been an undertaking, certainly from me, for Mr Barr to be given that space this morning.

The practical effect of this is that Mr Barr's statement will be in the order of about 15 minutes. If you take out this debate around the suspension of standing orders, we are talking about 15 minutes. I have given my undertaking personally to Mr Hanson that as soon as Mr Barr has finished his speech this morning I will be more than happy to give him leave to bring on the matter of no confidence. We are talking about whether it comes on at 10.30 or 10.45 or 10.50 this morning. Mr Hanson's big rant seems quite silly when you put it in that context.

The bottom line is that that this can all be done quite reasonably and quite sensibly in line with the undertakings that have already been given. But Mr Hanson needs to make this a matter of conflict because that is the only way he knows how to operate.

In light of Mr Smyth's comments about the 100 or so examples, I got out the companion this morning and, interestingly, this is not actually referenced in the companion. I was surprised because I accept the normal fact that this should come up as a matter dealt with early in the day, and it is going to be dealt with early in the day—it is going to be dealt with by 11 o'clock this morning.

*Opposition members interjecting—*

**MR RATTENBURY:** It is clearly going to be a long year because the Liberal Party already interject vociferously in the first discussion of the day. Let us move past this moment of confected conflict. Let Mr Barr make his comments and then we will get on to the matter that Mr Hanson wants to bring forward.

Question put:

That so much of the standing orders be suspended as would prevent Mr Hanson (Leader of the Opposition) from moving a motion of want of confidence in Minister Burch.

The Assembly voted—

Ayes 7

Noes 8

Mr Coe	Ms Lawder	Mr Barr	Mr Corbell
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury

Question so resolved in the negative.

## **Justice and Community Safety—Standing Committee Scrutiny report 27**

**MR DOSZPOT** (Molonglo) (10.39): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 27, dated 3 February 2015, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT**: Scrutiny report 27 contains the committee's comments on eight bills, 16 pieces of subordinate legislation, one national regulation and five government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Standing Committees Membership**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (10.40): I move:

That Ms Berry be discharged from the following standing committees and Ms Fitzharris be appointed in her place:

Standing Committee on Education, Training and Youth Affairs.

Standing Committee on Health, Ageing, Community and Social Services.

Standing Committee on Planning, Environment and Territory and Municipal Services.

Standing Committee on Public Accounts.

Question resolved in the affirmative.

## **Government priorities for 2015**

### **Ministerial statement**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.40): I ask leave of the Assembly to make a ministerial statement concerning government priorities for 2015.

Leave granted.

**MR BARR:** It is good to be back. My government has been active and productive since the Assembly last met. I want to take the opportunity of today's sitting to report to the Assembly and, through the Assembly, to our city on what we have done and what we are going to do in the coming sitting period in preparation for the territory budget in June and throughout the year.

We are at the start of a big year—a big year for the government and a big year for the Assembly, but, more importantly, a big year of renewal for the community that we represent.

We have renewed the Labor team in this Assembly. Our newest MLA, Meegan Fitzharris, joins the Assembly as a passionate citizen of Gungahlin and as someone who, in taking up the next stage of a long career in policy leadership, will be an outstanding member of this place. The Assembly saw today in her first speech what many of us have known for a long time—that Canberra's families and suburbs have a very strong advocate in Meegan Fitzharris.

We have renewed the government ministry. My friend and colleague Yvette Berry joins the ministry as an experienced advocate and leader in the Canberra community. I will say this morning publicly what I have told her privately—that her years of service for workers and for the Canberra community give her a major head start in her ministerial career.

I know these two very experienced and talented women will make a huge contribution to our government and to our city in the decades to come.

We have renewed the structure of the government as well. The new portfolio arrangements I announced last month are helping the government to support job creation and economic growth. Canberra can and should retain the best of the idyllic civic amenity of the past—but only by growing to become a modern, dynamic city with a strong urban core. I have taken personal carriage of this in my new role as Minister for Urban Renewal. I intend to promote our garden suburbs and our urban villages, bringing together ACT-wide infrastructure renewal with the explicit aim of promoting economic, social and cultural activities at a suburban level across the city, from the north to the south.

Canberra is an inclusive, egalitarian city—and with a Labor government it will remain so. This is why I have asked Minister Berry to assist me on social inclusion and



equality. This will be in addition to her important roles as Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs and Minister for Women.

Before being elected to this place, Yvette worked in the hospitality industry and has been a community organiser for United Voice. Perhaps no-one here has done more to stand up for low income workers in the ACT. Yvette's passion for making society work in the interests of working people and people on fixed incomes will be a huge asset in her new role.

Labor understands that without leadership from government and the good work of our magnificent community sector, many of the things which make this a great city for the many could leave it a very tough place for the few. We face the toughest external economic environment in decades, and we have much to do simply to support growth and jobs. But jobs and growth alone will not be enough.

This is one of the paradoxes of our prosperity. Especially when the city is experiencing a phase of rapid growth and we are creating relatively high income jobs, we have to be smart and work hard to ensure that middle and low income Canberrans are not locked out of our labour market, our housing market and many other sectors of our economy—especially young people starting out in work and family life, people who work in the private sector and older Canberrans whose long-term incomes are fixed.

Canberra's economy, our politics and our society should never be only about the well paid or the well placed. I say to all Canberrans: regardless of your gender, your sexuality, your age, the country of your birth or the colour of your skin; whether you are in full health and fully physically able or not; who you share your household with; whether you own your home and where you live—Canberra is your city and it is our community.

We have already started work to renew and refresh government practices with changes I know local business has been seeking for some time.

I want it to be even easier for people to do great things in our city. Access Canberra, our new one-stop shop to cut red tape, which I flagged in my first speech as Chief Minister to the Assembly, has already begun to make life easier for small and large businesses, community groups and individuals needing government permits, approvals and licences.

Over summer, we hosted young entrepreneurs at our CBR innovation business incubator, Entry 29, and we made new announcements on taxi policy and parking systems; new clean energy projects, including working with the growing and innovative Canberra firm Windlab; new details about light rail; and, this morning, new details about a convention centre plan.

There is much more to do, though, Madam Speaker.

Modernising our city's transport system is core business for the government this year. Let me repeat what I said prior to Christmas: our city will not be fuelled by petrol forever, and it will not forever be designed solely around the motor car. We need light rail as part of a better public transport system for all parts of this city.

We need to maintain sensible and fair provision for the many Canberrans who will always rely on the family car, and we must integrate this into a city-wide transport system that works as a whole. This is the forward-looking and common-sense approach that Canberrans would expect of a progressive government—always practical and workable but never stubbornly rejecting change.

Minister Rattenbury will assist me with transport reform and Minister Gentleman has taken on the new portfolio of Minister for Roads and Parking.

A key responsibility for Mick will be a smarter approach to roadworks and parking, especially in growing suburban areas of the city like Tuggeranong, Belconnen, the Molonglo valley and Gungahlin. Something everyone in our community knows about Mick is that he is a voice for motorists and a voice for the outer suburbs, in his own portfolio and at the cabinet table. He is determined to make sure all of our roadworks are well sequenced and connected and to deliver more parking and more parking choices, particularly including expanded park and ride facilities and new technology. Our discussion paper on smart parking will be followed by a trial in the second half of this year. Tools like in-ground sensors to capture real-time information about where the empty parking spaces are and communicating that information to drivers through smart phone apps and intelligent traffic signs are part of this agenda. Anything that makes the morning commute easier is worth the work.

Minister Rattenbury and I are working together on the innovation review of the taxi industry. The right mix of strong public transport and flexible car-based services is essential for our city. A growing number of Canberrans, especially younger Canberrans, want to live without the cost and hassle of a car of their own; many families would love to be able to have one less car in the household.

New technology is already arriving in service, and we know there is significant potential for further innovation through alternative digital technologies and business models. Smart phone applications to book and track taxis, ride-share business models and regulation of user charges are all in the mix for reform in coming years. If our city is easier to get around, it is easier to do business.

These ministerial arrangements reflect how our decision-making is being renewed, but, more importantly, they reflect our government's priorities to renew our city.

These are the big projects for Labor in government this year: accelerating urban renewal, new measures for social equality and inclusion, renewal of our business development agenda and modernising the city's transport systems. They are reflected in much of the legislative business for the Assembly in coming weeks, along with important practical measures to address some specific issues in our community.

In coming days, we will debate legislation already before the Assembly—to make our criminal justice and wider judicial system simpler to understand and fairer for all; to strengthen our electoral system; and to make our public sector more efficient, responsive to the community and effective in the delivery of programs.

And the legislation we will bring forward in these sittings and throughout the year will always put the needs of Canberrans first.

For the information of members, I will table the government's priority items for these sittings.

This month, the Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Bill will be introduced into the Assembly. I take this opportunity to urge all members to continue to work cooperatively to ensure the right outcome for householders and the general community, as we deal once and for all with the legacy of loose-fill asbestos. I am pleased to say that this cooperation is happening in large part. This should continue. The government is continuing the work of resettling home owners affected by loose-fill asbestos insulation. This is important work, this is urgent work, and we are working with the community to get it done. I am pleased to note that we have strong support from the business community, who have come on board to help these families. In recent times, ACTEW Water and ActewAGL have announced that they will give special assistance, including fee waivers and dedicated contacts, for home owners.

Other legislation coming forward delivers on our commitment to renew the urban environment, to create economic opportunities and to encourage economic growth. The unit titles and University of Canberra amendment bills will allow our great local university to significantly expand its role in our city, through the cultural, sporting, professional and other services it provides to the community. These reforms and these opportunities will generate significant economic activity in Belconnen.

We are reducing the red tape burden on significant sectors of business and governance through a package of reforms for the ACT's community clubs that operate gaming machines and through improved access to the ACT's judicial system.

The gaming package maintains a strong focus on harm minimisation while simplifying the way regulation works. It will ensure the greatest protection for problem gamblers at the lowest cost to the general community who are members of registered clubs. We recognise the need to provide certainty to local community clubs and we recognise the contribution they make to the broader community. This year will see the introduction of a trading scheme, reducing unnecessary red tape whilst maintaining strong protection for our community.

This is, of course, a long-discussed package of changes. It embodies a complicated area of policy, and we will engage with all stakeholders to ensure that we get the balance right in these reforms.

The Courts Legislation Amendment Bill will reduce delays and foster more efficient and consumer-focused administration, cutting the cost and time of many cases, including for commercial disputes.

The ACT's human rights protections are already amongst the strongest in the world. The upcoming amendment bill will further ensure that, in the daily business of government and amid the pressures of politics, we govern with respect for the rights of every Canberran, in line with Australia's best democratic traditions and with the modern freedoms that our people cherish and deserve to be able to take for granted.

And we will act to protect those without a voice of their own, such as our beloved pets, through the Domestic Animals (Breeding) Legislation Amendment Bill, which will help to stop the intensive farming of pets in situations where animal welfare is at risk.

These bills give legislative form to important components of the government's agenda for renewal. But it is important to stress that not all of our work of renewal will take legislative form.

It was a labour activist, the 19th century US Democrat Gideon John Tucker, who wrote:

No man's life, liberty or property are safe while the Legislature is in session.

I would have to say that I am not quite that pessimistic. But I do know what he meant.

I have made it very clear that the government I lead will only legislate as a means to an end: to grow the economy, to help people stay healthy and smart, to keep our city livable, to spread opportunity. We do not want law for law's sake—and we certainly will not go around banning things and making new rules to pass the time in this place.

Indeed, this year will bring repeal bills which take regulation off the books altogether, following the excellent precedent set by the successful repeal of the Exhibition Park Corporation Act last year.

The work of a territory government is not only—

*Mr Smyth interjecting—*

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

**MR BARR:** Thank you, Madam Speaker. The work of the territory government is not only, or even mostly, in here legislating. It is the building of our city and developing our priorities through the territory budget. It is not our job to keep this chamber busy for its own sake. It is our job to keep this chamber busy working to make our city strong.

It is important to recognise that this session of the Assembly comes at a very important stage of the political and economic cycle in Canberra. The territory

government is currently working hard to prepare our budget for June, linking the daily business of government to our strategy for economic development and the challenge of creating jobs and maintaining growth. We do this in a tough economic context. The Reserve Bank's recent rate cut only illustrates the continuing weakness of the national economy while, to be frank, right now the less said or expected from the federal Liberal government the better. We rely heavily on our own best enterprise, Madam Speaker.

Fortunately, local enterprise is strong indeed. In the ACT we have businesses that win tenders nationally and internationally to provide construction, specialist goods, IT products and professional services. Our firms have proven to be world class. It is fantastic to see that the ACT Australian of the Year, Glenn Keys, was recognised for his entrepreneurship as well as his community work. I think his firm, Aspen Medical, a global healthcare provider headquartered in Canberra, is a real local champion and a real local inspiration to others.

My agenda is to clear out any roadblocks to local firms like these winning work from the ACT government. So today I am pleased to announce that we will be creating a new position of local industry advocate. As a first step, the advocate will work with local industry to identify improvements to government procurement processes. Our local businesses tell me they do not need protection and they do not need special advantages. They just need a fair go when they compete for government work.

I am particularly concerned to ensure that our rules and regulations are not designed around compliance capacity or the needs of big players in a way that distorts the procurement process against innovative local firms. The advocate will work exclusively in the interests of the ACT business community to ensure work that can and should be done by ACT businesses stays in the ACT.

Our vision for a growing Canberra economy is built on three strategic imperatives: fostering the right business environment, supporting business investment and accelerating business innovation. The business development strategy that we launched two years ago has been a genuine success, ranging from stimulating the construction sector during a period of major commonwealth sector contractions to the programs to assist former public servants to transition into the private sector. National surveys have rated our efforts for small and medium enterprises as nation leading.

Once established, I will task the local industry advocate to work with local industry to prepare an industry participation plan. This will renew our business development strategy as the economic situation changes and new opportunities and challenges emerge. In very testing economic times and with no friendly federal government to turn to, we have a big job ahead. Last December I thought we would face a coordinated and hostile force in the federal conservatives. Today I think it is more chaotic than hostile and that is possibly worse.

There are brilliant possibilities emerging for our city from the space and spatial industry precinct at Mount Stromlo to the Canberra science and innovation precinct at Black Mountain and the sporting commons and allied health precincts at the University of Canberra in Bruce. I am absolutely confident in our city. We are bigger

than the job ahead of us. Our people are confident, bold and ready. I am absolutely determined that the same be true of the government and the proceedings of this Assembly as a whole. We can flourish if we modernise and if we renew. This renewal is renewal with a purpose: to grow the economy, to make our people healthy and smart, to keep our city livable and, most importantly, to spread opportunity. It must be renewal for all.

I have said that we will govern our city in the interests of every suburb and every citizen. That is the responsibility of every member of this Assembly, not just of the ministry or of the majority who elected me. All of us must bring—to our deliberations here and to the administration of government and the development of the budget—a largeness of vision, generosity of heart, prudence in decision and precision in execution. That is the task that we face today. I present the following papers:

Legislation Program—Autumn 2015—Key themes and Government priority legislation items.

Government priorities for 2015—Ministerial statement, 10 February 2015.

I move:

That the Assembly takes note of the ministerial statement.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.02): I had not intended to respond to this statement until I read it and thought it probably was worth pointing out to this Assembly just how vacuous it is and what this attempt is. Let us be very clear about what is happening here—this very urgent piece of business that has prompted Mr Rattenbury and others to stop the more urgent business of the vote of no confidence in Minister Burch.

This is an attempt by the Chief Minister to try and reboot what has been observed by many as a very stumbling start to his chief ministership. He made a speech when he became Chief Minister outlining his plans and he has got to do it again because he is off to a very poor start. What strikes out of the focus groups is that we have got a new word and it is “renew”. The word “renew” or “renewal” or “renewed” appeared 18 times.

Those of us who were here last year remember a similar speech made by the previous Chief Minister when the buzzword was “transform”. That word was used about two dozen times as well. This mob opposite thinks that if you say a word enough times and keep saying it, people will believe it. It is like *1984*, a sort of mantra-ism, an Orwellian thing, where if they just keep saying the word, the masses will believe it. The people of Canberra are not that stupid, Chief Minister. It seems that the transformers have gone. We are no longer transforming. We are renewing, and the renewers have arrived. What a vacuous load of nonsense.

Although this speech was filled with the word “renew”—just about every second word—what is informative is the words that were not there, what was not in this speech. By virtue of the fact that Andrew Barr admits that his government has got to renew—and you actually look at what the word “renew” means and what the

opposites are—it accepts the premise that there have been 13 years of neglect. Because why would this government need to renew if it had been doing a good job, if it had been the progressive, wonderful government that it claims? No, Mr Assistant Speaker, Andrew Barr has come in and said, “I don’t like what Katy Gallagher did. I don’t like what Jon Stanhope did. I think that we need to renew. After 13 years of neglect, let’s renew.”

I did not see anything there about the neglect across our health system, the neglect in our economy and the neglect in the urban maintenance in our suburbs. I can tell you that is what I hear and that is what the statistics bear out. There were no words about record levels of taxation under Andrew Barr as the Treasurer. There was nothing about the record levels of rates that are tripling under Andrew Barr as Treasurer. There was nothing about the biggest deficits in ACT history under Andrew Barr. In fact, they are the second largest deficits in Australia and only pipped by one jurisdiction—Western Australia. When you take into account population size, we still have bigger deficits. They are four times the size per capita of the next largest deficits—bigger than New South Wales, bigger than everybody.

There was no word about the pokie machine debacle and the grab for extra money for the Labor Party that was the signature mark at the start, the very first action of the Barr Labor government to try and grab more money for the Labor Party through the pokie machines. There was no word of that, Mr Assistant Speaker.

There was no word about the AIHW report last week and the Productivity Commission report that said that we have the least satisfied patients in the country. Now, that is neglect. There was no word about the longest waiting times in the country, the neglect of 13 years, and there was no word about a health system that is so racked with bullying and a poisonous culture that the obstetrics department is on the verge of losing its accreditation. There was no word on EDs and the hospital being so full that the head of the emergency department said that it is unsafe. There was no word on that, was there?

There was no word about schools being evacuated because of poor maintenance. There was no word on the 14,500 public service jobs cut by federal Labor. Let me say that again, Mr Assistant Speaker: the meat axe that Kevin Rudd took to the federal public service, the 14½ thousand jobs cut by federal Labor. There was no word about that. There was just silence and buzzwords—“renew, renew, renew”. You must think the ACT public are stupid, and they are not. They are not going to be fooled by a buzzword. You tried it with “transform” and “transformational”. Now you are trying it with “renew”. They are not that naive.

There were no words about the debacle on Tharwa Drive. There were no words about the neglect across our suburbs. Go down to our suburbs. Mr Barr specifically mentioned one of his members who spent time in the suburbs. It was worthy of particular note: a member who actually spends time in the suburbs. Hooray! Well done! We know that Mr Barr and Mr Corbell seldom get out from behind their desks in their ivory tower and visit the forgotten suburbs in Canberra where the urban maintenance is appalling. The grass is high, the footpaths are cracked and the shops are running down. No wonder he is using the buzzword of “renewal”. That is the

neglect of 13 years. Spending \$1 billion on a tram is not going to renew this city. All it is going to do is put our children into further debt for generations to come, for decades to come. That is not renewal.

It may be a good speech thing for the grassroots of the Labor Party to get the true believers, the comrades in the breaches, cheering away: “Andrew Barr, the great renewer.” It does not fool us, Mr Assistant Speaker, and it does not fool the people of Canberra. Use your buzzwords. I look forward to the one next year that you come up with. We have had “transform” and we have had “renew”. We look forward to the buzzword for next year.

Let me be very clear. This is a bad government, with 13 years of neglect across almost every portfolio. We will continue to hold you to account. Your lame attempt at buzzwords to try and pretend that there is renewal in this government when you have Simon Corbell, Andrew Barr and Joy Burch sitting there is not fooling anyone in this community. It is not going to fool the people who observe this place closely. I go down to the suburbs and I note that there is one Labor member—well done!—who goes to the suburbs. Let me assure you that it is not fooling the people of Canberra.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (11.10): I welcome the Chief Minister’s statement this morning. The Chief Minister has set out a clear and progressive agenda for the future growth and development of our city—growth and development of our city at a time when the Tony Abbott Liberal government is cutting the guts out of Canberra, leading to one of the lowest levels of business confidence we have ever seen.

We all understand what the federal Liberal cuts are doing to our city. We all understand that. The latest Sensis results of a business confidence survey confirm that. You only have to look at house prices to understand what Tony Abbott’s cuts to our territory mean.

The contrast between the chaos and the division that exist in the Liberal Party—federally, nationally—and what this government is seeking to do locally could not be clearer. Our agenda is about supporting innovation. It is about supporting jobs. It is about supporting opportunity and it is about investing in the infrastructure that our city needs. And the Chief Minister has set out clearly today his agenda. It is the agenda of a Labor administration committed to growing our city, to protecting the vulnerable and to investing in our future, backing ourselves to find our way at a time when we know there will be no help coming from the conservatives up on the hill.

I am pleased that the Chief Minister has outlined his commitment in particular as the minister responsible for urban renewal. We have to create more livable, more inclusive, more engaging neighbourhoods both in our urban villages and in our suburban centres.

It is why this government is investing in upgrades to important residential facilities, neighbourhood facilities—upgrades at local shopping centres across Canberra, creating better public places for people to enjoy. In my own neighbourhood of



Waramanga, the upgrade of the local shops at Waramanga has helped revitalise that centre and maintain all of its tenancies. It is one of the most vibrant and one of the most viable local shops anywhere in Weston Creek because of the investment of this Labor government in such important public infrastructure.

Of course, we are supporting urban villages as well as suburban centres. The renewal of our planning and development framework in Braddon has created the opportunity for private sector investment in places and spaces that people want to live in, that people want to enjoy, that people want to do business in and invest in. These are the frameworks and the policy settings of this Labor government.

The opportunity today was for the alternative Chief Minister to tell us what he wants for our city. He knew that the Chief Minister was putting forward his policy agenda today. He knew there would be a statement about where we need to be going as a city. Mr Hanson has been opposition leader for a long time now, but where is his alternative? Where is his vision? Where is his commitment to showing our community what our future looks like? He has none; he has zero. He has got nothing in the tank.

If he did, if he is out there as he says he is, where are his ideas? Where is his policy agenda? Name me one initiative that Mr Hanson has announced in his time as Leader of the Opposition—and there is none, Mr Assistant Speaker. Name me one proposal he has brought to this Assembly in all of the time that he has been Leader of the Opposition which is positive and which is about bringing something good for the better development and growth of our city. He has nothing, Mr Assistant Speaker; nothing.

That is the contrast between those opposite and this government. This government is committed to continuing to put all of our energy, effort and dedication into growing our city at a time when it faces some really big challenges. As a Labor administration, as the Chief Minister has said, we are reaching out to those who are facing the challenges of the asbestos problems with Mr Fluffy. We are reaching out to those households and we have made a big financial commitment in doing so. We understand it is a tough issue, we understand it is a difficult issue and we understand it is a deeply emotional issue for those families who are affected. But only a Labor administration would have made the leap and taken on the debt to help those households because it was the right thing to do.

Whether it is about showing compassion, whether it is about showing vision for the growth and development of our city or whether it is about reaching out and working with communities, this Labor administration has a vision. It has a plan and it has an agenda. Unlike those opposite, we have the energy and the optimism to grow and develop this city for the benefit of everyone. Mr Hanson had his chance today to respond with an alternative policy agenda, and he failed. He failed dismally.

**MR SMYTH** (Brindabella) (11.17): It was an interesting speech from the Chief Minister today. As was pointed out by the Leader of the Opposition, the use of the word “renew” has now transformed the political stage as we see it, because “transformation” is gone. “Transformation” probably did not even last for a year because—

**Mr Coe:** One could say they were moving forward.

**MR SMYTH:** One could say that. “Transformation” was to deliver city to the lake, the city plan and the Northbourne corridor, but of course they are all delayed. They are not going to happen. You only have to look at Mr Corbell’s record on delivering things when he delivered his plan for City Hill almost 10 years ago, and see that none of it was delivered. Sixteen key initiatives; zero delivered. There is a need for renewal but it is not going to come from those opposite.

I am pleased Mr Corbell went to the Sensis report. He obviously did not read it very well because the latest Sensis report is a damning indictment of this government and the way it treats business. It is amazing that after 13 years in office all they can do is come up with a local industry advocate. I am sure some will accept that that might help, or hope that it will help, but what has the minister been doing? Who has been the minister for business? Why, it is the Chief Minister. And what does he have to help him do that? He has a whole department. Yet they have now just abrogated the job of that department to a local industry advocate because the minister cannot get it done.

I thank Mr Corbell for going to the Sensis report. What Mr Corbell forgot to tell this place is what the result of the Sensis report was. In August 2014 the government’s net balance, as opposed to those who thought government policy worked against business in the ACT, against SMEs—small to medium businesses—was plus 32. Things were okay in August, but by December it had dropped to minus 10, Mr Corbell. You should actually read the reports before you quote them. Plus 32 to minus 10 is a difference of 42 points in three months.

**Mr Barr:** What is the sample size?

**MR SMYTH:** The minister injects, “What is the sample size?” You can go through the documents, because when it is positive it is a good sample size, but when people raise complaints, curse them for just being a few people. The report is there; the report stands on its own.

Let us go to the heart of what they are upset about—a 42-point drop in a single quarter. The issues mentioned are bureaucracy and compliance issues, government interference, the government’s rules, the government’s red tape and over-regulation. Compliance costs are high and there is too much paperwork. That is the legacy of 13 years of Labor and of a minister for business and economic development who has been there for way too long.

Taxes and cost imposts are mentioned. Land tax issues are affecting businesses in the ACT, and the cost of utilities, power and rates. Rates: triple your rates; here it comes out. The rates are biting, because the property sector thought they were getting a good deal until the minister had a 30 per cent rate increase in commercial properties in a single year. There are the increased costs of motor vehicle registration. Because the government has not diversified the economy, we tax those we have always taxed more and harder.

Other issues mentioned are too many taxes and new taxes. How the government operate: only concerned with big business—thinking more of the big businesses and the multinationals. They do not understand small business needs. There it is at the heart of it: businesses do not feel that they are understood. Here is an interesting one that Mr Wall might have an opinion on: government contracts given to international or interstate companies, not local. The list goes on. Here is another particular favourite: government is being manipulated by the Greens.

There we have it. When it is a good result for the government, Mr Barr is out there hawking the results of the Sensis report and saying, “What a good job we’ve done.” When it is bad, we go to the sample size, that it is isolated, that there are other factors or it is somebody else’s fault. It is the minister’s fault. There is no renewal in this document. There is no inspiration in this document. It is a bunch of cliches cobbled together by a minister who does not have a real agenda because he is not sure about where the people who are running the government—Mr Corbell and Mr Rattenbury—will take him.

This is a government that has been hijacked by a tram. It is as simple as that. We all know what happens when you get hijacked by a single issue. We saw it in the government’s failure to deliver adequately on the Gungahlin Drive extension, where it sucks the life out of the capital works budgets of health and education, and of the amenity of this city. They have made these mistakes before; they will make these mistakes again. They are making these mistakes now. This is not renewal; this is a government that is simply running on empty.

Question resolved in the affirmative.

### **Ms Joy Burch—portfolio responsibilities** **Motion of no confidence**

**MR HANSON** (Molonglo—Leader of the Opposition) (11.23): I seek leave to move the motion circulated in my name expressing a want of confidence in Minister Joy Burch.

Leave granted.

**MR HANSON**: I move:

That this Assembly expresses its want of confidence in Minister Joy Burch.

I have to say at the outset that it is disappointing to be back in the Assembly debating a similar motion to that put forward by the opposition last year about the performance of Minister Joy Burch across a range of portfolio areas, but the performance in a couple of key aspects of her responsibilities has necessitated that we do come back. This Assembly had the opportunity to do the right thing last year—it had the opportunity to stand down Minister Joy Burch, and if this Assembly had taken that opportunity a number of things would not have happened. We would not have seen the very poor start to Andrew Barr’s administration through the pokies debacle, and we would not have seen thousands of Tuggeranong residents stuck on Tharwa Drive

through this minister's incompetence. There is a chance to renew right here for the Chief Minister, and he should take that opportunity.

I refer members back to the debates of February last year and the points that were made by the opposition. Some of the points that were highlighted—we will remind the Assembly of those again today—included breaches of law and abject failures in the childcare and protection system where we saw children left in homes without heating and with broken glass. We have seen the bullying at CIT and the inaction from this government to address those issues that have left staff there—not just one or two; dozens of staff—traumatised.

We have seen a series of failings in education—the maintenance of schools, pressure in schools. We have seen this minister go into a public school as education minister and hand out applications to join the Labor Club. We have seen the failures at Bimberi and the minister going into that place, putting her hands over her ears when the staff raised concerns and saying, “La, la, la,” which was incredibly disrespectful. We have seen the closing of the Women's Information and Referral Centre that caused a great deal of trauma for those women who received services from that centre who, in many cases, were some of the most vulnerable women in our society.

We saw the incredibly offensive tweet about the federal education minister that was humiliating, and we saw this minister fund, through taxpayers' money, a Nazi strip show at the Multicultural Festival. I see Mr Rattenbury smiling. He thinks it is a joke. It is all a joke; nobody cares about this sort of stuff and the impact on our society. Let me quote from the chair of the multicultural forum in the ACT, who represents our multicultural community, Diana Rahman. Let us hear what she said about that action by Joy Burch:

... insulted quite a few people along the way, definitely the German community and of course our friends in the Jewish community, it is just simply unacceptable ... Those who made the decision that allowed that to happen should be made accountable and we should know who they are.

Well, we do know who it is. It was this minister, Joy Burch. She went on:

It has nothing to do with multiculturalism and, in fact, it was insulting and it insulted quite a few people, and I think it insulted people's sensibilities, people's sense of dignity ...

That is the consequence of this minister's action—the chair of the multicultural forum saying it insulted people's dignity. Do not think that this is some Liberal beat-up; that is the chair of the multicultural forum.

But since that litany of failure and insult to this community we have seen a couple of other things. We have seen what happened on Tharwa Drive, and I will leave the Tuggeranong members to talk about that. But I know that at the latest meeting of the Tuggeranong Community Council a bunch of Labor mates turned up to protect Joy Burch and moved hostile motions against the chair of the Tuggeranong Community Council in an endeavour to protect this minister. That is disgusting. It is outrageous that a bunch of Labor mates turn up to try and intimidate the Tuggeranong Community Council.

We have also seen, of course, the events of late December where this minister, unbeknownst to her own Chief Minister, decided to sneak through a bunch of regulations that would have had direct benefit to the Labor Club and the pokie money that Andrew Barr, Simon Corbell and the Labor Party make out of some of the most vulnerable people in our community.

This was snuck through, and it was an attempt to try and get more money into the system for the Labor Party, but they got caught. There are two explanations to this: either the minister did not have a concept of what she was doing, she did not have a clue about the implications of her actions—that would be, at best, gross incompetence—or she knew full well what she was doing and it was a deliberate attempt to try and get more money into the Labor Club for her Labor mates and the funding of election campaigns. There are your two scenarios. Which one is it—gross incompetence or disgraceful behaviour, trying to benefit her own political party? In my view, it is the second, but, either way, there is no way we could have confidence in this minister's behaviour.

That is not just the Liberals saying that; let us have a look at what many of the people observing this have said in our community. I will go to what Ross Solly said. Ross Solly is a very keen observer of what happens in this community, and I will read what he said on 29 January 2015.

**Mr Barr:** From Thailand.

**MR HANSON:** Andrew Barr's having a dig at Ross Solly. Well he might, because he knows Ross Solly has said some things which are pretty damning about him and his government:

Joy Burch is incredibly lucky the Assembly is so small and available Ministerial talent so thin on the ground.

To say her time in the Assembly has been accident-prone is an understatement.

And her decision on the eve of Christmas to allow \$50 notes to be used in poker machines was bizarre.

It was an early test for Andrew Barr's Chief Ministership. He admitted he had no idea of the decision Burch had taken until he read it in the paper, which is worrying enough.

He was furious, and reportedly read her the riot act in private and then gave her a public dressing down—

and he did, didn't he—

It's going to be a hard year for Barr and his Government. The next budget will have to be tough, and he will need to convince the public his mob are not tired and distracted.

That is why he keeps saying “renewal”, because the observers in this town are saying what is true—his mob are tired and distracted. It is quite clear that this was a gross error and was compounded by the Chief Minister’s reaction. Initially he came out supporting the policy. On the Monday he was out there saying, “This is all fine. Doesn’t matter about the colour of the note you put in. More important is the cap.” He was supporting the minister, supporting the policy and locked in behind it. By Tuesday, because he had had a gutful of bad press reports, he was out there sledging his own minister, admonishing her, as Ross Solly observed.

His first reaction was to protect his own skin; he hung Joy Burch out to dry. I am not saying she did not deserve it, but it was interesting to note that the first response from this Chief Minister was not to support his minister but to hang her out to dry. Having done that, he has made impossible the continuing confidence in the minister of this place and the community. If the Chief Minister is not going to support his own minister and is going to hang her out to dry, why should we have confidence in her?

The only thing that saved the minister was that it turned out that this regulation that nobody had seen, that was such an error of judgement, that deserved a dressing down by the Chief Minister, had been co-signed by Simon Corbell, the deputy. That was a bit embarrassing, wasn’t it? Did Simon Corbell know about it? Did he even bother to read the reg? What is the defence from Simon Corbell? Was it that he fully understood the implications and is as guilty as Joy Burch of negligence and incompetence? Or did he just not even bother to read it—too lazy, too busy, too complacent, too “tired and distracted” in the words of Ross Solly? Perhaps so.

Let me read from the *Canberra Times* on 15 January in an article headed, “Corbell played pokies hand”, by Kirsten Lawson, chief Assembly reporter:

... Andrew Barr laid the blame for the debacle over allowing \$50 notes to be used in poker machines squarely with Gaming Minister Joy Burch on Wednesday, but it has now emerged that Deputy Chief Minister Simon Corbell also signed the December ... regulation.

Mr Barr said the first he knew that the change had been enacted to allow \$50 notes in poker machines, replacing a limit of \$20, was when he read it in the *Canberra Times* ... Mr Barr has reversed the \$50 regulation and apologised for the confusion of this week. He also rebuked Ms Burch in strong terms, calling her into his office on Tuesday and again on Wednesday, but stopped short of sacking her.

Well, he couldn’t, could he, because it turned out that Mr Corbell had done the same thing.

Ms Burch remains Minister for Gaming, but Mr Barr told her he expects a change in approach.

“It’s not enough for the minister in that portfolio just to consult with the club industry,” he told the *Canberra Times*. “I want a broader level of consultation” ... “I’ve expressed my disappointment at the minister ...”

“I’ve expressed my disappointment.” We have this litany of failure and we have the Chief Minister expressing his disappointment in the minister. We need to have action in the Assembly. This cannot go on.

Mr Barr said:

“... It was an error and one that needed to be corrected ...”

When asked about Mr Corbell’s involvement then, he always goes quiet. “No, no, nothing to see here. I’m just moving on with these reforms.” It was all a bit embarrassing, wasn’t it, to go out there and blame Joy Burch when it turns out that his deputy knew all about the reg.

This has done enormous damage to our club sector. Let me read from what ClubsACT Chief Executive Mr House had to say:

I have some very, very angry members ... It is very, very disappointing that we’ve had a decision taken and reversed within very short order ... It’s another example of the sheer difficulty in trying to achieve outcomes ...

This has caused significant damage to the clubs sector. It has been a poor start for Mr Barr, and this is probably why he made a speech about renewal in the Assembly today. The minister’s actions reflect on his judgement. His decision to continue with Joy Burch as his gaming and racing minister, as a minister on his frontbench, as number three in the team, reflects on his judgement.

We have another article, “Pollies and petrol stumble into the new year”. This is from the *CityNews* of 22 January 2015.

What a way to start the political year—the Feds forced into yet another back down ... to make us pay more for our trip to the doctor and our local lasses and lads tripping over their own feet on the \$50 pokies fiasco ... As for the pokies, who could possibly argue with Jon Stanhope in his call for the ALP to sever its connections to the Canberra Labor clubs. But wait a minute. Isn’t this the same Jon Stanhope whose Labor Government was the beneficiary of all that lovely money from the clubs for successive election campaigns?

It has been a poor start. “Barr makes a stumbling start”, in the *CityNews* of 29 January:

Andrew Barr has made a poor start in filling the shoes of former Chief Minister, Katy Gallagher ... The end-of-year \$50 fiasco over poker machines is the first significant stumble of the Barr government. Minister Joy Burch released a regulation ...

And we know the history of this. The stumble, the poor start—down to you, minister. I am giving the Chief Minister the opportunity to acknowledge that this minister no longer has the confidence of the community and no longer has the confidence of the people that observe this Assembly. The Chief Minister has talked about renewal, with new members coming into this place and new ministers being appointed, and it is time to take this opportunity for renewal before we have further damage.

Chief Minister, if you do not support this motion today, if you continue to support this minister who no longer has the faith of the community, who everybody who is commenting on this says is not fit to be a minister and is only there because of the lack of talent elsewhere, that reflects on your judgement. Her continued mistakes, her continued failure, reflect on your judgement. The commentators saying it has been a poor start will be compounded and amplified if you do not act here today.

When I close the debate I will probably move to some of what has motivated Joy Burch in the conflict of interest that surrounds the whole pokie fiasco, but the key issue is that this community and this Assembly can no longer have confidence in Joy Burch, and the evidence is clear.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (11.38): Here we are again at the beginning of the year. We have heard the new Chief Minister and the new member of this Assembly stand and talk about their vision for our community. They will stand and support the people in our community, across our suburbs, of all ages, of all backgrounds and with all requirements for help.

But what have we got from the Canberra Liberals? Complaint, complaint and complaint. There is no vision. Mr Hanson and the Canberra Liberals started last year with no vision and delivered no vision. They have come into this place again with no vision. He is, indeed, the ACT Dr No. He is the great complainer here in this place.

He touched on a few things. He admitted himself that he went back to *Hansard* at this time last year and he rehashed many of the same old arguments. I have his media release in front of me here. It has a number of dot points that are described as blunders. Many of them have been well and truly gone over. They are unsubstantiated and they have been argued, discussed and debated in this place in past times.

The irony is that they fail to accept that. Whilst they might put blame on to me and mismanagement on to me, the flip side of the coin is to be a minister for education responsible for an education system that is the envy of the country. It should also, then, be completely and absolutely mine to own as well.

But let me go to a few things: first, the poker machine, the electronic gaming machine note acceptor that Mr Hanson took great delight in and made great comment about. But he still has not articulated what his view is. Does he support our local community clubs? Does he support change to a note acceptor? Does he support the intent of that regulation, that policy, that I was trying to deliver that was to have an input limit on what amount of money went into the machines?

Indeed, the Chief Minister has made it clear—this is my understanding and I am sure he will stand and say this—that he did not like this regulation because it was out of step with the following regulation that would have put in place an input limit on gaming machines. At the moment, yes, machines will only accept a top total value of \$20. But you can put any number of \$20 notes into a machine. There is no limit.



We have the most rigorous and strongest harm minimisation policy and framework of any jurisdiction for clubs. The first and fundamental one is that electronic gaming machines are held with the community club sector. They are not owned by casinos. They are not owned by private entities; they are owned by community clubs. What I was seeking to do, in discussion with the clubs, was to enhance our harm minimisation by having an input limit on the value that anyone can put into the machine in a playing period.

I accept, and I have admitted on the record, that the regulation was out of step with the following regulation that would have brought in that input limit. But I ask Mr Hanson and the Liberals to say what are their views on our community clubs. He talks about the damage caused by clubs. But it was Mr Hanson who said that those who own clubs are morally bankrupt, ethically bankrupt.

**Mr Hanson:** That is a lie.

**MS BURCH:** You have said, you have made a reference to an owner—

**MR ASSISTANT SPEAKER (Dr Bourke):** Ms Burch, sit down. Mr Hanson, withdraw. You will withdraw that.

**Mr Hanson:** I will withdraw. It is Labor owning the clubs that is morally bankrupt, as Jon Stanhope says.

**MS BURCH:** In the *Canberra Times* it is said that it is morally and ethically bankrupt that an owner of the club—and he has named the club—operates and regulates machines.

**Mr Hanson:** Name it. Quote it properly.

**Mr Smyth:** Yes, read the full quote.

**MS BURCH:** Let us be clear: the Labor Party owns a club. It is the same with the Southern Cross Club and the Hellenic Club.

*Opposition members interjecting—*

**MR ASSISTANT SPEAKER:** Order, members!

**MS BURCH:** Are they too morally bankrupt—

*Mr Hanson interjecting—*

**MS BURCH:** for reaping benefits, if I can speak. They have made decisions, reaped profits from poker machines and that is morally bankrupt. I will say—

*Mr Hanson interjecting—*

**MR ASSISTANT SPEAKER:** Mr Hanson, you are warned.

**MS BURCH:** I will say that the community benefits. Indeed, let us go to Mr Smyth's comments back in 2012. Mr Smyth, on the eve of the last election, launched their policy promising to cut red tape for the industry and to relax restrictions on the movement of machines within and between clubs. Announcing this policy, Mr Smyth said that this would help pokie venues in a difficult trading environment. He recognises that he wants to make the system simpler to approve licences, to move machines and to cut other red tape because he sees the values and the benefits in community clubs.

If Mr Smyth was happy to talk with the clubs and make the movement of machines simpler, he would also know that the community clubs—

*Mr Hanson interjecting—*

**Mr Corbell:** Point of order.

**MADAM SPEAKER:** Point of order. Can we stop the clock, please?

**Mr Corbell:** Madam Speaker, Mr Hanson is on a warning from the Assistant Speaker. He continues to interject despite that warning. The minister is facing a serious motion about whether or not she continues in office. She is entitled to defend herself and she is entitled to defend herself in relative silence, rather than the ongoing heckling from those opposite.

**MADAM SPEAKER:** I will remind members that this is an important matter. But I also remind members of my general view that there is some cut and thrust. However, I will crack down on interjections. I uphold this point of order.

**MS BURCH:** My point is that community clubs are a valuable contributor to our community. Mr Smyth recognises that, as, I would hope, does Mr Hanson. All community clubs make a contribution to our community. Indeed, Mr Smyth, back in 2010 said:

The club sector is a very valuable sector to our community—and we all appreciate the \$15 million-odd in the last year that it put into community contributions.

The clubs are an important part of this city and we all acknowledge that. We value their contribution and the facilities they provide. All clubs are valuable to our community. All clubs provide support and good community facilities.

The Canberra Labor Club supports a number of groups, as does the Hellenic Club, the Southern Cross Club, Ainslie and all the community clubs here. Given that any benefit from the Labor Club seems to be morally bankrupt, Mr Hanson can explain his views to these other groups that also get a benefit from the Labor Club.

Beneficiaries include the Australia-Cuba Friendship Society, the Australian Business Academy, Arthritis ACT, Amaroo School, AIDS Action Council, AST golf day, ACT women's under-21 volleyball, ACT College of Midwives, Friends of the Albert Hall, Ginninderra Rats Basketball Club, Girls on the Move, Give Me 5 for Kids, Hall Bushrangers rugby group, Matildas Eightball, Marist College, the Lions Club, Lifeline and Cerebral Palsy Alliance ACT. They are on record as saying that without the contributions of clubs they would not have their new facilities today.

**Mr Smyth:** You have got to be relevant.

**MS BURCH:** It is relevant. It is an absolute known fact that the party owns the Labor Club, but I am absolutely distinct in my role as a regulator, and community clubs here play a very important part.

The AEC shows donations to the Liberal Party from the Leagues Clubs of Australia, the Crown Casino, RSL clubs and TABCORP. You are happy to take money from clubs. Indeed, Mr Doszpot is happy to hold a fundraiser at a club; so, clearly, there is no problem with you getting a benefit from our community clubs.

Mr Hanson also then spoke about Tharwa Drive and called it a debacle. The community of south Tuggeranong will now have access to a great facility. Nearly \$18 million has been invested in a fire and rescue station down in south Tuggeranong. It was a week of absolute inconvenience. Make no mistake; there was an inconvenience around that road closure. But for decades, for years to come now, there will be security for that community. The benefit for that community is significant.

Mr Smyth and Andrew Wall were at the Tuggeranong Community Council last week when I was there with Mr Gentleman. If he is going to interpret people's comments there as bullying the TCC, that is just extraordinary. It is like the last time he tried to come here and say I was trying to bully the TCC.

The Tuggeranong Community Council supported the closure, the method of closure. Mr Doverty from ESA was at the TCC and spoke at length around the reasoning behind it. No-one is arguing that the fire and rescue station at south Tuggeranong is not of great benefit. No-one is arguing that it does not need to be connected to services. When we started, the original intention—Mr Corbell may know this; I know that Roads ACT have had talks about this—was to bore through that.

Mr Smyth and Mr Wall were sitting in that room with Mr Doverty, who went to great lengths to explain that that was the original intention. But when they started that boring, geotechnical advice said it would not provide safety or an accurate path through to the station. Here we were, very close to the end of the year, with a brand new ESA fire and rescue station that needed access to services. We put the proposal: we cannot bore underneath. We have to cut through the road. This is nearly a three-by-three metre deep ditch. This is not a small ditch. This is a large ditch.

We had two choices: to cut through in one go, which would have meant closing the road absolutely, or to do half road by half road. The first option had a seven to 10-

day construction period. We allowed for contingencies. That extended it to be about three weeks. The second option had a construction period of five to seven weeks. The earlier weeks in January are traditionally quiet weeks in Canberra. It is the quietest time. There are still people moving about, but it is recognised and acknowledged as the quiet time in Canberra.

I agreed that the absolute cut-through—close the road, get in and get it done the quickest way possible—was the best option. Either way, there was going to be disruption to traffic. The long-term benefit is that we have got a fire and rescue station. Inconvenience—no doubt about that. I was driving through Anketell Street on the Monday morning and I heard on radio that there was traffic congestion even though there were traffic management plans in place. Anketell Street on that Monday morning was as dead as a doornail. There was no traffic. There were very few people. I took myself down to Lanyon on the Tuesday morning, the following morning, to have a look and I saw—

**Mr Wall:** And you found the traffic.

**MS BURCH:** I did. Where were you, Mr Wall? Were you anywhere to be seen? Did you get out of your bed early in the morning every day to make sure that I was in touch with the community and that I could come back and report firsthand—

*Mr Wall interjecting—*

**MADAM SPEAKER:** Order, Mr Wall!

**MS BURCH:** to the commissioner and to Roads about more work needing to be done—

*Mr Wall interjecting—*

**MADAM SPEAKER:** Order, Mr Wall!

**MS BURCH:** More work needed to be done. I went down there. I went there every morning. The first morning, on the Tuesday morning, I bought coffee at Guru in the marketplace. It took me 40 minutes and I did not get past the roundabout. I was there with everyone else. Do you think I did not come back to the commission and say, “Between you and Roads, can you do better?” Absolutely. Am I going to be responsible for that? I am happy to take that, Mr Wall. I am happy to take that. I was up there every morning at 7 o’clock until we got it right. Was it inconvenience? Yes, it was. Do we have a fire and rescue station now to serve and protect south Tuggeranong? God damn right we do!

**MADAM SPEAKER:** Can I ask you to withdraw that, please, Ms Burch. It is not appropriate language.

**MS BURCH:** I do apologise. I do apologise, Madam Speaker, and I will withdraw. I will tell the Assembly how in tune the Canberra Liberals were with this. We put a media release out on 13 January advising the community that Tharwa Drive opened at

4 o'clock to allow us an ease of the peak hour traffic. So that was on 13 January. I think it was quite a quick turnaround. On 14 January, Mr Smyth wrote me a letter saying, "I recently received emails from constituents. Can you tell me what you are doing about the road delays down at Lanyon Road?" The road opened on the 13th. He signed this letter on the 14th. He is in touch with the community! Well done, Brendan!

**MADAM SPEAKER:** Ms Burch, could you stop—no, keep going. I will deal with it later.

**MS BURCH:** Through you, I do apologise, Madam Speaker. But emails have come to me stating, "Thank you for implementing measures to improve the traffic congestion. The rest of the week was—" (*Extension of time granted.*)

**MADAM SPEAKER:** Before I call you back, Minister Burch, I ask you to refrain from referring to people by their Christian names. They are addressed in this place by their title and their surname. It is interesting that at one stage you referred to Mr Gentleman and Mr Smyth. Andrew Wall went back and referred to somebody else. You seem to call Mr Wall by his Christian name a lot; I draw that to your attention and ask you to desist from it.

**Mr Corbell:** On the point of order, Madam Speaker—

**MADAM SPEAKER:** It is not a point of order.

**Mr Corbell:** A point of order, Madam Speaker.

**MADAM SPEAKER:** Okay.

**Mr Corbell:** I accept absolutely the accuracy of your ruling, but I would draw to your attention that Mr Hanson in particular has a habit of frequently referring to members of the government by their Christian names. If that is to be the ruling in this place, I would ask you to remind him also of your ruling.

**MADAM SPEAKER:** On the point of order, I do not think it was a point of order; I think that was a smart comeback.

**Mr Corbell:** It was a request for consistency.

**MADAM SPEAKER:** You will see, Mr Corbell, if you look at the record, that I am utterly consistent on this matter. I call people to order on this matter on a very regular basis. I will reinforce the ruling that I expect that there is one form of address in this place: you refer to people by their title—Mr, Mrs, Ms—and their surname or as the minister. No other form of address is acceptable.

**MS BURCH:** I will just close on the matters to do with Tharwa Drive. If the Liberals want me to take responsibility for getting a ditch dug, the road closed, the road open in quick time and the delivery of the fire and rescue station for south Tuggeranong, thank you. It is supported by the Tuggeranong Community Council. And let me

mention just two emails. One said: “I would like to congratulate you on a job well done. Much to my surprise, Tharwa reported open today and I got home in no time at all.” Another said: “Once again, I appreciate your response in taking time to reply to me and I hope that the situation is resolved soon.” And it was. It was resolved early—indeed, so early, Mr Smyth, that you did not even wake up to the news and you wrote me a letter asking about it.

Now let me go to the words in the media release from Mr Hanson. There was some general scuttlebutt about other things I have done. Mr Hanson made comment about supposed mistakes that I have made and other things, but it is worth noting that people in here do occasionally make mistakes. The Liberals are not immune to making mistakes. For example, the Liberals had to repay a grant designed for carers and volunteers. Do you remember that? The Liberal Party ripped \$10,000 out of community organisations. You were not chair at that time, as I understand, Mrs Dunne. There was \$10,000 purportedly to go to volunteers for community organisations. The Canberra Liberals put their hands up and took the money. It was more money than many other organisations received out of that grant round. Public shame made them repay it.

Let me go to perhaps another error of judgement. Here we have Canberra Liberals Alistair Coe and Vicki Dunne having to repay thousands of dollars to the ACT taxpayers after being found to have misused public money to fund their re-election campaign. That is a mistake. That is an error. That was Mrs Dunne and Alistair Coe, Mr Coe, needing to repay thousands of dollars after being found to have misused taxpayer funds.

I closed a road to get a fire and emergency station. Fine. Vicki Dunne and Alistair Coe misused taxpayer funds. And of course—

**MADAM SPEAKER:** Would you like to rephrase that in accordance with the standing orders, please, Minister Burch?

**MS BURCH:** Mrs Dunne and Mr Coe had to repay thousands of dollars to the ACT taxpayer after being found to have misused public funds.

Then we have Ms Lawder, just to move on with mistakes, who wanted to get rid of native birds. We may remember that little gem here. She wanted to eradicate a native species, a protected species. There is nothing like the environment spokesman for the Liberal Party wanting to get rid of a native species!

I closed a road to dig a ditch to get a fire station. I like that one, thank you very much.

Mr Doszpot surfed the web—this is the little gem in the *Canberra Times*—for a \$13,000 study report. Mr Doszpot cut and pasted the majority of the report on a \$13,000 taxpayer funded study.

We could go to the audit of the time sheets, but we will leave that be.

I have held a number of portfolios in this place. Mr Hanson raised care and protection. Let us be very clear: there was no breach of law. That has been stated and provided by the GSO. Mr Smyth laughs. He thinks he has more authority on this than the GSO. The public advocate at the time agreed and accepted that there was no breach of law.

What else have we done in care and protection? Just let me read through some of the things that I have been responsible for. There was a record in care and protection of an unprecedented increase in funding. There was the development of a 10-year out of home care strategy. Mr Gentleman will have the absolute honour and privilege to deliver that to make sure our vulnerable kids get the care they need. We launched the justice blueprint. I put in place an after-hours bail service, youth justice single management and the Bendora transition program. All of this has resulted in fewer youths in Bimberi and fewer nights they spend there. That is a good outcome, and I underline that. We have seen the parent-child interaction therapy program. We have seen many things.

We have the Liberals over there trying to besmirch and put out false information on care and protection. So wrong was Ms Lawder's media release that she needed to be rebutted by the chair of the child death review committee, saying that Ms Lawder simply and absolutely got it wrong.

Let me go to education and training. Apparently there are problems with maintenance at schools. We have a number of schools, some of them ageing. I accept that sometimes there are maintenance problems. But I will not be held responsible for a tradesperson who cannot recap a utility in the school. I am responsible for the redo of Mount Taylor, Franklin school and Bonner school. That is what I am responsible for. I am responsible for making sure English is compulsory in year 12. I am responsible for making sure that we will only recruit the best teachers. I will only take into our schools the teachers that sit in the top 30 per cent of numeracy and literacy. Yes, I will own that one.

I will own the fact that we are leading the nation in implementation of the Australian curriculum. I will own that. I will own the fact that now we have common reporting against all schools. And I will own that I am the minister for all schools and supported by all sectors in this community. I will continue to fight for the funding that the Liberal Party have put out. You, the Canberra Liberals, have stood in this place and accepted that \$30-odd million can be whipped away from the independents and Catholic schools, without any argument whatsoever.

I will also own that Education and Training has managed to secure a Google education summit for the ACT in March of this year. This is the first of its kind in Canberra and only the third such event to be held in Australia. We will hold it at Gungahlin College. It will be open to all schools. *(Time expired.)*

**MR SMYTH** (Brindabella) (12.03): That would have to be the most feeble defence for a minister to keep her job that has ever been presented to this place. The minister opens up with, "Here we go again." Yes, here we go again. From the end of the sitting season last year to the opening, we had two major events—the debacle of the poker

machines and the debacle that is the Tharwa Drive closures. Who is responsible for both? The same minister. Yes, here we go again. You have failed to accept your faults, you have failed to improve your performance, you have failed to learn from your mistakes, you have failed to deliver better governance for the people of the ACT and you have failed to change your ways. On that you should go. That is Westminster. You must take responsibility.

Instead, apparently it is a nameless tradesman who goes from disaster to disaster, spiking the guns of the minister, causing mayhem in the government. That poor nameless tradesman is incredibly busy following Joy Burch from disaster to disaster so that she has an alibi.

What it does not say is that all of these are the result of errors of judgement—poor judgement by a minister who is not up to the job. People are saying, “Do better.” People would like to see you do better. But we do not see that happening.

It is interesting. Somebody writes a letter the day after the debacle ends. It is my fault that constituents have written to me while this is going on, asking what the minister is going to do about it. You are going to get another letter. I got another one on the weekend. People are still writing, because they are incensed at the way you behave, at your lack of regard and decency over answering people’s questions and at the fact that it is always somebody else’s fault.

Many letters have arrived with various members of the opposition. They have all gone to the government as well. What we do not get is a minister who improves her performance. We stumble from error to error, from bad call to bad call. It is the taxpayers that pay. So bad was the mistake over the poker machines that the Chief Minister had to step in, claiming he knew nothing about it. We will get to that later. Apparently he did not know anything about it. Mr Corbell did; Ms Burch did; everybody but the Chief Minister seemed to know that this was about to happen. Either he is not in control of his ministers or we have not got the full story. He had to publicly humiliate a minister and say, “This does not happen.”

It is constituents who are calling for the minister to go. It is people who are upset about their loved ones who were put at risk or whose children did not get to the airport on time and lost the value of their tickets. At the Tuggeranong Community Council meeting, one person got up and said he left 40 minutes early to get to a dialysis appointment for his wife, and they got there an hour and five minutes late. He then related the case that, thankfully after the road closure had finished, his wife had an incident that required emergency services attendance. He said, “What would have happened if it had happened during the debacle?” I have one email here that says that people saw ambulances stuck in the traffic jam. Apparently there was an emergency services management plan, but here we have ambulances stuck in the traffic jam. What sort of minister for emergency services allows that to happen?

Then we get to the Tuggeranong Community Council. A former Labor candidate, Karl Maftoum, stands up and moves a motion of censure against the president of the Tuggeranong Community Council for not doing his job in informing the community that the government was about to screw up. It is the Tuggeranong Community



Council's fault, apparently, according to the Labor Party. As was so accurately reported in the *CityNews*, the email had gone out: "Get down to Tuggeranong Community Council tonight to support Joy." The Labor Party attempted to stack that meeting. Karl Maftoum, their chosen spear-chucker on behalf of the minister—you should be really embarrassed about this, Chief Minister—actually attacked a volunteer president of the Tuggeranong Community Council and condemned him for not telling the people of Tuggeranong what the government was up to. It is everybody else's fault except for the minister's. This cannot continue.

As I said, this is a minister who fails to take responsibility. She fails to improve her performance, she fails to learn from her mistakes, she consistently fails to deliver, and she fails to change her ways. The minister got up in the Tuggeranong Community Council and called it chaos. Yes, it was, and it was chaos that caused people a lot of grief.

The premise was: "It's public service holidays. Everybody will be away. Therefore it's okay to close the road." Half the people of the ACT do not work in the public service. I have an email from a lady who says that in her street of 11 houses only two were on holidays; only two had school-aged kids. The rest of them spent hours and hours, day after day, in the traffic debacle that this minister organised. Somebody—I think they were trying to help the minister, but I do not think it helped—at the Tuggeranong Community Council called it the face of the debacle. There we are; there is the face of debacle in the ACT: it is the face of the minister, Joy Burch.

This is the problem. We heard the renewal word—what, 18 times?—in the minister's speech this morning. But what we have not seen is any change in the behaviour of this minister in the delivery of her responsibilities. Under Westminster, if she does not deliver, she should go. And she should go because the litany is long and damning. It is not just the note limit accepters; it is not just the traffic chaos on Tharwa Drive. It is distributing Labor Club material to school students in ACT classes; it is failing in her role as care and protection minister; it is the mismanagement of the education system; it is the overseeing of a bullying culture of harassment at the CIT; it is the closure of the Women's Information and Referral Centre in Civic; it is putting Nazi strippers on stage at festivals; it is sending offensive tweets. All of these are bad judgement calls.

These are decisions made by the minister, and they are poor decisions. But the Chief Minister, Andrew Barr, in his quest for renewal, says it is okay. What is the bag limit on bad judgements? You cannot fix somebody who has chronically bad judgement, Madam Speaker. What you can do for the safety of the people of the ACT is remove them.

The problem for the people of the ACT is that the decisions the minister took were not based in fact. The questions that were asked at the community council revealed that the government had no idea of the traffic movements and no idea of the volumes of traffic at that time. There is this assumption. One constituent wrote to me and said, "I am sick of hearing everybody is away over January." She points out the contradiction. She said:

I was disappointed with the mixed messages from the ACT government over this time, which was encouraging Canberrans to stay in town over the Christmas break to participate in the international sporting events that the city was hosting—

well done, Chief Minister—

and yet on the other hand was undertaking these roadworks at the time because everybody is away over January.

Are we all here? Are we all away? Should we stay or should we go?

The only thing that is consistent here is the bad judgement of a minister who is not up to the job. That is why this motion should be supported today. What has to happen for this minister to go? Seriously, how bad does it have to get? How poor does her judgement have to be? How appalling do the outcomes have to be before this minister goes?

You only have to go through the letters that we have received. I will keep sending you the letters as I get them. I do not care what they turn up. You find it funny and amusing. Again, that is the minister's poor judgement. It is an insult to the constituents who write to us as MLAs that, when we forward them on, somehow that is wrong.

Let me quote from another email: "Even more disturbing is the fact of how susceptible valley residents are if such a disaster as bushfires could close either of the two access roads to the area." Now we are having a discussion about what might happen there.

Again, it is about forward planning, if you are making significant changes. You are putting a new emergency services facility in place. I do not think any of us doubt the location, but it is interesting that it was not based on fact. I asked a question at the community council. I said: "Didn't you have the traffic numbers? Weren't you aware of what difference the speeds on those roads would make to a response vehicle?" The answer was, "No." They actually did not have the road data to support the location.

I also asked: "Were all the ministers briefed on this? Were the planning minister, the roads minister, the TAMS minister and the ESA minister briefed?" Apparently, yes, they all were briefed. It would be interesting to have all the ministers stand up and say, "Yes, we were briefed, and, yes, we accepted it because we thought it was a good idea." The malaise goes a bit deeper than just the minister, Ms Burch, but the lack of judgement from that minister is extraordinary.

There are a number of emails here, including some that call for the minister's head. Here is another email: "If a traffic debacle can occur because of a poor decision about a partial or full closure to install a sewerage pipe, how can the ACT Labor/Green coalition be taken seriously to deliver on light rail, which no-one even wants."

This minister, because of her poor judgement, should go. *(Time expired.)*

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (12.13): What we have seen this morning, on the first sitting day of the year, is a desperate and embarrassed political party seeking to do anything to distract the community from their own failings, their own lack of vision, their lack of any agenda for this city in the future, and the fact that their federal colleagues are in complete shambles. That is the modern Liberal Party, and we have just seen it writ large this morning.

Their highest priority for this city is to rake over a series of issues that have been extensively considered by this Assembly in the past. They raised one particular example of a traffic disruption for an important piece of public infrastructure—a traffic disruption that was kept to an absolute minimum. Whilst it is regrettable that there was any disruption at all, it was the least worst outcome. Minister Burch made the correct decision to expedite the works to get them done as quickly as possible, and did take personal responsibility day after day, ringing individual constituents, explaining the rationale behind the decision and working with the relevant ACT government agencies to ensure that the works on that particular project continued for 18 hours a day so that they could be completed many weeks ahead of the original schedule. The minister responded to a set of circumstances and acted appropriately.

Regarding the other principal new matter that the opposition have raised in the debate on this motion today, I have already made extensive comments on the public record in relation to that. I said at the time, and I will repeat it now, that it is difficult in politics to own up to a mistake. But Minister Burch has done that, and shown the strength of her character, which I might add at this point is so much stronger. She is so much better as a representative of her community than anyone opposite. I would have Minister Burch in my team over any member of the opposition; let me assure you of that.

Minister Burch is an individual who works incredibly hard for her community. Yes, she made a mistake, but she has owned up to it. I think the most substantive issue here, aside from all of the politics and all of the cheap personal shots that we get from those opposite because they have no vision and no agenda, is a substantive issue that this Assembly needs to grapple with; that is, what is the appropriate limit for money to be put into a poker machine?

As I said—and I will repeat it—I am not so much interested in the colour of the note; I am interested in what the maximum limit should be. The cabinet did discuss these matters in the context of that debate—that we needed both a change to the regulations in relation to note acceptors and a limit. And the issue is how that is resolved. That is a matter of public record, as I said about 30 times last month. So Sherlock Holmes over here—

**MADAM SPEAKER:** Mr Barr, refer to people by their names.

**MR BARR:** The shadow treasurer can suggest that there is some new revelation here. No, there is not. It is the government's intent—and I will foreshadow this today—that

we will move a motion in Assembly business this week to establish a select committee to look specifically at this issue of note acceptors and the limit on the amount of money that can be put into a poker machine. And we will look at this issue from a number of different angles. A cash input limit could be a limit on the denomination of the note accepted by the machine, the number of notes entered by an individual player, the total value of notes entered by an individual or a combination of some or all of these options.

It is my wish that this Assembly can be grown-up in its consideration of this issue, and that a select committee can provide a unanimous recommendation to the government on any reform in this area. If a unanimous recommendation cannot be reached then there will be no reform. In the context of regulation of gaming machines in this city, given the level of politics associated with that, it is my view that regulatory reform requires at the very least bipartisan and, preferably, the unanimous support of members in this place. If that is not present then there can be no reform. It is as simple as that. If there is not bipartisan or unanimous support for reform of gaming machine regulation, that reform will not go ahead. It is as straightforward as that.

I want to put on the record today my gratitude to Minister Burch for working incredibly hard over an extended period of time on a range of significant areas of policy reform for this government. The national disability insurance scheme is hard, grinding work that Minister Burch has been involved in from the start. She has provided a huge amount of leadership and given the ACT and the people of the ACT absolute surety that there is a minister who is passionate and who cares about people that is guiding this important social reform for this community.

In education, Minister Burch continues a very fine legacy of reform in the education portfolio from this Labor government to ensure that the best teachers are recruited into our classrooms, that our education system continues to lead the nation and is amongst the best in the world. Minister Burch has worked incredibly hard with all sectors of the ACT education system over an extended period of time and has provided leadership and support for that sector.

Ministers do make mistakes from time to time, and it takes a lot of courage to own up to those mistakes. Minister Burch has done so on this occasion. This motion today from the Liberal Party reeks of political desperation—anything to get the agenda off their own issues. It should not be supported by this Assembly because Minister Burch continues to have the confidence of the majority of members in this place.

Politics is politics; we all understand that. The Liberal Party will waste the time of this chamber on motions like this from time to time. We all, of course, understand that. That is the game. That is what Mr Hanson is about. He is a game player. He loves that. That is why he turns up every day—not to make a difference to people's lives, not to institute the reforms that matter for the people of Canberra, but to play political games. That is what we have seen this morning and that is what I am sure we will continue to see from the Liberal opposition.

Let me be very clear: ministers who have the courage to own up to a mistake, fix it and move on with implementing good policy for the people of Canberra deserve the

support of this place. We are all human. We will all make a mistake from time to time. The question is how we respond to that, what level of courage we have within ourselves to admit a mistake and to be able to get on and ensure good policy for the people of Canberra.

We have a process now on the substantive issue around note machines and the limits that should be allowed for a poker machine. We have a process, and I implore members of the Assembly to engage properly with that process. Let us get a unanimous answer so that we can have certainty for the club industry now and into the future. Let us ensure that we are protecting problem gamblers, and let us make the right decision. Let us strip the politics out of this, because it is too important to become a game of petty politics and personalities.

That is the challenge that is before the Liberal Party now. Are they serious legislators or are they just here to play games? This motion should not be supported, and Minister Burch should be able to continue her good work in so many areas of social policy for this government.

**MR RATTENBURY** (Molonglo) (12.23): It seems the key driver for today's motion was the issue of the note acceptors and the limits on those for ACT poker machines. I think it is a well-known fact that I did not agree with the position that Minister Burch took on this policy. It was contrary to the Greens party policy, and, on that basis, I could not support it. I did convey that view to colleagues in the Labor Party. I put my view to the Chief Minister and the decision was changed.

I have also had a detailed conversation with Minister Burch about that. We have had a frank conversation about it. I accept that we have a different view on this, but we are now in a position where the decision was changed and, to my mind, that matter is over. That is how it is. We simply disagreed on policy. This discussion will no doubt come back because the area of poker machine reform is one that is complex. It is one where there is disagreement in this chamber.

I note that many of the issues that have arisen in this place that have come to a vote have resulted in a vote of 16-1 in this chamber, so I suspect that at the end of the day the Liberal Party will probably fall into line on this one as well, and I will probably find myself placed in the situation of 16-1 again. But I am quite happy to continue to have the discussion because I take at face value Minister Burch's comments that she also wants to see this as part of a broader package. So we will have that policy discussion down the line.

The fact that we disagree on this issue is fine. It does not mean that I do not have confidence in Minister Burch and her ability to fulfil the role. Given that that was the key issue today, I think it is quite important that I put that on the table—that we did disagree but that the matter is now resolved. I consider that to simply be the case.

There are other matters that have been raised today. I note that Mr Hanson brought back onto the table the unfortunate tweet about the federal education minister,

Christopher Pyne. I did laugh when Mr Hanson brought that up, and he made a special effort, as is his wont, to note that in *Hansard*. But the reason I laughed, for the information of members, was that I was struck by the irony of Mr Hanson bringing this back onto the table, given that on national TV last week Mr Pyne made a comment to Mr Albanese and it is widely believed by most members of the public that Mr Pyne used a well-known euphemism for the exact same profanity that Mr Hanson was referring to in that tweet. So I was laughing at the irony in the fact that Mr Hanson did not seem to see the difference there. Given his special need to put that on the record, I thought it was worth explaining my amused reaction to that matter being brought to the table.

Regarding the Tharwa Drive extension, I think that matter has been well prosecuted here this morning. I think it was a tricky issue. I worked with Minister Burch that week in my capacity as the minister for roads to seek to alleviate the inconvenience that was being caused in Tuggeranong. It was regrettable. I know the stories that people have contacted me about personally, and I certainly worked closely with Minister Burch that week to implement a series of measures to try and alleviate it. I think it is fair to say that most people anticipated that, because it was a quiet time of year, those problems would not arise.

It is worth acknowledging in this place that the works were completed in under seven working days. The road was open by 4 pm on the Tuesday. Personally, I think it probably was the right decision to go for a quick response to that project—get it knocked over in seven days rather than putting in place six or seven weeks of possible disruption to the residents of the Lanyon valley. The unfortunate part was that the right alternative measures were not put in place from the get-go. But those matters were fixed, and I know that Minister Burch worked diligently, in partnership with staff from my directorate in Roads ACT, to get that matter turned around as quickly as possible.

In terms of the particular matters that have been brought up today, they are my views on those matters. The other matters that the Leader of the Opposition and his colleagues have touched on today, around last year's fringe festival and the like, have been discussed before in this place and my views on those are on the public record. I do not intend to re-prosecute them.

Having made those remarks and having given my views, I will not be supporting the motion today. I will be continuing to work with Minister Burch in the cabinet.

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

**Sitting suspended from 12.29 to 2.30 pm.**

## **Questions without notice**

### **Gaming—poker machines**

**MR HANSON:** My question is for the new Chief Minister. Chief Minister, I refer to the *Legislation Handbook*, which states in relation to regulations:

The responsible agency must prepare the accompanying documentation and arrange with the Cabinet and Intergovernmental Relations (CIGR) Branch, CMD for the regulation to be notified. Agencies provide the documentation to the CIGR Branch for notification.

Did the Chief Minister's directorate advise you or your office that Ministers Burch and Corbell had signed a regulation increasing the limit for notes in poker machines to \$50?

**MR BARR:** Given the time period that elapsed between the regulation being signed and the time I became aware of the issue, and that included the Christmas holiday period, I will need to check whether that advice came before the regulation was put into the media or at the same time. But certainly the first that I was personally aware of that regulation was when I read it in the newspaper.

**MADAM SPEAKER:** Mr Hanson, a supplementary question.

**MR HANSON:** Chief Minister, why is it that Minister Burch, Deputy Chief Minister Corbell and your directorate knew about this regulation but you did not?

**MR BARR:** In relation to Mr Hanson's question, as I say, I will need to ascertain when the formal advice was provided in relation to that regulation. Obviously it was put on the legislation register and made publicly available at that time. Noting, of course, that this period was, as has been extensively canvassed, over the Christmas holiday time frame, it is entirely possible that there would be some delays related to the public holidays associated with that period.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, why did you keep Minister Burch in your cabinet after she allegedly failed to consult you about this regulation?

**MR BARR:** As I have indicated again this morning, and about 30 times in the month of January, an error was made in this instance. I have accepted the minister's apology for that error. We have moved on. We have put in place a mechanism to address the substantive issue, and that is what matters. The Assembly ought to be mature enough to be able to provide a unanimous recommendation to the government on what is the appropriate limit for notes to be put forward and the denomination of those notes. As I have indicated this morning, and I repeat it again now, I think in the context of regulation of gaming machines that it is in the best long-term interests of the club industry for there to be bipartisanship, or preferably a unanimous vote of this place, in relation to regulation. That way there will not be change in the future.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Chief Minister, is Minister Burch on a final warning after this debacle?

**MR BARR:** No, Madam Speaker.

## Gaming—poker machines

**MR SMYTH:** My question is to the Minister for Racing and Gaming concerning the regulation increasing the note limit for ACT poker machines. Minister, the *Legislation Handbook* states:

Cabinet approval is generally not required for the drafting of regulations, unless there are sensitive issues, or whole of Government or cross portfolio considerations. Normally the responsible minister gives approval for the drafting of regulations.

Minister, why did you not seek cabinet approval, given the sensitive issues associated with poker machines and the cross-portfolio issues?

**MS BURCH:** I thank Mr Smyth for his question. As has been put on record about this matter and has been discussed across the public domain, cabinet had agreed to a number of reforms across the community club and gaming sectors. The first tranche of those reforms will come to this place next month. The second was to look at, for example, note acceptors—and this in conversations with the clubs—with an eye on having a limit on the amount that can go into a machine in a gaming session.

It has been said that I got the timing wrong. I put one regulation out without that being partnered with the input limit regulation. We have pulled it back, as the Chief Minister has said. There will be a process. He has foreshadowed a motion in this place on Thursday where we will seek to establish a select committee to go through these matters.

In terms of my signing off on the instructions for the regulation, it was to proceed with that first regulation and to provide advice and draft the second regulation. But history shows that we did not get to that second regulation, and there is now a process in place that will see the end of this discussion.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, did you give approval for the drafting of the regulation increasing the note limit for poker machines and did you advise your cabinet colleagues that you were doing so?

**MS BURCH:** A minister has to give authority to progress the drafting of a regulation, and that is what I have done. Also, the intention was to have that in tandem with the second regulation, which would have been an input limit. But that was not progressed.

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, when was approval given to the drafting of this regulation, and what action did you take to ensure that it was consistent with cabinet decisions?

**MS BURCH:** I cannot remember the date, but it was towards the latter part of the year. I was keen to progress as much work as we could. I get to that point at the end of the year where I want to progress any outstanding matters that are available to be progressed, and that is what I did.



**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, will you take similar regulations to cabinet in future? Just in reference to your answer, could you provide us with an answer on notice as to what specific date that was?

**MS BURCH:** If I need to take a regulation to cabinet I will, but, as has been made very clear on matters such as this, I will be seeking whole house input, if not certainly binding across this chamber, on matters of such community interest.

### **Urban renewal—policy**

**DR BOURKE:** My question is to the Chief Minister and Minister for Urban Renewal. Chief Minister, why is urban renewal important for our suburbs and what is the government doing to encourage urban renewal?

**MR BARR:** I thank Dr Bourke for the question. Canberra is facing the same challenges as many growing cities—population growth, climate change, energy and food security issues. Some of these are very good challenges to have because they are challenges that result from success. People want to come to our city to live and work and this is something that the ACT government is very proud of. But a growing population does mean that we need to take action now to ensure our long-term environmental, economic and social security. We need to take action now to ensure that we hold onto the best of our history as we grow into our potential as a larger city.

I want Canberra to be a growing city, I want Canberra to be a vibrant city and I want Canberra to be a city of distinct communities. We are a city made up of many different local communities, each with their own strengths and their own character. We saw those strengths and that character on display during our city's centenary year, with a range of real grassroots initiatives such as the ever popular parties at the shops. That is something I am determined that we keep from our centenary year and we build on that legacy. Urban renewal is important to make sure that we make those communities sustainable.

One of the reasons that people fall in love with our city is the amenity of our quiet, leafy suburbs. Urban renewal is important to make sure that we hold onto that amenity as we shape a new and more diverse growth of our town centres. The government is committed to ensuring that Canberrans have a wide range of choices in how and where they live. The structure of our city means that we can deliver much of that choice in our existing town and city centres and along our key public transport routes. Each of our city's town centres is undergoing renewal, adding to the diversity and choice available to Canberrans about where and how they want to live.

Increased density and diversity in our town centres and on our transport routes will not, of course, all happen at once. Urban renewal is a long-term process, but it is one that is already significantly underway. The government will make sure that in this process of change existing communities are consulted and everyone gets the chance to experience the benefits of this renewal in our city.

Canberra's employment is now distributed across the town centres and this helps to reduce congestion and the personal costs of commuting. Urban renewal and more convenient public transport are important to help consolidate existing investment in our town centres. Just as we make sure that Canberrans have the chance to find jobs near their homes, we need to make sure that Canberrans have the chance to turn their ideas into new and innovative businesses.

Urban renewal, with new mixed use developments, will help new enterprises and particularly small and medium size businesses to find affordable commercial space. Urban renewal distributes commercial space and employment opportunities along our key transport routes, giving more Canberrans the choice to live closer to work and closer to more convenient and direct transport.

Our land release program is critical to the renewal of our suburbs. As well as new suburbs and communities on greenfield sites, the program includes sites in and around our town centres and others within the existing urban boundary. Of the 13½ thousand dwelling sites in the four-year program for 2014-15, 55 per cent are classified as infill. Canberra is a city that has been built on a grand scale, and urban renewal is crucial to be able to sensitively stitch our existing communities together with vibrant, new communities.

We need to ensure that that process of the new and the old is brought together effectively. I know anyone who has been to the Kingston foreshore recently will know just how much new projects can add to existing communities. We have a range of these projects underway around the city—in the Tuggeranong town centre at Greenway and at Campbell 5 along Constitution Avenue. They present exciting new opportunities for new investment, new jobs and new lifestyles for Canberrans.

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what is the government doing to encourage urban renewal in our suburbs and town centres?

**MR BARR:** The supply and release of land and new greenfield development is, of course, central to the government's economic and social strategies to help support the needs of a growing population, a changing household composition and an expanding economy. But urban renewal is more than just new buildings. It is also about making sure that we keep our existing public spaces as vibrant community hubs and that we work with the community and the private sector to find new uses for existing buildings in our community. Finding new ways to use our existing buildings can bring new life and new business opportunities to areas of the city.

The Abode Hotel in Woden is just one example of what can be achieved through partnerships with the private sector. We can do this by making sure our planning and regulatory regime is open and responsive to new ideas. I am very proud to be leading a government that is delivering just that. As I am sure members know, a new hotel that sits in a building that was essentially unlettable because it was built to standards of a different time is now providing a vibrant new business opportunity in a green star

rated building. The government worked closely with the private sector proponent in this case to come up with innovative regulatory solutions to match the work done by this new commercial partner. The result is there for all to see.

Transformations like this one can and will continue to occur in the future, where the government works hand in hand with the community and the private sector. That is just what my government is determined to do.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, how will capital metro encourage urban renewal?

**MR BARR:** As we all acknowledge, there will always be Canberrans who rely on the family car, and the government will make sure that they are fairly and sensibly catered for. At the same time, as I said this morning, this city will not be fuelled by petrol forever, and it will not be forever designed around the car. Light rail is an essential part of providing better transport to every part of this city.

Capital metro will help to keep the commute from our fastest growing area, in the north, up in Gungahlin, from blowing out to over an hour. But, just as importantly, the metro project will help to shape our city's growth over coming decades and drive urban renewal. The range of urban renewal projects along the length of the light rail line, in stage 1 and in the future in various additional stages, will stimulate the territory economy through public and private investment.

As Minister Corbell has said on many occasions, the real value of capital metro is not just in transport but in the way that it will transform the way our city develops. Capital metro will drive urban renewal along the corridor, with new and innovative housing for our residents and commercial spaces and opportunities for new businesses. It will change the way residents move around our community and the way we interact with the city and each other.

This is a city built on strong local communities, and capital metro is going to help us build even stronger communities, and new communities too.

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Chief Minister, will your new "renewal" buzzword last longer than your previous "transformation" buzzword, or do you expect to have a new buzzword for 2016?

**Mr Corbell:** Point of order.

**MADAM SPEAKER:** Point of order, Mr Corbell.

**Mr Corbell:** In what way does that relate to any of the Chief Minister's portfolio responsibilities, Madam Speaker?

**Mr Hanson:** It relates to his portfolio. I mean—

**MADAM SPEAKER:** I think I can handle this, Mr Hanson. I think actually the minister was asked the question in his capacity as the Minister for Urban Renewal. The question was: why is urban renewal important? Then there was every other question related to urban renewal. I will allow the question.

**MR BARR:** Thank you, Madam Speaker. I can give this guarantee: my commitment to urban renewal, to the transformation of this city, will last a lot longer than Jeremy Hanson's leadership of the Liberal Party and will last a lot longer than Tony Abbott's leadership of the federal Liberal Party and of this country. When he has done axing taxes and stopping the boats—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order!

**MR BARR:** and all those other little slick one-liners that those opposite seem to think are so cute—the buzzwords of the Liberal Party. The Leader of the Opposition suggests that I and the Labor Party are a party of buzzwords. This is coming from the party whose—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order!

**MR BARR:** leader's only three policies were three-word slogans. Now 40 per cent of his own party room, the majority of his backbench, have no faith in the Prime Minister, no faith in the direction of the Liberal Party. This is a very clear indication—

**Mr Smyth:** Point of order, Madam Speaker.

**MR BARR:** of just how bereft the Liberal Party are—

**MADAM SPEAKER:** Sit down, Mr Barr. Do you have a point of order, Mr Smyth?

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order! I want to hear Mr Smyth's point of order.

**Mr Smyth:** Under standing order 118(a), concise and directly relevant might be applicable.

**MADAM SPEAKER:** I think Mr Hanson walked into that one. Have you got anything else you want to say, Mr Barr?

*Mr Hanson interjecting—*

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

**MR BARR:** Yes, Mr Hanson did indeed walk into that one. I will conclude my comments by being very clear that my commitment to urban renewal, to the transformation of Canberra, to growing jobs, to supporting this city and to standing up to the Liberal Party's destruction of our city, our economy and our community—

*Mr Hanson interjecting—*

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

**MR BARR:** will certainly outlast the political career of the Leader of the Opposition.

### **Gaming—poker machines**

**MR DOSZPOT:** My question is to the Attorney-General. Attorney, on 22 December 2014 you signed a regulation with Minister Burch increasing the limit for notes accepted by poker machines to \$50. Did you check that this regulation was consistent with earlier cabinet decisions? If not, why not?

**MR CORBELL:** As is consistent with the practice in relation to the signing of regulations, the regulation was endorsed by the relevant portfolio minister, and I reviewed that documentation and signed the regulation as recommended by the minister.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, was this regulation prepared, signed and distributed according to the rules set out in the *Legislation Handbook*?

**MR CORBELL:** It is not for me to answer that. The regulation was recommended and prepared on the authority of the relevant portfolio minister.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Minister, did you have any concerns about this regulation, and did you raise them with Ms Burch?

**MR CORBELL:** I accepted the recommendation of the portfolio minister.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Minister, has the Chief Minister counselled you for your involvement in allegedly pre-empting the cabinet process?

**MR CORBELL:** No, he has not.

### **Territory and municipal services—mowing**

**MR WALL:** My question is to the Minister for Territory and Municipal Services. Minister, Citywide services, a wholly owned subsidiary of Melbourne City Council,

has recently been awarded the contract for dryland grass mowing along arterial roads and connecting roads in the ACT. Minister, why did Citywide, a Victorian-based and owned company, win this contract over locally owned and operated businesses?

**MR RATTENBURY:** Citywide were successful in securing the contract through a competitive tendering process. As I said publicly in response to Mr Wall's comments last week, they did come in at around half the price, so they provide better value for money because they have economies of scale. Through the competitive tendering process, they were shown to provide the best value for money for ACT taxpayers.

There are a number of criteria by which contractors were assessed under this competitive tendering process. There is a criterion for local providers, and some of the local firms scored a maximum set of points in that criterion and Citywide were given none. But when the overall tendering process was weighed up, Citywide were perceived as providing the best value for money for ACT taxpayers.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, why were potential tenderers told at an industry briefing that no one contractor would be awarded more than one contract, given that Citywide has now been awarded all three?

**MR RATTENBURY:** I do not know what Mr Wall is referring to. Obviously I was not at a meeting that he appears to have some knowledge of. What I can say is that Citywide have only been given a contract for arterial roads in the ACT. All other mowing is done by ACT government staff, local employees employed by the ACT government on an ongoing basis, with full-time contracts. Eighty per cent are permanent employees of the ACT government. Unlike many other contracts, where people are employed on a casual basis, the ACT government is actually providing full-time jobs for the vast bulk of our mowing staff—as I said, 80 per cent in permanent employment.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, did the contractor fulfil all the requirements of their previous contract with the ACT government?

**MR RATTENBURY:** I will have to take the specifics of that question on notice, Mr Coe. What I have been advised is that Citywide have been meeting their contractual obligations under their current mowing contract. I do not have advice on their earlier contract; I will seek that answer and provide it to the Assembly.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, would you please provide to the Assembly information about all the contracts awarded to Citywide, including the dates, the scope of work and the amounts of those contracts, and any variations.

**MR RATTENBURY:** Yes, that will be fine.

## **Transport—light rail**

**MS FITZHARRIS:** My question is for the Minister for Capital Metro. Minister, in October last year expressions of interest were called to develop stage 1 of Canberra's light rail network. As expressions of interest closed in December, could you please update the Assembly about the outcome of this process.

**MR CORBELL:** I thank Ms Fitzharris for her first question in this place. I can advise the Assembly that the expression of interest process has closed for the capital metro project. The government is very pleased with the response from the private sector. Four separate consortia have expressed interest in the development of the capital metro project. These four private sector consortia consist of local, national and international companies. They are all of the highest standard. This very high level of interest in this project is confirmation that the private sector is treating this project very seriously and recognises the potential for this project to make a significant impact on the way our city grows and develops.

The four consortia who have bid to deliver the project have identified themselves as Canberra Metro, ACTivate, Connecting Canberra and CANGO. The lead respondents in each of these consortia are, respectively, Pacific Partnerships; Downer EDI Works and Keolis Downer; Capella Capital; and the Macquarie Capital Group. The companies involved in the consortia include many well-known names, such as Mitsubishi, Bank of Tokyo, Leighton Contractors, Siemens and Keolis. The list of national and international companies keen to be involved in the development of Canberra's light rail system is extensive.

Unlike those opposite, we treat very seriously private sector investors wanting to come and spend money in our city—come and create jobs in our economy at a time when we need them most, and invest in and bring their expertise to our city at a time when it needs to make a step change to a more sustainable future. Of course, there are many local companies engaged in these consortia as well. We welcome their engagement in these broader consortia.

This is a unique opportunity for the growth and development of our city. It is fantastic to see this level of interest from the private sector. The number of potential public-private partners who have come forward is stronger than the number of consortia who came forward, for example, for the latest Sydney light rail project. It means we have a competitive process to select from. That means more competition between the bidders and the potential for better value for money for the community as a whole.

These are good indicators as to the strength and robustness of the process we are embarked upon. We will now be undertaking a detailed assessment process to short-list and then invite the short-listed consortia to proceed to the request for proposal stage.

**MADAM SPEAKER:** A supplementary question, Ms Fitzharris.

**MS FITZHARRIS:** Minister, how will the community be consulted about this city-changing project?

**MR CORBELL:** I thank Ms Fitzharris for her supplementary. The government is very committed to an ongoing conversation with the Canberra community about the detail of this project. This is a big project for our city. It is controversial and that is not surprising for a light rail project, particularly a new rail infrastructure project, coming into a city. That was the experience of Adelaide and that was the experience of the Gold Coast as well. What we know is that we must maintain engagement with the Canberra community.

The government undertook an early design consultation last year, looking at issues such as stop location and integration into the Northbourne Avenue and Flemington Road corridors. Right now we are embarking upon our second round of consultation, which is asking Canberrans to have their say on some of the more detailed urban design elements that need to be resolved before we proceed to the request for proposal stage. In particular, we are asking Canberrans for their views on landscape design along the corridor, on station and stop design along the corridor, and how we integrate pedestrian and cycling facilities along the corridor.

These are really important conversations. We need to have them now and we need to reach out to as many people as possible in having them. That is why the capital metro project team has been travelling around the city over the past couple of weeks. We have been visiting locations such as Dickson, Watson, Cooleman Court and Kingston foreshore. We had a fantastic response at the Australia Day in the park celebrations. Capital metro will be present at the Multicultural Festival in the coming week. So there will be some further opportunities for people to have their say on these detailed design issues. I have been pleased to be part of some of those, and it has been great to have the conversations with residents about this project. *(Time expired.)*

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what will the short list of consortia be asked to bid on at the request for proposal stage?

**MR CORBELL:** I thank Dr Bourke for his supplementary. Clearly, the government has committed unequivocally to the development of stage 1, from Hibberson Street in Gungahlin through to the Alinga Street stop in the city. That corridor and that length of track is the project the government has unequivocally committed to at this time.

I am very pleased, though, to say that it is also the case that the government has decided that there is significant value in further exploring extensions to stage 1 that include a connection from Alinga Street through to Russell. This just over three-kilometre length of track would provide us with the capacity for four or five additional stations and, importantly, connect up the 8,000 public servants that are located along the Constitution Avenue and Russell defence headquarters corridor and connect them back into the city centre.

From my discussions with representatives of traders in the city centre, we know how much they are struggling right now with trade in the Civic centre. The feedback I have had to date has been very encouraging. They welcome the fact that the government is



prepared to explore this route extension as part of stage 1 because they know it means potentially more people coming into the city centre, being able to use the city centre for retail and commercial purposes, particularly, say, during the lunch break for public servants but, indeed, throughout the day.

Connecting the significant workforce at Russell through to the city centre, we know, will significantly increase patronage further on the proposed capital metro project—about a 30 per cent increase from that route extension. So we will be including that as an option in the request for proposal stage. We will be asking short-listed consortia to bid on that.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, can you outline the benefits to Canberrans of this project?

**MR CORBELL:** I thank Ms Porter for the supplementary. This is a big project for our city. We know it delivers over a billion dollars of economic benefits across the ACT economy. We know it creates nearly 3½ thousand jobs during its construction stage. We know that during its operational stage it has the potential to support jobs growth of around 50,000 extra jobs over the period of the business case analysis. So this is a project that delivers real economic benefits for our city. But, most importantly of all, it is a project which is the right thing to do for our city. It is a long-term infrastructure investment project that allows for a renewal of housing stock, that creates more places for people to live, close to where they work, close to where there are good facilities and services, and so that they are able to move around without being wholly dependent on the car. We also know that light rail has the potential to shift people from car use to public transit use in a way that buses have never been able to achieve.

That is the contrast between those on that side and this government. We have a long-term view and a long-term perspective about the growth and development of our city. We recognise that a project that invests in jobs and in economic benefit across the economy, and helps to reshape the growth and pattern of development of our city, is the right decision for our city, and we will continue to argue that case between now and polling day.

### **Territory and Municipal Services—mowing**

**MRS JONES:** My question is to the Minister for Territory and Municipal Services. Minister, how often are mowing contractors other than the successful tenderer in this case—Citywide—being called upon to complete the mowing of arterial roads? What is the hourly rate paid for this work?

**MR RATTENBURY:** I will take that question on notice and provide an answer to the Assembly.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Are ACT contractors amongst those called upon to do this extra mowing work?

**MR RATTENBURY:** I believe so, but I will confirm that as part of my answer to the previous question.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what is the dollar value of the contract awarded to Citywide for the dryland mowing of arterial roads in the ACT?

**MR RATTENBURY:** I do not have that figure off the top of my head, but I will also seek that. I was reflecting on Mrs Jones's earlier question as well. She might clarify her question with me later, because I am aware that one of the local mowing contractors actually lives across the border. So I wonder whether that meets her definition of an ACT-based mowing contractor.

### **Environment—Mugga Lane tip**

**MS LAWDER:** My question is to the Minister for the Environment. Minister, over the past weekend the smell in Fadden, Macarthur and other nearby suburbs from the tip was once again terrible. Constituents have raised with me the possibility of other contaminants being carried on the wind. They are concerned for the health and safety of their families, their pets and their gardens. Minister, has any monitoring of the air quality in nearby Tuggeranong suburbs taken place, and, if so, what are the results?

**MR CORBELL:** I thank Ms Lawder for her question. If the question relates to air monitoring specifically in response to these concerns that Ms Lawder raises, I will seek advice from the EPA and advise the member through taking the question on notice. In general, there is air quality monitoring that is undertaken in accordance with our obligations under the national environmental pollution agreements. In relation to the specific matter that Ms Lawder raises, I will seek some advice from the EPA and provide the member with an answer.

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, what are you or your agencies doing in the short and long term to reduce the impact of the smell or other impacts on residents of these suburbs?

**MR CORBELL:** I am aware that the EPA have been aware of this issue. They have been engaged with Territory and Municipal Services and their contractors who are responsible for the works currently being undertaken and, indeed, just completed at the Mugga Lane landfill, which I understand is the source of concern. The EPA have been engaged in that process. If Ms Lawder wants further details, again, I will seek further particulars from the EPA and provide them to the member.

**MADAM SPEAKER:** Supplementary question, Mr Wall.

**MR WALL:** Minister, what was done to measure the effectiveness of odour-suppressant spray in mitigating the smell in nearby residential areas?

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

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what communication has been undertaken with residents to reassure them over health concerns and advise them of short-term plans to mitigate the smell?

**MR RATTENBURY:** Madam Speaker, I am responsible for that part of Mr Wall's question, I believe, as the Minister for Territory and Municipal Services. TAMS did undertake a range of communication to advise residents that work was being undertaken to modify the Mugga Lane landfill. That announcement was made on 12 December. The works were undertaken. Unfortunately, there was some delay due to wet weather, but the works have now been completed—on 6 February. The advice I have is that the odour may remain apparent for several days after the completion of works, as the last of the exposed waste is covered with soil. These were one-off works. TAMS certainly regrets the inconvenience that has occurred for residents in the area. My advice is that the odours have been intermittent and have depended to an extent on where people live and what the prevailing winds have been, as well as the work that is being undertaken on a particular day.

#### **Health—bush healing farm**

**MR COE:** My question is to the Minister for Health. Minister, when was the government first advised of the presence of asbestos at the Ngunnawal bush healing farm at Miowera?

**MR CORBELL:** I thank Mr Coe for the question. There have been a number of instances of the presence of asbestos being known at the bush healing farm site. Mr Coe would need to be a bit more specific as to which instances of asbestos contamination he is referring to.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, since acquiring the land or investigation prior to purchase, what asbestos specialist firms have been commissioned to undertake research on the extent of the contamination?

**MR CORBELL:** The government has commissioned appropriately qualified auditors with experience in the management of bonded asbestos waste to advise it and to meet the obligations of the development approval granted for the redevelopment for the bush healing farm site.

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, what reports have these firms provided to the government? What are the recommendations? Have they been implemented?

**MR CORBELL:** The relevant professionals have provided reports to the government on the nature of the bonded asbestos waste and appropriate steps to manage it. All of those recommended actions have been implemented.

**MADAM SPEAKER:** Mr Hanson, a supplementary question.

**MR HANSON:** Minister, can the government say with certainty that all asbestos has been removed from the property and, if not, when will it be?

**MR CORBELL:** The asbestos has not yet been removed from the property because a contract has not yet been awarded for that work. Assessment in relation to the successful tenderer is close to completion and the contract that will be awarded shortly is for the remediation of asbestos on the site, as well as other works.

### **Women—domestic violence**

**MS PORTER:** My question, through you, Madam Speaker, is to the Minister for Women. Minister, the announcement of Rosie Batty as Australian of the Year has drawn national attention to the ongoing issue of domestic violence. What is the ACT government doing to address all forms of violence against women?

**MS BERRY:** I thank Ms Porter for asking this question. I know her ongoing interest in this very important issue. This is an issue that affects our entire community. We know that domestic, family and sexual violence is overwhelmingly violence that is committed by men against women. Some of us here will know people in our own lives who have been victims of domestic violence. We know that it is violence that happens to women in their own homes and we know that many children witness and are affected by violence.

To address this issue, the ACT government developed the “ACT prevention of violence against women and children strategy 2011-2017—our responsibility: ending violence against women and children”. The strategy provides overarching principles to guide violence prevention activities across government and non-government agencies. In 2014-15 the ACT government provided over \$5.5 million towards crisis responses, accommodation and outreach services for women affected by violence. The strategy works towards helping our community understand the way in which violence affects women in all parts of life.

The Partners in Prevention function held in November 2012 worked with over 170 business leaders to consider how violence against women affects them as employers. As an employer, the ACT government introduced a leave entitlement of 20 days per annum for employees experiencing domestic or family violence.

To support women who have experienced violence, we fund a range of projects through the ACT women’s grants program that work to challenge attitudes to all forms of violence against women. These include the 2013 Summer of Respect campaign, run through the Women’s Centre for Health Matters, which worked with a local artist to depict examples of situations that may help men identify and speak up against sexual violence. The grants program helps the YWCA of Canberra develop the respect, communicate, choose respectful relationships project which works with young people in schools to develop the skills and attitudes that they need to have healthy, respectful relationships.

In an area that I am just beginning to fully understand—the importance and complexity of WESNET—the Women’s Services Network provided safety net technology safety training for professionals to assist women and girls experiencing violence to increase their privacy and safety online.

We are also working with men who commit, or are at risk of committing, violence to change their behaviour. The working with the man project provided funding to the Canberra Men’s Centre for the specialist intensive supported accommodation, coordinated case management and counselling intervention program.

The second implementation of the “ACT prevention of violence against women and children strategy 2011-2017—our responsibility: ending violence against women and children” is being renewed and will include an increased focus on linkages between domestic and family violence and the human services blueprint. The ACT government is also working alongside other states and territories on the second action plan under the national plan to reduce violence against women and their children 2010-22.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, what is the ACT government doing to ensure that services meet the needs of women and children who are experiencing violence?

**MS BERRY:** The ACT government is committed to meeting the needs of women and children through joined-up systems and services. I also welcome the national focus on domestic and family violence, and in particular the announcement of Rosie Batty as the 2015 Australian of the Year. I think many Canberrans were, like me, touched by the compassion and resolve she has shown in her efforts to make meaningful change to combating violence against women and children.

I am impressed by her calm resolve, because personally I have been angry. I have been angry about the cuts that have been made by the federal Liberal government to services that go to assisting women experiencing violence. I am angry about the uncertainty facing homelessness funding, and I am angry that there are voices in our community who still do not understand or refuse to recognise the cause of this problem. But I am also hopeful that there is national momentum to combat this problem.

The decision of the federal Liberal government to establish the national advisory panel on violence against women will provide a focus and an important opportunity for experts to shape the federal government policy. Here in the ACT we are renewing our commitment to full participation of women in all areas of our community. We all have a responsibility not just to speak up against violence but to tackle its social and structural causes. As the newly appointed Minister for Women and the Minister assisting the Chief Minister on Social Inclusion and Equality, I look forward to working with all members in this place to rise to the challenge.

One of the primary objectives in the ACT prevention of violence against women and children strategy is joined-up systems and services. The Justice and Community

Safety Directorate provides initiatives that demonstrate the impact service coordination can have on improving services to support women and children experiencing violence. One of these initiatives, the ACT family violence intervention program— *(Time expired.)*

**MADAM SPEAKER:** Supplementary question, Ms Fitzharris.

**MS FITZHARRIS:** Minister, what is the ACT government doing to ensure that women are able to participate in public events in the ACT?

**MADAM SPEAKER:** Sorry, Ms Fitzharris; I did not hear most of the question.

**MS FITZHARRIS:** Minister, what is the ACT government doing to ensure that women are able to participate in public events in the ACT?

**MADAM SPEAKER:** I will allow the question. It seems a tenuous connection, except that it is about women.

**MS FITZHARRIS:** To safely participate in public events in the ACT.

**MADAM SPEAKER:** That makes it perfectly clear.

**MS BERRY:** ACT government agencies are committed to undertaking women's safety assessments as standard practice for public events. The women's safety audit process brings individuals together to walk through the venue, evaluate how safe it feels, identify ways to make the space safer for women and bring about those changes.

In 2011 the Office for Women developed a toolkit to assist decision-makers and planners of community events to consider personal safety in planning. The ACT government supports several projects to expand the use of women's safety assessments. The Women's Centre for Health Matters received \$10,000 to further expand the use of women's safety assessments for ACT government-funded public events and environmental design in urban planning.

The Women's Centre for Health Matters received funding of \$14,749 for the older women's safety audit, improving the safety of public places. Undertaking women's safety assessments is a standard practice in event planning. It provides the opportunity to raise the profile and importance of women's safety in all ACT government events.

As part of planning for the National Multicultural Festival, a women's safety assessment has been conducted for the past three years. In developing the footprint for the 2015 Multicultural Festival, previous years' recommendations were considered prior to meeting the women's safety assessment team. I am pleased to say that all safety issues raised have been addressed. These include improved access for people and security staff patrolling— *(Time expired.)*

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, as a new minister, will you be reinstating, for the sake of women, the women's information referral centre or a centralised dedicated facility,

given that it was a well-known safe space for women suffering such violence to find the information that they needed?

**MS BERRY:** I thank Mrs Jones for her question. No, that service will not be reinstated because that work is already being provided. The women's information service provides individualised information and referral services for all women in the ACT. The information service continues to provide this information and referral service through phone line, via email or face to face during business hours. Women can also choose to see women's information officers at four locations across Canberra—in the city at the Theo Notaras Multicultural Centre or at one of the three childhood family centres in Tuggeranong, Gungahlin and west Belconnen. The service was never actually cancelled. The work was changed so that women could access that more in their communities.

**Mr Coe:** Is the door still open?

**MS BERRY:** The doors are very much still open at Tuggeranong, Gungahlin or west Belconnen and at the Theo Notaras Multicultural Centre.

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

## Papers

**Madam Speaker** presented the following papers:

Auditor-General Act—Auditor-General's Report No 7/2014—Financial Audits 2013-14, dated 19 December 2014.

Ombudsman Act, pursuant to section 21—Ombudsman complaint statistics—Quarterly report—October to December 2014, dated 28 January 2015.

Latimer House Principles in the Australian Capital Territory—Report on the Implementation, dated 18 December 2014—Prepared by the Institute for Governance and Policy Analysis, University of Canberra.

Standing order 191—Amendments to:

Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015, dated 4 December 2014.

Food Amendment Bill 2014, dated 2 and 3 December 2014.

Gaming Machine (Red Tape Reduction) Amendment Bill 2014, dated 28 November and 1 December 2014.

Nature Conservation Bill 2014, dated 10 December 2014.

Utilities (Technical Regulation) Bill 2014, dated 3 December 2014.

## Budget review 2014-2015

### Paper and statement by minister

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events): For the information of members, I present the following paper:

Budget 2014-2015—Investing in Canberra—Budget review.

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

Leave granted.

**MR BARR:** I present to the Assembly the 2014-15 budget review, prepared in accordance with section 20A of the Financial Management Act 1996. The 2014-15 budget review reflects that, despite the ongoing impacts on our economy arising from the commonwealth government's fiscal consolidation efforts, the government is continuing to implement its priorities as outlined in the 2014-15 territory budget.

A new priority has been included in the 2014-15 budget review—namely, the ACT government's buyback scheme for ACT houses affected by loose-fill asbestos, the Mr Fluffy insulation. The government has acted on a recommendation of the ACT asbestos response task force, and all affected houses will be demolished.

As the Assembly is aware, the cost to the territory's budget will be significant. However, the government believes that the asbestos eradication scheme will offer a fair and flexible solution to Mr Fluffy home owners that will remove the risk of loose-fill asbestos not only to home owners and tenants but, importantly, to the broader community.

As the Assembly would be aware, the commonwealth has agreed to provide the ACT with a \$1 billion loan over 10 years. The ACT government will, however, incur the full net cost of the asbestos eradication scheme as well as the interest costs on the commonwealth loan.

Given the magnitude of the impacts associated with the asbestos eradication scheme and with a view to providing additional clarity, the 2014-15 budget review presents the movements in the headline net operating balance both with and without the impacts of that scheme.

When the effects of the asbestos eradication scheme are excluded, the headline net operating balance estimate for the 2014-15 fiscal year has declined by \$53 million. In other words, in the absence of the scheme, the forecast deficit would have been \$385.9 million. The forecast for each subsequent year is a marginal improvement over the 2014-15 budget estimates, resulting in a total net reduction of only \$32.7 million in the headline net operating balance across the full four years of the forward estimates.

However, when the cost of the asbestos eradication scheme is taken into account, there is, of course, a far more significant decline in the headline net operating balance for 2014-15. This, as has been explained on numerous occasions in this place, is associated with the acquisition cost of the properties from home owners and the expenses associated with housing demolition, soil remediation, financial assistance packages and the administrative costs of the asbestos response task force.



Once these elements are factored in, the headline net operating balance estimate for 2014-15 declines to a deficit of \$770.5 million. Despite the magnitude of this adjustment, the 2014-15 budget review forecasts that the budget will return to broad balance in the 2016-17 fiscal year, again consistent with the estimates contained at budget time in the 2014-15 budget.

The economic outlook for the territory remains challenging. As I alluded to earlier, the commonwealth has reduced the size of the Australian public service by approximately 8,000 positions through the year to 30 June 2014, of which around 3,300 were here in Canberra. Additionally, the commonwealth has accelerated its rate of staffing reductions. The ACT budget anticipated that 16½ thousand positions would be lost over the four years from 2013-14. However, almost half of these positions have been shed in the first financial year.

Accordingly, the ACT labour market has weakened more than anticipated over the past six months. Further to this, the commonwealth has foreshadowed its intention to relocate Australian public service departments, and hence jobs, from Canberra to other areas. Let us be clear: these are unnecessary relocations that are likely to further dampen the labour market over the next 12 months, brought to you by your friendly Liberal government. The flow-on effects to economic activity and confidence are significant. Gross state product has now been revised down from 1¾ per cent to 1½ per cent in the 2014-15 fiscal year.

Notwithstanding the negative impact of the commonwealth Liberal government's cuts on our city, the short to medium-term outlook for the territory economy remains broadly consistent with what we anticipated and announced in the 2014-15 budget. Investment in Canberra remains the focus of the territory government's activities, with strong investment in health, strong investment in education, strong investment in community services and a significant program of infrastructure to support our economy, to support it from the actions of the federal Liberal government—actions which have, unfortunately, given rise to significant job losses and a decline in business confidence in the territory.

As part of the 2014-15 budget review, we have again undertaken an assessment of the territory's capital works program in light of the first six months of project activity. This process also included bringing forward planned outyear expenditure to accelerate some existing projects and, in some instances, returning savings to the budget. A total of \$80.7 million has been re-profiled from the 2014-15 fiscal year as a result of this review, and program savings of \$8.5 million are being returned to the budget in 2014-15.

In light of the challenges before us, I need to state again clearly that the government's fiscal strategy remains unchanged from that which we outlined in the 2014-15 budget. Our clear focus remains on the management of the territory's public finances in a rigorous and prudent manner, meeting the objective of achieving an operating balance over time.

Let us be clear: the budget is now absorbing a significant impact as a result of the asbestos eradication scheme but, consistent with the 2014-15 budget estimates, we will return the budget to broad balance in the 2016-17 fiscal year. I commend this 2014-15 budget review to the Assembly.

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

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events): For the information of members, I present the following papers:

Financial Management Act—Instruments, including statements of reasons, pursuant to—

Section 16—Directing a transfer of appropriations from the Community Services Directorate to the Chief Minister, Treasury and Economic Development Directorate, dated 16 December 2014.

Section 16B—Authorising the rollover of undisbursed appropriation of—

Territory and Municipal Services Directorate, dated 16 December 2014.

Education and Training Directorate, dated 16 January 2015.

Environment and Planning Directorate, dated 15 December 2014.

Justice and Community Safety Directorate, dated 16 December 2014.

Community Services Directorate, dated 16 December 2014.

Exhibition Park Corporation, dated 16 December 2014.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act, I am tabling this afternoon seven instruments issued under section 16 and 16B, as I have just mentioned, of the FMA. Advice on each instrument's direction and the statement of reasons must be tabled in the Assembly within three sitting days after it is given. Section 16 of the Financial Management Act provides that the Treasurer may, by instrument, transfer the responsibility for a service or function from an entity for which the appropriation is made to another entity.

This afternoon this package includes one instrument that facilitates the transfer of \$533,000, the net cost of outputs appropriation, and \$517,000 of capital injection controlled appropriation from the Community Services Directorate to the Chief Minister, Treasury and Economic Development Directorate for projects that are related to artsACT and community facilities which were transferred from the Community Services area to the Chief Minister, Treasury and Economic Development area, consistent with administrative arrangements 2014 (No 1) of 4 July 2014.

Section 16B of the Financial Management Act allows for the Treasurer to authorise an appropriation to be rolled over from one financial year to the next. This package this afternoon includes six such instruments authorised under section 16B. The first transfers Territory and Municipal Services Directorate undisbursed appropriation from the 2013-14 fiscal year to the 2014-15 fiscal year. This includes \$10.492 million in net cost of outputs and \$27.931 million in capital injection.

The second instrument transfers Education and Training Directorate undisbursed appropriation again from the 2013-14 fiscal year to the 2014-15 fiscal year, in this instance \$6.943 million in net cost of outputs and \$1.174 million in payments on behalf of the territory, and a \$23.31 million capital injection.

The third instrument transfers Environment and Planning Directorate undisbursed appropriation again for the fiscal year 2013-14 to 2014-15. The rollover here is \$4.299 million in net cost of outputs, the princely sum of \$667,000 of payments on behalf of the territory, and \$7.588 million in capital injection.

The fourth instrument relates to the Justice and Community Safety Directorate, again an undisbursed appropriation from the 2013-14 fiscal year into 2014-15, in this instance \$2.898 million in rollover of net cost of outputs, \$9.604 million in the controlled capital injection appropriation and \$80,000 in the capital injection territorial.

The fifth instrument transfers Community Services Directorate undisbursed appropriation, again from 2013-14 into 2014-15. The rollover here is \$906,000 in net cost of outputs and \$618,000 in capital injections.

The sixth instrument, I am very pleased, transfers Exhibition Park Corporation undisbursed appropriation from the 2013-14 financial year into 2014-15—

*Opposition members interjecting—*

**MR BARR:** I know it always interests the shadow treasurer and the Deputy Leader of the Opposition. It is terrific to see their interest. In this instance the rollover is for \$189,000 in capital appropriation. It is the last time I suspect that will happen. Additional details regarding all of these instruments are provided in the statement of reasons that accompany each of the instruments that I table this afternoon. In closing, Madam Deputy Speaker, I commend the seven instruments to the Assembly.

## **Papers**

**Mr Corbell** presented the following papers:

Crimes (Protection of Witness Identity) Act, pursuant to subsection 21(5)—  
Annual Report—2013-14, dated 19 December 2014.

Crimes (Assumed Identities) Act, pursuant to subsection 38(4)—Assumed  
Identities Annual Report—2013-14, dated 19 December 2014.

## **Supplementary answer to question without notice Environment—Mugga Lane tip**

**MR CORBELL:** Madam Deputy Speaker, with your indulgence, earlier today in question time members opposite asked me a question about whether or not asbestos-containing material had been removed from the Ngunnawal bush healing farm site or when it was going to be removed. I can advise that, in addition to the main removal needing to occur with the award of the tender for associated works at the site, which I referred to during question time, a small amount of asbestos-containing material which was identified on the surface was removed, under the supervision of the relevant professionals, following its identification at Christmas last year.

## **Papers**

**Mr Gentleman** presented the following papers:

Planning and Development Act, pursuant to subsection 242(2)—Schedule—  
Leases granted for the period 1 October to 31 December 2014.

Melrose High School—Athllon Drive/Mawson Drive and Beasley Street  
Intersection Safety Improvements Evaluation, dated August 2014—Prepared by  
Traffic Management and Safety, Roads ACT.

**Ms Burch** presented the following papers:

### **Performance reports**

Financial Management Act, pursuant to section 30E—Half-yearly directorate  
performance reports—December 2014, for the following directorates or  
agencies:

Capital Metro Agency.

Chief Minister, Treasury and Economic Development Directorate, dated  
February 2015.

Community Services Directorate, dated January 2015.

Education and Training Directorate, dated February 2015.

Environment and Planning Directorate.

Health Directorate, incorporating the ACT Local Hospital Network.

Justice and Community Safety Directorate (Attorney-General portfolio).

Justice and Community Safety Directorate (Justice portfolio).

Justice and Community Safety Directorate (Police and Emergency Services  
portfolio).

Territory and Municipal Services Directorate.

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

Legislation Act, pursuant to section 64—

Animal Diseases Act—Animal Diseases (Endemic Diseases) Declaration 2014 (No 1)—Disallowable Instrument DI2014-289 (LR, 20 November 2014).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2014 (No 3)—Disallowable Instrument DI2014-305 (LR, 11 December 2014).

Board of Senior Secondary Studies Appointment 2014 (No 4)—Disallowable Instrument DI2014-306 (LR, 11 December 2014).

Building Act—Building (ACT Appendix to the Building Code) Revocation 2015—Disallowable Instrument DI2015-8 (LR, 15 January 2015).

Children and Young People Act—Children and Young People (Death Review Committee) Appointment 2015 (No 1)—Disallowable Instrument DI2015-12 (LR, 27 January 2015).

Corrections Management Act—Corrections Management Amendment Regulation 2015 (No 1)—Subordinate Law SL2015-2 (LR, 22 January 2015).

Court Procedures Act—Court Procedures Amendment Rules 2014 (No 3)—Subordinate Law SL2014-34 (LR, 23 December 2014).

Cultural Facilities Corporation Act and Financial Management Act—Cultural Facilities Corporation (Governing Board) Appointment 2014 (No 3)—Disallowable Instrument DI2014-321 (LR, 22 December 2014).

Domestic Animals Act—

Domestic Animals (Beekeeping) Code of Practice 2014 (No 1)—Disallowable Instrument DI2014-291 (LR, 20 November 2014).

Domestic Animals (Cat Containment) Declaration 2015 (No 1)—Disallowable Instrument DI2015-11 (LR, 19 January 2015).

Food Act—Food (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-297 (LR, 1 December 2014).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2014 (No 1)—Disallowable Instrument DI2014-296 (LR, 27 November 2014).

Gaming Machine Act—

Gaming Machine Amendment Regulation 2014 (No 2)—Subordinate Law SL2014-37 (LR, 22 December 2014).

Gaming Machine Act—Gaming Machine Amendment Regulation 2015 (No 1)—Subordinate Law SL2015-1 (LR, 19 January 2015).

Health Act—Health (Fees) Determination 2014 (No 5)—Disallowable Instrument DI2014-320 (LR, 22 December 2014).

Health Professionals Act—Health Professionals (Veterinary Surgeons Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-325 (LR, 23 December 2014).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-301 (LR, 1 December 2014).

Land Rent Act—Land Rent (Total income of lessee—Pre-1 October 2013 leases) Determination 2014 (No 1)—Disallowable Instrument DI2014-318 (LR, 18 December 2014).

Legal Aid Act—Legal Aid (Commission President) Appointment 2014—Disallowable Instrument DI2014-319 (LR, 18 December 2014).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2014 (No 2)—Disallowable Instrument DI2014-326 (LR, 22 December 2014).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2014 (No 2)—Disallowable Instrument DI2014-327 (LR, 22 December 2014).

Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff Determination 2014 (No 1)—Disallowable Instrument DI2014-309 (LR, 12 December 2014).

Major Events Act—

Major Events (Asian Football Confederation Asian Cup Australia 2015) Declaration 2014 (No 1)—Disallowable Instrument DI2014-304 (LR, 11 December 2014).

Major Events (International Cricket Council Cricket World Cup 2015) Declaration 2015 (No 1)—Disallowable Instrument DI2015-1 (LR, 8 January 2015).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-300 (LR, 1 December 2014).

Planning and Development Act—Planning and Development (Loose-fill Asbestos Insulation Eradication) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-35 (LR, 18 December 2014).

Public Health Act—

Public Health (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-299 (LR, 1 December 2014).

Public Health Risk (Boarding Houses) Revocation 2014 (No 1)—Disallowable Instrument DI2014-323 (LR, 23 December 2014).

Public Health Risk (Hairdressing) Revocation 2014 (No 1)—Disallowable Instrument DI2014-324 (LR, 23 December 2014).

Public Place Names Act—

Public Place Names (Majura District) Determination 2014 (No 1)—Disallowable Instrument DI2014-290 (LR, 19 November 2014).

Public Place Names (Moncrieff) Determination 2014 (No 2)—Disallowable Instrument DI2014-322 (LR, 22 December 2014).

Public Place Names (Phillip) Determination 2014 (No 1)—Disallowable Instrument DI2014-302 (LR, 4 December 2014).

Public Trustee Act—Public Trustee (Investment Board) Appointment 2014 (No 2)—Disallowable Instrument DI2014-311 (LR, 18 December 2014).

Radiation Protection Act—

Radiation Protection (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-298 (LR, 1 December 2014).

Radiation Protection (Student) Exemption 2014 (No 2)—Disallowable Instrument DI2014-294 (LR, 24 November 2014).

Rates Act—Rates (City Centre Marketing and Improvements Levy—Collection Areas) Determination 2014 (No 1)—Disallowable Instrument DI2014-314 (LR, 18 December 2014).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-31 (LR, 27 November 2014).

Road Transport (General) Act—

Road Transport (General) (Motorcycle Lane Filtering Trial) Exemption 2015 (No 1)—Disallowable Instrument DI2015-2 (LR, 12 January 2015).

Road Transport (General) Concession Determination 2014 (No 1)—Disallowable Instrument DI2014-303 (LR, 4 December 2014).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2014 (No 1)—Disallowable Instrument DI2014-310 (LR, 16 December 2014).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2014—Disallowable Instrument DI2014-295 (LR, 27 November 2014).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2014 (No 4)—Disallowable Instrument DI2014-307 (LR, 11 December 2014).

Road Transport (Vehicle Registration) Act—Road Transport (Vehicle Registration) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-33 (LR, 4 December 2014).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2014 (No 1)—Disallowable Instrument DI2014-313 (LR, 18 December 2014).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2014 (No 2)—Disallowable Instrument DI2014-317 (LR, 18 December 2014).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2015 (No 1)—Disallowable Instrument DI2015-4 (LR, 12 January 2015).

Taxation Administration (Amounts Payable—Interest) Determination 2015 (No 1)—Disallowable Instrument DI2015-3 (LR, 12 January 2015).

Taxation Administration (Amounts Payable—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme) Determination 2014 (No 1)—Disallowable Instrument DI2014-312 (LR, 18 December 2014)

Taxation Administration (Amounts Payable—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme) Determination 2015 (No 1)—Disallowable Instrument DI2015-7 (LR, 12 January 2015).

Taxation Administration (Amounts payable—Over 60s Home Bonus Scheme) Determination 2014 (No 2)—Disallowable Instrument DI2014-315 (LR, 18 December 2014).

Taxation Administration (Amounts payable—Over 60s Home Bonus Scheme) Determination 2015 (No 1)—Disallowable Instrument DI2015-6 (LR, 12 January 2015).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2014 (No 2)—Disallowable Instrument DI2014-316 (LR, 18 December 2014).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2015 (No 1)—Disallowable Instrument DI2015-5 (LR, 12 January 2015).

Tobacco Act—Tobacco (Compliance Testing Procedures) Approval 2014 (No 1)—Disallowable Instrument DI2014-308 (LR, 11 December 2014).

Utilities Act—

Utilities (Dam Safety Code) Determination 2014—Disallowable Instrument DI2014-292 (LR, 1 December 2014).

Utilities (Electricity Metering Code) Determination 2015—Disallowable Instrument DI2015-9 (LR, 19 January 2015).

Utilities (Licensing) Exemption 2015 (No 1)—Disallowable Instrument DI2015-10 (LR, 15 January 2015).

Utilities (Non-drinking Water Supply Code) Determination 2014—Disallowable Instrument DI2014-293 (LR, 1 December 2014).

Work Health and Safety Act—Work Health and Safety (Asbestos) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-32 (LR, 4 December 2014).

Workers Compensation Act—Workers Compensation Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-36 (LR, 19 December 2014).

## **Public consultation**

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

**MADAM DEPUTY SPEAKER:** Madam Speaker has received letters from Dr Bourke, Mr Coe, Mr Hanson, Mrs Jones, Ms Porter, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Coe be submitted to the Assembly, namely:

The importance of public consultation.

**MR COE (Ginninderra) (3.41):** I am pleased to bring this matter of public importance to the Assembly today. Public consultation is, of course, extremely important, but unfortunately this government has become an expert in the opposite—that is ignoring the public, ignoring the people that pay their wages.

Last year was a particularly bad year for public consultation from the government. The project facilitation bill was a striking example of the Labor government's arrogance when it comes to planning. The bill was a major change in planning policy, but the government simply did not consult stakeholders. Instead, the bill was



introduced and the government tried to pass it without even talking to the community councils and other interested individuals. In fact, many stakeholders were shocked to find out what the government was planning and they spoke out against the bill.

Eventually the government was forced to refer the bill to the planning, environment and territory and municipal services committee for an inquiry. However, this was a sham inquiry. Despite this, many people still were able to desperately put together submissions in the very short amount of time which was allowed for the inquiry. The bill was rejected by everyone who was involved in the inquiry. Every single person who presented to that inquiry was critical of the bill which the government brought on.

The government was determined to give the minister the power to be the town planner, architect and developer for any site in Canberra. After extreme community pressure, the government was forced to withdraw the bill at the last minute. However, later today the government will be trying again to bring this bill into effect, albeit in a slightly different guise. What the government is planning to do is to give the government the power to be the town planner, architect and developer for anything within one kilometre of the proposed light rail line between Gungahlin and the city, the city and Russell or anywhere else that the government's fanciful project could potentially be built.

Today we have another example of the government refusing to consult on the planning process. As I have already mentioned, the Planning and Development (Capital Metro) Legislation Amendment Bill is designed to exempt the government's light rail project from proper scrutiny and consultation. The Canberra Liberals—the opposition—will be doing absolutely everything we can to try and prevent this bill from being passed by the Assembly. However, as with so many projects, so many bills and so many decisions in this place, the ball is in Mr Rattenbury's court. Despite the fact that it seems every community council has a reservation about this bill, because it is about light rail, because it is about their golden project, principles and philosophy get brushed aside.

The government is becoming expert at ignoring public opinion and concerns. Major industry groups and community councils all raised significant concerns about the impact of DV306. It was a rare time when the MBA, HIA, Planning Institute, Institute of Architects, Property Council and others all came together to say that DV306 was bad for Canberra. However, the government stubbornly ignored the warnings from the community and proceeded with the variation.

As we all know, the community concerns were justified. As a result of the negative impact on the property sector, the government has been forced to roll back aspects of this variation. I envisage that even more roll-backs will be required, especially given the Mr Fluffy buyback and reconstruction projects which lie ahead of us. However, even though it was clear the variation was bad policy, the government still refuses to repeal it.

Madam Deputy Speaker, as you would be well aware, the debacle of the Hawker shops was yet another example of the government's total disregard for public consultation. The proposal to relocate the supermarket and build on the car parks was widely criticised. The government thought it could secretly approve plans to totally

change the shops. However, after a public meeting organised by Mrs Dunne and me and further community consultation, the government was forced into promising that no development would take place at Hawker for at least three years. It is unacceptable for the government to try to sneak through major developments behind the community's back. That three years is now up and the ball is in the government's court once again as to what they will do with that site, but we hope that, whatever is chosen, it is done in full consultation with and the full cooperation of the local community.

The government could also learn the value of consultation when it comes to their light rail project. In particular, the government should learn to listen when it consults, and to understand that Canberrans simply do not want this project at this time.

Let me repeat the facts. It will cost about \$800 million in capital construction cost to move one per cent of Canberrans to work or school every morning, and it is being built at a time when the government is running massive deficits, with the latest deficit blowing out by 132 per cent. We simply cannot afford light rail.

To date the government has spent over \$300,000 promoting light rail to Canberrans. Most recently, the government has spent huge amounts of money on all sorts of consultants to tell the government that people actually like light rail. However, it is very easy to say that people like light rail when there are leading questions.

The government has also produced a cardboard tram. It is wheeled around Canberra to promote light rail to Canberrans. However, this is not really a consultative process. When the government asks Canberrans what they would like to see on the route and what they would like the route to look like, it is not really consultation because the fact is that the government is hell-bent on going ahead with light rail regardless of what anybody says.

The only reason we have a line going from Gungahlin to the city is because Mr Rattenbury, Mr Corbell, Mr Barr and others blindly agreed to it in November and December 2012. It is not based on transport planning. It is not based on planning. It is not based on financials. It is not based on the economics. It is simply based on a deal done between Shane Rattenbury and the Labor Party.

At no point has this government properly consulted or properly determined what is the best way to roll out light rail across the territory. Canberrans know that light rail is a dud. They know that it does not stack up, and they do not want it with this price tag.

It is a good time to remind people that the only consultation that the government has done about light rail was in 2012. A survey commissioned by the government found that, whilst people like the concept of light rail, when it comes to an investment in buses or light rail, people prefer buses. And that was at a \$614 million price tag, let alone the \$783 million price tag that we now have.

Every day Canberrans write to me to voice their opposition to light rail. Canberrans want to have a proper say before this government plunges a \$100 million hole in the territory's annual budget for the next 20 or 30 years. This government needs to listen to their concerns and properly take them into account.

At the heart of it, the government must realise that they do not listen to Canberrans' greatest concern—that is, urban amenity. Most Canberrans I speak to are sick of this government ignoring their concerns when it comes to the bread and butter issues of a local administration, those being grass mowing, footpath and road repairs. The government spends every day in this building thinking up another light rail route or where they can move wind and solar farms to. Instead, if they properly consulted with Canberrans, they would see that this is not the top priority for Canberrans. So many Canberrans want better urban amenity to help us all be proud of our city.

Shamefully, of course, all these desires could happen at a fraction of the cost of light rail. It shows the lack of consultation by this government, and how out of touch they are with the community's concerns. The light rail project will be the iconic example of this government squandering money and simply fuelling their own self-indulgence on a project that had its genesis in a deal done between Labor and the Greens.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (3.51): Madam Deputy Speaker, what a curious matter of public importance we have from Mr Coe today. Was it an MPI about consultation or was it an opportunity to provide policy critique from his perspective on everything that he does not like about Canberra and everything he is unhappy about? It is one thing to debate differences on policy and the delivery of projects, but it is another to try to wrap it up in some sort of complaint about consultation.

This government has a strong and wide-ranging program to engage with the Canberra community and talk with them and hear from them on issues of concern and interest to make sure that service delivery is focused on responding to the issues of greatest concern to them. The government has put in place a comprehensive range of measures to effectively engage with the community. That does not mean, of course, that you will always agree with what the government does or what it decides to do. It is the job of government to make decisions and to decide, ultimately, how the city will grow and develop to meet the broader public interest, and not everyone will agree with that all the time—and I know Mr Coe will rarely agree.

But let us look at some of the comprehensive range of measures this government has put in place. We have, for example, a comprehensive digital mail service, an emailing outreach service. It commenced last February and to date it is reaching more than 29,000 residents on each and every occasion it is used to provide information on what is going on in Canberra, government service delivery, government consultation, activities and how people can have their say.

There is the Canberra digital community connect framework. This uses the NBN to provide opportunities for community groups to run online events that people can view and participate in in their own homes. The Gungahlin library is equipped with video broadcast equipment to live stream events through our Canberra Live website.

The government has been actively engaged in using social media to connect with Canberrans. We have used the very effective Twitter cabinet framework as well as

other social media presence to engage in regular ongoing conversations with the Canberra community. There is the Mobile Canberra app launched last year to help residents and business alike locate amenities. It provides information to Canberrans on local amenities at 9,800 separate locations. Then there is the Time to Talk Canberra website where people can have their say on local issues, including through posting online, sending in submissions, completing surveys or using other social media. We have a comprehensive framework, and they are just some of the mechanisms the government uses to engage with the Canberra community.

But what is most extraordinary about the ongoing complaint from Mr Coe and his colleagues is that they criticise the government for not consulting and then they criticise the government for spending money on consultation materials. It is the height of hypocrisy to complain about consultation and then complain that the government spends money on consultation materials to assist with that consultation, to draw attention to the consultation and to invite Canberrans to have their say.

We heard Mr Coe's critique about the light rail consultation. This is a big infrastructure project for our city. I know Mr Coe lacks the imagination and the capacity to see what this project means for our city and its future, but I also know there are thousands and thousands and thousands of Canberrans who see the potential of this project, who want to see it realised and who understand that governments have to think for the long term, not just the short term, when it comes to this type of investment.

To make sure we get it right, we have engaged in a series of consultations to date to allow Canberrans to have their say. That has included an early consultation looking at light rail integration with the broader transport network, including the locations of stops, terminals and park and ride facilities. We have undertaken consultation on early design elements, including the strategic approach we are adopting to the implementation of this infrastructure, the customer experience and the nuts and bolts of the way light rail will operate.

Right now we have public consultation underway on the urban design framework, making sure we have interpreted correctly the feedback we have heard previously, that that is integrated into the design framework we are finalising, and checking with the community that we have set the right requirements for the delivery of light rail.

These consultation exercises have been comprehensive. Obviously we have mechanisms such as the pop-up shop in the city bus station so that people can drop into a shopfront and have their say about the early elements of the designs for light rail. We have had a series of in-depth discussions through a range of stakeholder workshops, including locations at Erindale, the Tuggeranong town centre, Gungahlin and Dickson, as well as the use of social media, website-based presence, Twitter, Facebook and YouTube.

We have recorded over 16,500 interactions with the community, including visits for online information, completed surveys and face-to-face discussions. This has been a very valuable exercise—16,500 interactions of one sort or another on this project alone. That is not the sign of a government that is not interested in engaging and talking with Canberrans.

What has been some of the feedback? We have seen, for example, very strong response on making sure that people can easily transition from cycling to using light rail and completing their journey by cycling. As a direct result, we have made sure our light rail vehicles must be able to accommodate bicycles. Our bicycling culture will be strengthened through this important decision as a result of community engagement and interaction.

Further consultation has included discussions on issues such as the design of light rail and how this integrates into the Gungahlin town centre. More than 70 per cent of survey responses have supported the proposal to make the area of Hibberson Street between Gungahlin Place and Hinder Street a pedestrian and light rail only zone. That is a great level of feedback from people in the Gungahlin district who are keen to see these issues addressed and some of their concerns about Hibberson Street responded to through this project.

We now have consultation occurring in relation to the detailed urban design. That includes reaching out to people at 10 separate locations around our city. We have seen the checkpoint station at a range of locations, including Watson, Dickson and Cooleman Court. We have reached out to a broad range of locations, and in the coming week we will be at O Week at the University of Canberra, at Kippax, at a Capitals game, at a Brumbies game and at the Multicultural Festival. We are reaching out to a very broad range of locations; we are not simply relying on people knowing where the notice is and putting in a submission.

These are concrete examples of a government that is engaged in a comprehensive consultation process in relation to this project and in relation to government decision making broadly. We value it, we recognise, and we invest considerably in it. We will continue to invest considerably in it because, whilst it is a cheap, easy shot from the negative naysayers on the other side of this chamber, spending money on good-quality materials and information to assist people to understand government decision making and to have an informed say on it is important to good governance, it is important to showing respect and engagement with the Canberra community, and that will continue to be the approach that this government adopts.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (4.01): The Greens support community engagement in decision-making processes because participatory democracy is one of our founding principles. It is one of the four key pillars of the Greens, and so it is something we have given a lot of thought to and something we seek to practise both within our party and in the roles we play in parliament. Certainly in the 20 years since the Greens have been in the Assembly we have actively advocated for open government and clear community engagement processes.

Over time we have been successful in achieving some improvements, such as pre-DA consultation for large development applications, improved signage and notification for developments and the instigation of a number of committee inquiries which have provided the community with an opportunity to contribute to policy development.

Examples would be the inquiries into the educational achievement gap, live music and vulnerable road users—just three examples where the community has been given an opportunity through the Assembly’s committee process to help shape policy not just for the government of the day but, in fact, for the entire Assembly, with all parties generally represented on those committees. We have also over the years issued a range of discussion papers and exposure drafts on legislation, again providing the community with that opportunity to engage with policy debate on legislative reform.

Since being a member of the executive, I have been working with my directorates, seeking to improve consultation processes. I want the directorates—and I have been very clear about this with them—to be open to input from the community, to listen to their concerns and to have the flexibility to respond and adapt so that services and facilities can be delivered to meet community needs and get the best possible outcome for the city.

Consultation, of course, can take many forms, with many degrees of engagement. Some of it can be quite simple and sometimes it is very difficult, through both the nature of the problem and the type of community that needs to be engaged, but it always needs to happen with an open mind.

An example of a consultation that has been well received by the community is the installation of new water refill stations around the city, an initiative of the parliamentary agreement. You might ask how the government work out where these should go and where the community would find them most useful. We asked the community through a consultation process. Ten of the drinking refill stations were installed at preselected district and neighbourhood ovals, based on government knowledge of them being high-usage locations, but the community was then invited to help determine the final 20 locations. Over 600 surveys were completed, with the most popular locations nominated including City Walk, Mount Ainslie lookout, the events terrace at the National Arboretum, Tuggeranong town park and along the Eastern Valley Way cycle path in Belconnen. Water refill stations are now being installed at these locations and should be completed by the end of the financial year.

This is a neat example of a focused consultation being used effectively to gather information about a specific community need. The survey was also an opportunity to further examine community attitudes by asking people how the provision of these facilities would affect their behaviour. Over 80 per cent of the survey respondents said more drinking fountains would encourage them to carry a reusable water bottle, reducing plastic bottle waste caused by purchased drinks—again, a good example of gaining valuable information about community needs to inform government policymaking.

Another focused example of public consultation is the development of the ACTION Nightrider service. We are aware that it takes time to build patronage for a seasonal service such as this, and with that in mind ACTION is trying really hard to provide a model of service delivery that meets the needs of the community—both existing passengers and those who have not yet used the service.

This year ACTION came to me with an idea on a new way to approach the service that they thought would make it more attractive. I said, “Well, let’s see if we can

survey the customers.” We used a Time to Talk Canberra survey and we presented two quite different delivery models and asked people their preference. One option was a frequent and faster service that only went to interchanges and major centres and the second option was to continue with the door-to-door service but with less frequent services. The majority of respondents preferred the second option—the existing model. Whilst ACTION had an idea that we thought would work better, provide a better service to people and better meet customer needs, when we tested it the community indicated they preferred the current model, so ACTION stayed with the current model.

It was a successful year, with over 3,000 boardings—a 21 per cent increase on the previous year. The consultation process played an important role in this success. By engaging with the community, asking them how they would like to use the service and adapting the model accordingly, the government was able to develop a responsive service that met the needs and desires of the community.

These two examples are simple surveys. There are, of course, more extensive consultation processes and harder problems to resolve, but I think they underline the fact that consultation can take many forms, and some of it can be very simple. A more complex example would be the development and delivery of the ACT road safety strategy, and in that case the involvement of key stakeholders is central to a collaborative, community-based approach to service development. For example, the NRMA, ACT Motorcycle Riders Association, Pedal Power and other organisations were all part of a working group to develop the motorcycle lane filtering trial and associated public awareness campaign which was launched at the beginning of this month.

The share the road education campaign launched in January is about recognising the rights and responsibilities of cyclists and motorists. Again, it was developed in close consultation with road user groups such as Pedal Power and the NRMA. This involvement is critical for a campaign which aims to speak to both cyclists and motorists to encourage people to be aware of other road users, whether they are on bikes or in cars. It is a pretty contested space in the public discourse, as we know from letters to the editor and talkback radio, and I think this campaign strikes the right balance. This, to a large degree, is testimony to the way the JACS road safety team have engaged with the peak bodies, sought their advice and accommodated the different perspectives of the people they represent.

This kind of engagement is critical for good government. It sets the foundation for good working relationships between government and community so that when new services and facilities are being considered officials know who to talk to in the community to get a community perspective on what is wanted and needed. Engaging with stakeholders early in the planning stages of major projects is the sensible thing to do. It gives a better outcome overall, with better ownership from the people.

I concede that this is a learning process. Decisions must be made about how best to consult on specific projects and at which point it is most constructive to seek input. A case in point was the consultation around the dog exercise areas. Work needed to be done by the directorate to draw together information and maps of the existing exercise areas as well as the various recommendations about potential changes based on policy development and input from the community and other user groups.

When we went out to the community we went out with a series of draft maps and it would be fair to say we got some strong reactions to proposed changes at some locations. But we were able to talk to the community about their concerns and accommodate that feedback. That is the bit that is important. Consultation is about being genuinely open and being willing to hear what people have to say. As a result of that, the people of Belconnen continue to walk their dogs at Mount Rogers as before. In this case, the end result was good for the community and it was a successful consultation, even though the proposal was actually reversed from what was originally put forward. The community spoke and the government listened.

The Greens have always advocated for genuine consultative processes. We believe consultation needs to be designed in a way that facilitates constructive feedback, and government needs to be prepared to be flexible in response. Certainly, I have found in my time as a minister in a range of complex areas often just getting people in the room and sitting down, having the consultation and bringing different stakeholders together to share perspectives, is very valuable.

Members may recall that we have had a significant increase in our prison population. As the Minister for Corrections I brought in a range of community stakeholders to talk about why that was happening and discuss possible solutions. That work is now informing very strongly the justice reform agenda the Attorney-General and I are working on to try to tackle that issue of the increasing prison population.

Ms Lawder is not here at the moment, but she will recall that when we were looking at the Nature Conservation Act last year we had a roundtable where the Labor Party, the Greens and the Liberal Party were all present, as well as community stakeholders. Again, by the time that legislation came before this chamber, through that process there were barely any amendments, and the ones that were there were the areas that were most heavily contested, while everything else had been sorted out in the meantime.

I put forward those examples today to indicate that I think consultation can be very successful. It needs to be flexible in how it is done, when it is done and the way the government goes to the community. I welcome this discussion today and the chance to reflect on what works well and the positive outcomes it can produce.

**MRS JONES** (Molonglo) (4.11): I am pleased to add my voice to this matter of public importance regarding public consultation. The lack of public consultation on some key decisions is damaging not only to local suburbs but also to vulnerable groups. In the case of the recent debacle regarding the Ahmadiyya Muslim community, I cannot see the result of any visible public consultation.

This group has already suffered very significant discrimination and stress in its history in the Middle East. It was put in an unenviable position when it was announced that it had been offered a site in Rivett, barely 200 or 300 square metres, with no capacity for private parking, in order to build a mosque. This is a peace-loving and kindly sect of Muslims who were left believing that this was the only piece of land in the whole of Canberra that was available for them to purchase for their growing needs.



In respect of the local community in Rivett, locals have been incensed at being surprised by this decision. It just goes to show how long it has been since any government minister has set foot at Rivett shops. Rivett shops has issues including bird waste, needles and drug syringes, graffiti, an empty shopfront and a vacant derelict petrol station site. The car park at Rivett shops already comes under significant pressure from the vibrant Reformed Church, the only one of its kind for the whole Canberra region.

None of the shop owners were consulted. They found out via a rumour that this might be planned. An influx of 50 to 100 cars from time to time into the small car park would make it very difficult for locals to access the shops and for the shops to do well, which is already at times difficult. The litany of issues at these shops should be a high priority for the government, but they seem more focused on beaches at the lakes and expensive trams rather than needle-free, graffiti-free local shops—issues that I have been writing to this government about since I was elected to this place.

The consultation by this government was non-existent, worried locals very much and showed a disregard for local people. Belatedly, I am glad to hear that this Muslim community has now been offered another site, a larger and more suitable site, with much better bus access and space. That is very good and I am glad I had the chance to meet with them and help them to have the courage to ask. But the Rivett locals will remember in 2016 that this government has had very little interest in conversation with them.

I turn to another matter, the Rocky Knob playground in Narrabundah, which we will discuss at some length tomorrow. The minister seems, without consultation, to have decided to do away with the beloved small local children's playground. As a result, people have been left feeling quite out of the loop. Rates and charges continue to go up. The government breaks its contract with the local community in such an action.

I conducted community consultation on the issue and spoke to local residents. As a result, I wrote to the minister last Friday. By Monday he had changed his mind on the issue—a welcome backflip. I hope that in future more consultation will be held on such choices and not leave communities who are paying increasingly high rates having disappearing facilities that some bought their homes in particular locations in order to enjoy. They are left feeling betrayed by local representatives. Consultation is about listening, not just telling.

There are some quite significant failures this government has overseen. If Minister Corbell believes that they are so great at consultation, how have such blunders occurred? While speaking in the context of playgrounds and consultation, I would like to add to the record that there is not enough parking at the Boundless Playground near Russell offices and the Carillion. People are having to park on the grass. I am getting a lot of complaints from mums and dads. There is a bit of feedback for the government. While we are talking about public consultation, see if there is something that can be done there.

**MS BERRY** (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality) (4.16): Thanks to Mr Coe for bringing this motion on for debate today. At least in the text of this motion we can probably agree that consultation is crucial to good government and crucial to good community representation. If through this motion Mr Coe is sending a message to the Liberal Prime Minister that it is time for him to come through on all his promises of more consultation with the community, then we can probably agree on that too.

We in the ACT government are proud of our inclusive approach to government, one which encourages the involvement of our community more than ever. I am happy to discuss this record in my community of Belconnen, in my newly gained ministerial portfolios and in other areas such as planning and infrastructure investment. We have embraced the possibilities of digital technology. We have created more transparency through which the Canberra community can engage with all aspects of government. We believe in ongoing, sincere, meaningful and constructive consultation, listening to people and feeding their views into the governing process.

This is despite the negativity that comes from across the chamber, where consultation often means opportunism, misrepresentation, suspicion and disunity. It is their opposition not just to government but also to the clear wishes of our community—for example, their opposition to marriage equality, their opposition to the strong action to grow renewable energy and to address climate change. More often than not it is also policy free with no alternatives, just negativity. It is hard to have a meaningful policy debate with this type of opposition.

Nonetheless, the government is pressing ahead with a far-reaching policy platform, including areas of my portfolio where consultation is so important. Just last week I had a long conversation with a local man called Sam while selling the *Big Issue* with him in Dickson along with the Chief Minister. He shared some very thought out and valuable views on public housing and services in Canberra. It is one of the many conversations I am having in the housing and community services sector and just a taste of the ongoing consultation which guides the government's work in these areas.

As I have said since becoming minister, it is vital that our approach is about talking with people and not talking at them. This is how we are approaching the task in housing and community services. In housing there is a very extensive program of consultation rolling out for ACT Housing tenants along Northbourne Avenue and the ABC flats around the government's plans for redevelopment and what it means for the tenants who live there.

I have already taken a couple of trips to ACT Housing properties. I have been impressed by the work which is happening. This has included joining with tenants at Owen flats for a get-together that they have every two weeks. It is run for the government by the Northside Community Service to make sure that they are kept up to date.

The redevelopment process in 2015-16 will mean the relocation of approximately 51 tenants and their voices will continue to be important in this process. Looking more broadly, clear and practical communication is a key element of the government's work through the Housing portfolio, particularly in continuation of the public housing renewal program.

I have met with the linking into new communities task force, which was set up by the former Minister for Housing, Mr Rattenbury. It is leading the government's consultation with tenants, as part of the renewal program. The task force will keep working on the ground with people in recognition that they are part of the local community with strong local bonds. Their education, employment, friends and support networks are strongly tied to the area and to their homes. When tenants relocate, helping re-establish these bonds will be a priority and, again, will be guided by the view of tenants and community members.

In Community Services, the government is working closely with stakeholders through an incredibly difficult time as they await news from the federal Liberals about whether they will be funded in the future. Some have been told they will not be. To their enormous credit, these organisations have continued to engage with the ACT government around ways to improve the way government services, policies and programs respond to the needs of individuals and families in our community.

Beginning in 2012, the ACT government and a range of community partners commenced a process to better understand the unique needs of families involved with multiple services who, for a range of reasons, were unable to break the cycle of service dependency. Government sat down with families to hear their views and better understand their needs and started breaking down the systemic barriers to more tailored services and better outcomes. The success of involving families in the design of a new way of working has led to the expansion of the co-design service model to up to 50 families over 2014-15. Workers from across the service sector are upskilling and embracing this model.

The community conversation we are having around service delivery has included online surveys, social media, targeted focus groups and expert panels. It is an open-minded conversation with people who know the sector best. The result is a major community service reform program, with pilot initiatives already funded and rolling out in the ACT. One of those in west Belconnen is the Local Services Network. It is a truly co-designed model of service delivery where government, community sector and local community members are working together to co-design and implement a locally tailored network plan.

Even before becoming minister, I was excited to see this project established in my community. We have seen extensive engagement with community members, including neighbourhood forums, a local design team, online surveys, children's surveys in schools and targeted focus groups with community members. As a result, there has been significant buy-in from across the government and community sectors delivering services to people in west Belconnen.

The Local Services Network will be implemented over the next 18 months, with a significant focus on community participation, circle inclusion and ensuring the most disadvantaged members of our community are supported to have a say on matters that affect them. The Better Services Taskforce is now considering recommendations for future community engagement based on the success of this early work. This advice will support more effective engagement with community members across the ACT.

Looking more broadly at the government's work across planning, infrastructure and urban renewal, the government's record is one of listening and acting. When you are on the ground in Belconnen you hear many supportive views of people for the way important projects are being discussed with the community. This includes consultation on the Belconnen town centre master plan, which has just concluded on the time to talk website; consultation on the Evatt and Florey shop centres; 40-kilometre zones in Jamison, Charnwood and Kippax; and upgrades to sporting facilities in Weetangera and Charnwood.

Another example is Higgins oval, a project I became involved in last year. Residents support redevelopment but they wanted the community oval preserved and it has been. These stories are repeated across our city on major projects and policies as well as smaller ones and the government continues to expand the channels through which we are communicating with Canberrans.

The channels include the time to talk website, the digital mail service, Twitter cabinet, the mobile Canberra app, the *Canberra Times* community noticeboard and our community newsletter, regular stalls, shopfronts and community meetings. The ACT government are proud of the inclusive and consultative way we govern. We value collaboration with our community and we believe in a positive public discussion about decisions affecting the ACT. This was the sentiment of the Chief Minister's statement this morning and it is the way we will continue to work with and serve our community.

*Discussion concluded.*

## **Ms Joy Burch—portfolio responsibilities**

### **Motion of no confidence**

Debate resumed.

**MR DOSZPOT** (Molonglo) (4.24): I stand to support the Leader of the Opposition in his motion of no confidence in Ms Burch, most particularly in her role as minister for education. We have heard of her many accidental mistakes, her lack of judgement over so many things and her innate ability to say the wrong thing at the wrong time. In fact, I doubt if there is a more serial offender in this place and in this regard than the minister for education herself.

Let me remind the Assembly of some that are particularly related to the education portfolio. Who can forget her lack of judgement when attending a year 8 school civics class in 2010, along with other MLAs. Ms Burch took along some handouts. All very

good, you might say, but in this case the handouts were application forms to join the Labor Party and, far worse, applications to become a member of the ACT Labor Club. This was going to year 8 students, some as young as 12. No wonder former Chief Minister Stanhope finally recognised the serious conflict of interest for the Labor government. So we had Minister Burch handing out Labor Club applications; but, worse still, when pressed on the issue, she said that she could not see anything wrong in what she did. At least at the time she was not the minister for education, because the mistake she made would have been even worse.

Fast forward to December 2014, and again the minister had a blind spot when supporting, without question and without consideration, the needs of a gambling venue. Again she could not see the harm; she was just clearing her desk before Christmas.

If we move to her conduct as education minister, we have some appalling examples of poor judgement, lack of consideration and appalling taste. Surely none could better demonstrate her lack of a sense of propriety than when she retweeted a message that anyone else would have had cause to think about reading in the first place, much less sending out under their name. I refer, of course, to her offensive remarks about the federal minister for education, with whom she had just concluded a meeting. While he was within metres of Ms Burch, she obviously thought it quite funny to send on such a tasteless commentary about a political adversary. It was not funny; it was base and tasteless. And her defence was hardly plausible. She claimed “ignorance of modern technology”. She should have just stopped at “ignorance”.

We move on to her handling of the ongoing allegations about the workplace culture at CIT. This was a situation inherited from three earlier education ministers, and each had handled it less than satisfactorily. However, in fairness to her immediate predecessor in the portfolio, Dr Bourke, who had shown courage in pushing for change and an examination of the issues, former education ministers Mr Barr and Ms Gallagher had done nothing other than try to bury it and deflect any complaints.

Ms Burch could have taken up the cudgels provided by former minister Bourke and shown leadership and support for all members of the CIT teaching staff. Instead, she followed the lead of the current and former chief ministers and put her figurative fingers in her ears and simply did nothing. Well, not quite nothing. She has made several attempts to shut down any further discussion and today no doubt believes the matter is dead and buried. But even now there are teachers and ex-teachers out there who are still hurting and still feel badly let down. I know, because I listen to them—more than this minister has ever offered to do. This minister has been silent, has said nothing and done nothing.

Doing nothing is not just contained to matters affecting CIT. On various occasions I have had reason to seek a briefing on issues that are current and important. One particular issue was critical and involved a family at risk, with elements involving community services, protective custody and education. The family had sought my help and I thought it best to work through the appropriate channels. That involved the minister for education and community services.

I sought an urgent briefing. After hand-delivered letters, follow-up emails and phone calls, with no response for about a fortnight, I was finally forced to write to the then Chief Minister, Ms Gallagher, who, to her credit, responded immediately. But it was only then, after getting a reprimand from her Chief Minister, that the matter was progressed and addressed as the family wished, and the family was assisted in the end. Is this seriously the best we can do for Canberra families in crisis?

I am not the only one that the minister chooses to ignore. Four months ago, an opinion piece appeared in the *Canberra Times* with a heading that read “Time for Education Minister Joy Burch to learn from the evidence”. The article referred to the results of a report by the Australian Council for Educational Research that showed that ACT teachers worked between 49 and 50 hours a week. The writer of the article, ACT AEU secretary Glenn Fowler, wrote:

One might have expected the Minister for Education, Joy Burch, to have given serious consideration to the independent and objective data provided by ACER.

Instead, in response to ACER’s findings, a spokesman for the minister sought to deflect the issue by telling the *Canberra Times* ... that teachers in independent schools work longer hours ...

As Mr Fowler pointed out, that claim was completely without foundation. But that was not an isolated example of lack of support for ACT teachers. She had earlier attempted to dismiss a survey that showed ACT public school teachers had experienced an increase in their workload over the previous five years due to an increase in administrative and other tasks. In that instance the minister went even further than just dismissing the claims. She said that in fact ACT teachers had the lowest workload in the country.

Isn’t that a truly inspirational message that you as a teacher would want to hear from your minister? In other words, “Shut up; you’re overpaid.” What a slap in the face for teachers in the ACT.

How many more examples does the Chief Minister have to hear about before he realises what a weak link he has in this minister? How many more times do ACT teachers have to be let down by their own minister? How many more times do Canberra families have to expect the minister for gaffes to come out with yet another memorable “whoops, she surely didn’t mean that” quote?

Chief Minister, enough is enough, and that is the sad fact that the Leader of the Opposition, Mr Hanson, has so clearly defined in this motion of no confidence.

**MS LAWDER** (Brindabella) (4.31): I rise to talk about some issues that the minister has participated in, either in her current portfolios or in previous portfolios. These relate to child care, care and protection, and the most recent Tharwa Drive road closure. These issues fell under Minister Burch’s portfolio responsibilities, either recently or at some point, and they show her continued failings as a minister.

Ms Burch started off this morning by saying, “Here we go again,” and never a truer word was spoken. Someone suggested to me just this morning that we in the

opposition should not have a no-confidence motion in Ms Burch because she is of more value to us in government. Her mistakes and errors of judgement are the gift that keeps on giving.

I will start with child care in the ACT, an area of Minister Burch's responsibility that shows her failings. The recent report on government services shows that once again the ACT has the highest childcare costs in Australia. Canberra families using long day care services had the greatest out-of-pocket expenses in Australia, shelling out on average \$80 more than the national average. These costs add to the spiralling cost of living expenses for average Canberra families, doubling over the past six years.

There has been no improvement to the costs of child care in the ACT, with the 2014 report on government services also showing that Canberrans are paying the highest childcare costs in Australia.

Minister Burch was quoted in the *Canberra Times* recently as saying the ACT government was committed to first-class early childhood education with the ongoing implementation of the national quality framework. Unfortunately, Minister Burch is not living up to this commitment. The ROGS shows that, in relation to ACT childcare workers, Canberra is behind the other Australian jurisdictions, with only 50.6 per cent of primary contact childcare workers in Canberra having a relevant formal qualification at or above certificate III. This is significantly lower than the national average, sitting at 74.1 per cent. Canberra ranks as the lowest of all Australian states and territories.

I ask the question, Madam Deputy Speaker: why are Canberrans paying more in childcare costs than the national average, when the qualifications of childcare workers are well below the national average?

We then move to Care and Protection Services, a department that is responsible for the care of our most vulnerable citizens—children who are at risk in our society. I am not the first, and nor will I be the last, to say that child protection in the ACT has failed many children in the past. There was a systemic culture of cover-up and bandaid fixes that allowed the service which protects our children to fail.

The Public Advocate's interim report into the emergency response strategy for children in crisis in the ACT was released in October 2011 under this minister. This report made recommendations to address the organisational and systemic changes in response to what were considered the deficiencies which existed within Care and Protection Services. Given the narrow scope of this initial review, it was assumed by most that the report did not paint a true picture of Care and Protection Services but was simply an aberration. But then the Public Advocate came out and said:

My investigations revealed that there may be many more cases of systemic deficiencies and practice failures than I dare to think.

This was back in 2011. Then there was the release of the full Public Advocate report in May 2012, when we saw the full extent of the issues within the care and protection service. The full report stated:

The problems are exacerbated by the broader systemic deficiencies within the care and protection service.

It became clear that the hardworking and dedicated front-line staff in care and protection continued to battle against a system that failed to support them, despite their very best efforts on a day-to-day basis.

Minister Burch promised to fix the care and protection service. One could mistakenly believe that things were going to get better. But that was not the case. March 2013 saw the release of the Auditor-General's report into Care and Protection Services. The Auditor-General stated that the records kept by Care and Protection Services were poor, inaccurate and out of date. In fact, it came to light that some children who were put in long-term care by Care and Protection Services will potentially never receive a visit from a caseworker.

We are also aware, through media reports, of tragic cases where young children lost their lives due to the failure of authorities to act. These stories show that the statistics are more than just numbers; they involve real lives of vulnerable children. And I have not mentioned yet the failings in Care and Protection Services which left vulnerable children in homes with no heating and with broken glass.

I would like to speak very briefly about the recent Tharwa Drive road closure "chaos", to use Minister Burch's own word. Tharwa Road is one of the oldest roads in the area. The *Queanbeyan Age* of 2 September 1869 carried a report of a large meeting of passionate residents opposed to moving the road, which had then existed for at least 31 years. For those who spent three or four hours a day commuting and sitting in traffic during the closure of Tharwa Drive in January, it must have seemed like it was still 1869.

To close the four lanes of Tharwa Drive was negligent and dangerous. Woodcock Drive was never intended as a major traffic route. To block all but one road in and out of Gordon, Banks and Conder not only caused major inconvenience but would have presented major problems during a bushfire or similar emergency.

I was contacted by many constituents, a number of whom derived no joy from the two-line responses they received from members of the executive. One constituent was moved to write a very clever poem called *No Joy for Lanyon*, to the tune of the Beastie Boys' *No Sleep Till Brooklyn*. I am happy to provide copies, if anyone would like one. Almost all correspondence mentioned the need to link Conder with the Monaro Highway as an essential second way of exit from the Lanyon valley, both for occasions like this and, more importantly, for emergency evacuations.

I have reports of people missing non-refundable flights despite leaving home 2½ hours before their flight was due to depart, missing specialists' appointments for which they had waited six months and still had to pay, and lost earnings by small business owners who could not open on time. These are all costs to individuals, businesses and the community that the minister did not seem to care about. She then tried to blame the Tuggeranong Community Council and their president, Eric Traise.



It was quite appalling. It was not the fault of the Tuggeranong Community Council, and I can assure the minister that issuing a media release does not count as community consultation either.

Let us also recall that last year Minister Burch criticised the Tuggeranong Community Council's stance on light rail. As members of her own electorate, and as voluntary committee members representing the views of the members of their organisation, Minister Burch thought it was correct to criticise them.

There are multiple instances, well documented, of failures by this minister, and there is a lack of confidence in this minister.

**MR WALL** (Brindabella) (4.39): Once again, I and my Liberal colleagues are here finding ourselves having to move this substantive motion against Minister Burch. Ms Burch's constant inability to manage her portfolios means that ultimately her failures impact on the residents of the ACT. The constant public exposure of her mishandling of issues is a reminder that the people of the ACT—in particular those that reside in my electorate, also her electorate, Brindabella—are paying the ultimate price for her shortcomings.

It was just this time last year that such a motion was moved here against Minister Burch and a detailed account of her ineptitude was read into *Hansard* to bear witness. On that occasion, I stated my view that Ms Burch is a minister who is not across her brief, a minister who is out of her depth and completely propped up by her directorate and staff.

Time and time again I have witnessed that it is not uncommon for the minister's staff to continually prompt or gesture to her during a public hearing, meetings or forums and also to ensure that the right things are said and that no stuff-ups occur—not to mention the interference that is run on her behalf by directorate staff at any kind of public committee meeting; it is a matter of course for them simply to minimise the exposure this minister has to any kind of scrutiny.

In an email sent to me prior to the closure of ACT government-operated respite centres at the end of 2013, staff from Disability ACT said, and I quote from a letter which I have previously quoted in *Hansard*:

Everything you have heard about Disability ACT is true.

It is a toxic sinking ship with only the rats aboard.

The bullying and waste that has gone on in this government unit is beyond anything you could imagine.

The letter goes on to say:

Administrative errors have seen Disability ACT fall deep into debt. One Director talks about it quite openly as the reason for not replacing staff that leave. You have one person doing three jobs. Staff are taking personal leave for stress. And they are stressed. This environment is hell.

Everything is being done under the radar. We are told not to tell carers that Joy Burch was coming to a forum—

forums or meetings—

regarding the respite closures. It is all secrets and lies. Protect the Minister is the mantra. But who is protecting the clients? The vulnerable?

This is a letter that has come from staff within the minister's directorate and illustrates an inability to manage or be across her portfolio load.

We can safely say we have moved on from this point. The national disability insurance scheme trial is well and truly underway, and Disability ACT have taken a back seat in terms of service delivery. But the same scenario of under the radar decision making occurred in the middle of last year with the decision to close early intervention services for children with autism and global developmental delays. This was a decision taken by this minister that affected over 300 young people, their families, their carers and countless more through the extended family, not to mention those who were on waiting lists to access services.

This decision was taken without adequate provision for non-government organisations to get ready to enter this space. The decision was also very poorly communicated to families that were affected by this move. This is the behaviour typical of Joy Burch as a minister. At the time of the announcement that government-run services would cease, she refused to meet with families to hear them out, provide any explanation or confirm that services would be available to meet their needs. It took relentless pressure from me and my colleagues on the opposition benches to ensure that there was a guarantee from this minister on this issue that no child would be left behind. However, until the very last days of school last year, some children were still questioning what the 2015 school year would mean for them.

The reasons for moving this motion today have been made evident by the litany of mismanaged issues, misquotes and bumbling behaviour outlined by my colleagues today and further confirmed by recent media reports on the decision such as increasing poker machine limits and the mishandling of the closure of Tharwa Drive.

On the issue of the poker machines and the clubs, a new Chief Minister and a newly formed cabinet is sending a message of competence and trying to instil confidence in the business sector. What level of unrest and uncertainty is there in introducing a new policy only to pull it back a couple of weeks later over the Christmas break? Businesses—particularly, in this instance, the club sector—were wondering: “What does this mean? What is the direction of government? How do we plan for it? How do we implement our policies?” They were asking how they operate their business to continue to offer the employment they do, offer the community contributions they do and offer the support they do to all Canberrans.

The Lanyon Drive issue has been well played out, and there has been the positioning of the Tuggeranong Community Council as the cover for the minister's mishandling

and miscommunication of what actually occurred down there. It is quite pitiful to have your own party members attempt to move a motion against the Tuggeranong Community Council. That really shows that you do not appreciate the work of volunteers in our community who put their hand up to represent their community, the town centre that they live in and love. They are being used as political cover by this minister and by her party, members of the ALP.

These are all reasons enough for Ms Burch as a minister to be moved on. This is the opportunity for Andrew Barr, as Chief Minister, to act on the hype he is creating about the renewal of the team that he is now leading, cut Ms Burch from the team, end her blunders and let the community be better off for it.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (4.46): I rise this afternoon to oppose this motion. I do so because I want to make some comments about Minister Burch and her commitment to representing the interests and responding to the concerns of the community which she represents and which she serves.

There is something slightly undignified about the all-in attack we are seeing from those opposite, but I guess that is politics. We will respond to that in kind in due course.

Very quickly, before I go to the substance of my comments, I would reflect on Mr Wall's suggestion about instilling business confidence. If the Liberal Party were serious about their so-called commitment to instilling confidence in business, they would not be the party that is threatening to rip up signed contracts for the delivery of an important infrastructure project in this city and they would not be the party that is prepared to introduce sovereign risk into the investment environment here in the ACT. But of course they are; they are the party that are threatening to do just that. Maybe Mr Wall should look at himself in the mirror next time he considers that he is the champion protecting the interests of business in this city, when it is his party that is threatening to tear up lawful, written contracts for important pieces of infrastructure.

Let me turn to the substance of this motion. I watched very closely as Minister Burch responded to one of the issues that have been the subject of so much criticism from those opposite. That was the matter of the temporary closure of Tharwa Drive to allow for the completion of important works for the new fire and rescue facility for the south Tuggeranong community. Here was a minister, in Minister Burch, who, when she was first made aware of the problems that were being caused by that closure, went down into that community, experienced the problems firsthand and did it day after day until it was fixed. You would not see that happening with a minister in New South Wales, South Australia, Victoria or Queensland—let alone one of Tony Abbott's ministers. You would never see that. But you saw it from this minister, because this minister understands her community. She understands their concerns and she was there to try to fix it.

And she did fix it. She banged heads together in her department until it was fixed. Yes, there was inconvenience. Yes, there were concerns raised. The government was open

in acknowledging them, and the minister was open in acknowledging them. But she got it fixed. She went down there and she spoke to shopkeepers. She sat in the traffic with everyone else and understood on the ground what was going on. And she fixed it. It was one of the best examples of a proactive response from a minister that I have seen for some time.

Let us have some background as to why this occurred. The minister has laid it out very clearly. There were two choices: one was to have a staggered closure of parts of Tharwa Drive for a period of maybe five, six or seven weeks; the alternative was to build the trench in one hit, lay the essential services in one hit and get the trench filled in and the road replaced in a period of around a couple of weeks. It took less than two weeks to get this work done, and it was scheduled at the quietest time of the year.

That is not to say that we knew there would not be a disruption, because we knew there would be. But that is why it was scheduled at that time of the year. The minister is not a road engineer. The minister is not someone who is directly responsible, day to day, for how a pipe is laid. The minister takes advice and relies on the advice of those who are expert. That is what the minister did. Unless it is the expectation of this place that a minister has to be a road engineer, a hydraulic engineer, someone expert in the laying of infrastructure, someone who knows how to operate a bobcat and someone who knows how to wield a pipe—unless that is the expectation here, there has to be some recounting of what is reasonable in terms of ministerial responsibility.

This minister lived up to her responsibilities. She acted on advice; she accepted the advice; and when that advice demonstrated deficiency, she responded and made sure that those who were expert found a solution to the problem. That is a minister doing their job. Those opposite may have some bizarre notion of what ministerial responsibility actually means, but they fail the first test of understanding the complexities of governance and what ministerial responsibility actually means. She was the public face. She took responsibility and she fixed it.

This minister does not deserve the censure and the calls for dismissal that those opposite seek to make today. They fail to understand what ministers do, how they act and what they must do when problems are identified. Minister Burch has passed those tests, and this government will not support this motion today.

**MRS JONES** (Molonglo) (4.53): I rise today to add my support to this motion of no confidence in Minister Burch. Minister Burch has sometimes shown that it should not be expected of her to manage the load that she has been given. Following appropriate process has at times been too much in her portfolio responsibilities.

There are a few areas where the minister has let the local community down in my areas of experience, starting with the Women's Information and Referral Centre. In December 2013, Minister Burch okayed the closure of the Women's Information and Referral Centre, a service that has been of great benefit to the women of Canberra for several decades. This facility was shut without consultation, without planning and without a real explanation. There was not a plan at the time to adequately serve these women. The doors were shut, the phones were transferred and vulnerable women were left without the same level of access to help. There was not due process. Now

the replacement services are rostered open at desks around the city and there is a pamphlet service only. It is not the same as the service that was offered before. This was a confusing cash grab for \$80,000 savings in rent. While I understand the intent, ultimately explained, of putting services further out into the community, the manner in which it was done left a lot to be desired.

The women's day awards in 2012-13 were another example where the minister needed to follow due process. The advertisement for nominees was forgotten. Again, the minister showed that perhaps she was expected to be on top of too many things to manage all of these priorities.

Minister Burch has had carriage of one of the biggest events in the Canberra calendar, the Multicultural Festival, including the Fringe Festival. While much of the Multicultural Festival has been really great, we acknowledge the debacle of the appointment of the Fringe Festival director last year, appointing a director without due process. There was no competitive process—just a job handed to a particular person. As a minister, she unknowingly signed off on a burlesque Nazi strip show on an open stage only metres from the Polish, German and Jewish cultural stalls, many people from which contacted me and were outraged at the explicit nature of the show and the content. Parents and other general public members expressed concern to me at what had happened.

It is clear that Minister Burch is being expected to do too much as a minister, and it is time that those opposite were reasonable in their expectation and gave her a fair go.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.56), in reply: I thank everybody for their contributions. Obviously I am disappointed that this motion will not get up. I fear that, as was the case last year, the Assembly's failure to act today will result in our revisiting this issue, which is neither good for the community nor, ultimately, good for the government, and I would also say it is not good for Ms Burch.

Turning specifically to some of the comments, Ms Burch made a deliberate attempt to conflate the issue of the moral bankruptcy of the Labor Party owning Labor clubs, owning pokies, taking money from people on the pokies to fund their elections and regulating the pokies. I have called that morally bankrupt. The former Chief Minister, Jon Stanhope, has said that is a moral problem.

That is a very different issue from the issue of clubs more generally. I make it very clear, as Ms Burch knows, because when she was reading from a quote she changed the quote to say "a club" rather than "the Labor Club". That was a disingenuous thing for her to do. We on this side support the clubs. I am not anti-pokie. In fact, I would be far less anti-pokie than Mr Barr. That is not the issue. The issue is that of club ownership. I can quote from a couple of articles that make that point. In the *CityNews*:

The critical political issue was not so much that they had not really considered the right and wrong in the ramifications of increasing harm associated with gambling but the failure to recognise the level of political sensitivity. Both ministers—

this is Mr Corbell as well, because he signed the reg—

should have been aware of the vulnerability of the Labor Party because of its conflict of interest over poker machine funding of their own political party.

The Labor Party has over the last five years received over \$2.4 million from the Labor-affiliated clubs.

Going on:

And there was a clear consequential increase in the amount of money that would go into the ACT Labor Party coffers.

The issue of the Labor Party ownership of the pokies is a vexed one. It is an incredibly sensitive one and it requires good judgement. It requires judicious action from the minister involved, and that was clearly lacking. We know that because the Chief Minister has admonished her and the former Chief Minister has now bought into the debate. I will quote from an article of 5 February from the *Canberra Times*:

According to former ACT chief minister Jon Stanhope, it is a conflict of interest for the Labor Party to own clubs and receive gambling proceeds. ...

Former chief minister Jon Stanhope was resoundingly knocked back in his call at a Labor Party sub-branch meeting on Thursday night for the party to sell the Labor clubs and rid itself of its connection with gambling.

Mr Stanhope's motion had limited support but was opposed by most at the Mount Rogers sub branch meeting.

No doubt they are worried about the money in the coffers coming in. I imagine that the secretary of the Labor Party had that meeting well stacked to make sure that that motion did not get up. The article continues:

Mr Stanhope said earlier that it was morally and politically untenable—

I will say that again for members of the Labor Party who might be here:

Mr Stanhope said earlier that it was morally and politically untenable for the Labor Party to continue to own the clubs and receive money from the proceeds of gambling, given the club group is a big owner of poker machines in the ACT.

That goes to the very nub of this issue and this absolute failure in judgement not to understand the ramifications of that decision. The ramifications have reverberated throughout this community, throughout the media, throughout the club sector and throughout the Labor Party. I can only imagine how popular Ms Burch is for having put this issue on the table again and potentially threatened the cash cow of the money-grabbing Labor Party officials who run their election campaign from the proceeds of gambling.

This mob have the audacity to come in here and lecture us on moral issues, on ethical issues and on their compassion for the community when all the time what we have got is ministers of this place—

*Mr Barr interjecting—*

**MR HANSON:** Mr Barr wants to interject. He does not like this. Ministers of this place are regulating in the dead of night, at the 11th hour, to increase proceeds that would directly benefit the Labor Party and their clubs, and they wonder why we think that this is a problem, why we think that this is a lack of judgement.

**Mr Corbell:** Madam Assistant Speaker, on a point of order—

**MR HANSON:** Could we stop the clock, please, Madam Assistant Speaker?

**MADAM ASSISTANT SPEAKER (Ms Lawder):** Stop the clock, please. Mr Corbell.

**Mr Corbell:** If Mr Hanson wants to move a motion criticising the motivations in such a defamatory manner as he has just done, Madam Assistant Speaker, he needs to move a substantive motion. The motion is about Minister Burch. If he wants to draw aspersions about this frontbench in such a defamatory manner—I assure you, if he said outside what he just said in here it would be defamatory—he needs to do so by substantive motion. I ask you to ask him to withdraw the imputation. It is an improper imputation and he needs to confine himself to the matter at hand, which is the substantive motion against Minister Burch.

**MR HANSON:** On the point of order, Madam Assistant Speaker, as I said earlier in my speech, there are two possible explanations for Ms Burch's action: a complete misunderstanding of the sensitivities of this issue or a deliberate attempt to essentially increase the proceeds that would go towards the Labor Club. This is a matter that has been litigated in the community, and it is quite reasonable for me to raise that as an issue in this Assembly. It goes directly to the minister's judgement and her motives.

**Mr Corbell:** No, Madam Assistant Speaker, with your indulgence, the imputation was clear. The suggestion was that all ministers in this place were acting to further the financial interests of the Labor Party. That is a grossly improper imputation. It is not within the substance of the motion that is before the chair and it is disorderly. He must withdraw the imputation.

**MR HANSON:** On the point of order, I see no imputation. I stand by it, Madam Assistant Speaker. The reality is that the direct consequence—

**Mr Corbell:** No, it is not a debate.

**MR HANSON:** Well, I am not withdrawing it. I see no point of order.

**Mr Corbell:** Madam Assistant Speaker, I ask you to ask him to withdraw the imputation.

**MADAM ASSISTANT SPEAKER:** I am not convinced. I did not hear that imputation. Mr Hanson, did you make such an imputation?

**MR HANSON:** The point I have made, Madam Assistant Speaker, for clarification, is that the direct result of this minister's action would have resulted in additional money going to the Labor Party. That is an irrefutable fact.

**Mr Corbell:** On the point of order, Madam Assistant Speaker, the imputation was made against all members of the frontbench. There is not a motion censuring the government as a whole. There is not a motion censuring any other minister, only Minister Burch. Mr Hanson cannot make allegations of such a nature against other ministers except by substantive motion. He has not. It is an imputation of improper motive. It is disorderly and he should withdraw it.

**MR HANSON:** Madam Assistant Speaker, this is a matter of judgement from the minister. This is a debating point. If he wishes leave to speak again, I will grant him leave. This is a debating point.

**Mr Corbell:** No, you have defamed me.

**MADAM ASSISTANT SPEAKER:** Thank you. I will review what was said. If there was such an imputation, I will seek a withdrawal from Mr Hanson. In the meantime, Mr Hanson, can we remain on the matter at hand—the motion of no confidence in Ms Burch, the censure?

**MR HANSON:** Certainly, Madam Assistant Speaker. Let me quote from a media article about this issue, about why she simply did not realise the difficulties this would bring: "It's an interpretation that is difficult to sustain." It continued:

What gaming minister could be aware of the significance of such a change? Note acceptors are contentious in themselves, with a number of other jurisdictions banning them, and there was controversy a year ago when Queensland moved also to scrap its \$20 note limit. In an ACT Labor government the issues are clearly more sensitive still, given the political capital that can be made out of the party's ownership of 488 poker machines through the Labor Clubs. If Ms Burch was unaware of the significance of the change she was enacting, she is surely not fit to be gaming minister.

The alternative explanation is worse. To know it was a contentious change to gaming law and do it without announcement on December 22 as the city is shutting down for Christmas suggests a deliberate attempt to make the change without anyone noticing. Any government capable of that level of cynicism, deception and unilateral action has been too long in power.

The point that I am making is one that has been litigated in the media. I do not believe there are any writs being sent off to the *Canberra Times* or many others who have drawn a direct line that goes between the actions of this government and the fact that the increase in poker machines that has been announced by this minister or the increase in note amounts or other policy decisions will ultimately result in a direct



windfall for the Labor Party. That is a fact. All of these ministers are sitting in cabinet and all of them essentially are endorsing Ms Burch as a minister. That really does come to the nub of this issue.

Let me continue with what Mr Stanhope has said about the fact that this is morally untenable:

Canberra Labor Club president Tony Luchetti hit back at Mr Stanhope on the idea last month, saying the club board was independent of the party and would not take instruction from it.

Mr Stanhope rejected Mr Luchetti's position as technically correct but "absurd" and "nonsense". If the party took a position that the clubs should be sold, that would be the result, he said.

The Labor Party "simply not should be associated with gambling", Mr Stanhope said, also pointing to the conflict of interest in both owning and legislating for the club industry.

"The association with gambling and the conflict of interest, perceived or otherwise, are both morally and politically unacceptable," he said.

Mr Stanhope is saying that the continued action of this party is morally untenable. Joy Burch is the minister, but she is being backed by the rest of them here in behaviour that has been described as morally untenable. If you want to sue me, first sue the *Canberra Times* that made the same point and then sue Jon Stanhope, who has made the same point. You are sensitive. You are all sensitive—the lot of you—because the behaviour has been disgraceful.

*Mr Barr interjecting—*

**MR HANSON:** They are interjecting to try to defend their behaviour, to try to somehow legitimise their behaviour. They think that it is okay to take that money from some of the most vulnerable people in Charnwood. They come in here and moralise and back their minister, the minister who tried to sneak this change through in the dead of night. I bet you, Madam Assistant Speaker, that if the media had not twigged on to that reg, they would have snuck it through. They would have been pretty happy with it. Andrew Barr was happy with it on the Monday, wasn't he? He was backing it, this extra money that was going to flow into his coffers. But by Tuesday it had become politically untenable and he was trying to walk away from it. And then Mr Stanhope came out. We have had many differences, but at least Mr Stanhope has got the forthright honesty to stand up and call it for what it is—moral bankruptcy about what this mob are doing in accepting the money from the pokies to fund their election campaign. This lot come in here and try to moralise and sneer at the Liberal Party when they are morally bankrupt. If you want to sue me, you could probably try to sue me—

*Mr Barr interjecting—*

**MADAM ASSISTANT SPEAKER:** Order, members. Mr Barr!

**MR HANSON:** because we know you have got lots of money to do it with.

Question put:

That the motion be agreed to.

*A division being called and the bells being rung—*

**Ms Burch:** Can you have members actually repay taxpayer-funded money—

**Mr Hanson:** Good luck with that argument. Good luck with the whole argument, Joy. While you've got the pokies, you lot stink and you know it.

**Mr Corbell:** On a point of order, he knows that is unparliamentary. He should withdraw it.

**MADAM ASSISTANT SPEAKER:** The whole lot of you were bantering across the chamber the whole time, I must say. However, Mr Hanson, would you like to withdraw, please?

**Mr Hanson:** I will withdraw, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Thank you. Perhaps we will sit in silence while we are waiting for everyone to arrive.

The Assembly voted—

Ayes 8

Noes 9

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones

Ms Lawder  
Mr Smyth  
Mr Wall

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Fitzharris  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

## **Judicial Commissions Amendment Bill 2014**

Debate resumed from 27 November 2014, on motion by **Mr Corbell:**

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (5.14): The opposition will support the Judicial Commissions Amendment Bill 2014 but with a number of cautions, and I will come to those shortly. This bill establishes a part-time judicial council to investigate low and medium-level complaints against the judiciary. It mirrors the system already in place in New South Wales. I note, too, from the report of the scrutiny committee that a similar system operates in New Zealand.

Under this bill, the council will not deal with complaints against presidential members of the ACT Civil and Administrative Tribunal. The bill requires the attorney to approve a separate complaints-handling protocol by notifiable instrument.

The judicial council will have power to make recommendations to jurisdictional heads as to courses of action in response to complaints. If the council is of the view that a complaint, if substantiated, could result in removal of a judicial officer from office, it will also have the power to recommend that the executive establish a judicial commission. In such cases the executive must appoint a commission.

Any complaints submitted to the attorney will have to be referred as soon as possible to the council. The council head is the Chief Justice, who also has a casting vote. The second member will be the Chief Magistrate. The executive will appoint two other members, in consultation with the Chief Justice and the Chief Magistrate. One of them must be a legal practitioner nominated jointly by the Law Society of the ACT and the ACT Bar Association. The other will be a person who, in the executive's opinion—and I quote from the bill—has the necessary “qualifications and experience”.

The executive, again in consultation with the Chief Justice and the Chief Magistrate, can appoint acting members, and the Chief Justice and the Chief Magistrate will have certain powers of delegation.

The bill contemplates—and I quote again from the bill—“a principal officer and other staff considered suitable by the council”. The council will be able to delegate certain functions to staff.

Other important operational elements are that the council or a commission can appoint a lawyer as counsel assisting; generally, council hearings are to be held in private; persons appearing may be represented by lawyers; witnesses can be examined and cross-examined; subpoenas can be issued; privilege is provided; hearings are legal proceedings under chapter 7 of the Criminal Code; there are contempt provisions with penalties; and the council can refer matters to the police.

An important new provision in the Judicial Commissions Act, introduced in this bill, is that proceedings and decisions of the council and, indeed, commissions, are not subject to the Administrative Decisions (Judicial Review) Act 1989. Nor will proceedings be able to be brought for injunction, declaration or prerogative order.

This brings me to the cautions that I mentioned earlier. There are four main concerns with this bill. First, the ACT is a small jurisdiction with only a few judges and magistrates in a close-knit legal fraternity. A council that includes peers will inevitably face conflicts of interest. There are provisions to deal with conflicts of interest, but these are likely to come into play in almost every case.

I would have thought a better approach—maybe—is to consider establishing a more independent council, perhaps made up of judges from interstate or retired. It would provide an opportunity to review the make-up of the commission as well.

The second concern is that the separation of powers is muddled. The executive appoints two of the members, 50 per cent of the council. One of them is a joint nomination, I note, of the Law Society and the Bar Association. But the other one is the decision of the executive, with the only qualification that the executive must be satisfied that the person has the necessary qualifications and experience. That is pretty loose in terms of a definition. There is potential, therefore, for political intervention through this last appointment and, to a lesser extent, through the appointment of the legal practitioner.

The third caution in considering this bill is that the member nominated by the law bodies must be a legal practitioner. This creates a potential conflict for the practitioner, who must investigate a judge or a magistrate who is essentially higher up the legal hierarchy, and this conflict may be exacerbated when the practitioner inevitably appears before the judge or magistrate at a future time. The conflict also extends to the judge or magistrate in that circumstance.

Once again, an independent council, made up of judges from interstate perhaps, would overcome these conflicts—it is just the nature of our small jurisdiction that this has arisen—and it would ensure that judges and magistrates are investigated by their peers rather than subordinates in the legal hierarchy.

Finally, the bill denies appeal rights, leaving an aggrieved party with the only possible option of common law appeal through the Supreme Court. This is a concern of the Bar Association. Indeed, the Bar Association believes there is a constitutional issue here which may render the law invalid.

Further, the scrutiny committee supports that view, noting that the law may be invalid under the self-government act. I note from the Attorney-General's response that the government did not agree with that view, saying that the work of the council "relates to an internal governance matter". I hope he is right. There seems to be a difference of opinion here, and at some stage that may be tested.

In the event that this new legislation is used, we will be watching closely and we will receive feedback from various members of the legal fraternity to see whether there are indeed concerns with its effects as it rolls out. Whilst I support a more transparent and workable system of dealing with complaints against the judiciary, that system must also be impartial, and I am not entirely convinced that this bill fully achieves that impartiality.

In closing, Madam Assistant Speaker, I would like to thank the staff who provided us with a briefing and also thank staff from the minister's office. I note that the minister will be moving an amendment to this bill which is pretty minor and technical in nature and I foreshadow that we will be supporting that amendment.

**MR RATTENBURY (Molonglo) (5.21):** I support the bill and its creation of a formal mechanism for dealing with complaints against judges and magistrates in the ACT. The current mechanism for dealing with these complaints in the territory is not ideal. Following a complaint about a judicial officer, the Attorney-General can request the

executive to appoint a judicial commission to investigate the complaint but only if the Attorney-General believes that the complaint could, if substantiated, warrant the removal of a judicial officer from office.

One of the problems with this system is that it does not allow a formal system for dealing with complaints that would not warrant removal of the judicial officer from office, only for the most serious breaches. Minor complaints are dealt with via the ACT law courts and tribunal complaints and feedback policy, which basically requires ordinary complaints to be made to the head of the court, who then determines how to approach the matter. The current process also leaves the difficult decision of deciding whether or not to appoint a judicial commission in the hands of the Attorney-General.

The scheme established by this bill addresses these issues. It establishes a part-time judicial council for the ACT constituted by the Chief Justice, the Chief Magistrate and two members to be appointed by the executive. The council will be able to receive and investigate complaints. It can recommend that a judicial commission be established to examine the complaint, which could ultimately lead to a recommendation to the Assembly to dismiss the judicial officer based on the complaint.

For less serious complaints which are substantiated, the council will refer the complaint to the relevant head of jurisdiction; that is, the head of the relevant court. For example, the head of jurisdiction of the Supreme Court is the Chief Justice. As in New South Wales, the head of the jurisdiction has no explicit disciplinary powers under the act but would be expected to counsel the magistrate or judge who is the subject of the complaint about their behaviour. Unlike the current system, it allows the judicial council to investigate the complaint rather than leave it to the head of each particular jurisdiction. A report of the complaint is also provided by the council to the Attorney-General.

Moving from the existing informal complaints system to a more formal and centralised structure, in my view, also has the advantage of creating a system where complaints are dealt with in a way that is clearly transparent and accountable—certainly it will help to remove any perception that current complaints are not dealt with in such a way. I also hope that the removal of complaints from the individual courts themselves to the centralised judicial council will have administrative and resource benefits for the courts and potentially a positive flow-on effect in terms of their efficiency.

I also noted that, in a recent report by the Western Australian Law Reform Commission on judicial complaints, the ACT was not able to provide any statistics on the level of complaints against judicial officers. It seems to me that this new formal complaints structure will help to address this. I am aware that significant consultation was undertaken with the legal community in relation to the judicial council scheme proposed in this bill and that they are supportive of establishing the new complaints process and agreeable to the scheme that is proposed.

Members may be aware that our neighbour, New South Wales, has a judicial commission which has been operating since 1986. One part of the commission is a

“conduct division” which essentially performs the role that the new ACT judicial council will perform. Members may have heard about several well-reported cases that have been referred to the New South Wales judicial commission.

My view is that the New South Wales judicial commission has provided a valuable service in New South Wales. Establishing a judicial council is an interesting proposal and it raises important questions about the delineation of judicial independence and judicial accountability. At the time that New South Wales established its commission, concerns were raised that it would unduly increase the centralised executive control over judicial administration and introduce hierarchical structures that would impinge on judicial independence.

Ivan Potas, who has a respected history in law matters, especially criminology and sentencing, and who was formerly the ACT official visitor for the AMC, wrote a review of the New South Wales judicial commission in 2000. He said:

What the Commission has done is to raise the bar of accountability in a way that allows the judiciary to remain at arm’s length from the other organs of government. The Commission stands as a reminder that judges and magistrates are not immune from criticism and that certain procedures will be set in motion if, and only if, there are grounds for questioning either the propriety of judicial conduct or the capacity (ability) of judicial officers to perform at a level commensurate with their responsibilities. The establishment of the Commission is itself illustrative of the community’s desire to achieve high levels of judicial performance and accountability without encroaching unduly on the principle of judicial independence.

I think that that is an important goal to strive for. I agree that it is paramount that judges remain independent and free of the political process but also that an efficient system for complaints about judicial officers is appropriate. As Mr Potas says in his review, it would be unrealistic to expect that all judges will always act in accordance with the highest ethical and judicial standards. He quotes Murray Gleeson QC, who of course was to later become the Chief Justice of the High Court and who said that it cannot be merely a theoretical possibility that some judges are unsuitable for office and that the only really bad judges are dead ones.

Of course, it is worth noting that, at its heart, the scheme set up by the bill before us maintains the principle of judicial independence, as the Assembly still finally determines if a judicial officer should be removed or not. The actual removal of a judge from office is such a serious matter that it is even spelled out in the commonwealth constitution. It states that justices of the High Court and other courts created by the parliament “shall not be removed except by the Governor-General in Council, on an address from both houses of the parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity”. States and territories largely mirror this process for their own courts and parliaments. In the ACT a judicial officer can be removed if the Legislative Assembly passes a resolution requiring the removal on the ground of misbehaviour or physical or mental incapacity, following a judicial commission and an opportunity for the judicial officer to respond, including by addressing the Assembly.

So under this new process, removing a judicial officer from office would require a complaint to the judicial council, which would refer a serious substantiated complaint to a judicial commission. The commission's report could then result in the Assembly passing a resolution to remove the judicial officer from their office.

I also note that the role of the New South Wales judicial commission is significantly broader than the scheme being established in the territory under this bill. The New South Wales commission is a statutory office and it also has an education function. It provides wide-ranging advice to the Attorney-General on any matter it sees fit and it also has a special function of researching and encouraging consistency of approach to sentencing across New South Wales courts. These are interesting and potentially quite valuable functions which in the future the ACT may wish to explore. Could it be, for example, that in the future the ACT's judicial council expands its functions to provide a research and advisory role on sentencing to help judicial officers and, indeed, government access reliable sentencing information and to help ensure appropriate and consistent penalties are imposed? That is an idea that is for another time.

One academic recently commented that the New South Wales judicial commission, over the nearly 30 years it has existed, "has become an integral part of the court system, harbouring a good reputation and pioneering new methods and resource tools shared among the legal profession as a whole". Perhaps this could be the future for the ACT judicial council if it develops and potentially grows and expands its functions over the coming decades.

I want to draw attention to the fact that this bill does not establish a process for dealing with complaints about members of ACAT, but I see that the Attorney-General has committed to creating such a scheme in the near future via an instrument. I look forward to seeing the detail of this.

Lastly, I note that the scrutiny of bills committee made some comments on this bill, which the Attorney-General has addressed in a return letter. In my view, his response is satisfactory and I understand that the attorney will move a minor amendment in response to a scrutiny committee concern. This amendment will ensure that a complainant will be notified of an early dismissal of his or her complaint, and I will be supporting that minor amendment.

I support this bill and I welcome the establishment of the council here in the ACT.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.30), in reply: I thank members for their support of this bill today. The bill establishes a new and robust judicial complaints mechanism which realises an election commitment made by the government in 2012.

Before I speak to the matter of the bill further, I would like to foreshadow that I will be moving an amendment to give the council the power to advise a complainant that their complaint has been dismissed early, following a preliminary examination. This amendment follows a recommendation of the scrutiny of bills committee and is consistent with the principles of procedural fairness.

I would like to also recognise the high calibre of judicial officers currently working in the ACT's courts and tribunals. I would like to thank the Chief Magistrate and the Chief Justice for their support and input into the development of this initiative we debate today.

The ACT's current statutory framework for handling judicial complaints is limited to that set out in the Judicial Commissions Act. Complaints generally arrive by letter to the attorney rather than through any formal complaints process. Under the act, the Attorney-General may ask the executive to appoint a judicial commission to investigate a complaint, but only if the Attorney-General believes that the complaint could, if substantiated, warrant the removal of a judicial officer from that office.

There is no formal mechanism for dealing with a complaint about a judicial officer that, while requiring attention, does not warrant removal of the officer from their office. Such complaints can be referred administratively to the relevant head of jurisdiction, but there is no legal framework to receive them, to investigate them or to make any findings about them. This means there is no formal or supported way to consider and address poor performance or poor behaviour by judicial officers—behaviour that may impact on the performance of the officer's judicial functions but does not warrant their removal from office.

At present such behaviour can only be addressed if it accelerates to become serious misbehaviour of a level that justifies the establishment of a judicial commission. Setting up a commission is a very serious matter, one which no government would undertake if there was another appropriate option. It is certainly not a situation I would ask of any person in this office.

In contrast, New South Wales currently operates a standing judicial commission which, among many other functions, independently receives, investigates and makes recommendations about complaints against judicial officers. The commission's powers are broad enough to refer serious complaints to the Attorney-General to begin removal proceedings or to recommend that less serious administrative steps be taken by the relevant court.

The primary change made by this bill, therefore, is the creation of a judicial council that can receive, investigate and take appropriate action to address complaints against judges and magistrates based on the well-established principles from New South Wales.

The council consists of the most appropriate and qualified people to deal with them: the Chief Justice, the Chief Magistrate, a legal practitioner directly nominated by the Law Society and the bar, and one member who is selected by the executive on the basis of their skills and experience.

The council will have two staff members to ensure it has sufficient support to properly exercise its functions. The support staff will provide an information point for members of the public, will support the council by dealing with general inquiries and complaints and will provide relevant secretarial support. They will also ensure all of



the council's reporting requirements are met. In addition to administrative services, the council's support staff will provide an early filtering function to ensure that only appropriate and relevant complaints reach the council.

While the process to establish a judicial commission to deal with serious complaints that may lead to the removal of a judge or magistrate from office remains unchanged, the proposed scheme provides an authoritative course of action for less serious complaints. The new council will operate in conjunction with the process set out in the self-government act and can supplement the existing process by using the investigation of and reporting on a complaint by an expert body to form the basis for establishing a judicial commission.

The proposed provisions provide that all complaints will first be considered by the new council. For complaints that it believes could, if proven, warrant removal from office, the council must report to the attorney. If the executive receives a recommendation from the council to appoint a judicial commission to examine and report on the complaint, it must do so. A judicial commission would then have the same powers and operate as it does currently under the Judicial Commissions Act.

For proceedings of the council in relation to a complaint by or about one of its members, that person is not able to exercise their functions as a member of the council in relation to the complaint. Proceedings of the council will be carried out in confidence. This is consistent with the New South Wales model and essential to support the council's ability to consider all available information and decide on each complaint. In addition to the council's powers to receive and consider complaints, the new complaints framework is supplemented with powers for the council to refer officers for examination if there is an issue of suspected impairment.

If, in the course of examining a complaint, the council or a commission forms the opinion on reasonable grounds that the judicial officer concerned may be physically or mentally unfit to efficiently exercise the functions of his or her office, the council may request the judicial officer to undergo a specified medical examination to assist with its determinations.

A judicial officer is defined as a justice of the Supreme Court or a magistrate. ACAT presidential members are not subject to complaints handling through this mechanism. While ACAT presidential members are independent and appointed to seven-year minimum terms subject only to the removal procedure in the Judicial Commissions Act, they occupy a different role to the ACT's judges and magistrates, who have life tenure. The bill includes a mechanism to provide oversight of the ACT Civil and Administrative Tribunal by requiring the Attorney-General to approve a protocol for dealing with complaints against ACAT presidential members.

The proposed judicial complaints scheme fosters community confidence by establishing a formal accountability mechanism and a dedicated point of contact for complaints against judicial officers while ensuring the rights of judges and magistrates to a fair hearing.

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

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.39): Pursuant to standing order 182A(c), I seek leave to move an amendment to this bill as it is in response to comment made by the scrutiny committee.

Leave granted.

**MR CORBELL**: I move amendment No 1 circulated in my name [*see schedule 1 at page 109*] and table a supplementary explanatory statement to the bill.

As I indicated in my closing comments in the in-principle stage, this amendment is in response to comment from the scrutiny of bills committee. It provides for a new section, 35B(3), which provides that the judicial council, if it dismisses a complaint after a preliminary examination, must advise the complainant that the complaint has been dismissed. This is a sensible suggestion from the scrutiny of bills committee, and the government is happy to incorporate it into this bill.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

### **Adjournment** **Ms Esther Woodbury**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.41): I move:

That the Assembly do now adjourn.

I take the opportunity to make comments in regard to Esther Woodbury. It was with great sadness that we learnt of the death of Esther Woodbury on 21 January this year, and her family and friends celebrated Esther's life on Tuesday, 27 January. Esther was known to many people in the ACT as a mother to her son, Jack, and her daughter, Rebecca. I can speak a little of her son, Jack, as it was through his life that I came to know Esther.

Esther found what I described as her calling—to fight for the rights of people with a disability to access the same opportunities as everyone else. Jack was born in Canberra and despite no apparent problems at birth, he had severe autism and epilepsy and he died in 2008. As a testament to her strength and courage, Esther continued to fight for the rights of people with a disability. Prior to Jack's death, Esther began to plan for his future as an adult. I am sure she would not mind if I acknowledge that as part of her commitment for change she made a submission to the Standing Committee on Health, Community and Social Services' inquiry into respite services.

Esther was the president of the ACT Community Living Project, a not-for-profit community organisation which seeks services for people with a disability, particularly those with moderate to severe intellectual disability, many of whom have physical and health challenges.

Esther was determined to engage with government and community to see how we could make life better for people with a disability. It is my belief that Esther contributed to changes across disability and that these changes would not have come into effect without the determination and contribution of people like Esther Woodbury and parents and families fighting for a better life for their children.

Today I pay tribute to Esther for her incredible fortitude and determination in fighting for not only better outcomes for her son, Jack, but a better life for people with a disability. She was striving to make the world a better place, a monumental task for many, and all who try should be recognised in this place. My thoughts are with her and her family and her friends.

### **National Australia Day Council**

**MR COE** (Ginninderra) (5.43): I rise tonight to talk about the National Australia Day Council. As many would know, the National Australia Day Council is a federal government organisation tasked with overseeing the Australian of the Year Awards as well as promoting and advertising the celebration of Australia Day. The council also organises the Australia Day concert, which is held every year on the lawns of Old Parliament House. I had the pleasure this year of attending the concert, which featured Australian acts such as Paul Kelly, Jessica Mauboy, Sheppard and Drawing North.

Each year the council works with its state and territory affiliates to find 32 candidates, one from each state and territory, to compete for four different awards—the Australian of the Year, the Senior Australian of the Year, the Young Australian of the Year and Australia's Local Hero. This year, as always, the ACT had four candidates in the running, one in each category. These four individuals were named after winning their respective categories at the ACT Australian of the Year awards held in November last year. I congratulate the Canberrans who were nominated and on their achievements as being an ACT Australian of the Year.

Damian De Marco, a child sexual assault campaigner, was nominated as Australia's Local Hero. Patrick Millis was nominated as Young Australian of the Year. We all know Patrick has achieved wonderful things in his basketball career, culminating in an NBA championship win with the San Antonio Spurs last year. Sandra Mahlberg, a

humanitarian and volunteer, was nominated for Senior Australian of the Year, and Glenn Keys, a philanthropic leader and businessman, was nominated as Australian of the Year.

Mr Keys is currently the CEO and Managing Director of Aspen Medical, where he is orchestrating Australia's response to the ebola epidemic in west Africa. On top of this, Glenn is the chair of Special Olympics ACT and an inaugural board member of the national disability insurance scheme.

This year, as ever, the ACT's contingent came up against some fantastic Australians, and I congratulate Rosie Batty, the Australian of the Year, Jackie French, the Senior Australian of the Year, Drisana Levitzke-Gray, the Young Australian of the Year and Juliette Wright, Australia's Local Hero for 2015.

This year's festivities were also the first to be conducted under the watch of the council's new chairman, Mr Ben Roberts-Smith VC, MG. Mr Roberts-Smith is a decorated former Australian soldier who rose to prominence after winning the Victoria Cross for Australia in 2011. He will lead the council capably over the next few years. Mr Roberts-Smith takes over as chairman from former Australian cricketer Adam Gilchrist. Mr Gilchrist chaired the council from his retirement in 2008 through to 2014. I thank Mr Gilchrist for his service.

I also thank and congratulate the board of the National Australia Day Council. It is the board which has the unenviable task of selecting award recipients from a pool of immensely deserving Australians. The board comprises: the Chair, Ben Roberts-Smith VC, MG; Deputy Chair Robbie Sefton; Professor Ian Frazer AC; Janet Whiting; Jason Glanville; Elizabeth Kelly; Dr Tim Soutphommasane; Carol Schwartz AM; Norman Schueler; and Professor Samina Yasmeen AM.

I also thank the staff of the National Australia Day Council, including the CEO, Jeremy Lasek. They all do a great job. The National Australia Day Council fulfils an important role in Australian society. I encourage all members to visit their website at [www.australiaday.org.au](http://www.australiaday.org.au), to attend the awards ceremony next year and to consider nominating someone for one of these prestigious awards.

### **Ms Sylvie Stern**

**MR RATTENBURY** (Molonglo) (5.46): I would like to take the opportunity this evening to offer some words of condolence on the passing of well-known Canberran Sylvie Stern, who passed away last month after a short illness.

Sylvie was largely known for her extensive involvement in Canberra's arts community, as an arts activist, writer and photographer, former nightclub owner—she owned Heaven in Garema Place in the 90s—and a ubiquitous figure in the local entertainment scene. In particular, Sylvie was known for presenting and producing the weekly arts program on community radio 2XX FM every Wednesday afternoon for about two decades. She was also integrally involved with the station, through promotions work, being a board member, organising radiothons, getting sponsors and organising other community events. If you ever saw 2XX doing an outside broadcast, there is a high chance that Sylvie was behind the mike.

Sylvie was also a mentor to many young Canberra artists. She supported people who were just starting in their artistic endeavours and often interviewed them on her program, then giving them a copy of the interview for them to take home as a memento and to learn from. Many of these artists, whether they were fine artists, actors, singers, musicians or jugglers, have gone on to forge bright artistic careers since.

I first met Sylvie when we were both judges at a talent quest in a bar in Civic one night, and I was instantly taken with her energy and her sense of fun. But today I would particularly like, as the Minister for TAMS, to bring to people's attention something that Sylvie was less known for—that she was also a regular volunteer dog walker with TAMS' Domestic Animal Services. Sylvie volunteered with DAS for over four years, walking dogs a number of times each week and working closely with other volunteers. Sylvie also played a key role in working to support other DAS volunteers. She was known at DAS as a special person who freely gave her time to help the dogs in care, regularly checking the water and food bowls, and giving extra cuddles.

Sylvie often extended herself, doing additional shifts and helping out where needed. She was a strong advocate of the dog walking program and took every opportunity to promote the program, as well as dogs for adoption, through her program at 2XX, through talking to members of the public and even through chatting to members of the Legislative Assembly. Her enthusiasm and warmth for the dogs was obvious to all, and I know that from my own conversations with her. She will certainly be missed by the staff and volunteers at DAS, and no doubt by their charges, the dogs themselves.

I would like to formally recognise the contribution that Sylvie made to the Canberra community, through the arts sector and of course as a volunteer at DAS, and to extend my condolences to her partner, friends and family. I have asked TAMS to look into how they might permanently acknowledge her contribution at the DAS facility, in recognition of her time and commitment to improving the lives of the dogs in their care.

### **Health—Aboriginals and Torres Strait Islanders**

**DR BOURKE** (Ginninderra) (5.50): Last November I was proud to launch “Beyond today—it's up to you”. It is a community-based marketing campaign to encourage Aboriginal and Torres Strait Islander people to give up smoking and to live a healthier lifestyle. The campaign builds on the work already undertaken under the ACT Aboriginal and Torres Strait Islander tobacco control strategy 2010-14.

Health outcomes in the ACT for Aboriginal and Torres Strait Islander people are relatively good compared to other jurisdictions. However, there are still significant gaps in health and tobacco use when compared to non-Indigenous people. Almost 30 per cent of adult Aboriginal and Torres Strait Islander people currently smoke daily, about twice the rate of Canberrans generally.

The University of Canberra *Smoke Ring* preliminary survey results for 2013 report family and friends as key motivating factors to quit. People want to quit for various

reasons: health, fitness, cost and health warnings. Social factors are highly influential in smoking habits.

Nobody more than a smoker, an ex-smoker and those closest to them knows how highly addictive smoking is and how difficult it is to give up. Our local champions of the “Beyond today” campaign tell their motivating stories and promote a healthy, smoke-free lifestyle through posters, brochures, short videos and songs created and performed by local Aboriginal and Torres Strait Islander children and youth. These resources and digital stories are available at the Aboriginal and Torres Strait Islander health portal via the ACT government Health website.

Also, the “Beyond today—it’s up to you” campaign is promoting stopping smoking and a healthier lifestyle using the images and messages of the “Beyond today” champions on four ACTION buses, on bus shelters, in radio advertising on AM and FM bands, and at community events

“Beyond today” local champions include Agnes Shea, a well-known elder who has seen the long-term health impact of smoking on people and their families. She said: “I want to see young people achieve their dreams and lead a strong healthy nation—then they can show the way for upcoming generations.” Another local champion is Benny Hodges, who had a massive heart attack and a massive realisation. He said, “If I want to look after my family, I need to look after my health and wellbeing, and if that means giving up smokes, then so be it.”

I refer also to Dion Devow, who made a conscious decision to give up smoking before having children; his son Dante, who believes his dad being healthy helps him be healthy; Roxie Brown, who took many years and many attempts before giving up smoking, and who admitted that stopping smoking takes strength and determination; and young Chenisha Drazevich, whose dad has emphysema.

This campaign not only gives smokers good reasons to stop but it lets them know about community support and pathways to get help. I am proud our community is getting behind this campaign that can make a real difference to people’s lives, and, especially, can save our children from getting hooked on smokes.

Question resolved in the affirmative.

**The Assembly adjourned at 5.54 pm.**

## **Schedules of amendments**

### **Schedule 1**

#### **Judicial Commission Amendment Bill 2014**

Amendment moved by the Attorney-General

**1**

**Clause 28**

**Proposed new section 35B (3)**

**Page 15, line 21—**

*insert*

- (3) If the council dismisses a complaint after a preliminary examination under section 35A, the council must tell the complainant that the complaint has been dismissed.
-