Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

12 FEBRUARY 2008

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Tuesday, 12 February 2008

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The Assembly met at 10.30 am.

Absence of Speaker

The Clerk informed the Assembly that the Speaker (Mr Berry) was temporarily absent.

MR ACTING SPEAKER (Mr Pratt) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Leader of the Opposition

MR ACTING SPEAKER: I inform the Assembly that, on 13 December 2007, Mr Seselja advised the Speaker that the Liberal Party had elected him as its leader and that he consented to being Leader of the Opposition. I therefore recognise Mr Seselja in accordance with standing order 5A. I table the following correspondence from Mr Seselja:

> Leader of the Opposition—Consent—Copy of letter to the Speaker from Mr Seselja, dated 13 December 2007.

MR SESELJA (Molonglo—Leader of the Opposition): Mr Acting Speaker, I seek leave to make a statement.

Leave granted.

MR SESELJA: In December last year I had the honour and the privilege of being unanimously elected to lead the Liberal Party in the ACT. It is an honour and responsibility that I take very seriously, and I will give my heart and soul to this important task. I honour those who have gone before me in this role—in particular, my immediate predecessor, Bill Stefaniak.

I take this opportunity to outline to the Assembly and to the community the direction in which I wish to take the Liberal Party in Canberra. I do not believe in opposition for opposition's sake. I believe the role of an opposition is to scrutinise the performance of government, to keep it accountable for its decisions, to highlight failures, to support and enhance positive initiatives and to put forward a clear alternative vision to the community.

It is also the role of oppositions to fight hard for those left behind by government policy or administration. I believe that oppositions, even when faced with a majority government, are capable of influencing outcomes for the good of the community and leading in such a way as to improve people's lives on a day-to-day basis. I believe that a solutions focused opposition is best placed to become a solutions focused government. This is, and will continue to be, my approach to the job.

The success of the recent community roundtable which I hosted is an example of this approach. When faced with what was a difficult issue for the community, that of violence in our nightspots, we had two options: simply to criticise the government or to work constructively with the community and the government to try and improve the situation. We chose to be constructive. The result was a number of positive ideas to try and make our nightspots safer. Will these ideas alone solve the problem? No. The issues around alcohol and violence are rooted in our culture. This is a broader discussion which we need to have as a community, but the ideas that were put forward and which are yet to be put forward will help to make things better. One of the ideas that we took to the roundtable and that was endorsed—that of on-the-spot fines—is now being adopted by the government, and I welcome that.

I said on the day that I was elected as opposition leader that Canberrans had not had the opposition they deserved and that this would now change. I believe it has changed, and will continue to change. Implicit in that statement was the belief that Canberrans have not had the government we deserve over the past three years. The Stanhope government has ruthlessly used its majority to become increasingly arrogant and unaccountable. It has sought to shut down scrutiny of its performance. Instead of using the opportunity of majority government and the unprecedented revenue windfalls from the property boom and the GST to improve the lives of Canberrans, it has missed this opportunity by failing to understand and focus on the real needs of Canberrans.

After receiving unprecedented revenue from the property boom and the GST, many Canberrans are asking, "What have we to show for it?" The legacy includes 23 schools that have closed when we were told none would close; taxes and charges that have increased significantly; and waiting times for elective surgery that are the worst in the country. There has been a failure to significantly improve infrastructure, particularly our water infrastructure. The dream of home ownership has become unattainable for thousands of Canberrans. Our bus service has gone backwards and basic municipal services have been neglected. The billion-dollar boom has been squandered.

Canberrans deserve better. If ever there has been a time when Canberrans should expect a lot from their government, it is now. If a government cannot take care of the important services in the midst of a billion-dollar boom, how can it be expected to manage in tougher times? So where has all of this money gone? We know that this government has shown a remarkable lack of rigour in assessing spending proposals. It was this lack of rigour that led me to set up the new shadow portfolio of government accountability.

The list of wasteful spending which has led to little or no benefit for the community is an extensive one, and makes embarrassing reading for the government: $3.5 million on a busway which will not happen in our lifetimes; $4.5 million on FireLink, a communications system which is not being used; and $130 million on a prison which, apart from not being needed, appears to be getting smaller and smaller and may be the most expensive per bed prison in the country. Half a million dollars has been lost on hospital pay parking. Not only was this policy a mean one—charging patients and visitors to park, even on a Sunday evening—but they actually lost money.

Millions have been spent on an arboretum in the middle of an extended period of drought; millions have been spent on promoting and marketing the LDA; and $72,000 has been spent on a statue honouring Al Grassby. The list goes on. A government which is prepared to treat taxpayers' money with such contempt in these areas will continue to do so. These are just some of the examples which we know about, but it tells a story regarding why this government has failed to secure the key services and infrastructure at a time of such massive revenue.

These figures are the government's own figures. Where is the investment in tomorrow? This leads me to the government's record of openness. Jon Stanhope came to government with a promise of open and accountable government. If anything has become apparent during this term of majority government it is that this promise, along with his promise not to close any schools, has been broken. The Stanhope government has used its majority in the Assembly to shut down any reasonable scrutiny of its record. There is no greater example of this than the suppression of the Costello review. How can a government which continues to claim it is open and transparent suppress the very report which underpins its budget, and particularly a report which it used to justify its schools closure program? What were the assumptions underlying the report? Have those assumptions been proved correct? Was the school closure program justified by ensuing land sales of the closed sites? We may never know. A government that was not afraid of scrutiny would put this kind of information into the public arena.

This is far from the only example of such an attitude. We have seen secret estimates hearings into the EpiCentre debacle, the gagging of the budget debate, the refusal of the Chief Minister to release his legal advice after his unprecedented attempt to shut down the coronial inquiry when it became uncomfortable for him and his government. We have seen this government's approach to consultation, and it could be summed up in two words: Griffith library; that is, "We won't consult with you because we know what you'll tell us." These actions are the signs of a stale government, a government which has forgotten that it is answerable to the people, not just every four years at the ballot box, but in an ongoing way through the people's representatives in the Legislative Assembly.

It is no surprise that the government has acted in this way. With a record of mismanagement and misplaced priorities and of wasting the billion-dollar boom, it is no surprise that it would wish to avoid genuine scrutiny of its record. Canberrans deserve better; Canberra can do better.

I aspired to the leadership of the Liberal Party because I love Canberra. I love what Canberra is and what Canberra can become. I want Canberra to continue to be the best place in the world to live, but this can only happen when its leaders are committed to getting the priorities right. We need a government which is focused on the key needs and aspirations of the community which it is elected to serve.

I believe that our health system can be not just the best in the country but the best in the world. I believe that our good education system can become one where all kids, no matter what their background is, are given the opportunity to achieve their potential. I

believe that home ownership for our young families should be an attainable dream. I believe it is not beyond our capacity to manage our water resources so that Canberrans can water their gardens, even in times of drought. I believe that we should use the billion-dollar boom to secure our transport, health and water infrastructure for the benefit of generations of Canberrans.

I believe that Canberra can be a safer community to live in. I believe that taking care of the basics, such as roads, footpaths, libraries and bus services, is not an added extra, but core business for the ACT government. A government which I lead would make these issues our priority. We will focus on getting these things right and not be distracted by the personal interests of ministers. We will not—as this government has done—balance our budget on the back of students and first home buyers.

There are a couple of tests of success or failure for governments. Have we made people's lives better or worse? Have we lifted their burdens or imposed new ones upon them? In my maiden speech I said that the mark of a society is how we treat our most vulnerable, and I very strongly believe this. The mark of a government is how it improves the lives of all its citizens while taking care of the most vulnerable.

For many in our community, the work of government often is of nothing more than passing interest. They often wish government would simply get out of their way, and I understand and respect this. However, for others, the effectiveness of government is literally a life and death business. Vulnerable children, the homeless, the mentally ill, refugees, recently arrived immigrants, our Indigenous community, those on low incomes, prisoners, the aged and the chronically ill often have a disproportionate reliance on the actions of government. For this reason, it is even more important that we get it right; that every decision is tested for its overall community benefit, along with its effect on the most vulnerable members of society.

Over the coming months, we will be putting forward our ideas on and our solutions to the key areas that I have outlined. We have listened to the community, and we will continue to do so. Our policies and ideas will reflect their needs and aspirations, rather than what we think they should want. In opposition, as we would in government, we will rigorously assess the government's programs.

I have no doubt that the government, rather than engaging in a genuine debate about its record and about our alternative ideas, will engage in negative attacks on my colleagues and me. With a record like that of the Stanhope government, this is to be expected. However, I have confidence that Canberrans will see through this. Our highly educated electorate will take a close look at the record of this government and at the alternative which we offer. I am confident that, having done this, they will see what I see—that the Canberra we all love can do better.

Independent member
Statement by member

MR MULCAHY (Molonglo): I seek leave to make a statement concerning my move to the crossbench.

Leave granted.

MR MULCAHY: On Monday, 4 February 2008, Vice President Watson of the Australian Industrial Relations Commission delivered a judgement in a matter involving the Australian Hotels Association and an application brought before that commission by a disgruntled AHA member—namely, their New South Wales branch president, one John Thorpe. In his decision, Vice President Watson concluded as follows:

> … I do not believe there are reasonable grounds for believing that any rule of the organisation or any regulatory requirement has been breached. I have not formed the belief that would require me to refer the matter to the Industrial Registrar for investigation under section 278 or any other provision of the Act. Therefore I decline to do so and dismiss the matter.

That marked the conclusion of one of the grubbiest attempts to smear the name of a member of this chamber that has occurred since self-government was established in the Australian Capital Territory.

Mr Acting Speaker, I first became aware of Thorpe's attempts to derail my career when an approach was made by yourself, Mr Pratt, to the then ACT Liberal Party president, Mr Gary Kent, during the 2004 election campaign when, acting at the behest of those behind this recent case, Mr Pratt encouraged Mr Kent to rescind my preselection. Fortunately, the Liberal Party president was satisfied as to the dubious nature of the claims.

Mr Seselja interjecting—

MR MULCAHY: I also found it most intriguing that Mr Pratt was the beneficiary of substantial donations from the national AHA when Thorpe was its president, a benefit extended to no other state or territory—

Mr Stanhope: On a point of order, Mr Acting Speaker: the Leader of the Opposition just alleged that the member for Molonglo was not telling the truth, that he was being untruthful in his statement. I ask that he withdraw.

MR ACTING SPEAKER: I did not hear that interjection; there is no point of order.

MR MULCAHY: This is a benefit extended to no other state or territory MP in Australia, as far as I am aware. Even the ACT branch of the AHA knew nothing of this transaction.

Although anyone reading the *Canberra Times* over the past two years might have been forgiven for thinking I was on trial or facing some charges, the fact is that much of the venom in this case was directed at other decent and leading members of the Australian Hotels Association and former employees, including my friend and former colleague Andrew Wilsmore, who was also totally exonerated in the judgement handed down last week.

Of course, some of my former colleagues in both the parliamentary Liberal Party and the Liberal Party organisation in the ACT hoped that this case would be my undoing. The disgraceful aiding and abetting is now a matter of public record, and I am grateful

to the former staffer in Mrs Burke's office who was the first to alert me to the treachery surrounding this case when he briefed me in August 2006. But there were many others, such as Michael Hodgman, who did support me, and I am grateful to those such as Gary Kent who had the courage to stand up against this conduct by Liberal Party colleagues who fuelled media interest in the case as they desperately hoped it would spell the end of my career.

I would also like to place on the record my appreciation to the Australian Hotels Association, which had the courage to fight this case. The AHA stood beside me in rejecting spurious claims advanced by Thorpe and his associates, and I am grateful for that. The AHA national affairs manager, Mr Bill Healey, personally telephoned the former Liberal leader, Bill Stefaniak, one week before I was removed from the shadow ministry, and advised Mr Stefaniak that the Liberal Party had nothing to be concerned about and that he was confident no adverse findings would be made against me. Instead of this advice providing reassurance to Mr Stefaniak, it seemed to engender panic and, within days, after I received a series of threatening voice messages and text messages—which I still have—I was removed from the shadow ministry, ostensibly on the basis of a snippet of false evidence read by Mr Stefaniak.

I took issue with Mr Stefaniak's conduct and his convenient introduction of this new rule that one would be stood aside if any untested allegation is made against one. I have heard all manner of allegations made against almost every member of this place, and certainly against Mr Stefaniak and Mr Smyth, but it was not convenient for him to apply those rules uniformly. And here is a man that the Liberals would expect us to take seriously as a future Attorney-General. I say: heaven help the people of Canberra and the justice system if that were ever to happen.

Mr Stefaniak's conduct was reprehensible, especially in light of the judgement handed down, and he certainly should now do the honourable thing and resign from the Assembly, but I know he will not have the courage to do so. Failing the resignation of Mr Stefaniak, Mr Seselja should make it clear if this is the conduct he would expect and encourage of a minister, in the unlikely event that he were to become Chief Minister. Of course, that also will not happen, as he is beholden to others for his survival, as the latest instalment in Liberal leadership. He conveniently chooses to isolate my response to this appalling conduct by his predecessor as justification for his own conduct and that of his colleagues. He ignores the factors that led to that situation, of which is he very well aware.

It is a matter of public record that the Liberals threw me out of their parliamentary party, sending me a text message under the signature of Brendan Smyth, and giving me 55 minutes to attend and face their kangaroo court. Even dictatorships engage in a greater semblance of procedural fairness! I ignored Smyth's demands and resigned from the Liberal Party later that day. This is how the Canberra Liberals respond to 33 years of membership and loyal service—a rump, under the direction of Brendan Smyth, throwing people out of their parliamentary party ranks on a moment's notice, despite them being overwhelmingly elected by the people and supported by the membership of their party.

With this background, I have placed on the public record the reasons why I am now formally advising the Assembly that I will sit as an Independent on the crossbench. I

look forward to continuing to represent the people of Molonglo on their issues of concern and putting this sorry saga behind me, and I certainly intend to exercise my vote responsibly and in a considered fashion on all matters that come before the Assembly.

I am indebted for the level of public support that has been forthcoming since the events that started in December. I have had two negative responses from all of the people I have met with, and one of them rang me last week to apologise after the judgement was handed down. I am honoured by the confidence that has continued to be put forward. It has underlined the fact that the Australian community are still committed to the principle of a fair go and recognise an injustice when it has occurred.

It is my intention—and I indicated this to the Chief Minister when I met with him in December—to work to hold this territory government accountable, but I will also hold the opposition accountable when promises are made that are poorly costed and represent a major threat to the economic fortunes of this territory. I have no hesitation in maintaining my pursuit of good economic management. This is something that I intend to do on behalf of the people who have elected me.

Legal Affairs—Standing Committee
Scrutiny report 50

MR SESELJA (Molonglo): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 50, dated 4 February 2008, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR SESELJA: Scrutiny report 50 contains the committee's comments on 11 bills, 22 pieces of subordinate legislation and 13 government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Legal Affairs—Standing Committee
Report 7

MR SESELJA (Molonglo) (10.50): I present the following report:

> Legal Affairs—Standing Committee—Report 7—*Strict and Absolute Liability Offences*, dated 7 February 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR SESELJA: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR SESELJA: I move:

That the report be noted.

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

Planning and Environment—Standing Committee
Report 32

MR GENTLEMAN (Brindabella) (10.52): I present the following report:

Planning and Environment—Standing Committee—Report 32—*Variation to the Territory Plan No 285, Block 17 Section 102 Symonston—Extension of Broadacre 10E Area Specific Policy*, dated 7 February 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR GENTLEMAN: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR GENTLEMAN: I move:

That the report be noted.

I will just begin with a brief background to this inquiry. Draft variation 285 proposes to amend the territory plan map by extending the 10E area specific policy over block 17, section 102, Symonston. The 10E area specific policy adds "mobile home park" to the list of permissible uses on that block under the broadacre land use policy. The result of the variation, once approved, is that block 17, section 102 would have the same land use policy as block 8, section 97, Symonston, known as the Narrabundah Long Stay Caravan Park. It will subsequently enable the implementation of a like-for-like land swap agreement between the ACT government and Dytin Pty Ltd, the lessee of the Narrabundah Long Stay Caravan Park.

The land swap, if it proceeds, will secure the continuation of the caravan park on block 8, section 97, Symonston, abating concerns for the ongoing tenancy of Narrabundah Long Stay Caravan Park residents. In exchange, Dytin Pty Ltd will

become lessee of block 17, section 102, Symonston, which is currently managed by the territory.

The committee notes that the proposed variation to the territory plan is an interim step in the land swap arrangement. However, block 17, section 102, Symonston, is recognised as grassland habitat for the endangered grassland earless dragon, and any development by the lessee on the site is likely to have a significant impact on that threatened species. Similarly, there are concerns for the wellbeing of the Narrabundah Long Stay Caravan Park residents if the land swap does not take place following initial moves by the lessee of block 8, section 97, Symonston, to evict residents and potentially redevelop that site.

The draft variation itself does not directly result in the disturbance of the grassland earless dragon habitat or the displacement of the Narrabundah Long Stay Caravan Park residents. However, it facilitates the land swap agreement and enables the lessee of block 17, section 102, Symonston, to submit a development application for that site.

The committee notes that any development undertaken on block 17, section 102, Symonston, would be subject to separate statutory development assessment procedures and would need to comply with the commonwealth Environment Protection and Biodiversity Conservation Act 1999. The major concerns, such as the social and environmental impacts on the locality, the neighbouring facilities and the amenity of the area will be considered through the development assessment process and if and when the lessee submits a development proposal for block 17, section 102, Symonston.

The committee understands that the concept of sustainable development involves the recognition and the integration of social, environmental and economic considerations in decision-making processes. In the situation at hand, the committee considers that there is a need to strike a balance between the conservation of the grassland earless dragon habitat and the social consideration for the welfare and security of tenure of the Narrabundah Long Stay Caravan Park residents.

Mr Acting Speaker, the committee appreciates that block 17, section 102, Symonston, is a grassland earless dragon habitat area, although it constitutes only 1.5 per cent of the GED habitat in the Jerrabomberra Valley and is of lesser quality grassland than areas further south. The committee also notes that the current grassland earless dragon population on block 17 is unknown. The potential future development of block 17, section 102 and associated damage and/or destruction of grassland earless dragon habitat on that site also appear to be mitigated to some degree by the proposed establishment of two grassland and woodland nature reserves in the Jerrabomberra Valley, around 200 hectares each, which may promote ongoing survival of the grassland earless dragon.

The committee also notes that the choice of block 17, section 102 for the land swap deal will also minimise the risk of further fragmentation of the grassland earless dragon habitat and edge effects. The committee considers that the proposed draft variation to facilitate the land swap arrangement is a reasonable compromise in the application of sustainable development in Canberra, and the committee recommends that this proposed variation to the territory plan proceed.

Mr Acting Speaker, in closing, the committee would like to thank the officials and stakeholders who assisted the committee during the course of this inquiry. As with the previous report, I would again like to thank my fellow committee members, Mary Porter and Zed Seselja, and the committee secretaries, Hanna Jaireth and Nicola Derigo. I commend the report to the Assembly.

Question resolved in the affirmative.

Standing committees
Membership

MRS BURKE (Molonglo) (10.58): Before moving the motion, Mr Acting Speaker, I would say that the need for the following motions is self-explanatory to members, but I do thank the government and the crossbenchers for their support. Pursuant to standing order 223, I move:

> That:
>
> Mr Seselja be discharged from the Standing Committee on Planning and Environment and Mrs Dunne be appointed in his place;
>
> Mr Seselja be discharged from the Standing Committee on Legal Affairs and Mr Stefaniak be appointed in his place;
>
> Mrs Dunne be discharged from the Standing Committee on Education, Training and Young People and Mr Pratt be appointed in her place;
>
> Mr Smyth be discharged from the Standing Committee on Administration and Procedure and Mrs Burke be appointed in his place.

Question resolved in the affirmative.

Standing committees
Establishment

MRS BURKE (Molonglo) (10.59): I seek leave to move a motion concerning the membership of committees.

Leave granted.

MRS BURKE: I move:

> That the resolution of the Assembly of 7 December 2004 relating to the establishment of general purpose standing committees be amended by:
>
> (1) inserting the words "at least" after "shall consist of" in paragraph (4); and
>
> (2) omitting "one" and substituting "two" in paragraph (4)(e)(iii).

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.00): Mr Acting Speaker, I am not aware that the opposition have foreshadowed these changes to the resolution regarding general standing committees. I would ask Mrs Burke if she could explain what the purpose of these amendments is, because they have not been foreshadowed with the government.

DR FOSKEY (Molonglo) (11.00): It is very difficult for those of us who have never seen this motion and certainly do not have the original motion that it is amending before us to discuss this in any constructive fashion. At the very least, I would move that this debate be adjourned and that the relevant documentation be circulated so that we can discuss it and know that we are all on the same page. I would move that the debate be adjourned.

MR ACTING SPEAKER: Dr Foskey, you have risen to debate the existing motion; you cannot move that this debate be adjourned. The question is that the question be agreed to.

Debate (on motion by **Mrs Dunne**) adjourned to a later hour this day.

Administration and Procedure—Standing Committee
Membership

Motion (by **Mr Corbell**) agreed to:

> That Dr Foskey be discharged from the Standing Committee on Administration and Procedure and that Mr Mulcahy be appointed in her place.

Crimes Amendment Bill 2008

Mr Corbell, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.03): I move:

> That this bill be agreed to in principle.

MR CORBELL: Today I am introducing the Crimes Amendment Bill 2008. The bill I introduce today is in direct response to concerns raised with me by the Chief Police Officer late last year. The Chief Police Officer believes that it would be useful for his officers to deal with some of the most minor of offences by way of infringement notices.

The bill lays the ground work for an infringement notice scheme for a suite of street offences. Regulations pursuant to part 3.8 of the Magistrates Court Act 1930 will implement the necessary machinery for the issue of infringement notices under the Crimes Act and the Liquor Act.

In light of the government bill, Mr Acting Speaker, I can foreshadow today that the government will be opposing Mr Stefaniak's Crimes (Street Offences) Amendment Bill 2007. I thank Mr Stefaniak for bringing this matter to the attention of the Assembly.

The bill extends infringement notices available under the Magistrates Court Act to offences that present offensive behaviour in the community. The bill creates a new offence of "urinating in a public place". At present where this offence occurs, ACT Policing pursue charges of either "offensive behaviour" or "indecent exposure". With the new offence, police will have access to a more straightforward and appropriate option. The bill also amends the existing offence "noise abatement direction". The specific offence of failure to follow a direction has been made a strict liability offence.

The third Crimes Act offence dealt with by the bill is "defacing premises". The issue of the criminal defacing of private and public property is an active concern for the government and the community. For this reason, Mr Acting Speaker, with this new offence, police and city rangers will have an additional option when confronted with the defacing of premises, particularly graffiti.

The bill also amends the offence of "consuming liquor in certain public places" in the Liquor Act by making it a strict liability offence. At the same time, the bill addresses the difficulty currently faced by police in prosecuting this offence by applying the evidential presumption of when a beverage is, in fact, liquor. This change means that where a beverage is in a container that is labelled as having at least 0.5 per cent alcohol and the person has committed the physical elements of the offence, there will be a legal presumption that the substance in the container is, in fact, liquor, meaning that police will be able to pursue a charge without having to undertake a forensic analysis of the beverage. This is a particular matter that was not dealt with in Mr Stefaniak's bill.

The regulations accompanying the bill are made pursuant to part 3.8 of the Magistrates Court Act 1930 and contain the framework provisions for the issuing of infringement notices in relation to specified offences. The service of these infringement notices will be limited to persons over 16 years of age.

Police officers will be able to issue an infringement notice for the offences of "urinating in public places" and failure to follow a "noise abatement direction". Police officers and authorised persons under the Litter Act 2004—mostly city rangers—will be able to issue an infringement notice for the strict liability offence of "defacing premises—strict liability". This effectively makes a person who graffities private or public property liable to an infringement notice. Infringement notices under the Crimes Act will carry a liability of $200.

Police officers and inspectors of licensed premises under the Liquor Act 1975 will be able to issue infringement notices for the offence of "consuming liquor in certain public places". This offence occurs where a person consumes liquor within 50 metres of a bus interchange, a shop, licensed premises or a place prescribed by regulation. This infringement notice will carry a liability of $100.

The government supports the measures set out in this package as another option for police officers to have at their disposal. While the bill creates two new offences, police will still have the discretion to pursue the offence carrying the more serious charge. The decision to charge offences remains with the officer's discretion and will involve an assessment of the circumstances surrounding the commission of the offence and an appraisal of the appropriate course of action in the light of these circumstances. This bill will not interfere with police expertise when determining the most appropriate course of action.

Mr Acting Speaker, the government will soon introduce into the Assembly the new option of court attendance notices, which will expedite the process of bringing charges before the court. The use of court attendance notices will be more efficient, as police are not required to lay an information, saving time and money and keeping more police on the street. The use of court attendance notices will also leave more time for the courts to deal with more substantive issues. The use of court attendance notices will apply to all minor offences where court proceedings would have been otherwise commenced by way of a summons, such as fighting and assault. These reforms, Mr Acting Speaker, will further complement the package of measures I am introducing today.

The government has also publicly stated that it would undertake a review of the Liquor Act 1975. That review will seek to determine whether the current law is adequate in satisfying community expectations about the responsible sale and consumption of alcohol in the territory. As part of this process, the review will examine the appropriateness and effectiveness of the legislative and regulatory regimes of the current liquor laws within the ACT community. For these reasons, Mr Acting Speaker, the government does not support the proposals set out in Mr Stefaniak's bill that deal with the sale of liquor, and these are matters dealt with as part of a comprehensive review of the Liquor Act.

I would also like to draw the Assembly's attention to a report on this very topic by the Community Law Reform Commission tabled in this place by the then Attorney-General, Mr Humphries, on 25 September 1997. I also point out for members that this report was prepared following a reference to the commission by Justice Terry Connolly when he was the Attorney-General. During debate in 1997, the third Assembly relied heavily on the findings and recommendations of this report in arriving at the final form of the Crimes (Amendment) Act (No 4) 1997. Some of the concerns pointed out by the commission in 1997 are still relevant today.

For these reasons and others, Mr Acting Speaker, and the concerns around the use of infringement notices for criminal offences generally, I will be asking the Chief Police Officer to report to me after a period of 12 months on the use of these fines by ACT Policing. I will also ask the commonwealth Ombudsman, as the ACT Ombudsman, to review the implementation of infringement notices covered by the Bill during the first 12 months of its operation. I will ask the Ombudsman to report to the government on any issue of concern in relation to the service of these infringement notices by ACT Policing and other persons authorised under the regulations.

Mr Acting Speaker, the government believes these measures are proportionate and responsible. They provide for the use of infringement notices in circumstances where there are clear and objective criteria for police to make decisions on and do not expose our police to the requirement to make subjective decisions which are best left to the courts. Mr Acting Speaker, I commend the bill and regulations to the Assembly.

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

Road Transport (Third-Party Insurance) Bill 2007

Debate resumed from 22 November 2007, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.12): I am happy to speak on the Road Transport (Third-Party Insurance) Bill today as the government takes its first tentative steps towards reforming the regulation of compulsory third-party insurance in the ACT.

CTP insurance is heavily regulated throughout Australia. However, the insurance industry in the ACT has been bogged down by especially restrictive government intervention and has been very uncompetitive as a result. Insurance premiums in the ACT are substantially higher than in other jurisdictions, which allow greater latitude to insurers. This is a factor contributing to the fact that ACT motorists have had to pay much more for CTP insurance than do motorists in other jurisdictions. This bill seeks to emulate the regulatory framework that is present in New South Wales, which currently has six CTP insurers operating and has lower CTP premiums than the ACT.

I was fortunate to receive two briefings on this bill, in which officials in the Department of Treasury informed me that it is their long-term goal to see insurance premiums reduced to the same levels as exist in Queensland. While premiums in Queensland are not as good as in New South Wales, they are substantially better than currently exist in the ACT.

The reasons for the higher costs in the ACT are many. However, one driver of costs has been the lengthy time taken to resolve claims in the ACT and the lack of procedural vigour. I am informed by the Department of Treasury that the average settlement time for a CTP claim in the ACT is a whopping 1,161 days, or three years and 66 days.

This bill sets out procedures for the progression of CTP claims that follow the procedures in New South Wales. It is hoped that this will lead to a reduction in the time and effort to process claims and a resultant reduction in costs and premiums. In particular, the bill provides for a conference to be held between the parties to the claim, with full disclosure of all information relevant to the claim. Medical information on any injuries suffered is given to the insurer earlier than under the current system.

This means that there is less opportunity for lawyers for the parties to attempt to bluff their opponents and slow the process of resolving the claim. I am informed by

department officials that they expect this to lead to reductions in legal costs. I am satisfied that this bill provides a clear procedure for the settlement of insurance claims that will allow insurers greater certainty. This will hopefully be of sufficient attraction to entice more insurers into the ACT market and ultimately establish greater competition. This, of course, will be a benefit to the community at large.

In addition to the costs of delays, legal costs make up a large proportion of the costs of settling insurance claims in the ACT. I am informed by the Department of Treasury that legal fees make up approximately 20 per cent of the cost of the CTP scheme in the ACT. This is double the national average. The procedural provisions in this bill will hopefully alleviate this problem by providing greater certainty to all parties on the procedure for claims. This should lead to less dispute and less time spent on legal work.

Clause 149 of the bill also imposes rules on the recovery of legal costs. For awards of less than $30,000 in damages, excluding pain and suffering, costs are awarded to the claimant only if the amount awarded equals or exceeds the claimant's mandatory final offer. Costs are awarded to the respondent only if the award is equal to or less than the insurer's mandatory final offer. These costs will be prescribed by regulation. For awards between $30,000 and $50,000, costs are capped at $2,500 for costs up to the date of proceedings, plus indemnity for costs on or after the date of proceedings. This amount can be altered by regulation. This is intended to ensure that legal costs prior to proceedings are reduced by ensuring that they are recoverable only up to a certain point.

I have to put on the record that I have some reservations about these attempts to cap legal costs at less than an indemnity basis. While it is clear that legal costs are high in this area, I am a little bit worried about the consequences that could arise from these provisions.

A possible scenario is that a client will instruct a lawyer to push ahead with a claim, an instruction that must be followed even if the lawyer believes that the result will not be favourable. Will the lawyer be able to recover costs from their client? Either the lawyer will miss out on legitimate fees or the client may be in a position where some of their payout can be recovered by their own legal team. This is a situation that will have to be monitored closely. It is possible that the amounts in this bill will have to be adjusted in the future, but for the time being I am willing to support these changes in the interests of overall reform in this area of insurance.

Another feature of this bill is that it provides for immediate payment to claimants for medical expenses of up to $5,000. This amount is paid by the insurer without any admission of liability on the part of the insurer. During briefings on this bill, I was informed that this will allow injured parties to begin rehabilitation immediately, thereby reducing overall medical costs. This certainly has the potential to save claimants from a great deal of pain and suffering, and it has the potential to save insurers from further costs. I am a little bit sceptical about forcibly imposing this situation by law. If it does indeed reduce costs to insurers, one does question the need to make it mandatory. To put it another way, the fact that this is made mandatory makes me question whether it will actually lead to reductions in costs for insurers.

It appears from the bill that this amount cannot be recovered by the insurer if the insurer later wins the claim. Again, I worry that this could create a perverse incentive for unmeritorious claims. But I am assured that this will be dealt with to some extent by requiring the payment to be made directly to doctors or to the claimant only to reimburse medical costs rather than simply giving them the money directly. Those precautions, which have been advised to me by Treasury, are sensible.

The early payment is currently available only if the claimant lodges a claim with the insurer within 28 days. I do not personally think that this length of time is sufficient for many claimants who will not have any knowledge of insurance law and may need more time to obtain a medical report. As a consequence, I will be moving an amendment—which I have tabled for circulation—to allow 120 days for lodgement of this claim.

I will address that issue later, but I want to mention that I have just been through a minor insurance claim from a break-in to my car. That happened on 24 January and I am still toing and froing on paperwork to try to get that matter processed. So even on a minor level, with a claim of that nature, the period has now turned into almost one month. When you have such serious things as physical injury requiring access to doctors, especially if it happens in the summer period, for example, I think it is ambitious to expect lodgement in 28 days. I know there are medical arguments that might be advanced for that early treatment, but I think that we have to temper it with reality. I have taken advice on that from the legal profession.

Although this bill is a step in the right direction, there are issues with government involvement in compulsory third-party insurance across Australia. I believe that there are opportunities for serious reform of these laws in the future. I hope that other members of this Assembly do not see this bill as a panacea to the ills of the CTP insurance industry. It is a difficult problem that needs a careful, considered solution. Although this is a step in the right direction, it is not that final, carefully considered solution, in my view.

My experience with this bill has been that it has been somewhat hastily prepared. A deal of material has been lifted from other jurisdictions. I do not believe that the matter has had the level of scrutiny by the territory government that it may have warranted. In my first briefing on this bill at the end of November, my staff and I identified a number of concerns, including a drafting error in quite an important section of the bill which had apparently gone unnoticed by the government. This error would have had the effect of preventing the government from issuing any CTP insurance licences to any insurer who could properly exercise the functions of a licensed insurer. In my second briefing on the bill last week, I found that the government still had not amended this error, so I foreshadowed an amendment to address this. That has now been circulated, although I understand that the government now concurs with our view on the need for the section to be amended.

Whilst this bill gives insurers some breathing room and gives them greater certainty about claims processes, the New South Wales regime which the bill seeks to emulate is not in itself a solution to CTP problems or a model for an ideal CTP system. The current ACT system needs significant changes. The bill before us today is a tentative

step towards reform of regulations governing CTP insurance. In an ideal world, however, I would like the government to go further. I would like to see an end to price controls on insurance contracts, for the coverage of particular events no longer to be mandatory and for the current prohibition on the creation of specialist insurers catering to exclusive sectors of the market to end. These changes are not possible in the ACT market as it stands but should, I believe, be the goal of the territory government.

This bill adopts a so-called "community rating" approach, which prevents insurers from providing CTP insurance only to exclusive sectors of the market. Clause 24 of the bill prohibits an insurer from declining to issue or renew a CTP insurance policy. This means that an insurer cannot choose to cater to only one section of the CTP insurance market. They must either insure everyone or insure no-one. At present, when there is only one provider operating, this makes an enormous amount of sense. The same insurer covers everyone because of a lack of competition. But under this clause, an insurer considering entering the insurance market to cater exclusively to, say, older drivers is prevented from doing so. The explanatory statement for the bill says:

> In light of the Government's desire for competition, these provisions prevent insurers from segmenting the market.

I would argue that—in time, if not straightaway—this sort of condition in an open and competitive market would have the opposite effect and deter entry to the market.

Ideally the ACT would have an open insurance market with a number of providers competing for services and targeting different sections of the market. This is clearly not the case yet, but I would hope that this legislation is the first step in ultimately reaching that point. The fact is that if insurers choose to enter or remain in the CTP market despite this restriction in the ACT, they must, as a matter of fact, recover losses on unprofitable lines of businesses by charging higher premiums to safer drivers. From a purely commercial point of view, this potentially makes the market less attractive.

The fact of the matter is that good drivers are subsidising bad drivers under the present system. I would hate to see a situation where an insurance company said, "Well, we will not touch anybody under the age of 30," because a large number of our younger people would be denied the opportunity to drive lawfully in the territory. But I believe that if we can have a measure of competition and other products available to consumers, as occurs across the border, ultimately this is an outcome and a marketplace solution that is desirable and that ought to be one of the objectives of the territory government.

As in the New South Wales system, this bill continues with a regime of government price controls, which are the necessary result of the community rating approach. Clause 38 of the bill requires CTP insurers to have their premiums approved by government regulators. This is a necessary consequence of the community rating approach, as it forces insurers to insure high-risk drivers at a loss. Insurers in the CTP market must make up this loss somehow, and it is safe drivers who bear the burden of this enforced subsidy.

The community rating approach adopted by the government, coupled with the consequent and necessary price controls, was strongly criticised at the Institute of Actuaries accident compensation seminar in April last year. This critique was set out in the report *Game theory and Australia's CTP markets*. In this report, the authors criticise the community rating approach, saying:

> By enforcing community rating upon a line of insurance in which different policyholders have materially different claims cost profiles, governments are creating inherently unstable and chaotic systems for insuring motorists.

The authors further observe that the consequence of prohibitions on providing insurance to only some sections of the market, combined with price controls to prevent the full recovery of costs on high-risk drivers, is to encourage insurers to avoid these high-risk drivers through other means such as poor service or lack of marketing. Again, at present this is not an issue in the ACT's single-provider market. However, if the government's goal is to open the market up to more competitors it may well become a serious issue.

The authors observed that the result of this approach of subsidisation to high-risk drivers is to increase overall costs. They state:

> The CTP market has relatively high barriers to entry as discussed above. This means there are unlikely to be new entrants who will compete in the market and drive profits down by putting pressure on prices. By its nature an oligopoly should have lower prices than a monopoly but higher prices than a free competitive market. There is an implicit cost for community rating and long-term price stability.
>
> The fact that prices are regulated also has an effect of increasing prices compared to a free market level. As competitors want a return in the long term and the government wants stability in prices, the compromise is generally a higher price than a natural competitive market.

There are clearly issues with CTP regulation. If the best product possible is to be provided to consumers at the best price, these will, in time, have to be considered.

It is clear that there are a great many problems with government regulation of the CTP insurance industry. The report I have cited indicates that the basic system for CTP insurance is in need of serious reform. The bill before us does not tackle these problems, but instead takes other steps towards allowing insurers greater flexibility and greater certainty in claims processes. The bill does not make the industry any worse, but I fear that without further reforms there will be continuing problems.

Nonetheless, my desire for further reform in this area does not preclude me from supporting the reforms that are contained in this bill. I will be supporting this bill. I hope, as do other members of the Assembly, that we will see greater competition in the ACT insurance market as well.

I will be moving the amendment circulated in my name and also a second amendment which has not been circulated.

Let me say finally on this point that the matter of third-party insurance impacts on virtually every household in Canberra and often on many members of that household. The process of reform is long overdue, but it is welcome. I know that any step that ultimately leads to an improvement in rates and a more competitive environment—one of the issues first raised with me when I was elected here in 2004—will enjoy the support of the broader community.

MR SMYTH (Brindabella) (11.30): The opposition will support the Road Transport (Third-Party Insurance) Bill 2007; I advise that I will propose an amendment to insert a review provision in the bill. Even though we support the bill, I should note right up-front that I have some hesitation about its content; the nature of my hesitation will become evident during my remarks. I thank the government for arranging a very detailed briefing on the bill and congratulate the public servants who were quite able to answer the questions that I asked.

While this is not a particularly complex bill, it is a very long bill, at more than 200 pages. I suspect that there must be some sort of competition between ministers to see who can have the longest bills. My concern is to maximise opportunities for the community to be able to comprehend legislation that governs their lives and behaviour and to minimise opportunities for misunderstandings to arise.

While I thank the government for the briefing on this bill, I must note a significant concern. It was only during that briefing—and not even at the beginning of the briefing—that we learnt that the government was proposing some quite significant amendments to the bill. We subsequently received 14 pages of amendments to the bill which I believe have now been circulated here. I will comment on those amendments in a moment.

Let me turn to the legislative regime proposed in this bill. The government is proposing to implement a regime that it is hoped will result in lower third-party premiums and will be easier to administer. Although I note that the Chief Minister—in his presentation speech, as he closes—claims that the regime will save insurers money, will lower premiums and will open the door to competition, that is yet to be seen.

The government also claims that the regime should lead to those who have been injured in accidents being able to begin rehabilitation activities at the earliest possible time, to facilitate a return to health, to usual activity and to work. These objectives are being sought predominantly through drawing on the learning gained from modern, third-party schemes that are now operating in New South Wales and Queensland. At this point, I observe that the regimes in those two states do not necessarily lead to the lowest third-party premiums in the country: there are states with cheaper premiums. The New South Wales and Queensland schemes are based on establishing fault and determining compensation, and hence are fault-based schemes. In two states, there are no-fault schemes and in some states there are government-controlled schemes.

I remain to be completely convinced that the approach incorporated in this bill is the best scheme for the ACT, but at the same time I accept that, all things being equal, any scheme of ours should, as nearly as possible, be equivalent to that operating in

New South Wales. As an island in that state, we must have very compelling grounds to put in place policies that create awkward differences across the border with New South Wales.

I thank the government for providing me with information on the operation of third-party schemes in other parts of Australia. It is for reasons such as this that a review provision is absolutely essential in this bill. Of course, we all want cheaper third-party premiums, but we must have an objective evaluation of the impact of this bill after it has settled down, to see what outcomes have been achieved. Some of the factors that contribute to our larger premiums—such as the size of the pool, our interest rates and the behaviour of the courts—are not covered by this bill, and clearly cannot be; but these have big impacts as well.

I need to make an observation about comments made by the Chief Minister in introducing this bill. The Chief Minister is reinventing history; I suspect that fading corporate memories are at fault. We have been told by the Chief Minister that the NRMA held a de facto monopoly in issuing third-party insurance for many years; he talked about an "accidental monopoly" for the NRMA. That is not completely correct. A proper understanding of what happened in the ACT in the 1970s is that the then New South Wales GIO pulled out from writing third-party insurance in the ACT and the then commonwealth government had to go on bended knee to plead with the NRMA to stay in the ACT to write third-party insurance. Moreover, it must be acknowledged that, under the current regime, there is no impediment in principle for other insurance companies to enter the third-party insurance market in the ACT.

The critical issue under both the current and the proposed regime is the start-up cost for a company entering a new market. Even with this new regime, companies will need to undertake a detailed analysis of the ACT market; develop a sound business case for ACT activities; identify the capital necessary to fund third-party business, possibly in the order of up to or even more than $100 million; and be able to support a competitive pricing policy for some years to provide a platform in the new market before receiving a return.

I want to spend a few moments dealing with the legislation. I have noted that this is a very large bill. The intention behind this is to try and anticipate all eventualities. As we are now aware, there are some aspects in the bill, such as the proposed CTP premium board, where there is a hope that these provisions will not be required. Unfortunately, that leads to it being a very long bill.

As an aside, I note that the explanation of the disclosure of interest by members of the board in clause 56 is quite innovative. In place of the usual A, B and C, we have real live characters in the form of Albert, Boris and Chloe. I commend parliamentary counsel for their innovation in trying to make these bills a little more readable and a little more real.

I support the broad content and flow of the regime proposed within the bill. I understand that the insurance industry is happy with the content of the bill, particularly the objective of seeking to have people who are injured in accidents being able to undergo rehabilitation at an early point to assist them to regain their health and to return to a productive life and, as necessary, to work.

I should highlight that there are some matters that that we will be looking at after the scheme is implemented to see how these aspects work. One of these concerns is clause 61, where the notion of a motor vehicle having a "sufficient connection with the ACT" will need to be established by regulation. As always, we will be waiting with considerable interest to see the regulations that will support this clause—indeed the entire regime.

We have had some discussions with insurance companies about the administrative requirements placed on companies that are implicit with this bill. We have been assured that the requirements will not necessarily create difficulties for companies, because they will be able to piggyback on information that is provided under the provisions operating in New South Wales for their third-party regime, but at the same time I note our concerns about the micromanaging of commercial entities through the specification of matters such as the content of a company's business plans, in clause 202. We do not accept that it is the place of legislation such as this to specify this type of detail.

As another example, in clause 212 the bill sets out the types of accounting records that are required. It is nonsense to specify this type of detail in the bill. Accounting records are well-recognised documents and electronic material. The specification of these records in the bill is unnecessary and makes the bill more complex.

What is more, the bill provides for the appointment of an auditor to audit the accounts of an insurance company. These accounts would have been audited by a recognised auditor in the first instance. This is an unnecessary impost on both the scheme and the insurance companies.

In relation to consultation on this bill, we have been advised by the ACT Law Society that the consultation undertaken with the legal profession has been vague. The description that we have is that the legal profession has been only "vaguely involved" in the development of the bill. We were assured that consultation had been conducted in developing this bill. We have a concern that, while there has been excellent consultation with a number of insurance companies and with the regulators in New South Wales and Queensland, the legal profession seems to have been overlooked. The issue here is that the legal profession stands to potentially be the significant loser from this new third-party regime, particularly as there are provisions for early access to rehabilitation and provisions setting out strict timetables for the completion of activities within the legislative regime. We are certainly not against cheaper legal fees, but it would be appropriate for better consultation to be carried out, given this government's commitment to consultation.

The principle underlying the provisions is to seek to reduce the proportion of resources that are absorbed by the legal process in pursing claims for compensation and the like. At present, a significant proportion of claims are taken up by legal costs. Based on the experience of the reforms to third-party regimes in New South Wales and Queensland, there is an expectation that far more matters will be resolved before they become expensive legal processes. We understand, for example, that a very small proportion of claims in Queensland are not resolved before having to resort to legal action.

Overall, I emphasise that we look forward to seeing how this scheme performs in the ACT context.

In regard to the government's amendments, I note that we received very late advice of the government's amendments to this bill. In general terms, the amendments are acceptable. It is particularly pleasing to see the demise of the proposed civil penalty and censure committee referred to in clause 191. Use of this rather Stalinist-style committee has been replaced by the reference of relevant matters to the Consumer and Trader Tribunal that is already established by ACT legislation and that seems a better place for it to be dealt with.

I have raised relatively minor issues on a couple of matters and we will take those up in amendments.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (11.40): In general terms, insurance is, as I am sure everybody is aware, very much like having a rich uncle who visits regularly and expects dinner: one hopes to derive some inheritance or benefit out of the relationship before being eaten out of house and home. However, of course, one always has the option of extending the invitation or not.

Compulsory statutory insurance is somewhat different, in the sense that one always knows that the uncle or relative is coming, that he will never die and that you have no choice but to feed him, but that the essential cost of the dinner is reasonable and affordable. The ACT compulsory third-party insurance scheme was a legacy of the time before self-government. The scheme was untouched for 60 years.

Dr Foskey: Mr Acting Speaker—

MR STANHOPE: If Dr Foskey wishes to speak, I am happy to relinquish this spot and start again. Is that possible? Anything is possible. Ignore everything I have said.

DR FOSKEY (Molonglo) (11.41): I thank the Chief Minister for that. I seek leave to speak on the in-principle stage of this bill.

Leave granted.

DR FOSKEY: I thank the Assembly. In the amendment warfare, I was absent from the room at the relevant moment; my apologies for that.

One of the wider contexts of this legislation is the distinction between the traditional, fault-based third-party compensation schemes run by insurance companies in Queensland and New South Wales and the no-fault schemes in Tasmania and Victoria. The broad differences between the two approaches apply to compensation for all kinds of physical injury, not just car accidents. While fault-based, or tort liability, schemes highlight issues of negligence and put pressure on people to accept responsibility for their actions—and injury rates have been said to increase under no-fault regimes—the costs are higher. More importantly, some people miss out

altogether where negligence or fault cannot be proved but may in fact be the case. It is a question of individual responsibility and the notion of justice on the one hand and a comprehensive approach to caring for injured people on the other.

New Zealand has a no-fault compensation scheme that covers all accidents—at work, on the road, at home, at public events. In 1975, Australia came close to going the same way. On the one hand, such a scheme would leave nobody behind; on the other, the disadvantage of the New Zealand scheme is that at different times it has trapped people, particularly those with permanent incapacity of some kind, on too low an income.

The system is dependent on a bureaucratic system which will inevitably be tempted at various times to restrict payments rather than increase payments. The court, with a brief to compensate the injured party fairly, finding negligence, has no such limitation on the level of payments. That is why payouts sometimes appear extraordinary when the real costs of dealing with the consequences of permanent injury are factored in.

On the other hand, there is a particular issue about how we care for people who have been catastrophically injured in Australia when they cannot successfully sue for negligence. I know that some work has been done between the territories, the states and the commonwealth to explore a national scheme to care for people in such situations. I understand that the Australian government lost interest when the minister changed a couple of years ago. I urge the ACT government to try and kick-start that project with its collegiate governments.

Furthermore, no-fault schemes are dependent on bureaucratic enforcement when it comes to averting accidents in the first place. There is a good case for saying that the risk of penalty, the burden of responsibility and the public visibility of the tort-based system does put pressure, on businesses at least, to manage risk effectively.

The ACT's private sector workers compensation scheme is something of a hybrid scheme in that an injured worker still has rights in common law, in addition to a systematised table of compensation payments as they relate to degree of injury. I support further development of a hybrid approach as it both promises a reasonable level of care for everyone in our community where they need it and is a scheme that rewards good practice.

The reality for the ACT is that, as a small jurisdiction, the introduction of a stand-alone, no-fault third-party insurance scheme would be unaffordable in any event. So it is pragmatic to introduce this scheme, which echoes so much of the regimes in place in Queensland and New South Wales and should therefore prove attractive to the insurance businesses that operate in those jurisdictions.

I understand that officers of both the New South Wales and Queensland governments have been very helpful in the construction of this scheme. That is a great thing. As Canberra residents, we are too familiar with the ongoing denigration of public servants that passes for political humour in this country. As a politician representing constituents, I sometimes find myself criticising the work of our public servants, too. It is, then, worth celebrating when officers of three bureaucracies work together in a generous way for the common good.

The fact that elements of the Queensland and New South Wales schemes have been adopted for the ACT legislation may also reflect well on our federal system. In an era when national approaches are de rigueur when it comes to industry, competition, school curricula and development planning, it is pleasing to see the different approaches of the states proving to be an actual strength in terms of innovation. However, this was not an unthinking adoption of Queensland legislation holus-bolus. For this I commend our officers.

I am pleased that this scheme does not apply the "table of maims" approach that was taken when the ACT's workers compensation scheme was adopted and which I understand is used in Queensland. The government has taken the view that direct compensation costs were not the factor that was making our scheme more expensive to consumers and unattractive to business, and that more efficient and transparent procedures and regimes will bring down costs of third-party insurance in the ACT and, by more or less echoing arrangements in New South Wales and Queensland, facilitate competition.

The government has, at least in part, accepted the argument that it is lazy lawyers lining their pockets that has meant that people who are injured in car accidents need to wait longer for larger compensation payouts, too high a proportion of which goes to the plaintiff lawyer. I do not think that is entirely true. While I support the measures in this bill to limit the proportion of a small claim that can accrue to the lawyer, I also believe that we need to acknowledge that the legal system as a whole is not geared up or resourced to process things quickly. Rather than making personal attacks on the legal profession—as with public servants and politicians, that will always raise a laugh amongst people who are not members of the profession—it is more useful simply to address the undoubtedly complex issues behind the problem.

With that in mind, it is pleasing that this scheme, as opposed to the Queensland one, allows the court some flexibility when it comes to lawyers' fees, time limits and so on. There may still be a provision in the bill which may result in undue harshness. Members of the legal profession advise me that they understand that the bill was in essence non-negotiable. I suspect that a bit of concerted pressure might have softened some of it, nonetheless—for example, the one-month rule for lawyers to give notice of a claim, for which I see we have an amendment. The fact that we have such a raft of amendments, including from the government, perhaps means that people like the lawyers who came along after the original amendmens were prepared were listened to after all. Even though it is late, it is always better late than never in terms of getting the very best legislation that we can.

Key features of this scheme revolve around the settling of claims, which is expedited, and having a much stronger focus on prompt medical treatment and rehabilitation. Consequently, the focus should no longer be on a protracted court case, extracting maximum compensation, but, where possible, should be on a speedy return to health and work.

This is also the key focus of the ACT's private sector workers compensation scheme, which has not yet proved to be entirely as good as promised on that front. The final report of the review of the ACT workers compensation system, by Australian Health

and Safety Services Pty Ltd, Dibbs Abbott Stillman and Cumpston Sarjeant Pty Ltd, released last August, pointed to falling legal costs but an increase in weekly payments and rehabilitation costs. While that might be expected given the shift in focus of the scheme away from legal contest and to rehabilitation, the reviewers could find—and this is a point I would like to emphasise—no evidence of more timely or effective rehabilitation. I also have fairly strong anecdotal evidence that many workers find the rehabilitation regime oppressive and offensive, and that occupational therapists and case managers are often unable to effectively find work for clients. This suggests that there is a role for employers to be a little more open about providing employment for people in these situations.

While I accept the principles of the third-party insurance scheme that this bill puts into effect, which echo those of workers compensation, there is a lot more work that now needs to be done, in terms of both data collection and injury management and rehabilitation, if this scheme is going to deliver the human outcomes we hope for.

We have spoken to the Chief Minister's office raising concerns about quality assurance vis-a-vis medical and occupational rehabilitation, and the costs that go with them. While I am prepared to support this bill, I look forward to revisiting some of the details within it when we have a better idea of how it works. For that reason, I am pleased to say that pretty much every amendment that has come before us today appears to be an improvement on the original bill. While, as always, one would like to have more time to look at and consider those, given that this is pretty important legislation, I nonetheless appreciate the fact that up to the last moment the bill is being improved.

I myself have added to the paper warfare with an amendment to Mr Smyth's amendment. Just to highlight the main point in the presentation I have just made, that is because we have to consider the way that the changes in the legislation will impact on the claimants' wellbeing, health and ability to return to work. After all, that is really what it is all about.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (11.53), in reply: As members are aware, the ACT compulsory third-party insurance scheme was a legacy of the time before self-government. The scheme was untouched for 60 years. For the first 20 years of the scheme there were a number of providers of CTP in the territory and territorians could choose which to engage. One by one, however, they withdrew until one remained, namely, NRMA Insurance Ltd.

Unfortunately, CTP has become more complex than at the time NRMA became the sole CTP insurance provider for Canberrans. The common law has changed, medical science has changed, data and statistical information has become more accessible and legal practice has changed. The structure of the whole insurance industry has changed. People's attitudes, their mobility and their expectations have changed. Until 22 November 2007, the ACT CTP scheme had not changed to accommodate any of these developments.

This bill effects that necessary change but, more importantly, it presents the citizens of the ACT with a totally modem statutory scheme that is designed to deliver value for money with respect to premiums paid. It is designed to foster competition. Principally, this bill offers a scheme that is purpose designed to take control of cost elements of the scheme over which neither the NRMA nor the government had control under the previous law.

There are three main features of the bill. The first is insurer regulation, including premium regulation. It is no secret that insurers have wanted to enter the CTP market and compete here in the ACT for some time. However, when I asked Treasury to inquire why these desires were not translated into action, the overwhelming response from companies was that the ACT scheme regulatory framework was so old and so porous that insurers simply could not risk their capital in this market.

I asked Treasury to validate these claims with the Australian Prudential Regulation Authority, APRA. APRA advised that the ACT regulatory provisions were so inadequate that it questioned whether the ACT government could effectively regulate its CTP scheme, other than in relation to premiums. In reality, premium regulation occurs by a political mechanism that is not adequately supported by legislative provisions which provide insurers with clear direction or clear expectations.

Consequently, chapters 2, 4, 5 and 6 of the bill offer an extensive array of regulatory provisions. Some members have asked Treasury what a jurisdiction as small as the ACT is doing with such a comprehensive panoply of regulatory provisions. Surely it will take many staff and cost a fortune to administer these provisions, they suggest. The answer is quite simple: it will not. Seven CTP insurers have lived within this identical framework in New South Wales for many years and six of those CTP insurers operate in Queensland under a more or less identical regime.

The ACT has been accorded the benefit of the considerable experience of regulators in Queensland and New South Wales in putting these provisions in the law. Insurers know and recognise these provisions and they live within them. Enforcement is, in a sense, in the negative. Insurers know what not to do, as opposed to regulators having to spend considerable time telling them what to do.

In addition, the ACT has been offered access to all data and information available to regulators in New South Wales and Queensland without the need to develop an immediate base of expertise. Most importantly, the ACT will be able to access APRA's insurer information previously denied us on account of the shortcomings of the old scheme. This means the ACT will be able to accompany APRA on company inspections and receive alerts and information as well as other pre-emptive data.

On the premium side, the government chose to adopt the premium setting provisions that operate in New South Wales. The government considers that these provisions provide probity and flexibility and will facilitate entrants to the CTP market competing effectively and responding to market opportunities in a timely way. The theme of these regulatory chapters is consistency with the other two open market common law States, Queensland and New South Wales, that is, consistency of regulation and consistency of expectation. Consistency in operation will offer lower

barriers to entry for potential entrants to the ACT CTP insurance market and greater certainty in relation to capital risk.

However, lest Members believe that the ACT government is blindly following the other states and not pulling its weight, Treasury is in discussions with APRA with a view to testing the regulatory provisions in our legislation, other than premium setting, against APRA's enhanced powers and regulatory processes following the insurance crisis. The purpose is to ascertain whether there is duplication or potential for future streamlining of those processes. That work will not require this legislation to be delayed. Rather, it will provide the ACT, New South Wales and Queensland with information that will allow regulators to review existing provisions and engage with insurers and other relevant stakeholders with a view to developing additional efficiencies. Efficiency offers premium benefits to consumers. Thus, the ACT pulls its weight as a regulator while applying consistent provisions already in the law.

New South Wales is also taking steps to adapt that state's CTP claims procedures to align with Queensland and the ACT. The government anticipates that the three open market jurisdictions will ultimately become sufficiently coordinated in claims procedures and regulation that insurers will be presented with opportunities to price consistent risk profiles covering nearly 10 million vehicles in lieu of the present three separate markets. The ACT will reap substantial benefits from such alignments in terms of scheme efficiency, coordinated risk, claims and procedural consistency and premiums will ultimately follow a downward path in line with the two other, larger jurisdictions.

Premium regulation in part 2.6 of the bill is, as I indicated, identical to the premium setting mechanism in New South Wales. There are sound, practical reasons for taking this approach, not least on account of geography. The number of vehicles in the ACT represents around five per cent of the New South Wales market and the ACT represents a single generic premium region in addition to the existing five premium regions in New South Wales.

Finally, with regard to setting premiums, the Queensland scheme has specific requirements with respect to price controls arising from the vastness of the state and the sparseness of areas of its population. While the ACT has, since the scheme's inception in 1935, offered a community premium, as does Queensland, as opposed to risk based premiums, the New South Wales premium calculation model provided more flexibility and was more suitable to this jurisdiction. Indeed, the enhanced information available under the new ACT scheme means that insurers will be able to offer discounts to safe drivers below the community premium, thereby enhancing opportunities for competition. The existing premium regulation mechanism is simply not productive in terms of fostering competition.

I have said before in this place that NRMA Insurance has not deliberately abused the accidental monopoly which it has held since 1980. In fact, in the early 1990s, NRMA Insurance voluntarily disclosed that for a number of years during the 1980s premiums had been higher than had proved to be necessary to meet the cost of all claims incurred during those years. To recompense motorists NRMA Insurance agreed to reduce premiums by $80 per vehicle for four years and contributed $10 million as initial funding to establish the NRMA—ACT Road Safety Trust.

To ensure that premiums are set at a level that recoups compensation paid under the present scheme and the other costs of the scheme, NRMA Insurance voluntarily subjects itself to very rigorous and intrusive regulation. This includes having its actuarial projections peer reviewed by an independent actuary appointed by the government before those premiums are approved and fixed by regulation. It is both cumbersome and inefficient. Competition, under the existing legislative platform, would not lead to cheaper premiums for motorists.

The report of the CTP steering committee was inherited by the Carnell government in 1995. The review was commissioned by then Chief Minister, Rosemary Follett, in 1994. The Carnell government subsequently went so far as to introduce an exposure draft of a CTP bill that tinkered with the scheme. Unfortunately, nothing eventuated from that exploration.

Given that the government has adopted the totality of regulatory provisions from the New South Wales scheme, some members have asked why the ACT does not simply adopt the whole New South Wales scheme now and be done with it. The government has adopted the regulatory provisions of the New South Wales scheme to provide insurers with the expectation of consistency in the way scheme regulation is administered and in response to the views of insurers in relation to that expectation of certainty. I should add also that the New South Wales regulatory scheme is not dissimilar from Queensland in principle.

However, the government chose to adopt the Queensland claims provisions in large measure as opposed to the New South Wales claims provisions. In 1999 the New South Wales government took action to correct a serious dislocation in the area of CTP claims. That state faced a unique confluence of circumstances not shared by Queensland or the ACT. As a consequence of those issues, New South Wales needed to apply a threshold test to potential claimants that disenfranchised any injured person who did not have at least a 10 per cent whole-of-body impairment. Damages were capped as well. Premiums were capable of being increased based on risk profiles.

The ACT did not incur such fundamental problems that would justify radical action of the type applied in New South Wales, whereas Queensland, having adopted a new claims regime in 1994, provided the ACT with the benefit of a steady progression of the statutory claims provisions over time in a relatively stable claims environment, even during the so-called insurance crisis of 2001-02. The Queensland regime presented the ACT with the opportunity to observe consistent application of claims policy over an extended period—an ideal platform for this jurisdiction to use as a basis for change in the ACT.

The second feature of this new legislation that I wish to address briefly today is claims and claims procedures. As I indicated when I introduced the bill in November, the purpose of civil compensation, statutory or otherwise, is to put negligently injured persons back in the position they were in before the injury. The essence of a modern CTP scheme is to provide efficient pathways to treatment, rehabilitation and compensation that meet the expectations of those who pay premiums and those who suffer negligent motor vehicle injury. To deliver that outcome efficiently without imposing injury scales or thresholds or general damages caps requires a significant

improvement across the board in the delivery of services and the administration of CTP claims. To this end, we have adopted and adapted the Queensland CTP claims procedures, but not their injury scale, which is designed to limit small claims.

I went to some length in my presentation speech to outline the structure of the claims provisions in the bill. Rather than repeat the analysis, I want to focus on a series of additional provisions, some of them by way of finetuning, in government amendments already made available to members. Small CTP claims up to $50,000 represent 80 per cent of the administrative cost for insurers but 20 per cent of payouts. Large claims, say, above $250,000 represent around 20 per cent of administrative costs but 80 per cent of payouts. Various jurisdictions have taken action to eliminate small claims, as I mentioned, but we take a different view.

To be sure, one could simply ban lower cost claims to reduce premiums, as other jurisdictions have done, to produce more innovative and, in my view, fair ways of achieving efficiencies. The government has chosen the latter course. That said, in the ACT the losers will be lawyers and inefficient service providers and the winners will be injured motor accident victims.

I previously outlined the significant dislocation in legal costs in the ACT scheme when I introduced this bill in November, and I will not repeat myself. Rather, I will briefly outline the means by which the government intends to achieve efficiencies. The bill has provisions that restrict legal fees in small claims. The government has decided to add some bite to those provisions by restricting the damages components that can be counted toward the amounts that trigger release from the fees restrictions. Injured people will not suffer because the payouts referable to their injuries will not be compromised.

As an added incentive to injured people to access the compensation scheme, at an early stage insurers will be required to pay the first $5,000 of a claimant's medical expenses. At fault drivers will be excluded. The objective is to give injured people the confidence that there is an immediate pathway to treatment and, through that opportunity, a direct pathway to therapy, rehabilitation and recovery. The cost of claims where rehabilitation is late or not engaged in is ultimately higher than it should be. The Queensland Motor Accidents Insurance Commission, together with both plaintiff and defence lawyers in Brisbane, spoke highly of the rehabilitation available under the Queensland scheme and how insurers were all geared up to meet their responsibilities. That is why we have adopted those provisions in the ACT.

Compensation is a necessary part of this process, but the emphasis is on addressing actual needs immediately rather than the current practice in the ACT, which is far less productive. In Queensland between 25 and 40 per cent of claimants access their insurer directly and participate in medical treatment, rehabilitation, and therapy. In the ACT, only around one per cent of motor accident victims access the insurer direct. The other 99 per cent get into the hands of a lawyer and wait for something to happen. It is intolerable, costly and inefficient and there is no place for it in a modem statutory compensation framework. In effect, the emphasis is one of maximising compensation rather than minimising harm.

It is the obligation of every lawyer who represents a client in a compulsory statutory compensation scheme to shepherd their client towards recovery, to maximise their opportunity to engage in treatment, rehabilitation and therapy and to protect their rights in relation to fair compensation for their injuries. The bill is structured to provide these pathways and that opportunity but not to permit current antediluvian practices to continue unabated.

I thank members for their contribution to this debate and for their foreshadowed support for this bill in large measure. The government has circulated some amendments, as have other members, and I look forward to contributing with members to finalising those proposals and passing this very important piece of legislation into law for the benefit of the people of the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 67, by leave, taken together and agreed to.

Proposed new clauses 67A to 67H.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.09): I move amendment No 1 circulated in my name which inserts a new chapter 2A, including new clauses 67A to 67H *[see schedule 1 at page 112]*. I table a supplementary explanatory statement.

MR MULCAHY (Molonglo) (12.09): I seek leave to move amendments Nos 1 and 2 to Mr Stanhope's amendment circulated in my name together.

Leave granted.

MR MULCAHY: I move amendments No 1 and 2 to Mr Stanhope's amendment circulated in my name together *[see schedule 2 on page 120]*.

I have circulated an amendment to this bill to extend the time for lodgement of a claim for early payment of medical expenses under section 67E of the bill. The section currently provides 28 days for lodgement of a claim, including medical report for the accident. As I alluded to earlier on, I have discussed this section with the Law Society of the ACT and with the Department of Treasury and I have formed the view that this time period may be insufficient for some claimants. In discussions between my office and the Department of the Treasury about this section it was made clear that this time limit has been imposed primarily as a behavioural measure to encourage the rapid lodgement of claims and discourage delays.

While there is certainly a need to reduce the overall time taken to resolve claims in the ACT, I am not convinced that this kind of time limit is necessarily a sensible measure. There are several reasons why a time limit of 28 days may be insufficient for a bona fide claimant to comply with the section. First of all, we must not forget that the average motorist is not equipped with an appreciation of the processes of insurance law. Most people who are injured in a motor vehicle accident will be ignorant of the fact that they can apply for early payment of medical expenses. Some will only discover this upon speaking to a solicitor or speaking to their insurer, which for a variety of reasons they may not do straight away. Even once they are made aware of this provision, the person must prepare the necessary documents and obtain a medical report on their injuries. Depending on the complexity of the injuries, this may take some time. It certainly will not be immediate.

In discussions with the Department of the Treasury we have been assured that claimants will be able to lodge a claim before they have received a medical report and then lodge that medical report later. Despite this assurance, I am not satisfied that this is the case under the words of the bill. Proposed new clause 67E of the bill clearly requires the claimant to lodge a medical report with their insurer within 28 days of the accident in order to be entitled to payment for medical expenses. There is no ambiguity in those provisions. This concern has been raised with me by the Law Society of the ACT. They are also concerned that the time limit is way too short.

The amendment that I propose will extend the time limit for lodgement of this claim from 28 days to 120 days. I think this period of time is not an unreasonable period given the experience most of us have with insurance matters. I think it shows regard for efficiency but at the same time understands and respects the right of potential claimants. In my view this longer period will give sufficient time for claimants to become informed of their legal position and to be able to obtain a medical report of their injuries and lodge a claim.

In many cases claimants may choose to lodge their claim early in order to obtain payment as soon as possible. It may even be the case that the majority of claimants will lodge within 28 days even though they do not have to, but I will be very surprised if in practice it turns out that that is achieved as quickly as is the ambition within this bill.

I do not think that the extension of this time limit will greatly extend the overall time taken for the resolution of claims or the attendant costs. Indeed, we should not become so caught up in the fervour of claim time reduction that we impose processes that are difficult to comply with. I hope the government will consider accepting this amendment. I recommend this amendment to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.14): Mr Mulcahy's amendment has immediate appeal. One hesitates to suggest that it is inappropriate to extend additional time to somebody injured as a result of a motor vehicle accident in the context of the trauma of the accident and the things that they are dealing with. It seems hard-hearted intuitively to object to an extension of 28 days

to a more generous timeframe. But it is quite deliberately a tight timeframe. It is deliberately crafted and designed to encourage somebody that seeks compensation as a result of a motor vehicle accident to begin the process so that they deal directly with the insurer. We have already compared the way in which insurance traditionally operates in the ACT as opposed to the more enlightened CTP regime which currently prevails in New South Wales and, most particularly, Queensland.

In my closing remarks I made the point that in Queensland 45 per cent of all people seeking compensation deal directly with an insurance company. It is the direct dealing with the insurance company, the early settlement of claims, which actually reduces those administration costs. Eighty per cent of all administration costs or fees charged by an insurance company and passed on to the consumer and society relate to just 20 per cent of claims; 20 per cent of administration costs relate to the other 80 per cent. It is the small claimants with small claims who go directly to a lawyer and become embroiled in a very legalistic time consuming and incredibly expensive process for the settling of small claims that produce that 80 per cent cost to deliver 20 per cent of compensation.

The statistics are dramatic. In the ACT, under the current regime, 99 per cent of all people who claim compensation as a result of a motor vehicle accident employ or engage a lawyer. In Queensland, only 55 per cent of people who seek compensation as a result of a motor vehicle accident engage a lawyer. It is that differential to which the costs to the ACT community, as expressed through premiums, are essentially attributable. Ours is a legalistic, court bound process. It is hard to avoid sympathy for Mr Mulcahy's argument, but the reality of cost structures militates against an extension.

It does seem hard-hearted, but all the advice that I have taken from Treasury is that the 28-day deadline is appropriate. It serves its purposes. It is something of a sledgehammer, but in other jurisdictions it works. We should have regard to the experience of those jurisdictions in bringing down the cost to the consumer of compulsory third-party insurance while at the same time maintaining—in a way that other jurisdictions, including, most particularly, New South Wales, have not done—a right of access for all injuries resulting from a negligent motor vehicle accident for all consumers.

New South Wales, as a result of the costs of the system, simply cut it off. They have actually rendered a whole range of injuries arising from the negligence of others not amenable to insurance. We do not want to go there. We believe that this particular revision is a very necessary part of the arrangements that we are putting in place through this legislation. In that context the government will not support the amendment.

DR FOSKEY (Molonglo) (12.18): I will speak briefly. I am inclined to support an extension of time. I think that 120 days is rather a large extension, and to me this points to having a look at how the system operates in other states to get some sense of what is an appropriate time. They both seem a little bit arbitrary in my opinion.

It does, I think, point to the need for the review that is the subject of Mr Smyth's amendment. What we are doing here is attempting to get best practice in terms of

third-party insurance. It may require a little bit of tweaking and it is possibly quite difficult to say at this time whether 28 days is appropriate or whether 120 days is too long or whether 60 days might be better. For that reason, while I support the amendment because it does lengthen the time, it is really important to have the review to determine the right amount.

MR SMYTH (Brindabella) (12.19): Just to follow up what Dr Foskey has said, the Chief Minister has already said to me that it is the sort of thing that should be looked at in the review clause, should it be passed later in this debate. But I have to say that, while it might be with good intention, the amendment may well go down as the lawyers' amendment. The lawyers have said to me exactly the same thing. They need 128 days because they have got to get it right, they have got to process it—blah, blah, blah, blah, blah.

That is the problem with the existing case. There is no urgency to get to rehabilitation. This amendment proposes that an individual must wait for up to four months before truly starting rehabilitation and getting the payment for it. That means that for four months the individual carries the burden of the payments, and they can be quite substantial if the individual is going to physiotherapy and occupational therapists on a regular basis or the individual might actually wait for 120 days to commence treatment because of an inability to pay up-front.

Rehabilitation needs to start as quickly as we can get it. The officials advise me that the accident report is not particularly onerous. It is done online and it can be done quite quickly. If we are serious about rehabilitation as the number one priority for anyone who has suffered the agony of a motor vehicle accident, then 28 days is not, in fact, unreasonable at all. The evidence from New South Wales and Queensland would suggest that it has worked, that it is entirely appropriate and that most people there do not seem to have any difficulty at all in coping with the 28-day period.

So in the spirit of what the Chief Minister is trying to do here, let us get the rehabilitation commencing as quickly as possible. If you have a damaged knee or a damaged ankle or a damaged back, to wait potentially for four months before you undertake physio, occupational therapy or other treatments is stupid. It actually goes against the whole grain of what is being attempted here in the bill. We will be voting against the amendment.

MR MULCAHY (Molonglo) (12.22): I have a few comments in relation to matters raised. I sense from the Chief Minister that the sentiment is with what I am putting forward but that it is not an amendment that he is willing to embrace at this stage. I think Mr Smyth has completely missed the point. The amendment does not propose that you have to wait for four months. The only relevance to the lawyers is that they have to get an opinion from the Law Society about the problems of getting medical certificates. You can call it the doctor's amendment, if you like. The fact of the matter is that insurance does not move with speed.

I mentioned earlier in this discussion that I had my Assembly vehicle broken into on 24 January. Nearly one month later, for a minor matter—a broken window and half a dozen items stolen—they still have not got the claim out of the starting blocks because they desperately want receipts for everything purchased. They are confused

as to who paid for the windscreen, whether I did or the insurance company or whether it is outstanding. It is a good illustration on such a minor matter involving a vehicle that after nearly one month that matter is to-ing and fro-ing between my office and me.

This was a stationary vehicle. Can you imagine the situation in an accident resulting in injuries? You would have to access medical practitioners, get reports and possibly X-rays and access a lawyer if it was your wish to go down that road. I also think it is kind of silly to put the view that everyone can do it on line. My mum is 82 and she drives. I wish she would not. She does not have a computer. She is not one who likes to punch in all the numbers on the phone to try and get a computer to tell her what to do. I was in the bank in Woden the other day and I saw a distressed woman who did not understand how PIN numbers work. We are assuming that everybody in our community, including older people, are whiz-kids on technology andt can go in and do battle for themselves.

The legal capping worries me as well because there are many people in our community who need legal help. I have said that I would personally support it, as it presently stands, but I do have reservations. This amendment does not say that you do not get treatment for four months. What it does mean is you do not get flicked out if you have not been able to get everything together in 28 days. Obviously, earlier treatment is probably a desirable outcome, but it is a complete misconstruction of the amendment to put the spin on it that Mr Smyth has.

I think the Chief Minister understands the sentiment involved. I am sorry he will not be supporting it. I do believe that it is a prudent measure and I am quite sure that we will be back in this place down the track with the advice and the recommendation that this amendment be made, certainly providing for something in the 60 to 120-day band. My experience with the insurance industry is that nothing happens quickly. Certainly I think that to get things moving in 28 days and to ask people to have all their paperwork together is overly ambitious and does not pay regard particularly to the less fortunate in our community.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.25): I do not wish to delay members on this. I understand the sentiment. I do not want to be misunderstood. One's inclination is always to be sympathetic to an extension of time. We all know how laborious insurance is, and Mr Mulcahy is quite right in that respect.

But the essential point which both Mr Smyth and I have gone to is the importance of early rehabilitation. Essentially, the design of the legislation is to keep people out of the hands of lawyers, to get them into rehabilitation and to have them deal directly with their insurance company to reduce costs and to have claims settled. This provision simply gives access to the first $5,000 of a claim on receipt of some forms. Mr Smyth makes the point that they are online. They can be produced electronically. There will be no delays in relation to the production of those forms, indeed, alternatively, on the production of a police report into the accident. It simply allows the process to start.

We want the process to start early so that a person who has been injured or allegedly injured gets into rehabilitation and that their recovery then becomes the focus, rather than maximising compensation.

Mr Mulcahy: Have you tried to get a police report of an accident?

MR STANHOPE: Well, it is either/or. It is simply an online electronic document that sets out the circumstances. All it does is provide access to the first $5,000 for that person who does have some upfront costs. The point is that people not become embroiled in a process that focuses on access to cash or compensation at the expense of their rehabilitation and recovery. We are going here on experience, and the evidence that we have before us in the ACT is that it does not happen under our existing scheme. In Queensland it is happening to a far greater extent. These are the provisions that we are replicating. The evidence and information available is that it works and we should pursue this structure.

The point has been made now by a couple of members that there is an anticipated amendment that there be a formal review. This could most certainly be part and parcel of that. I would be happy to include it as a specific requirement or request to review. I do not think that is necessary. Even along the way, if it does not work, it can always be changed. But our advice is, and the evidence is, that it works.

Question put:

> That **Mr Mulcahy's** amendments to Mr Stanhope's amendment be agreed to.

The Assembly voted—

Ayes 2	Noes 15	
Dr Foskey	Mr Barr	Ms MacDonald
Mr Mulcahy	Mr Berry	Ms Porter
	Mrs Burke	Mr Pratt
	Mr Corbell	Mr Seselja
	Mrs Dunne	Mr Smyth
	Ms Gallagher	Mr Stanhope
	Mr Gentleman	Mr Stefaniak
	Mr Hargreaves	

Question so resolved in the negative.

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 12.31 to 2.30 pm.

Questions without notice

Schools—closures

MR SESELJA: My question is to the Chief Minister. Chief Minister, on 12 August

2004 in the *Canberra Times*, just nine weeks prior to the ACT election, the Stanhope government said that there would be no school closures "in the next term of government". Indeed, your government indicated that it would not happen during Ms Gallagher's time in politics. Your government has subsequently decided to close 23 schools during this term. Chief Minister, how do you justify this clear breach of the community's trust?

MR STANHOPE: I thank the Leader of the Opposition for the question. This is a question of course that has been asked innumerable times over the last two years and it has been answered on as many occasions, fully and honestly. At the time of the last election the minister Ms Gallagher stated quite unequivocally that in fact the government would not commit on the issue or the question of school closures—

Mr Seselja: That's not what it said in the *Canberra Times*.

MR STANHOPE: that it was always an open issue, as it should be.

Ms Gallagher: You know what I said, Zed.

Mr Seselja: I know exactly what you said, Katy.

Ms Gallagher: It just doesn't suit you.

MR SPEAKER: Order!

MR STANHOPE: And the minister for education is on the record as stating explicitly that it was not a commitment that a government, a wise government, would make—

Opposition members interjecting—

Ms Gallagher: That's inconvenient, isn't it?

MR STANHOPE: and it was made in the lead-up to the election; it was made at the time.

MR SPEAKER: Order! Members will cease interjecting while the Chief Minister responds to the question—on both sides of the house.

MR STANHOPE: The interjections, of course, and the protests are always louder when the answer actually does not accord with the preconceived notion of the answer that was expected.

The facts of the matter are, as have been previously articulated and responded on innumerable occasions both inside this place and outside, that the minister for education at the time, speaking on behalf of the government, stated explicitly that the government would not rule out absolutely the prospect of school closures. A second statement, attributed to the government by a spokesperson, was made, which did contradict that position. But the minister for education, on behalf of the government, expressed the position explicitly that the government would not commit to that

position. Those are the facts. It is on the record. It is there for you to see. There is a conflicting statement, admittedly; we accept that. We acknowledge a conflict with the minister's position by a spokesperson.

You have two choices here: you can take the word of the minister for education, publicly expressed, on the public record, as expressing the government's position, or you can take a position in conflict with that by a spokesperson. And you and the community can of course rightly point to the conflict and the ambiguity. But the minister for education at the time, on behalf of the government, put the government's position as one which would not rule in or out the possibility or the prospect—

Opposition members interjecting—

MR SPEAKER: Order!

MR STANHOPE: You choose, of course, to ignore the position put by the relevant minister. You choose to ignore the position put by the minister and you claim that the ACT government's position is encapsulated within a comment reported in the *Canberra Times* as that of a spokesperson.

Members interjecting—

MR SPEAKER: Order! Mr Seselja, cease interjecting!

MR STANHOPE: So you have two choices, as does the Canberra community: the position articulated by the minister, the relevant, responsible minister, or the position articulated by an anonymous spokesperson. And you, of course, for political purposes, choose to ignore the explicit statement by the minister and you, of course, for political purposes, choose to believe or accept or promulgate that the alternative position is or was the government's position. And of course we would expect you to do that; we would expect you to do that. But the people of Canberra are aware of the facts of the situation. It has been spoken of often over the last two years. You can continue to raise it if you wish, but the position of the government was explicit, as expressed by the minister Ms Gallagher, and the government of course regrets any confusion that may have occurred. But the position of the minister and of the government was quite clear.

MR SESELJA: Mr Speaker, I have a supplementary question. Minister, will you apologise to the people of Canberra for this betrayal of voter trust?

MR STANHOPE: A betrayal of trust—that the minister stated explicitly what the government's position was! The minister stated explicitly the government's position. An unnamed spokesperson put a contrary position in a single article in the *Canberra Times*—a fission of conflict.

I acknowledge that any conflict or difference in expression of government position is always to be regretted. But for the new opposition leader, in his first question as Leader of the Opposition, to stand and demand an apology for this absolutely outrageous occurrence—that an unnamed spokesperson did not reflect the position put by the minister of the day and is worthy of this condemnation; this need for an abject

apology—of course illustrates the paucity of leadership, of understanding, of political acumen or capacity represented within the opposition. Of course, the government always regrets any confusion that is caused to anybody. Go back and look at the public records.

Ms Gallagher: My position is clear: it's in the paper; it's in the *Hansard*. I'm getting it for them.

MR STANHOPE: We are getting them for you; we will table them. We will table for your edification, understanding and education the public position stated in this place by the minister. Mr Seselja, when you receive the minister's explicit position, you might want to apologise and say sorry. I table the statement made by the then minister for education of the government's position in relation to this matter, and I ask the Leader of the Opposition to say sorry.

Canberra International Airport

DR FOSKEY: My question is to the Chief Minister. It is in regard to the expansion plans of Canberra International Airport. It has been said by airport proponents and quoted by MLA Mick Gentleman at a forum last week that 99.5 per cent of the Canberra population will not be affected by airport noise, yet I have not been able to find any objective research or information to back up that figure. Could the Chief Minister please advise the Assembly how the ACT government is compiling objective information on the future noise development and greenhouse gas emission impacts of the airport?

MR STANHOPE: Thank you, Mr Speaker. I thank Dr Foskey for the question. The question of the expansion of the airport and issues in relation to noise and indeed other implications of the airport's master plan and vision for the future are certainly issues worthy of exploration within this place, and certainly within the community.

It was in the context, of course, of public consultation on the Canberra International Airport 2008 draft master plan that a meeting of interested and affected residents, primarily, as I understand it, residents of Jerrabomberra, Queanbeyan and Wamboin—I think that is a fair summation of the makeup—was held. I understand—and I say this by way of information and it does, perhaps, reflect the level of interest or concern that is at the heart of the question that Dr Foskey asks—that there were four Canberrans at the meeting. The rest, less four—and the four do not include Dr Foskey and Mr Gentleman—the entire other membership at the meeting in relation to the master plan on aircraft noise were residents of Queanbeyan, Jerrabomberra and Wamboin. Nevertheless, this is an important issue—

Dr Foskey: May I interrupt?

MR SPEAKER: Do you have a point of order?

Dr Foskey: I raise a point of order, Mr Speaker. That is a misrepresentation.

MR SPEAKER: That is not a point of order.

Dr Foskey: Well, it is a misrepresentation.

MR STANHOPE: I was not at the meeting. I relied on advice or information that was provided to me in relation to the constitution of the meeting. I think it is relevant in the context of a discussion. Dr Foskey referred to the public meeting. The public meeting was in relation to the airport's master plan. The issue being agitated was, of course, the implications of aircraft noise.

I find it of passing interest that the majority of people at the meeting were residents of Jerrabomberra because of the position which the Jerrabomberra Residents Association has to the development of Tralee. That was the irony that I was essentially pointing out in relation to this meeting. The ACT government has been assured repeatedly by the mayor of Queanbeyan and by the Jerrabomberra Residents Association and others that there are no issues or implications in the development of Tralee. Yet at the first meeting to discuss the international airport's 2008 master plan, the people most affected, most interested and most concerned about aircraft noise or a possible increase in aircraft noise are the residents of Jerrabomberra—the very community which, through its residents association, continues to agitate for a private school under the flight path and the development of Tralee, which, on all accounts, is further from the airport than Jerrabomberra. It is ironic in the context of other representations that are made on this issue that it is the residents of Jerrabomberra and Queanbeyan, through attendance at that public meeting, that express greater concern about these issues.

In relation to aircraft noise and the airport and its operations, the ACT government, as with all state governments, are essentially neutered in relation to our capacity to influence airports and airport operations as a result of decisions taken by the Howard Liberal government to actually remove from state and territory planning adjudication or influence any issues in relation to the management and operation of airports. Just in the last couple of years here in the ACT, whilst there was some comfort in national capital planning authority over the airport, even that was removed two years ago in the face of objections from the ACT government.

Similarly, it was of major concern to the ACT government, as it is to every state government in Australia, that the Howard Liberal government, in its decisions in relation to management and planning for airports around Australia. also removed any requirement or capacity by state and territory governments to require airports, in relation to their growth or their master planning, to ensure that their operations, to the extent that they impacted on things like roads and traffic, actually contributed to the amelioration of those traffic issues. This is the regime which the Liberal Party put in place around Australia. It does cause significant concern to this government, as it does to other governments. In relation to the numbers which you quote, which Mr Gentleman referred to, those 99 per cent or whatever it was are from the master plan. Mr Gentleman and those that refer to those numbers were referring directly to the master plan.

MR SPEAKER: Is there a supplementary question?

DR FOSKEY: Is the government prepared to consider a curfew in light of growing community concern and in light of the increased value of information which no doubt will be unearthed as it prepares its response to the master plan?

MR STANHOPE: As I indicated, the ACT government has no capacity to impose a curfew on Canberra international airport. As a result of the planning regime put in place by the Howard Liberal government, with the support of its branch here in the ACT and the ACT opposition, the ACT government has no capacity to control or influence operations at Canberra international airport. The ACT government will, of course, engage in community debate around the expansion of the airport. In the context of all of our commitments to triple bottom line policy making and accountability, we need to look at all aspects of the operations of Canberra international airport. It is one of the most significant drivers of this economy imaginable, and over time it will become more important and more significant as an economic driver for Canberra and the Canberra region.

With respect to a review of economic opportunities in the ACT, we need to work with Canberra international airport and the community in order to maximise and optimise opportunities for expansion of our economic base and of industry. The airport will be pivotal in this regard—and, over time, more and more so. In any consideration of issues around noise, curfews, economic growth and development, we need to weigh up the economic, social and environmental implications of the expansion of the airport—and, indeed, of any industry. So, yes, the government will always look at the social and environmental aspects of master planning for airport growth, an increase in flight movements and an expansion in noise. But we will, in that consideration, also have regard for the importance and significance of Canberra international airport to the ACT and the region now, and, I believe, increasingly in the future. It is a major driver; it is pivotal to our continued economic success.

Dr Foskey, I refer to your protestations about the need for triple bottom line accounting and policy making and your consideration of the social and environmental impacts of Canberra international airport. I hope that, in your contribution to the public meeting that you attended, you urged all those present to ensure that they balanced the economic considerations with the social and environmental impacts and implications of the expansion of Canberra international airport.

Housing—affordability

MR SMYTH: Mr Speaker, my question is to the Chief Minister. Chief Minister, on 27 June 2002 in this Assembly, your then planning minister, Mr Corbell, when discussing the creation of the Land Development Agency, said:

> The move towards greater government land development will contribute to assisting housing affordability through two main mechanisms:
>
> - firstly, by ensuring adequate land supply some pressure will be taken off land prices, bringing land ownership closer for many families and small businesses; and

- secondly, the process will assist in the provision of adequate land and housing options at the lower end of the market. This "demand matching" approach need not affect general housing prices, the community's returns on its land assets or the efficient and sustainable use of greenfields land.

Chief Minister, now more than ever, the prospect of young families owning a home is out of reach. What responsibility do you take for your government's policies and the effect they have had on new home buyers?

MR STANHOPE: I thank the notional Leader of the Opposition for the question.

Ms MacDonald: The real leader.

MR STANHOPE: The real Leader of the Opposition. I thank the real Leader of the Opposition for the question.

Mrs Burke: Point of order, Mr Speaker.

MR SPEAKER: Order! Resume your seat for a minute. Chief Minister, stay with the subject matter of the question, please.

Mrs Dunne: Point of order, Mr Speaker. There are forms of address in this place. If Mr Stanhope wishes to refer to Mr Smyth, he should do so by his name, and in no other way.

MR SPEAKER: I did not sense that he referred to him by anything other than 'Mr Smyth'.

Mrs Dunne: He did, Mr Speaker.

MR SPEAKER: I will look at it.

MR STANHOPE: I thank the re-emerged and resurgent Deputy Leader of the Opposition for the question. And, of course, I thank him for a question on land supply, on the Land Development Agency—this government's affordable housing strategy, which has been heralded by all other governments around Australia as a model of a response by a government in Australia to the issues and the stresses of land supply and affordability.

The affordable housing steering group report—which I had great pleasure in tabling just on a year ago and which we responded to in detail in April last year—is regarded as a model by other governments. Ring them and ask them about the innovative way in which we are dealing with these issues. It is a national problem, and we as a government have developed the most coherent, cohesive, visionary and imaginative policy and response to housing affordability of any place in Australia. Other governments will tell you that, once they overcome perhaps any concern that they did not think of it first.

It always has to be recognised and understood in relation to land supply around Australia that issues around affordability, an enormous spike in demand and scarcity of supply have impacted in every city and every jurisdiction in Australia. Indeed, the increase in prices has been a very significant feature of Perth, Darwin, Brisbane and, earlier, but not so much latterly, both Melbourne and Sydney.

Mr Seselja: They don't own it all.

MR STANHOPE: Mr Seselja reminds me of the great and significant flaw in his understanding around issues of the LDA and land supply. He rails constantly that the issue and the difficulty—it is inherent in Mr Smyth's question: the problem in the ACT is the Land Development Agency. Mr Corbell was quoted—and not positively, of course—in relation to his support for the Land Development Agency and its creation. We have Mr Seselja on the other hand declaring as a declared Liberal Party policy position, during the run-up to the election, that the LDA will be abolished and that we will return to private sector land development throughout the ACT. Yet when I say, as I did just now, that this is an issue that affects every jurisdiction in Australia, Mr Seselja's quick retort is: "Oh, yes, but they don't own all the land in the ACT; you do. Therefore you have a greater capacity"—apparently—"as a government to influence land prices and land supply than governments in other places."

There is a great logical inconsistency in this, isn't there—that our failing is that, because of the LDA and our ownership of all the land, we did not affect or influence land supply and land prices in the way that other governments might or might not have done, because here it is publicly owned whereas in other places it is privately owned. If the private sector was so great at foreseeing or dealing with these issues, why is there a significant affordability and land supply issue in the other cities?

Mr Smyth: But do you take responsibility? My question is: do you take responsibility?

MR SPEAKER: Order! Mr Smyth, cease interjecting.

MR STANHOPE: If there has been a greater spike in land prices in Perth than in the ACT, as there has been—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Order! Chief Minister.

Mr Smyth: Perhaps in the last 20 seconds the Chief Minister could answer the question, which was: does he take responsibility?

MR SPEAKER: It was about the cost of land, Mr Smyth.

MR STANHOPE: So here is the great conundrum for Mr Seselja and the illustration of his complete lack of understanding: land prices have risen more sharply in Perth than they have in the ACT; land is privately owned in Perth, but not in the ACT; but it is all the fault of the LDA and the ACT. *(Time expired.)*

MR SMYTH: Chief Minister, will you apologise to prospective first home buyers in the ACT for the government's policies that have pushed the market almost completely out of their reach?

MR STANHOPE: I thank the member for the question. The housing affordability strategy is being implemented in the ACT, and implemented vigorously. I think it contains 40 actions, and there is progress on each of them. In relation to land supply, the land supply strategy and meeting the needs of lower income earners and those who are in some housing stress, the land supply strategy that was most recently released has been enhanced by 1,000 blocks for this year. There has been a very significant spike within the ACT in demand; there is no denying that. Our agencies, as well as the private sector, are struggling and striving very hard to ensure that supply does meet the level of demand.

The spike in demand, of course, began around two years ago as a result of the last but one commonwealth budget where there was a very significant increase in commonwealth government employment. Over the last two budgets, somewhere between 8,000 and 11,000 additional positions were created by the commonwealth government. I might say, that was done without any consultation with the ACT government or without any consideration of issues in relation to infrastructure or land supply.

It is relevant that as recently as three years ago the Property Council, its members and other members of the development industry of the ACT—the then Minister for Planning and Land Management, Simon Corbell, will remember this well—were pleading to the ACT government to slow down releases.

Mr Seselja: You know they deny that.

MR STANHOPE: Well, once again, it is on the public record. The constant representations from the sector three years ago were to slow down release as the market was being flooded.

Mr Smyth: Mr Speaker, standing order 118 (a) states that answers shall be concise and confined to the subject matter. The subject was whether the Chief Minister will apologise for having pushed house prices out of the reach of ordinary families.

MR SPEAKER: The subject matter also involves housing prices. Mr Smyth, if I can say at this point, your protestations about the standing orders are a little hard to swallow when you constantly interject when questions are being answered.

Mr Smyth: Because he refuses to answer the question.

MR SPEAKER: Come to the subject matter of the question, Chief Minister.

MR STANHOPE: As a result of the sudden increase in commonwealth government employment, there was an enormous spike in construction activity. I think members would recall that last year the ACT exceeded its previous ever high for commercial construction activity. It exceeded 1986, which was the previous record year in relation

to commercial construction in the ACT during the construction of the new Parliament House. That level was only met and exceeded last year. That was a level of construction activity unprecedented in the ACT's history, along with a record level of economic activity, a record level of low unemployment—the lowest unemployment rate in Australia—and the highest participation rate in Australia.

Last year saw the highest level of construction activity in our history, the strongest economic growth we have ever experienced, the highest level of increased commonwealth government employment, and active migration. Last year—2007—was the first year since 1994 that the ACT population rate exceeded the national rate. That was the first time in 14 years that we caught up with and exceeded the national level of population growth.

As a result of the enormous strength of the economy, confidence in the economy, a 14-year high in migration, the lowest unemployment in the nation, the highest participation rate in the nation, buoyant construction and economic activity and the strongest ever economic position we have had as a result of the disciplined economic and fiscal management of this government, there has been enormous demand for housing. It is something, at one level, of course, that we should be inordinately pleased about. But there is, of course, a price to pay, and the price that we have paid has been matching supply with demand for new housing.

The unprecedented strength of the ACT economy, the unprecedented low unemployment, the unprecedented spike in construction activity and the highest level of interstate migration for 14 years are all indicators of which we are enormously proud as a government, but there has been a price to pay, and that has been in the delivery of housing in the ACT.

Rhodium Asset Solutions Ltd

MR MULCAHY: My question is to the Chief Minister. During committee hearings of late last year a Rhodium official said "our operating result is clearly impacting on the sale price". Rhodium operated last financial year at a loss of $442,000 and its total equity decreased from $6.3 million to $5.9 million. Chief Minister, what progress has been made on the sale of Rhodium and has progress been impacted by Rhodium's poor operating result?

MR STANHOPE: I thank the member for Molonglo for his question. Mr Mulcahy is of course as aware as anybody in this place of issues in relation to Rhodium and its operations, and indeed, as a result of its performance, decisions in relation to its potential future—management issues that the member is very, very aware of. The government has, as Mr Mulcahy just said and as we all know, resolved on the sale of Rhodium Asset Solutions. That has been a far more complex and involved, and I am happy to say tortuous, process than we imagined at the outset. It has not yet concluded, though my most recent advice is that the Treasury in its consultations and negotiations in relation to the sale of Rhodium remains committed to its sale, and at this stage we have no reason to believe that the sale will not be completed.

It has been difficult; I will not deny that for a minute. The negotiations are difficult and complex and of course they go, I am sure, not just to the performance of Rhodium

but to issues in relation to indeed changes in its capacity to perhaps expand its operations, and there are issues in relation to its future, its past and indeed just the complexity of negotiations around an appropriate price. But the process proceeds. There is some difficulty in me being a little too fulsome in a public forum around some of the issues that are central to the negotiations. I do not think it would be appropriate, because of the commercial sensitivity of those negotiations, for me to go into, "Well, this particular issue in relation to Rhodium is impacting positively in negotiations and this particular issue is impacting negatively." We are in detailed, complex negotiations with a possible purchaser for Rhodium and it would not be helpful or appropriate for me, through the Assembly, to say or even to give the impression that there were issues that might be impacting on those negotiations and their successful conclusion. But at this stage, Mr Mulcahy, negotiations continue.

Mr Mulcahy: Till when, though?

MR STANHOPE: Till the job is done, essentially. It is an issue for us. We are very anxious to bring this to a conclusion. I would be more than happy, Mr Mulcahy, to the extent that we are able to provide more information through a briefing for that to be provided.

MR MULCAHY: Mr Speaker, I have a supplementary question. Chief Minister, what responsibility do you take for the poor performance of Rhodium and the associated difficulty with the sale of this asset?

MR STANHOPE: In a direct sense, none. Rhodium was managed by an independent statutory board subject to the Corporations Act. In relation to all statutory bodies that my government has either created or has a relationship with, I have taken—from the outset and in my period as Chief Minister—a very rigid approach to non-interference in certainly the statutory or corporate obligations of any of our corporations.

I do not believe it is appropriate for ministers to be involved in the day-to-day operations of a statutory corporation or a government-owned corporation. It would probably be in breach of the Corporations Act to start with and it would be inappropriate. We, governments, create statutory corporations such as Actew, ACTTAB and Rhodium for the very reason that we believe that they perform a function better performed by a corporation. We appoint to the board of those corporations people we believe have the requisite and necessary skills to manage a business or a corporation. I do not pretend to have those skills.

I am rigorous in not interfering in the day-to-day management of any of our corporations. I have a statutory obligation as a shareholder. I discuss and table in this place statements of corporate intent which express the government's expectations. In the context of management of and responsibility for any corporation, my responsibilities, other than those invested in me as a result of other legislation, are restricted to those functions.

I do not manage any of our corporations. I do not get involved in any decisions taken by any of our corporations. I do not get involved in the management, personnel or staff of any of our corporations, and nor should I. Indeed, the advice I have is that I would be in breach of the corporations legislation if I sought to do so.

Affordable housing action plan

MR GENTLEMAN: My question is to the Chief Minister. Can the Chief Minister advise the Assembly of the progress being made on the implementation of the affordable housing action plan?

MR STANHOPE: I thank Mr Gentleman for giving me this additional opportunity today to expand on what is regarded throughout Australia as the best, most comprehensive and most visionary of any affordability strategy that has been developed and is in the process of being delivered by any government in Australia. I am always happy to talk about it, and I am very pleased to have this opportunity to expand on what we are doing and on some of our successes—and they are very considerable.

A key initiative in the housing affordability strategy was to accelerate the supply of affordable land to the market, and we have done that quite dramatically during this year. We anticipate that the government and the private sector will deliver 5,000 residential units in toto within the territory, and that is a very significant increase on what we had anticipated as recently as 18 months ago would be required during this year. We increased our contribution to that figure of 5,000 from 2,200 to 3,200, and we believe the private sector will deliver 1,800 units of accommodation in the same period.

We have introduced in globo land sales as a result of meeting the significant spike in demand to date—two in globo releases, each of which required that 15 per cent of land and house packages be priced between $200,000 and $300,000. The first of those involves the Village Building Company in a consortium at west Macgregor. It is quite impressive to go and see the progress that is being made at west Macgregor. The first houses in that estate are expected to be completed by June this year, and I very much look forward to this new housing estate being pursued. There are 700-plus blocks at west Macgregor. The second in globo release was purchased just before Christmas by CIC in a consortium and will deliver an additional 700 blocks in globo there.

We are in the process of reintroducing over-the-counter sales of affordable housing blocks. We are streamlining land releases and the planning approval process. Indeed, the only major review of planning in the territory, which commenced two years ago, is about to be brought to fruition and will have a significant impact and effect. We have expanded community housing, and I will go into that in a little more detail in a moment. We are making far more effective and targeted use and delivery of public housing in the territory. Indeed, quite recently, the ACT, through national benchmarking of the management of public housing, showed the most encouraging and significant improvements in service delivery and waiting times in relation to public housing.

We are encouraging institutional investors to increase the supply of private rental dwellings from 200 to 400. This is a new initiative that is not being pursued anywhere else in Australia. It is a partnership with the private sector to supply private rental accommodation in major estates. It has attracted significant interest from major institutional investors. We are still negotiating the detail of that but we are certainly

hopeful that that Australian first will produce significant outcomes for first home buyers in due course.

We are introducing land rent and shared equity schemes, and significant progress has been made in that regard. We are developing the legislation, which will be introduced shortly, and I hope that this scheme will be operating by the middle of this year. This initiative is attracting very significant interest from around Australia and, once again, it will be a first for Australia. We are encouraging excellence in affordable dwelling design and construction, with an excellence in housing affordability award. We have introduced targeted stamp duty and other financial concessions for those who are in some stress and are seeking that assistance. Of course, through the Live in Canberra campaign and active recruitment and training, we are seeking to deal with labour force shortages in skilled workers in the construction industry. A significant issue in relation to affordability has been the remarkable increase in the cost of goods and services involved in constructing a house in the ACT. We have also made a significant budget commitment to these particular measures. *(Time expired.)*

MR SPEAKER: A supplementary question from Mr Gentleman.

MR GENTLEMAN: Thank you, Mr Speaker. Chief Minister, can you please provide some specific information about the affordable housing action plan initiative which provides funding for Community Housing Canberra?

MR STANHOPE: Thank you very much, Mr Speaker. I thank Mr Gentleman for the question. Of course, it is interesting that when we get on to successes in relation to housing affordability, the strength of the housing sector in the market and successful initiatives, of course the Liberal Party pretends a lack of interest. Of course they do not want to know about the successes. They do not want to know about the innovation. They do not want to actually be forced to observe successful policy being implemented and its operation.

Of course, Mr Speaker, in seven years in opposition, but for a little flurry before the last election, we have not seen Liberal Party policy on housing, or indeed on anything else, except, of course, Mr Seselja's mantra: "We need to abolish the LDA" because, of course, government service delivery is evil; private sector delivery is good and public sector delivery is evil. This is the essential mantra of the Liberal Party and Mr Seselja.

Opposition members interjecting—

MR SPEAKER: Order! Chief Minister, resume your seat. Every member of the opposition is interjecting. Cease. I have drawn it to the attention of almost all of you. Please desist.

MR STANHOPE: Thank you, Mr Speaker. We do await, as the next election rushes on, the first policy announcements, other, of course, than the initiatives announced yesterday by the shadow Minister for Health that they are supportive of an additional thousand public hospital beds and they are going to wipe out bullying. There is nothing to be gained from a visionary 10-year health plan—

Mrs Burke: If that is the best you can do on health—

MR SPEAKER: Mrs Burke, I warn you.

MR STANHOPE: if you have not dealt with bullying! We had the Liberal Party health policy encapsulated for us yesterday by the shadow Minister for Health, We will have not a thousand but an additional thousand hospital beds under a Liberal government and there will be no bullying. That is about the sum total of it. The program that has been outlined by the Minister for Health and described by the AMA as visionary has, of course, been completely dismissed by the opposition.

Mr Smyth: I raise a point of order, Mr Speaker. I know that housing affordability is causing stress, but could you ask the Chief Minister how this relates to his own dixer?

MR SPEAKER: Order! That is not a point of order.

Mr Smyth: Well, I would have thought that under standing order 118 (a) it is.

MR SPEAKER: Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. In relation to Community Housing Canberra, another initiative of the affordable housing strategy which has been vigorously pursued by the ACT government, I think we are all aware of the potential which Community Housing has in dealing with issues around affordability, particularly for those groups of people who have an income that disqualifies them in terms of their capacity to access public housing but who nevertheless struggle or strive either to rent or to purchase their own home. It is that group of Canberrans who are not eligible, because of income limits, for public housing but who nevertheless are in the next tranche and would suffer significant stress as a result of purchasing or renting a house.

It is in that area that Community Housing has a very significant role to play. We recognise that through the housing affordability strategy. We have begun to implement the range of measures that we believe would set Community Housing Canberra up to deliver 1,000 over the next 10 years—a 10 per cent increase a year.

At the time the policy was announced Community Housing Canberra managed 19 properties. Since then we have transferred 142 properties into their ownership, giving them equity or a direct, straight capital injection of $40 million. We provided them also with cash or access to cash of $3 million. In the last week we have provided a loan facility of $50 million. We believe that through that arrangement—a massive capital injection through the ownership of 140 homes, access to cash, a revitalised and restructured board, a loan facility of $50 million and a priority in the delivery of land throughout Canberra—Community Housing Canberra will be well placed to provide 1,000 affordable homes over the next 10 years. This is a fantastic initiative that is being pursued through the housing strategy.

Water—supply

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. Chief Minister, on 21 September 2005 you said in the Assembly in relation to a possible new dam:

> If we could put it off forever, what a fantastic achievement by the ACT government that would be.

On 16 August in the same year you stated in the Assembly that I had marooned myself in the "dam or die party" or the "dam or bust party". Your dam busting days were not over, Chief Minister, because on 28 March 2006 you said in the Assembly:

> … it may be that we do not need to think again about whether or not we will ever need a dam. Perhaps we will in 30 years time, perhaps longer and perhaps never.

Less than two years after making this selection of extraordinary statements, you announced plans to expand the Cotter Dam, six years after coming to office and several years after the most severe drought in 100 years. Now that you have back flipped on the policy of building a dam, will you apologise for the pain and the increased costs your delays in acting have caused Canberra?

MR STANHOPE: I thank Mrs Dunne for her question. It gives me an opportunity to actually outline the very significant steps that the ACT government has taken in relation to water and water security and our achievements in relation to that.

Mrs Dunne: Mr Speaker, my question was about the impact of the delay and the cost the delay is having on the ACT community. It is not an opportunity for the Chief Minister to talk about water security; it is an opportunity for the Chief Minister to explain why he did nothing about this for so long.

MR SPEAKER: I think the subject matter of the question had some inferred meanings as well. It was about water supply, and it is up to the Chief Minister to respond to that theme, including whether or not he wants to apologise.

MR STANHOPE: In 2006, Mr Speaker, the time of the quotes referred to by Mrs Dunne, the ACT's dams were at 67 per cent capacity, and the ACT Assembly had resolved to seek to avoid the construction of a new dam, if that were possible. It needs to be remembered that at the time I made those comments the context in which I made them was that our dams were at 67 per cent capacity and Actew had delivered a significant and vigorous report to the Assembly which had relied very much on expert advice from the CSIRO and a number of consultant experts in hydrology, water and climate change and, indeed, involved significant assessment of the implications on water uptake as a result of the impact of the 2003 bushfire on the catchment.

That work, underpinned most significantly by detailed research from the CSIRO, revealed, in terms of a detailed analysis, a worst-case analysis of the impacts of climate change, the implications of the bushfire on the catchment and on population growth and our needs into the future, that, at the earliest, the ACT would need an additional dam no earlier than, I think, 2023, was the date included within the report.

The advice in 2006 on which the government and any thinking person in the community relied was a detailed report on the future water needs of Canberra and district facilitated by Actew but which relied exclusively on the best expertise and scientific advice available in Australia. That, of course, was just irrelevant to the Liberal Party. You don't take any notice of the best scientific advice and the best brains and the best modelling available in Australia.

Mr Smyth: We did. We spoke to the best engineers.

MR STANHOPE: You do what the Liberal Party did at the time of the last election—you promise, the day after the election, to construct a dam in the Tennant. All the scientific reports and analysis and hydrology on the Tennant catchment suggest it is probably the worst site in the ACT for a dam.

Mr Smyth: Why was it one of your options?

MR STANHOPE: It is shallow; it is poor performing; it would probably never fill.

Mr Smyth: So why was it an option?

MR STANHOPE: Even the latest report, which has, of course, revised the scientific understanding and forced a significant change to the modelling on which the earlier report was based, still concludes that, whilst you would leave the Tennent on your suite of locations for possible future expansion of water storage, it is a very poor option. But it is the option that the Liberal Party, in its blindness, would have pursued. It is the one option that we thought then and which, through scientific and hydrological assessment, has been revealed as the catchment that you would not utilise is where the Liberal Party would have built their dam—at the Tennent. The Tennent or die! "We won't consider anything else. We won't take into account the scientific advice or knowledge or understanding. We will build a dam at the Tennent", which would never probably have filled.

Mr Smyth: No dam before 2020.

MR STANHOPE: The latest reports reveal it to be probably the worst possible site. We relied on the scientific advice, the best advice available to the government of the day, and we made decisions on the basis of that advice. *(Time expired.)*

MR SPEAKER: Supplementary question, Mrs Dunne?

MRS DUNNE: Minister, why did it take you six years to recant on your "no dam ever" policy?

MR STANHOPE: I have just explained the basis of the comments that I made in 2006 and the nature of the report on which those decisions were made. It was a report—

Mr Seselja: A bit embarrassing.

MR STANHOPE: I am not a bit embarrassed. It actually puts me in mind of—

Opposition members interjecting—

MR STANHOPE: I think I used this the other day in another context but it is just as applicable here: the ACT government and the ACT community had made available to it by Actew the most detailed, rigorous, scientific assessment and modelling of possibilities around a whole range of issues, such as climate change, bushfire damage, rainfall patterns, population growth, the capacity performance of existing dams, and made a decision on the basis of advice and recommendations from Actew in relation to that evidence, that scientific expertise and those reports.

As a result of the continuing drought and the unprecedented low inflows of the year before last—inflows that were significantly worse than the worst-case scenario reported on by CSIRO in its first report—Actew commissioned further work. So, as a result of the modelling and the predictions of the first report being exceeded dramatically, Actew did what the government and Actew should do. They said: "Well, a worst-case scenario presented by Actew and the CSIRO has been exceeded dramatically. We need to revisit our assumptions in the modelling." So we commissioned further work and as a result of that work the decision that the government announced last year, including to construct that dam at the Cotter, was taken.

It puts me in mind of, I think, Galbraith. I had better get this straight because it seems quite peculiar that the opposition, the Liberal Party, proposed as a basis of decision making that, if you have a report or rigorous scientific information and advice one day and you base a decision on that advice and then two years later the entire structure and nature of the advice changes, you say, "Oh, well, if the advice or the facts change, too bad—stick with your original decision." I am sure it was Galbraith who said, "When the facts change, I change my mind. What do you do?"

Opposition members interjecting—

MR SPEAKER: Order!

MR STANHOPE: The Liberal Party stand today and say, "Well, it is irrelevant to us whether the facts or the circumstances or the situation changes, once you make a decision, and if you are in politics or public life and you have announced a decision, you must never, ever take account of a change in circumstance and change your decision."

Mr Smyth: So you can apologise.

MR STANHOPE: This is the policy position or framework—

Mr Smyth: So you will apologise?

MR STANHOPE: which the Liberal Party will rely on.

Mr Smyth: So you will apologise?

MR STANHOPE: You can get a report in 2006 which says: "This is the scenario; this is the worst-case option: you don't need a dam until 2023."

Mr Smyth: So you were wrong; so are you going to apologise?

MR SPEAKER: Order!

MR STANHOPE: Two years later you get advice which says, "We got it wrong. The assumptions have been exceeded. We need to redo the modelling. We now recommend you build a dam." You say, "Oh, no, Actew, no, no, no, we can't build a dam now. We decided two years ago on the basis of your previous advice that we wouldn't."

Mr Smyth interjecting—

MR SPEAKER: Order! Mr Smyth, I warn you. Chief Minister, stick to the subject matter of the question, please.

MR STANHOPE: So there you have it: the facts changed, the report changed, the advice changed, the modelling changed, the assumptions changed—and the government changed its position.

Mr Pratt: You had the facts available to you in 2001 and 2002.

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: We reversed this, of course. The Liberal Party, presented with a completely new set of assumptions of modelling of outcomes and recommendations, will say: "Well, for goodness sake, just ignore that. We've already decided. We've made our minds up on this. We read the first report. Anything you produce henceforth is irrelevant." It is so simple, but it was expressed, I think, most eloquently by Galbraith—if the facts change, change your mind or change your position, and then pose the rhetorical question: what would you do? The facts changed; we changed our position. And thank goodness we have the capacity to do it, unlike the Liberal Party, who would have built us a dam at Tennant that would still be empty and would probably never fill.

Mr Seselja: It wouldn't be built there, I don't think.

Ms Gallagher: That was the promise.

MR STANHOPE: That was the promise.

MR SPEAKER: Order!

National Multicultural Festival

MS MacDONALD: My question is directed to the Minister for Multicultural Affairs. Minister, the National Multicultural Festival seems to get bigger and better every

year. You have also said that during your visit to China the various officials that you met commented on it. The 2008 festival commenced last Friday. Can you please let Assembly members know how it is progressing?

MR HARGREAVES: I thank the member for the question because the National Multicultural Festival is going gang busters. It commenced last Friday with exceptionally well-patronised opening events with international and Australian acts performing at the Playhouse, the Street Theatre and Civic Square.

I am pleased that, in this historic week when the nation will be apologising to the Indigenous people, one of the most popular attractions and opening performances for the Fringe Festival is the Chooky Dancers. The dancers are Yolngu people and live on Elcho Island near Gove Peninsula. They perform an energetic rendition of the *Zorba the Greek* dance, which has been a great hit with audiences at the Fringe, the Playhouse and the Greek Glendi. Each time encores were called for.

This has been a wonderful experience for everyone involved. You cannot measure the sense of togetherness and social cohesion that an experience such as this gives the individuals involved—dancers, organisers and audiences. This goes to show that culture and art have no boundaries and that they can be shared and enjoyed by everyone. This example is what the National Multicultural Festival is all about: the sharing of cultural experiences. Just think about it Mr Speaker: an Indigenous group performing a variation of a Greek dance for an audience drawn from the ACT's 97 ethnic groups.

The National Multicultural Festival 2008 is being lauded as the best of its kind in Australia. It attracts interstate and international performances and audiences. This year the international program includes artists from the Nakshi Kanthar Math of Bangladesh, Varna Folk Dance Ensemble and Krassimira Churtova from Bulgaria, De Muse from Mexico and Collegium Folkrum of Serbia. But wait, there is more. There are the Ku dancers from Taiwan, the Goyam Kulu Dance Troupe from Sri Lanka and the Eurasian Artists from Turkey.

Another fantastic thing about the festival is the way in which the diplomatic community in Canberra has always supported this annual event by facilitating the arrival of the international artists and hosting or jointly organising the performances with local organisations. Last night, for example, I attended a performance of the China Shaanxi Provincial Song and Dance Troupe as the guest of His Excellency the Ambassador of China. During his speech, His Excellency referred to the past support by the Chinese government and local community, and promised future support. This particular troupe was organised during my recent visit to the capital of Shaanxi Province in China. I thank all those involved in making it possible.

This year we are particularly pleased that His Excellency the Ambassador of Bulgaria, Dr Lubomir Todorov, and Mrs Todorov attended the performance of the Bulgarian Varna Folk Dance Ensemble on Sunday, 10 February at the Belconnen community centre and we saw a performance at the botanic gardens of the only female Bulgarian bagpiper.

The festival featured representations from local community groups and heads of mission to an Arab street and Europe street. The exhibitions, film festival and the Fringe Festival have been particularly successful this year. Although we are in the middle of a festival with several days yet to go, the attendances and audiences are breaking previous records.

The Food and Dance Spectacular has exceeded crowd expectations of 70,000. You could hardly move in City Walk and Garema Place on Saturday. The crowd size was amazing. Last Sunday the Greek Glendi was packed out with 35,000 people and big crowds are expected at the Chinese New Year celebrations next Sunday.

All in all, Canberra will enjoy the 10-day festival, which brings together people from more than 140 different multicultural groups. A festival of this magnitude cannot succeed without a whole host of stakeholders. The ACT community has responded well. In particular, I acknowledge and congratulate the multicultural community, the sponsors, the volunteers, performers, organisers, stallholders, artists, musicians, dancers, singers—local and from overseas—for being part of such a grand festival and contributing to its success.

We certainly look forward to seeing all these stakeholders again to give the Canberra community yet another successful National Multicultural Festival in the coming years. Somebody from interstate said, "Last Sunday I attended the multicultural festival in Civic. I have only been in Canberra for a year. It is the first time I have attended. I want to let you know I had a really fantastic time. I felt like I travelled the world in a day. I look forward to participating in next year's festival." That is what it is all about—it is the bringing together of Canberra, once a year at least, when we all have an absolute blast.

Hospitals—pay parking

MRS BURKE: Mr Speaker, my question is to the Chief Minister. Chief Minister, last year your government abolished the disastrous pay parking policy which caused great distress to patients in and visitors to the Canberra Hospital. This mean-spirited policy forced patients and visitors to rush out at 8.00 pm on a Sunday night to fill a parking meter, for example. It was revealed that this exercise, far from making money, actually cost taxpayers, in net terms, around half a million dollars. Chief Minister, are you aware of any other example, anywhere in the world, of a government which loses money on pay parking?

MR STANHOPE: I thank Mrs Burke for the question. The imposition of pay parking anywhere is always controversial—indeed, problematical.

Mr Pratt: And in this case it was a farce. Just say that, Jon.

MR STANHOPE: But pay parking at our hospitals—and at other public facilities—is a reasonable sustainability and public policy response to issues around transport and transport infrastructure.

Mr Pratt: People going out in their dressing gowns, plugging the parking meters.

MR STANHOPE: Rather than resiling from the imposition of pay parking at Canberra Hospital—

Mr Pratt: And then, after all that pain, you lost money.

MR SPEAKER: Mr Pratt, I warn you.

MR STANHOPE: as has been previously indicated in relation to plans that the government has announced and funded for the installation of a major parking station at the Canberra Hospital and the provision over the last year of significant parking at Canberra Hospital, at a cost of around $2 or $3 million, let me say that the issue of parking at our hospitals is something that the government takes very seriously.

Certainly the model that was implemented at Canberra Hospital was not popular. No parking fee regime is ever popular. The regime in its implementation at the Canberra Hospital aroused considerable concern. That was essentially because of the nature and the response with pay-at-the-time parking without a capacity to provide for pay-as-you-leave parking. The configuration of the car parking arrangements or the capacity of the Canberra Hospital militated against pay as you leave. The government implemented a timed parking regime which the government decided to terminate, for a number of reasons. First, there was its unpopularity and difficulties in its administration. But equally importantly there are major redevelopment plans and there is major investment which the government is making and proposes to make in the Canberra Hospital. We see the first steps in that redevelopment in the linear accelerator.

Mrs Burke: Point of order, Mr Speaker.

MR SPEAKER: Point of order.

Mrs Burke: The subject matter relates to pay parking; it does not relate to the operation of the hospital.

MR SPEAKER: He was talking about pay parking.

Mrs Burke: Yes. Stick to the subject matter.

MR STANHOPE: I was talking about the reasons that underpinned the decision that the government took in relation to the removal of the pay parking regime as it existed. There are a number of reasons for that.

MR SPEAKER: There is no point of order.

MR STANHOPE: There are a number of reasons for that. One was its unpopularity and the difficult configuration and the difficulty in administering a pay-as-you-leave parking regime at a public hospital. We acknowledge that. We are big enough to own up to it and to actually reverse that particular decision. But there was a range of other equally important considerations which went to the need to utilise the car parks at the Canberra Hospital for major investments in infrastructure for the benefit of the people

of Canberra and the region. That has commenced. This is where I was before I was interrupted. That has commenced with a massive investment in new linear accelerators and the need for those linear accelerators to be housed in a purpose-built facility. That purpose-built facility required the utilisation of some car park space.

In addition to that, there are other initiatives which are now being pursued by the government, namely the construction of a new mental health precinct, through the construction of a brand-new, purpose-built, appropriately designed psychiatric facility to replace the one which the Liberal Party built only seven or eight years ago and which was condemned the day it was opened. This is another amazing feature of the previous government's management and administration. We are in the process of utilising some of the car parking space that Mrs Burke refers to because of the need to build a new psychiatric unit. How old is the existing psychiatric unit?

Mr Corbell: Less than a decade.

MR STANHOPE: It is less than 10 years old. A psychiatric unit built by Michael Moore, Kate Carnell and Brendan Smyth is being replaced because it is no good. The only place to appropriately place it is the car park.

Mrs Dunne: So how long did your car park last?

MR SPEAKER: Order, Mrs Dunne!

MR STANHOPE: Let's talk about the psychiatric unit, Mrs Dunne. Let's talk about mental health.

Mrs Dunne: No. The question is about the car park.

Mrs Burke: Point of order, Mr Speaker.

Mr Pratt: Point of order, Mr Speaker.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Order! Three people rose on a point of order. Which one should I choose first?

Mr Pratt: Relevance, Mr Speaker.

MR SPEAKER: The Chief Minister was talking about car parking in the context of developments at the Canberra Hospital. There is no point of order. Next, please. Mrs Dunne?

Mrs Dunne: Mr Stanhope is in fact talking about a mental health facility, not about the car park.

MR SPEAKER: In the context of the car park at Canberra Hospital. That is not a point of order. Mrs Burke? The Chief Minister's time has expired.

MRS BURKE: I have a supplementary question. Chief Minister, in light of your response, will you now apologise to the thousands of people who were dreadfully distressed and inconvenienced by the introduction of pay parking at the hospitals?

MR STANHOPE: I should apologise on behalf of the previous government for the absolute botch that they made of the new psychiatric unit, and I should apologise, on behalf of people with mental issues in the ACT, for the fact that, at the time we took government—

Mrs Dunne: On a point of order, Mr Speaker: Mrs Burke asked the Chief Minister specifically about pay parking. The Chief Minister got up and, without taking a breath, moved straight on to a statement about the mental health facility. If he wants to make a statement about the mental health facility, he can ask for leave, and we will give it to him after question time, or he can do it in the adjournment debate. But at the moment the question is about an apology over the botched pay parking.

MR SPEAKER: The Chief Minister was responding in the context of an apology that he should make, he claims, in relation to other matters. I thought his response was pretty clever but I think he should come back to the subject matter.

MR STANHOPE: Thank you, Mr Speaker. We have discontinued the car parking arrangements as a result of listening to the community, and from feedback we have received regarding difficulties in its administration. What did the minister do? The minister asked for feedback, she invited it, and she took account of it. She listened. The minister listened to what the community was saying and the minister responded to what the community was saying. In politics and in government, it takes some strength to do that. The minister should be congratulated on listening; she should be congratulated on responding; she should be congratulated on being sensitive to the issues that were raised by users of Canberra Hospital. But if one listens, consults and takes account of the feedback, if one looks the community in the eye and says, "Yes, I listened; I hear what you are saying and I will respond to what you are saying," that is a matter for condemnation.

I conclude by making the remark I made before: as a result of the major investment that this government is making in health facilities—in the first instance, a new linear accelerator; in the second instance, a brand new, purpose built psychiatric facility to replace the one which the Liberals built and which has been condemned by everyone, and a new forensic mental health facility—and because we are utilising a car park, there is a domino effect. Because we are building a mental health precinct and the available space requires that it be built on a car park, we are building a multistorey car park to cover the space that will otherwise be occupied by new mental health facilities.

That is the sequence of events and decisions at the Canberra Hospital. Yes, it was unpopular. Yes, in its implementation it was difficult to administer. Yes, we did ask for feedback. Yes, we did respond to the feedback. Yes, we did change the arrangements. And, yes, we have a vision for healthcare delivery in Canberra which involves, and will involve over the next decade, the complete reconfiguring of Canberra Hospital and an enhancement of Calvary Hospital. Essentially, at the end of the day, in 10 years time, the Canberra Hospital will have been completely rebuilt to

represent the best in public healthcare delivery in the world. That is the vision that was outlined yesterday; that is the vision that has been scoffed at, ignored and rejected by the Liberal Party. That is the vision which this government will deliver over the next decade—a complete rebuilding, reconfiguring and restructuring of healthcare delivery in the ACT, and hundreds of millions of dollars of investment over the next 10 years.

Emergency services—FireLink

MR PRATT: Thank you, Mr Speaker. My question too is to the Chief Minister. Chief Minister, the failed FireLink project cost ACT taxpayers $5 million, with nothing to show for it. Chief Minister, in relation to the failure of this project, on 5 December in this place you said:

> Certainly there were a range of issues in relation to process, in retrospect … the failure to test and to do the level of due diligence that was quite obviously necessary and required.

Chief Minister, what guarantees will your government give to do the necessary level of due diligence before approving future capital works projects?

MR STANHOPE: Mr Speaker, I invite the relevant minister to repeat the answer he has given previously on this.

MR CORBELL: Thank you, Mr Speaker. I thank Mr Pratt for the question. As the Chief Minister has already indicated, this question has been answered previously. I think the real challenge for the Liberal opposition is to get through more than one question time. They are going to have to get through more than one question time—

Mr Smyth: I raise a point of order, Mr Speaker. The question is actually about all government projects from now on and what guarantees the government will give that there will not be these failures. It is not specifically about FireLink.

MR SPEAKER: The Chief Minister is entitled to ask a minister to answer a question.

MR CORBELL: Thank you, Mr Speaker. Of course, the standing orders provide that a minister may ask another minister to answer a question, especially the Chief Minister. But the real challenge for those opposite is that they are going to have to get through more than one question time. I know they have had a litany of things here, but they are going to run out of a bit of steam if this is the approach they keep adopting. They are going to have to refresh. I think I have heard all of Mr Seselja's speeches for the past six months this question time. He is going to have to delve a bit deeper than that over the next six months. He is really going to have to go beyond his last six months of speeches.

In relation to FireLink, I have already indicated and the government has already indicated that a very extensive range of measures have been put in place to ensure that we do not see a repeat of the problems associated with that project. In particular, we have put in place measures to ensure that capital works planning is appropriately

informed at an early stage, that projects are properly scoped and, in addition, that detailed business cases are put to cabinet before appropriation is provided.

Those are the measures we have taken. Those are the assurances that have previously been given by me in this place, as Mr Pratt well knows. I think the real difficulty with this approach and this line of questioning from those opposite is that Mr Seselja has not been paying attention to the answers. He has been sitting down the end there while Bill and Brendan and Richard slugged it out, but when he becomes opposition leader he thinks all these issues are new. He thinks all these things are groundbreaking. He thinks—

Mrs Dunne: I raise a point of order as to relevance, Mr Speaker.

MR SPEAKER: Come to the subject matter of the question. I think you have strayed a bit.

MR CORBELL: He thinks that issues such as FireLink are new and that they deserve some new airing. The answers have been given. The government is on the record. We are moving forward. Unlike those opposite, we are not relying on those things that we might have missed over the last six months. We are setting out a forward agenda, not reflecting on things that may have been missed in the past, such as those that Mr Seselja thinks are relevant.

MR SPEAKER: A supplementary question, Mr Pratt.

MR PRATT: Mr Speaker, my supplementary question to the minister is this. Minister, will you at least, for the Chief Minister, apologise to ACT taxpayers for your government wasting over $5 million on the failed FireLink project?

MR CORBELL: I have already answered these questions. It is very disappointing that the new Liberal leadership team does not seem to have paid any attention to the answers previously given in this place. What have they been doing? Have they been asleep? Has Zed been catching a few zzzs on the benches? I know that Mr Seselja tried very hard not to associate himself with the debacle that has been the Liberal Party for the last three years but now he really has to deal with it. He has really got to show that he is up to the game, he is on top of his game and he knows what he is talking about.

I have answered this question repeatedly. The government has outlined in detail the measures it has taken to ensure that we do not see a repeat of those circumstances surrounding FireLink. We stand by those commitments. They are in place, they have been implemented and we are moving forward in that regard.

Busway

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. In November 2005 Mr Corbell stated:

> … we are continuing to work on dedicated public transport infrastructure such as the proposed busway.

In January 2006 Mr Quinlan doubted that the busway would go ahead. In May 2006 Mr Hargreaves replied, "Not in my lifetime," when asked if the busway would go ahead. You stated also in May 2006 that the $3.5 million spent by the ACT government on the busway project was for planning studies. Why have you spent $3.5 million on planning studies for a project that will not proceed in Mr Hargreaves's lifetime?

MR STANHOPE: I thank the shadow Attorney-General for his question. I might take this opportunity to commiserate, Mr Stefaniak. I enjoyed your time as Leader of the Opposition, and I do regret that you have been treated in the way that you have. But I must say, Mr Stefaniak, that I detected on the day you became leader that the consensus within your party was that you would be Chief Minister at no time in their lifetimes. Whilst it took 18 months or so for the prediction that it would not be within their lifetimes that you would be Chief Minister, I do congratulate you at least on your period in office and extend to you my regrets at your demise.

MR SPEAKER: Come back to the subject matter, Chief Minister.

Mrs Dunne: Mr Speaker, give the Chief Minister an opportunity to make a statement if he likes.

MR STANHOPE: Bill and I have known each other for nearly 40 years; you've got to give us a minute!

MR SPEAKER: There are plenty of opportunities to make statements in relation to that matter. It is question time; come to the subject matter of the question.

MR STANHOPE: 1970; before your new leader was born, Bill!

MR SPEAKER: Chief Minister, either address the subject matter of the question or give it away.

MR STANHOPE: Mr Speaker, the work that this government has done across the board, whether it be in relation to social planning, social capital and delivering on our social program, whether it be in relation to economic development that has led to the unprecedented strength of the economy in the ACT and the strength of our balance sheet—the strongest balance sheet in the history of self-government—or whether it be in relation to planning and spatial planning, is vital to the future of this city.

This is a government that will plan for the future. This is a government that does have a vision. This is a government that understands the infrastructure as well as the social and other service needs of this community. Just as the Minister for Health yesterday announced a visionary 10-year program of investment and infrastructure and facilities to ensure the future of health and health care within the territory, this government have sought to ensure that we have put in place the necessary planning regime, that we have made the necessary reservations and that we have undertaken the necessary planning to ensure that we can, now and in the future, meet this community's needs in relation to transport and sustainable transport.

It is undeniable—it is irrefutable—that, in order to deal with issues around climate change and sustainability of transport modes, we will have to completely change our attitude and our behaviours and our infrastructure planning now and, increasingly, into the future. Just look at the numbers in relation to energy consumption within this community. Where do our greenhouse gas emissions come from? They come from two sources—they come from petrol or fossil fuels, and they come from power. That is about it. In this jurisdiction, in this territory, in this town, greenhouse gas emissions are sourced from energy. That's where they all come from—the consumption of non-renewable sources of energy.

We have set ourselves a significant target—a 60 per cent reduction in greenhouse gas emissions between now and 2050. It is not going to be easy; it is going to be incredibly difficult. It will never, ever, ever be achieved if we do not, as a community, start catching public transport and utilising public transport. We will not actually achieve any significant target in relation to public transport usage or reduction in greenhouse gas emissions if we do not plan appropriately and vigorously for a public transport system that is sustainable and that meets the needs of this community.

We need to do the work to achieve that now. It is no good doing it when it is too late, and we are doing the work. Just tell me, when you have a moment, what you would do to respond to the needs of the creation of a sustainable transport apparatus for the ACT, if it is not to actually do the planning necessary now to reserve busways to ensure that we do create sustainable transport opportunities?

MR SPEAKER: A supplementary question?

MR STEFANIAK: Yes, thank you, Mr Speaker. Chief Minister, will you apologise to ACT taxpayers for wasting $3.5 million on the Belconnen busway project?

Mr Pratt: Apologise, apologise, apologise.

Mr Seselja: Last chance.

Mrs Dunne: Go on: sorry. "Sorry" seems to be the hardest word.

MR SPEAKER: Order! A number of members of the opposition have been warned.

MR STANHOPE: I will not detain the Assembly longer, other than to say to an old friend: I regard, Mr Stefaniak, the requirement of your party room on you to ask such an embarrassing and tawdry—

Ms MacDonald: Childish.

MR STANHOPE: and childish question really represents almost your final humiliation. You have my sympathy, Mr Stefaniak.

Education—2008 school year

MS PORTER: My question is to the Minister for Education and Training. Can the

minister please outline to the Assembly some of the new initiatives students can expect in our schools in the 2008 school year?

MR BARR: I thank Ms Porter for her question and for her ongoing interest in the education portfolio, an interest that has been sustained over some time. In fact, I believe that Ms Porter has asked more questions on education than any other member in this place. I thank her for her interest.

The ACT has a very proud reputation as a leader in education. The 2008 school year will see a range of new initiatives implemented across schools in the ACT. First and foremost, there is the introduction of the new curriculum framework, to be rolled out across public, Catholic and independent schools this year. This is an important step forward in our education system. It has been a magnificent collaborative effort from public schools, from the Catholic school system and from independent schools.

Teachers and educators from across all three sectors have been involved in the development of this new framework. It has been very well received by all of the schools in all of those sectors, particularly the schools that tried the framework through 2007. I am very pleased that all schools in the ACT are part of this new approach. We are the first jurisdiction in Australia to fully incorporate the national statements of learning into our new curriculum framework.

Members would be aware that we are now two years into a $350 million investment in our public education system. Last week we had the opportunity to see and welcome a new school into our family of public education—the school of Harrison, opening its first day with more than 300 enrolments, a fully subscribed preschool program and a fully subscribed kindergarten program for the new school.

It is interesting to contrast the level of enrolments at the new school, in an area where there is clearly demand for additional public education, with demand elsewhere in the city. There were more than 300 students on the first day of what is a world-class education facility and the first of four new schools that this government will be delivering over the next four years.

In addition, in this school year we see pastoral care coordinators starting in each of our public high schools. This is an important initiative of government, funded through the second appropriation last year. In addition, across our primary school sector we will see physical education coordinators working with schools to improve PE in our school system. The minister's physical activity challenge will kick off in term 3 and will be supported by the Children's Physical Activity Foundation that the government kick-started with a quarter of a million dollars—again funded through the second appropriation.

We look forward to providing enhanced support for Indigenous students this year. A $3.3 million package comes into effect this school year, with additional targeted support for students who are not achieving national benchmarks at year 3 testing level. They will be provided with additional support at year 4. But also, as part of this package, there is support and encouragement for Indigenous students who are high achievers, to give them the support they need to continue that high achievement through the later primary school and into the secondary and college years. This is an

important aspect of the government's overall commitment to ensure that the gap between Indigenous and non-Indigenous students in terms of performance in each of the key areas is improved, and we are backing our commitment there with additional resources.

We are also providing for the non-government school sector this year—an additional $1 million to provide for a range of additional support services, particularly for students with a disability in non-government schools. Again, that is part of a targeted package. The government is also asking non-government schools to look at some of the equity issues that have clearly arisen out of recent test data that have shown that performance, particularly in terms of retention to year 12 in the non-government system, lags considerably behind the government system. The apparent retention rate for the public system is over 100 per cent, but in non-government schools it is only just above the Australian average of about 75 per cent. So in terms of achieving our overall goal to have all students complete year 12 or achieve a vocational education and training equivalent we will need to work particularly closely with non-government schools to see if they can get their retention rates up equivalent to the public system. That involves additional resources that the government provided this year. *(Time expired.)*

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

Personal explanation

DR FOSKEY (Molonglo): Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

Leave granted.

DR FOSKEY: I just want to correct the record. As host of the meeting mentioned by the Chief Minister I have sought advice on the attendees. The Chief Minister said only four ordinary members of the public who attended the meeting were from Canberra and the remainder of 50, I think he said, were from Jerrabomberra, Queanbeyan or Wamboin.

The only quantitative information available is the names of the people who signed the petition that was there, a petition to the House of Representatives, and that indicates that, out of a total of around 80 people in attendance, 59 people signed the petition. Of those, 45 were from the ACT, 14 were from New South Wales, one was from Wamboin—

MR SPEAKER: How is this a personal explanation?

Mr Seselja: Because she was misrepresented.

DR FOSKEY: Thank you. The Clerk indicated to me that that was the only standing order under which I could correct the record, and thank you very much. Perhaps the Chief Minister got confused with the name Curfew 4 Canberra, and thought that that referred to the number of people who opposed the curfew, but in fact, as this indicates, there were already a lot more people than that.

MR SPEAKER: Dr Foskey, how is it that you were misrepresented?

DR FOSKEY: I am sorry, Mr Speaker. I was misrepresented.

MR SPEAKER: I have no knowledge that you have claimed that there were representatives, all from the ACT.

DR FOSKEY: Questions without notice, Mr Speaker.

MR SPEAKER: I will have a look at it, but it did not sound to me as though there was a personal explanation involved; it was about something that the Chief Minister had said, a debating point.

Executive contracts
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following papers:

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

Long-term contracts:

Brett Phillips, dated 23 November 2007.
Brian Parry, dated 17 December 2007.
Danielle Krajina, dated 17 December 2007.
David Dutton, dated 17 December 2007.
Gregor Manson, dated 18 December 2007.
Jocelyn Vasey, dated 26 November 2007.
John Clifford, dated 18 December 2007.
Jonathan Noel Quiggin, dated 17 December 2007.
Julie Field, dated 28 November 2007.
Lois Ford, dated 14 January 2008.
Megan Mitchell, dated 15 January 2008.
Moira Crowhurst, dated 18 December 2007.
Phillip Joyce, dated 18 December 2007.
Ross Burton, dated 9 January 2008.
Stephen Goggs, dated 14 December 2007.

Short-term contracts:

Danielle Krajina, dated 6 December 2007.
David Dawes, dated 19 and 20 December 2007.
David Dutton, dated 12 December 2007.
Floyd Kennedy, dated 8 November 2007.
Greg Kent, dated 14 December 2007.
Howard Douglas Wren, dated 12 December 2007.
Joy Vickerstaff, dated 21 December 2007 and 3 January 2008.
Kate Scandrett, dated 7 January 2008.
Liesl Centenera, dated 14 December 2007.
Maxine Cooper, dated 17 December 2007.
Meredith Lily Whitten (3), dated 14 November 2007 and 7 January 2008.

Nic Manikis, dated 14 November 2007.
Phil Joyce (2), dated 12 and 14 December 2007.
Robert Carter, dated 13 December 2007.
Robert Thorman, dated 7 and 14 January 2008.
Sandra Kennedy, dated 12 November 2007.
Sara-Jane Lynch, dated 10 December 2007.
Stephen Goggs, dated 13 December 2007.

Contract variations:

Hamish McNulty, dated 19 November 2007.
Jason McNamara, dated 8 November 2007.
Linda Lorraine Trompf, dated 20 December 2007.
Martin Hehir, dated 14 November 2007.
Maureen Sheehan.
Michele Bruniges, dated 10 January 2008.
Paul Dugdale, dated 28 November 2007.
Philip Dorling, dated 5 December 2007.
Robert Neil, dated 9 January 2008.
Robyn Mary Hardy, dated 3 December 2007.
Sandra Lambert, dated 10 January 2008.
Sara Lynch, dated 14 and 15 November 2007.
Sue Dever, dated 9 January 2008.
Susan Marriage, dated 14 January 2008.
Susanna Kiemann, dated 19 November 2007—

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 4 December 2007. Today I present 15 long-term contracts, 21 short-term contracts and 15 contract variations. The details of the contracts will be circulated to members.

Administrative arrangements
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

> Administrative arrangements—Administrative Arrangements 2007 (No 2)—Notifiable Instrument NI2007-513 (Special Gazette No S4, Saturday 22 December 2007)

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

Leave granted.

MR STANHOPE: For the information of members I table revised administrative arrangements that commenced on 22 December 2007 which relate to the transfer of certain responsibilities from the Attorney-General to the Minister for Children and Young People under the Children and Young People Act. The changes are made to address possible legal implications in the area of youth justice from the incorrect allocation of certain young offender provisions in the act. Some other minor changes were made to reflect the passage of new acts, repeal of old acts and the renaming of the Tertiary Accreditation and Registration Act 2003 as the Training and Tertiary Education Act 2003.

Legislation program—2008
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

Legislation Program 2008, dated February 2008

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

Leave granted.

MR STANHOPE: I am pleased to present the government's 2008 legislation program. As this parliamentary year will be shortened by the October election, there will be only one government legislation program covering both the autumn and spring sittings.

For 2008 the program will continue to consolidate important reforms already put in place by the government and also implement additional new policy initiatives to take the territory even further forward. In doing so, it will address some of the key challenges currently faced by Canberra, such as climate change and housing affordability, while other measures will aim to improve our quality of life, to provide equality of opportunity and to overcome social disadvantage.

Time will only allow me to comment briefly on some of the legislation that the government will introduce in 2008. Firstly, the government will keep its focus on maintaining good and sustainable budget policies and measures and facilitating clarity, transparency and improved processes of government. In this regard, the 2008-09 appropriation bill will be central to the government's legislative and financial agenda. It will provide appropriation to administrative units for the 2008-09 financial year and will be presented in May.

A number of legislative changes are to be proposed that will improve and strengthen processes. To add to transparency and accountability, the government will introduce a replacement Public Interest Disclosure Bill that will repeal and replace the Public Interest Disclosure Act 1994. As well as clarifying procedures for disclosures, it will also give better compliance and provide more accessible protection.

Other legislation to be upgraded is the Unlawful Games Act 1984, which has become outdated and does not properly achieve the desired regulatory outcomes. This act, along with two associated statutes, the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906, will be combined and completely redrafted following an extensive public consultation process. The revised legislation, the Unlawful Gambling Bill 2008, will remove ambiguities, update penalty provisions and, importantly, address the policy issues of tournament gaming, private or social gaming and charitable gaming.

Land holder duty provisions are to be strengthened and aligned with those of other jurisdictions by the Duties (Landholder) Amendment Bill 2008. Land holder provisions limit the scope for the avoidance of duty where the control of land is acquired through the transfer of units or shares in certain land holding entities rather than the transfer of the title to the land.

The program will also contain some key measures to meet priority challenges for the government such as helping more Canberrans access appropriate and affordable housing. The Land Rent Bill 2008 will provide a mechanism whereby prospective home owners and investors will be able to rent land from the government, rather than purchase it, thereby reducing the up-front costs of owning a house to those associated with the transfer of the land and the construction of the home.

Another proposed measure will ensure sustainable levels of household debt with new legislation to further regulate the market behaviour of ACT finance and mortgage brokers. It will introduce a licensing regime that will subject an applicant for a licence to probity checks and require the applicant to hold membership of an approved external dispute resolution scheme and to have prescribed educational qualifications or skills.

Importantly, the amendments will ensure that a broker will establish the consumer's credit needs and that the consumer can afford the credit for which any application is made. Disclosure to the consumer of the names of credit providers through which the broker can access credit, as well as details of costs for which the consumer will be liable, will also be required.

The government will also legislate to further assist those dependent on social housing. To this end, a regulatory framework for not-for-profit housing providers is to be established. The Housing Assistance (Amendment) Bill 2008 will allow the Commissioner for Social Housing to register and monitor the activities of housing providers. The framework will support the development of new not-for-profit affordable housing providers, as well as providing for the oversight of smaller community housing providers.

Another key issue facing the ACT is climate change. The Construction Legislation (Sustainability Measures) Amendment Bill 2008 will implement several initiatives agreed by the government and announced in the *Climate change strategy—weathering the change*. Specifically, it will deal with action items 19 and 20 of the strategy that relate to reducing energy consumption in buildings.

The government is keen to improve the quality of life for all Canberrans and to ensure equality of opportunity, particularly for those at a social disadvantage and workers generally. A Long Service Leave Amendment Bill will address unexpected anomalies arising from amendments to the Long Service Leave Act 1976 in 2005. These created an entitlement to long service leave after seven years as opposed to 10 years. However, the accrued entitlement to long service leave is still calculated in five-year blocks after the initial seven-year eligibility period has been served. This has led to a situation in which eligible individuals are disadvantaged. The amendment will see entitlements accrue on an annual basis after seven years of service.

Reform of workers compensation will be further facilitated by amendments to the act relating to the functions of the default insurance fund. The fund was created under the provisions of the Workers Compensation Amendment Act, which folded the functions of the nominal insurer and the supplementation fund into the new fund. It is possible that the bill will also incorporate some changes prompted by the findings of the 2007 scheme review.

Recognition of parental leave entitlement is also to be expanded through new legislation that will propose to expressly prohibit employers from offering different access to parental leave entitlements on the basis of an employee's sexuality.

A Security of Payments Bill will establish a mechanism for contractors in the building and construction industry to more easily claim and recover outstanding payments for services provided. Further work has been required to finalise the bill, as preliminary consultation indicated a greater disparity of views on an appropriate model than initially anticipated.

Attention will also be given to continuing a number of legal reforms. The government has already consulted the community on possible models that would allow for family members and relatives to provide consent to giving, withdrawing or withholding medical treatment to a patient who has no decision-making capacity. The Statutory Health Attorneys Bill 2008 will address this need by providing a mechanism for the Public Advocate to act in cases where family members, or other persons who are eligible to give consent, are not available, or when a dispute or confusion arises as to what decisions should be made on behalf of the incompetent person.

Some changes will be proposed to the Domestic Violence and Protection Orders Act to ensure that the provisions for the making of final orders are consistent with the Human Rights Act. Amendments will enable the Magistrates Court to review a final protection order, distinguish between procedural and substantial powers, and provide additional protection to respondents who have an identifiable legal disability.

Further amendments will also incorporate boyfriend/girlfriend type relationships into the legislation and will provide an appropriate mechanism for the exchange of information between the Chief Executive for the Office for Children, Youth and Family Support in circumstances where children are named on protection orders.

Changes are also to be made to the Crimes Act 1900, the Magistrates Court Act 1930 and the Evidence (Miscellaneous Provisions) Act to implement a number of

recommendations made in the 2005 report *Responding to sexual assault: the challenge of change*. This will provide victims of sexual offences with special measures to make it less stressful and traumatic for them to give evidence without infringing the right of the accused to a fair trial.

Protection of children and young people is a high government priority, with a new bill to be introduced that will rewrite the Children and Young People Act 1999. An exposure draft of the proposed bill was released for community consultation early last year. This will now be finalised to incorporate new policy directions across the act, including in the areas of care and protection of children and young people at risk of abuse and neglect; the sentencing and sentence management of children and young people; the regulation of childcare services; and employment regulation for children and young people under school leaving age.

Members will recall that the ACT was the first jurisdiction to introduce smoke-free legislation in 1994. In 2003 the ACT removed exemptions to make all enclosed public places, including licensed premises, smoke free from 1 December 2006. To now further improve health, the government will look to build on the territory's smoke-free strategy by also banning smoking in outdoor eating and drinking areas and at underage functions. The ban will address continuing concern expressed by the community about their exposure to tobacco smoke.

A number of bills will be introduced with a view to national issues and harmonisation of legislation. These include amendments to the Dangerous Substances Act 2004 arising from the current review of the legislation required under section 224. It is likely that changes will be made to the management of explosives/consumer fireworks and also in follow-up of national developments in the harmonisation of the control of dangerous goods.

The Standard Time and Summer Time Amendment (Harmonisation) Bill 2008 will permanently alter the commencement and end dates for daylight saving arrangements in the ACT to harmonise with South Australia, Tasmania, New South Wales and Victoria from 2008. This will see daylight saving in the ACT commence on the first Sunday in October rather than the last Sunday in October and will end on the first Sunday in April rather than the last Sunday in March.

Amendments will also be made to the Classification (Publications, Films and Computer Games) (Enforcement) Act to implement changes made to commonwealth classification legislation. The amendments include administrative changes and the removal of the need to reclassify the compilation of classified films.

Crime investigation and detection will be boosted with the Forensic Procedures Amendment Bill 2008 to provide for the operation of the national criminal investigation DNA database.

Introduction of the Firearms Amendment Bill was delayed last year but will now be progressed as soon as possible. This will strengthen both the national and local approach to firearm controls by addressing the illegal trade of firearms.

For the first time in the ACT, suitable applicants will be allowed to possess their own paintball marker. However, paintball marker licence holders will be required to meet specific storage requirements.

Modernisation is also required of criminal procedure rules in the ACT. This will be done by shifting these from the Magistrates Court Act to the Court Procedures Rules 2006. Incorporation of criminal procedures into the rules rather than in legislation will give greater flexibility. The reforms will also be proposed for other court legislation.

Turning to a 2006 budget announcement, the government will review ACT tribunal structures with a view to increasing efficiency and cost effectiveness. The Tribunals Amendment Bill 2008 will seek to implement the outcomes of an extensive community and stakeholder process. The Attorney-General has also agreed to review the Liquor Act before the end of this term. New legislation will seek to implement outcomes of the Liquor Act review.

In follow-up of a commitment made by the government at the 2004 election, an Aboriginal and Torres Strait Islander Elected Body Legislation Bill 2008 has been developed in consultation with the Aboriginal and Torres Strait Islander community of the ACT and released as an exposure draft for further community consultation.

The bill provides for seven members to be elected every three years by Aboriginal people and Torres Strait Islanders living in the ACT. To be eligible to vote, or to nominate or be nominated as a candidate, one must be an Aboriginal or Torres Strait Islander person on the ACT electoral roll or eligible to be on it. The main goal is to ensure maximum participation by Aboriginal and Torres Strait Islander people in the ACT in the formulation, coordination and implementation of government policies and services that affect them.

Finally, last year saw the Assembly consider the most significant reform to the ACT's planning system since self-government with passage of the Planning and Development Bill. Once it commences in March 2008, the legislation will replace the current Land Act and Planning and Land Act. The salient changes will be in the area of development applications, where the underpinning message is for a faster, simpler and more effective planning system.

The Planning and Development Amendment Bill will implement amendments to the Planning and Development Act. Amendments will, for example, clarify the definition of "improvement" in relation to compensation at the termination of rural leases, provide more practical procedures for public notification of some development applications and provide a new administrative process for minor lease variations.

I have outlined only some of the legislation that the government will progress this year before the end of the Assembly. These will build on the work first commenced in the Fifth Assembly and subsequently carried on by this government for greater efficiencies, good governance, community safety and wellbeing, and social equality. I commend the program to the Assembly.

Paper

Mr Speaker presented the following paper:

> Travel report—Non-Executive Members—Sixth Assembly, up to and including 31 December 2007.

Financial Management Act—instrument
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance to the Chief Minister's Department, including statement of reasons, dated 14 December 2007

I ask leave to make a statement.

Leave granted.

MR STANHOPE: As required by the Financial Management Act, I table a copy of the authorisation in relation to the Treasurer's advance to the Chief Minister's Department. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after the day the authorisation is given the Treasurer present to this Assembly a copy of the authorisation, a statement of the reasons and a summary of the total expenditure authorised under section 18 for the financial year. Under this instrument, $462,000 was provided to CMD to finalise the assistance package to Integrated Forest Products. I commend the paper to the Assembly.

Financial Management Act—instrument
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

> Financial Management Act, pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance to the Department of Disability, Housing and Community Services, including a statement of reasons, dated 24 January 2008, and a summary of authorisation of expenditure from the Treasurer's Advance as at 19 December 2007

I ask leave to make a statement.

Leave granted.

MR STANHOPE: As required by the Financial Management Act, I table a copy of the authorisation in relation to the Treasurer's advance to the Department of Disability, Housing and Community Services. Section 18 allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A requires that within three sitting days the Treasurer present to the Assembly a copy of the authorisation of the statement and a summary of the total expenditure. Under this instrument $70,000 was provided to the Department of Disability, Housing and Community Services to make out a grant payment to 2XX FM radio station to upgrade their current equipment to allow them to continue to provide community radio broadcasting. I commend the papers to the Assembly.

Paper

Mr Stanhope presented the following paper:

> Cultural Facilities Corporation Act, pursuant to subsection 15 (2)—Cultural Facilities Corporation—Quarterly report 2007-2008 (1 July to 30 September 2007).

Human rights audit—government response
Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.18): For the information of members, I present the following paper:

> Human Rights Act, pursuant to subsection 41 (2)—Human Rights Audit—Operation of ACT Correctional Facilities under Corrections Legislation—Government response, dated February 2008

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

Leave granted.

MR CORBELL: The ACT Human Rights Office began an audit of the ACT remand facilities in August 2006 and the final report was tabled in the Assembly in August 2007. The government has welcomed the opportunity to have an independent audit of its remand centres during preparation for the commissioning of the Alexander Maconochie Centre, or AMC, Australia's first prison to be operated and designed on human rights principles.

The report highlights the limitations of operating custodial services from the Belconnen remand centre and these have been long acknowledged by this government. It is those limitations that directly influenced the decision to build a new prison in the ACT. It is the same limitations that hinder the delivery of expected standards for correctional practice.

The involvement of Corrective Services staff in the planning of the new prison has already caused the majority of the issues addressed in the report to be recognised and included in planning for the AMC. The result of this is the ready agreement by the government to the overwhelming majority of the recommendations and notation of progress towards their implementation. The report contains a total of 98 recommendations. The government agrees with 70 of the recommendations, agrees in principle with 10, agrees in part with four, notes a further 10 and does not agree with just four recommendations. Details of the reasons for these responses can be found in the government response, which I have just tabled.

Significantly, it should be noted that 40 of the recommendations had already been implemented at the remand centres or planned for implementation at the AMC prior to the audit beginning and an additional nine recommendations have been implemented to date. Progress on the AMC over the course of the audit was shared with the authors and again prior to the tabling of the final report. Some recommendations in the report do not acknowledge that the issues identified were already recognised and planned for by ACT Corrective Services.

The government believes that future audits of this nature would benefit from the approach taken by inspectors of custodial services in other jurisdictions to include as part of the audit team persons who are familiar with corrections practices and with best practice in the management of prisons. This will allow greater understanding of why some procedures are carried out in a correctional setting, as well as the opportunity to challenge these procedures if they are outmoded.

The audit report provides commentary on and a checklist of standards that need to be applied at the new prison if it is to meet its human rights obligations. Although the planning for the AMC has been thorough and measures up very well against the findings of the audit, it is not sufficient to acknowledge that the planning has taken place and leave it at that. The delivery of the benchmarks outlined in the report is the measure for the future and it is in that context that a follow-up audit to take place 12 months after the new prison opens will be welcomed by the government. I commend the response to the Assembly and I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

Education, Training and Young People—Standing Committee
Report 5—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.22): For the information of members, I present the following paper.

> Education, Training and Young People—Standing Committee—Report 5—*Inquiry into the Eligible Voting Age*—Government response, dated February 2008.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Territory plan—variation No 287
Papers and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): For the information of members, I present the following papers:

> Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 287 to the Territory Plan—Blocks 1 and 2 Section 23 Ngunnawal—Gold Creek Homestead, dated 23 January 2008, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.
>
> Planning and Environment—Standing Committee—Report 31—*Variation to the Territory Plan No 287—Blocks 1 and 2 Section 23 Ngunnawal Gold Creek Homestead*—Government response.

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

Leave granted.

MR BARR: The draft variation No 287 to the territory plan proposes to change the land use policy of the Gold Creek Homestead site in Ngunnawal from entertainment, accommodation and leisure to community facility to permit aged care accommodation and community use. Draft variation No 287 was released for public comment in May of 2007 and attracted no public submissions. Although no issues were raised in consultation with government agencies either, a report on consultation was still required to be prepared by the ACT Planning and Land Authority in accordance with section 24 of the Land Act.

The Standing Committee on Planning and Environment has considered the consultation report and the recommended final variation. In its report released in November of 2007, the committee made seven recommendations in relation to the draft variation, among which was a recommendation that the variation proceed. The government has considered the issues raised, and the government response that provides a detailed response to the committee's recommendations has been prepared.

I will just provide a brief outline of the government's response to the committee report. The committee's first recommendation is that the proposed variation to the territory plan proceed. The committee's second recommendation is that, if the site is developed as a retirement complex or aged care facility, the ACT Planning and Land Authority consider when developing lease and development conditions the government response to and the committee's recommendations in report No 13 on draft variation to the territory plan No 229, supportive housing and adaptable housing provisions and other minor amendments regarding service provision to community

facilities. The ACT Planning and Land Authority intends to undertake a review of definitions, including those relating to aged accommodation and service provision, as part of the territory plan restructure project, following the adoption of the new territory plan.

The government agrees to the committee's third recommendation that the Minister for Tourism, Sport and Recreation, or other ministers as appropriate, provide departmental assistance to Mr Starr to support his pursuit of financial assistance under available Australian and ACT government programs for the continuation of his family farm tourism business. I am pleased to say, Mr Speaker, in my capacity as the Minister for Tourism, Sport and Recreation, that I will take the matter up with the Australian Capital Tourism Research Unit within the Department of Territory and Municipal Services. The unit oversees programs to provide funding assistance for tourism-related development in the ACT to successful applicants.

The committee's fourth recommendation—that the heritage values of the site, including evidence of prior use, such as some of the farm buildings, should be retained if economically feasible—is supported. The intention is to recognise and preserve the homestead precinct as far as practicable in the redevelopment of the site.

The committee's fifth recommendation—that the ACT Planning and Land Authority require the developer to include high quality landscaping with native vegetation of local provenance on the site replacing the remnant exotic plant species which are not trees of significance—is agreed. The authority will require the developer to include high quality landscaping with native vegetation on the site as part of the landscape plan that is to be submitted at the development application stage.

The committee's sixth recommendation is that the hilltop near the homestead should be retained as urban open space or an urban park, preferably with seating and a plaque commemorating the heritage values of the site. This open space should be well connected with access points from nearby streets and be fully accessible to the public. The government supports this recommendation, and it is intended that these provisions be incorporated into the lease and development conditions associated with the sale of the site.

The committee's seventh recommendation is that detailed parking, traffic and visitor impact assessments be undertaken before community arts and crafts spaces or a market are developed on the site. The ACT Planning and Land Authority will ensure that traffic and parking impacts are considered for any community arts and crafts spaces or market proposed for the site.

I table the approved variation and the government's response to the planning and environment committee's report on draft variation No 287, and I would like to take this opportunity to thank the committee for considering the draft variation.

Land (Planning and Environment) Act 1991—schedule of leases

Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning,

Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 216A—Schedule—Leases granted for the period 1 October to 31 December 2007.

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

Leave granted.

MR BARR: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled to the Assembly each quarter, outlining details of leases granted by direct grant. The schedule I now table covers leases granted for the period 1 October to 31 December 2007.

Papers

Mr Corbell presented the following papers:

> Performance reports
>
> Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2007, for the following departments or agencies:
>
> ACT Health, dated January 2008.
> ACT Planning and Land Authority (including Strategic Indicators Report).
> Chief Minister's, dated January 2008.
> Disability, Housing and Community Services, dated January 2008.
> Education and Training, dated January 2008.
> Environment, Water and Climate Change and Territory and Municipal Services Portfolios.
> Housing (within Department of Disability, Housing and Community Services), dated January 2008.
> Justice and Community Safety.
> Multicultural Affairs (within Department of Disability, Housing and Community Services), dated January 2008.
> Tourism, Sport and Recreation Portfolio.
> Treasury, dated January 2008.

The half yearly reports were circulated to members when the Assembly was not sitting.

Mr Corbell presented the following papers:

> Subordinate legislation (including explanatory statements unless otherwise stated)
> Legislation Act, pursuant to section 64—
> Civil Law (Wrongs) Act—
> Civil Law (Wrongs) Approved CPA Australia Ltd (ACT) Scheme 2008 (No 1)—Disallowable Instrument DI2008-8 (LR, 24 January 2008).
> Civil Law (Wrongs) Approved Institute of Chartered Accountants in Australia (ACT) Scheme 2008 (No 1)—Disallowable Instrument DI2008-7 (LR, 24 January 2008).

Court Procedures Act—Court Procedures Amendment Rules 2007 (No 2)—Subordinate Law SL2007-37 (LR, 20 December 2007).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2007 (No 1)—Disallowable Instrument DI2007-292 (LR, 3 December 2007).

Dangerous Substances Act—Dangerous Substances (General) Amendment Regulation 2007 (No 2)—Subordinate Law SL2007-38 (LR, 17 December 2007).

Environment Protection Act—Environment Protection Amendment Regulation 2007 (No 3)—Subordinate Law SL2007-39 (LR, 17 December 2007).

Gene Technology (GM Crop Moratorium) Act—Gene Technology Advisory Council Appointment 2007 (No 1)—Disallowable Instrument DI2007-297 (without explanatory statement) (LR, 10 December 2007).

Health Professionals Act—

Health Professionals (Fees) Determination 2007 (No 11)—Disallowable Instrument DI2007-299 (LR, 11 December 2007).

Health Professionals (Fees) Determination 2007 (No 12)—Disallowable Instrument DI2007-300 (LR, 11 December 2007).

Health Professionals (Fees) Determination 2007 (No 13)—Disallowable Instrument DI2007-301 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2007 (No 14)—Disallowable Instrument DI2007-302 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2007 (No 15)—Disallowable Instrument DI2007-303 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2007 (No 16)—Disallowable Instrument DI2007-304 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2007 (No 17)—Disallowable Instrument DI2007-305 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2007 (No 18)—Disallowable Instrument DI2007-306 (LR, 13 December 2007).

Health Professionals (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-3 (LR, 21 January 2008). 1338

Health Professionals Amendment Regulation 2007 (No 4)—Subordinate Law SL2007-43 (LR, 20 December 2007).

Health Professionals Regulation—

Health Professionals (ACT Nursing and Midwifery Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-11 (LR, 29 January 2008).

Health Professionals (Pharmacy Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-4 (LR, 24 January 2008).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Regulated Water and Sewerage Services) Terms of Reference Amendment Determination 2007—Disallowable Instrument DI2007-293 (LR, 6 December 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) (Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region) Approval 2007—Disallowable Instrument DI2007-298 (LR, 10 December 2007).

Legal Profession Act—Legal Profession (Disciplinary Tribunal) Appointment 2008 (No 1)—Disallowable Instrument DI2008-1 (LR, 10 January 2008).

Occupational Health and Safety Act—Occupational Health and Safety (General) Regulation 2007—Subordinate Law SL2007-36, including a Regulatory Impact Statement (LR, 26 November 2007).

Public Health Act—Public Health Amendment Regulation 2007 (No 1)—Subordinate Law SL2007-42 (LR, 20 December 2007).

Public Place Names Act—

Public Place Names (Franklin) Determination 2008 (No 1)—Disallowable Instrument DI2008-5 (LR, 21 January 2008).

Public Place Names (Macgregor) Determination 2007 (No 1)—Disallowable Instrument DI2007-308 (LR, 14 December 2007).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No 6)—Disallowable Instrument DI2007-295 (LR, 6 December 2007).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 1)—Disallowable Instrument DI2008-9 (LR, 24 January 2008).

Road Transport (Offences) Amendment Regulation 2007 (No 1)—Subordinate Law SL2007-41 (LR, 19 December 2007).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares Determination 2007 (No 1)—Disallowable Instrument DI2007-307 (LR, 13 December 2007).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2007 (No 2)—Disallowable Instrument DI2007-296 (LR, 10 December 2007).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No 1)—Disallowable Instrument DI2008-2 (LR, 16 January 2008).

Utilities Act—Utility (Electricity Retail) Licence Conditions Direction 2008 (No 1)—Disallowable Instrument DI2008-10 (LR, 23 January 2008).

Victims of Crime Act—

Victims of Crime (Coordinator Appointment) 2007 (No 1)—Disallowable Instrument DI2007-294 (LR, 6 December 2007).

Victims of Crime Amendment Regulation 2007 (No 1)—Subordinate Law SL2007-40 (LR, 17 December 2007).

Victims of Crime Regulation—Victims of Crime (Victims Assistance Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-6 (LR, 4 February 2008).

Public Accounts—Standing Committee
Membership

Motion (by **Mr Corbell**) agreed to:

> That Mr Mulcahy be discharged from the Standing Committee on Public Accounts and Mr Smyth be appointed in his place.

Stanhope government—decision-making process
Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Pratt be submitted to the Assembly, namely:

> The Stanhope government's decision-making processes.

MR PRATT (Brindabella) (4.31): Mr Speaker, the subject matter of today's MPI should really read "the Stanhope government's lack of process when making decisions". Sadly, that is what is occurring. The process that exists clearly has been demonstrated in many cases as being shoddy and half-hearted. Today, Mr Speaker, I will prove my case by examining a range of project examples which all needed professional decisions but did not see them. I will point out today in this MPI how these examples of very poor decision making have impacted alarmingly on good governance and, more importantly, have impacted pretty poorly on the community. Mr Speaker, I will illustrate this argument with a number of examples.

I will start with the Tharwa bridge debacle. First and foremost we have got to mention this particular project. Tharwa bridge has been closed for 511 days, and it has been at least 31 months since the first public meeting.

Mr Hargreaves: On a point of order, Mr Speaker: I do not wish to interrupt Mr Pratt's debate, but I understand Mr Pratt has a motion on the notice paper on this subject for debate on Thursday, and I wonder if it is in order that this particular part of the debate go on.

MR SPEAKER: No, it is not in the notice paper.

Mr Hargreaves: All right; that's fine.

MR PRATT: Thank you, Mr Hargreaves, for that stimulus. Mr Speaker, there has been a 31-month process of community and government uncertainty. One would think that would be time enough to define options for the bridge, investigate these options, consult on these options, authorise the suitable option and proceed with that option. This has not been the case, however. The Chief Minister himself, on 24 January, while executing a spectacular back flip on the restoration of the Tharwa bridge, said:

> I accept absolutely that there has been a frustrating delay in this ultimate decision … The government can certainly be open to some justifiable criticism that we could have worked this through a little more rigorously at the time.

That is an understatement, Mr Speaker. Let us look more closely at the incredibly twisted decision-making process which was the Tharwa bridge project. The Chief Minister's extensive back flip, which will now see the heritage-listed Tharwa bridge saved from Minister Hargreaves's likely intention to demolish the old bridge in favour of building a new concrete bridge, dramatically demonstrates 31 or more months of government incompetence, twisted decision making and a degree of arrogance and bullying to boot—31 months of indecision.

To divert attention from this indecision, Mr Stanhope, on Ross Solly's ABC radio program, basically blamed the delay in decision making on the Tharwa community, who he inferred had pressured the government into deciding to build a concrete bridge. That, in fact, was indeed most unfair and completely in error. In reality, after months of government indecision about what action to take with the neglected heritage bridge, in October 2006 Mr Hargreaves visited a Tharwa community meeting to discuss the

bridge—only the second meeting, and 18 months after the first one—where leading Tharwa residents insist Mr Hargreaves stated, one, that the old bridge was "about to fall into the river"; two, that the bridge was "beyond economic repair"; and, three, that the only option left to the community was Mr Hargreaves's planned new concrete bridge. There was no consultation at this meeting and simply a predetermined outcome based on a flawed decision-making process.

Mr Speaker, Tharwa residents are adamant that, faced with Mr Hargreaves's strident position at the second so-called consultation that was undertaken, and sick and tired of months of government inaction and confusion and desperate to have their river crossing reopened, they reluctantly agreed to Mr Hargreaves's decision to build a new $10 million concrete bridge. Mr Speaker, that reluctant agreement split the Tharwa community. In fact, the predetermined, firm position of Minister Hargreaves to replace the old bridge with a concrete bridge dates back to May 2005. At the first of two so-called consultation meetings, his position was reported in an email to the ACT Heritage Council written by a New South Wales engineer present at that meeting, who said:

> The minister insisted on the meeting being to discuss options with the community, but was clearly pushing for a temporary low level crossing or short term repairs for light traffic on the bridge, and permanent replacement with a concrete bridge.

So, Mr Speaker, here was the minister pushing for temporary measures pending the preparation of his much desired, predetermined concrete bridge. This surely puts a lie to Mr Stanhope's claims that the Tharwa community had pressed for the concrete bridge. The time frame of two years and eight months from May 2005 to Mr Stanhope's January 2008 back flip clearly illustrates the incredible amount of mucking around and indecision on the part of the government over this issue.

Further examination of documents and correspondence obtained through freedom of information access indicates that Mr Hargreaves's decision—his only-option-left decision—was disagreed with even by members of his own department and some of his own advisers, who were confident that the old bridge could be restored to at least light traffic standard. We know the longstanding advice from Mr Brian Pearson, an ex-New South Wales DMR engineer intimately familiar with the Tharwa bridge, which led ultimately, of course, to the engineering report from Wagga RTA in September 2007, which finally forced the Chief Minister to perform a back flip on this particular project and push Mr Hargreaves to one side.

Further, Mr Speaker, how much of the $10 million appropriated for a new bridge at Tharwa has been expended in the meantime? What was the purpose of preparatory work for a new bridge, and how much did that cost? Has some unsuspecting contractor, the successful tenderer for completion of a new bridge—if the tender was finalised, and we still do not quite know where that process got to—or potential tenderers lost money because the Stanhope government could not get its act together?

What a marvellous decision-making process the Tharwa bridge saga has turned out to be—determination to build a concrete monument bridge to John Hargreaves,

31 months of agonising indecision, 511 days of strangling the Tharwa community while indecisively faffing around, money wasted on preliminaries for a concrete bridge, tripping over but not recognising the abundant engineering evidence pointing to the best option being restoration, and ignoring the heritage imperatives. What a circus! Except, of course, you cannot call it a circus because some tragedy has come out of this in terms of pressure on the community and hardship in Tharwa particularly.

Mr Speaker, we go on with a number of other examples of poor government decision-making processes, and the busway project is a classic example of that. At least $3.5 million was spent on that project—it is said that it is perhaps a little bit more money than that—on a process that was simply going nowhere.

The Gungahlin Drive Extension is another example. While some of the three years of delays in the GDE project can be explained away, what tangled, inefficient decision-making process led to this debacle which has seen a vital road project—a badly needed road project—blow its budget by at least 110 per cent of the original determination, reduce its capacity from four lanes to two lanes and, minus a discount for lobby group disruption, which this government feebly could not cope with, be effectively two years late?

Now I want to talk about consultation. Consultation is a key part of any good government decision-making process. We have so many examples where consultation has not been well managed by this government, and one of the key elements of implementing good government process is early consultation—consultation with the community and consultation with experts. Again, adequate consultation is something that cannot be attributed to many of the decisions made by the Stanhope government. We have seen vital decisions made where there was not sufficient consultation, and if sufficient consultation had occurred it would have assisted the government to make more timely and more efficient decisions on projects.

Mr Speaker, the school closures debacle is a classic example of poor government decision making. This was clearly a project where reactive decision making occurred. There was panic after a rationalisation analysis was undertaken, and we saw some quite dramatic and rather gut wrenching decisions taken which had an incredible impact on a community but where the consultation processes had not occurred before those decisions were taken. The consultation which occurred after the commencement of the school closures program involved sham consultations on how might be the best way to close schools as opposed to justifying the closure of schools. As a consequence of this muddle-headed government decision-making process, a lot of hurt has been visited upon the community.

While we are talking about consultation, let us have a look at the Griffith library closure. When the decision was taken to close the library, and again at a post-action so-called consultation meeting, the minister said to the community—I witnessed it personally, as did much of the media—"Why would we bother to consult when we knew what you, the community, would say?" That sums it up for the Stanhope government.

Consultation means preliminary discussions with the community early in the decision-making process, not a failure to discuss at all or a sham, post-action,

post-decision, so-called consultation process. That is what we have seen until late last year or early this year when finally this government embarked on a number of meaningful consultation processes. They have consulted well on the bus network; they have finally consulted on the Tharwa bridge at the end of the day, but it has taken six years for the ACT community to see any meaningful consultation exercised by this government.

We can talk about other issues. Small though it may be in the greater scheme of things, the Grassby statue at $75,000 represented a decision made where there was no consultation process. I know for a fact that there was no wide consultation with the multicultural community. This was a political decision; it was an ideological decision that was made within the Labor Party and not broadly across the multicultural community. In fact I could quote the Chief Minister about the Grassby statue when he said:

> … if I had my time again or if I was involved in the decision, perhaps the outcome might have been different or perhaps if our processes had been more rigorous at the time … I acknowledge they were not.

We have talked today about hospital pay parking and what a sham that turned out to be. We have talked so many times in this place about FireLink and the emergency services in general. As to the $5 million wasted on FireLink, I do not have time to repeat them, but the record will show from previous debates the litany of management failures and decision failures through the four years of the FireLink project before it was finally shot and put out of its misery. The Chief Minister said:

> Certainly there were a range of issues in relation to process, in retrospect, as fully explained by Mr Corbell and as otherwise exposed in relation to the procurement—the failure to test and to do the level of due diligence that was obviously necessary and required.

Mr Speaker, we have seen back flips on the bridge, the busway, FireLink, hospital pay parking and the policy on dams, all of which reflect indecisiveness on the part of this government. They reflect a lack of vision and a lack of planning on the part of this government. The Chief Minister cannot keep acknowledging the mistakes made by his government with regard to process and accountability without putting into practice some lessons learnt. Obviously no lessons have been learnt.

Mr Speaker, we do not see the government learning from its mistakes. I conclude by saying that, on the back of all of this, I call upon the Stanhope government to apologise to the Tharwa community in particular and the ACT community in general.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (4.46): I am pleased that this matter has been brought on for discussion by the Assembly because it gives the government an opportunity at the beginning of an election year to reiterate its commitment to open and accountable government. That was a commitment that brought my party to government in 2001, and we are still committed to it. Compare this commitment to the failure of leadership by the previous Liberal government in the ACT. Successive Carnell and Humphries administrations consistently failed to

provide any vision of the type of community we want or of what Canberra should be—apart from a "can-do" whirl of photo opportunities and events mismanagement.

That was the fundamental failure of the Carnell-Humphries years—years of wasted opportunity. They eventually became captives of their own lack of substance and paucity of style. The six years of the Carnell-Humphries governments shows up in history as a failure of process. It is a failure of process that left us a legacy of the tragic Canberra Hospital implosion; the Bruce Stadium redevelopment debacle that included breaches of the law and the budget blow-out to end all budget blow-outs; secret deals over land development at Hall-Kinleyside; secret deals over parking at Manuka; a secret overnight loan of $9 million; and scenes of the bizarre—Feel the Power numberplates, painting the grass green at Bruce and building a futsal slab to host circuses.

Those six years have left us a legacy of failure in essential services. It is a legacy highlighted by the Productivity Commission, which said that Carnell-Humphries had squandered the advantage we held over the states in education. I think Mr Stefaniak was education minister for much of that time. That legacy is also highlighted by an ACTCOSS study which found that one in 12 Canberrans lives below nationally recognised poverty levels; cuts to essential social services, such as public housing and mental health services; and unfunded promises such as a promised prison and promised roadwork. It was left to the Stanhope government to fund and deliver these things.

There is no hint that the successors to Carnell and Humphries have gained any insight into or understanding of the failures of the Liberal Party or their irrelevance to the community. The current mob are in opposition and in disarray in all jurisdictions in the nation. The Queensland parliamentary Liberal Party cannot even raise the numbers for a cricket team. We all know that their federal leader is a stopgap solution until he can be rolled. I suspect that the puppet, Mr Seselja, will never be Chief Minister while the puppet master, Mr Smyth, is sitting in the Assembly.

Let us look at a bit more history. In the previous Assembly, the Liberals had two leaders and then disintegrated after internal conflict resulted in a member leaving the party and sitting on the crossbench. In this Assembly, they have had three leaders and expelled a member to sit on the crossbench. Their internal conflicts are ongoing. Each of them—except Mr Stefaniak, who has had his turn—wants to be leader. However, for the sake of appearances, they have put their faith in the most junior and inexperienced member of the team to lead them out of this turmoil.

The question arises: have they learned anything from almost seven years in opposition? They certainly have not learned that the first step to governing, or attempting to take government, is to restore confidence in the process of government, to propose—

Mr Smyth: On a point of order, Mr Speaker: the MPI, in case the minister has missed it, is about "the Stanhope government's decision-making processes". For almost four minutes, we have not heard a word about the Stanhope government. If he is embarrassed by it then he should sit down. Perhaps you could invoke relevance, Mr Speaker.

MR HARGREAVES: On the point of order, Mr Speaker: I am drawing a comparison regarding the processes that Mr Pratt has articulated. There is a very clear comparison that is required to be made. Furthermore, I have only one small comment to make.

MR SPEAKER: I think Mr Hargreaves is drawing comparisons between—

Mr Smyth: But to make a comparison, Mr Speaker, you actually have to say something about what you are trying to draw the comparison to. All he has done is to talk about the Liberal Party.

MR HARGREAVES: You are sitting there and you are squirming!

MR SPEAKER: Order, Mr Hargreaves!

Mr Pratt: On the point of order, Mr Speaker: the MPI is about the decision-making processes of government, not the leadership processes within parliamentary parties. So he is wasting our time, Mr Speaker.

MR SPEAKER: Order! Mr Hargreaves is entitled to draw comparisons between various administrations.

MR HARGREAVES: The question arises: have they learnt anything from almost seven years in opposition? As I said, they certainly have not learned that the first step in governing, or attempting to take government, is to restore confidence in the process of government—to propose and explain a manner of strong, responsible, responsive and accountable governance. If they cannot do it in opposition, they cannot do it in government.

On the other hand, the government still holds to the values of fairness, integrity, openness, honesty, compassion, responsibility, accountability and leadership. These are the values that shape the vision Labor has for Canberra. It is a vision of a strong, confident community asserting its place in the country's affairs as the national capital. It is a vision of a community-of-the-whole that does not ignore one sector in favour of another.

Our core values frame the manner in which the Stanhope government goes about its business—the business of governing our city-state for all Canberrans. And this approach is paying off in spades. The economy is going gangbusters. There are a couple of informal indicators of that. For example, the Chair of the ACT Property Council said at his organisation's Christmas party that any property owner or developer who cannot make money in the climate created under this government should get out of the game. In addition, the airport management is expecting a 22 per cent increase in passenger numbers in the coming weeks and months.

A more formal indicator of how well we are doing is the latest ANZ job advertisement data that was released in the last couple of days. Those data show that the ACT trend job ad series recorded 9.7 per cent year-on-year growth to January 2008. Growth in job ads has generally been a leading indicator of employment growth. Trend

employment in the ACT, as measured by the ABS, grew strongly from January 2006, largely due to a rise in the labour force participation rate to a record level. We have now run into difficulty with supply constraints, so increases in trend job ads have not translated into increases in employment. However, as part of the 2006-07 budget process before these difficulties arose, the Stanhope government created the ACT Skills Commission to address what had already been identified as a looming problem.

The opposition and the media may criticise the government from time to time—that is, after all, their role—but we must be doing something right. I think that what we are doing right is making the correct decisions by following good processes. Community consultation has never been stronger. I sometimes get frustrated because there are times when we cannot act quickly because of our commitment to consultation. Our community consultation produced the Canberra plan, which includes the Canberra social plan, the economic white paper and the Canberra spatial plan. Information about our commitment can be found on the ACT government website, particularly in two of my departments—the department of housing and community services and the Department of Territory and Municipal Services. Those sites outline a range of current projects on which the community is being consulted.

Admittedly, sometimes we could do better, but community feedback can sometimes be misleading. For example, on the Tharwa bridge, Mr Val Jeffrey is quoted in the *Canberra Times* on 20 September 2006 as saying that, although he loved the old bridge, he no longer cared if it stayed. He is also quoted, on 11 October 2006, as saying that the announcement of the building of a new concrete bridge was "the best bit of news we've had for a long time". He continued: "We definitely need that new bridge and we need it urgently." More recently, he has applauded the government's decision to restore the old bridge.

Members of the opposition have made equally contradictory statements in relation to that bridge. Mr Pratt, for example, at different times has wanted a low-level crossing, the old bridge repaired and a new bridge. Before finally committing to the construction of a new bridge, the government conducted an additional survey of the community in December 2007. That survey showed there was still a diversity of views, but during 2007, while the tender process for a new bridge was being conducted, the community shifted its view and now wants the old bridge preserved. So that is what will happen, at a higher cost and over a longer period, but the government has responded to the voice of the community and it will get what it wants.

The GDE is a similar example. There was quite a diversity of views about it and, if we had ignored the community, and particularly the Liberal Party, the GDE would have been completed a year ago. As it is, we followed the process to the bitter end and the road will be completed later this year.

Another point that the government is criticised about is the road congestion around the airport. Some of that congestion was created by the airport itself, through the office and retail development in the area. Part of it was created through the sudden growth of Canberra. What have we done about it? I convened a summit of stakeholders and produced a plan and a timetable for roadworks that will alleviate the congestion. The government went through a process of examining the recommendations that came out of the task force established by the summit and committed to the plan for road

development along the north-south and east-west axis in that area. I have obtained a commonwealth commitment to funding contributions and work has commenced.

In short, the Stanhope government has a decision-making process that ensures that we get on with the job. Problems are identified and studied, solutions are proposed and then the most cost-effective solution is adopted. This decision-making process was put in place when we were elected in 2001, and it has been refined since. Community engagement is at the heart of the process. A professional, apolitical public service is used to carry out the community engagement. That approach has led to reforms across the board.

In the areas I am responsible for, we have reformed public housing in the ACT through holding a series of workshop and summits. We have established resident consultative bodies across all public housing. We have reformed the approach to and administration of community housing. We have cut the waiting lists, people in need are housed faster, and the approach to maintenance is more systematic rather than ad hoc or reactionary. Additional millions of dollars are put into increasing our housing stock, and we are working cooperatively with the commonwealth and state and territory governments to ensure the continuation of commonwealth funding of public housing.

In addition, the Stanhope government's decision-making approach has reformed the area of multiculturalism. When we came to government, there was strife and turmoil in the multicultural community. I hesitate to lay the blame for that on the Howard Liberal government's approach to our immigrants, but they certainly did not help. Now, however, the ACT is a model for other communities in how to live multiculturally. We opened the first multicultural centre in the nation—a centre where different groups can have offices and conduct functions, and where they can work in harmony. The community is certainly far more cohesive than it ever has been, and all because of my consultative approach.

Reforms like these are only possible because of the Stanhope government's decision-making approach—community consultation followed by a robust cabinet process and decisions implemented by a professional public service. How much consultation did those opposite with ministerial experience conduct? Mr Smyth and Mr Stefaniak were key members of the Carnell cabinet, and I have already outlined some of their decisions. Mr Smyth and Mr Stefaniak have never been called to account for what they did, nor have they ever explained their role in the financial mismanagement and poor cabinet process followed by the Carnell government.

I recall that that cabinet also contained a person who had been elected as an Independent member of the Assembly. Under the system of minority government then prevailing, he was able to use his power to obtain a cabinet position and further his agenda rather than a whole-of-government agenda. I am sure the Liberal Party would welcome a return to those "divide and conquer" days, with the chaotic decision making that it entailed, but I am not so sure that the Canberra community wants to ever return to minority government.

The opposition think they are on a winner by attacking me and the decision-making process as it is viewed from outside the system. They overlook the fact that the

decisions they criticise have been vindicated by time. Since the closure of the Griffith library, for example, the ACT Library Service has won the Australian Library Information Association's prize for the most innovative library service. More money is available to the service for more services. Library opening hours have been adjusted so that users are better served at the times they want to visit the libraries, not at times that suit the staff to be there.

I am not sure why I am being criticised over the Belconnen to Civic busway. The ACT Planning and Land Authority did what it is required to do: it has planned a transport corridor for use at some indeterminate future time. If built now, that busway would take funds that could be better used elsewhere—for example, in expanding the existing bus service—but the Stanhope government has been prudent in identifying the route and setting aside the land for future use. I will bet Morris Iemma wishes that some of his predecessors had been just as prudent in reserving land along Victoria Road!

I have spoken about the values that guide the Stanhope government. There is a broad public interest that must be at the heart of everything governments undertake—a public interest that insists on government being fair, open and responsible. We have rewritten the cabinet handbook and applied it rigorously, so that the advice of agencies is put before the cabinet along with community views. This is part of the evidence-based policy making that the government has followed since it was first elected.

Compare this to what was done by Carnell and Humphries. They virtually ignored the public service, and Mr Seselja's party constantly attacks our hard-working public servants. Compare also the cherry picking ad hockery of those opposite. The opposition would undo some of the things this government has done simply on ideological grounds. For example, they have announced they will reopen some of the schools. This ignores the evidence that demographics have changed and that the money spent on those schools is better spent on larger schools delivering better educational outcomes.

We should not overlook the fact that this is an election year. This topic was raised today not because the opposition truly believe it is a matter of public importance but because it is their opening shot in the election campaign. This is really an attempt to get Mr Seselja off to a flying start in his leadership. However, we will see.

MR SESELJA (Molonglo—Leader of the Opposition) (5.01): It is a pleasure to speak in the discussion of today's matter of public importance. Despite Mr Hargreaves dismissing the importance of it, it is absolutely key. It goes to the heart of good government. Today's MPI is important. An elected government has a responsibility to be a good government—a government that acts in the best interests of all its citizens. A good government is one that is open and accountable. A good government consults with its citizens. It is not arrogant and does not try to spin its way out of trouble.

Citizens must be able to trust the government. After all, we must remind ourselves that the government is elected merely as a trustee of public money. It is not theirs,

they do not own it—they are merely the custodians of it. That places governments in a huge position of responsibility. We must remember that citizens cannot directly check whether money is being spent properly, either within legislative guidelines or within statutory responsibilities. We have in place a range of institutions that oversee the processes of government, including the Auditor-General, the Human Rights Commission, freedom of information commissioners and the Ombudsman. But what we do not have is a body to scrutinise government decisions. That is left to the public every four years. And every four years the government must put forward its record, its credentials, in the hope that the electorate will believe it is a sound and competent government. The evidence is in: this government, through its decision-making processes, has shown itself to be a failure.

The Stanhope government's record will become a major focus this year. It was interesting to hear Mr Hargreaves talking about the election. We have seen today from this government an attempt to run away from their record. If there was a criticism of the Howard government in the last year before they got voted out, it was that they focused too much on their record. Well, not this government; not the Stanhope government. They want to run away from their record. They want to talk about anything but their record. They do not want to talk about school closures and having misled the community. They do not want to talk about wasting taxpayers' money on FireLink, the busway, the prison—the list goes on. They do not want to talk about these issues. We saw that today in question time and we see it again from Mr Hargreaves now.

The residents of the ACT expect their government to be open and honest with them, to tell them the truth and not to hoodwink them, and to make sure that in their decision-making process their money is being used wisely and in a proper manner. As I said, it is not their money; they are merely the custodians of it. Unfortunately, the Stanhope government appears to believe that our money is their money, to do with and use as they personally see fit.

I want to go through some examples of the decision-making processes of this government. One relates to school closures. Much has been said on this, and we will be checking the record regarding Mr Stanhope's question time performance today very closely. Mr Stanhope, of course, made the claim that they were open and honest about their plans prior to the last election, that it was an unknown spokesperson who just got it wrong and that the government was really telling the people the truth. The document that he tabled to prove this was the *Hansard* from 26 August. I am not quite sure why we need to table *Hansard.* I would have thought we could just look at the *Hansard*; nonetheless he has tabled it. Remember that it came after 12 August, nine weeks before the election, when the government, through its spokesperson, absolutely ruled out school closures in the next term. It did not say, "We don't have any plans." It said, "We will not be closing schools in the next term," and, in fact, not in Ms Gallagher's time in politics. Ms Dundas pursued this matter and asked this specific question: "Is it the minister's intention to close schools if re-elected?" Ms Gallagher said:

> The government has no plans to close any schools … There are some schools out there. I think of Narrabundah school as an example of a small school. It would never be a viable candidate for closure.

Of course, we know that it was a candidate for closure; it was certainly looked at and came very close to being closed. She continued:

> In short, we have no plans to close any schools.

This is the bit that the government is hitching its wagon to:

> … if it were to occur, and how it could occur with community support.

In her answer she talked about future assemblies having a conversation. At absolutely no stage was this said: "What we said in the paper two weeks ago was wrong. We may close schools in the next term. We will close schools in the next term." It does not say that. We have a statement by a minister through a spokesman that there will be no school closures in the next term of government. We then have a minister saying, "Well, there may be a conversation in the future and we will bring the community on board." That is not a clarification. They did not make it clear. Therefore, they went to the election with a promise not to close schools in the next term and maybe to have a discussion about some school closures in the future. That is not what happened, and that is very clear from reading the *Hansard.* That statement is not repudiated by any reading of the *Hansard.* So we see that decision-making process. Clearly, they either had the plans and did not share them or they did not have the plans and then suddenly woke up one day and realised they had to close schools. Either way, that is absolutely poor decision making.

Another example discussed today was hospital pay parking. What a debacle that was! We can focus on all the niceties but in the end what we had was hospital pay parking on a Sunday afternoon and evening at Canberra Hospital. There was nowhere else in Canberra that you had to pay for parking at that time. Did the government really think they would have to have community consultation or feedback to tell them that was a dumb idea? Quite clearly, any reasonable observer—and Mr Corbell was the reasonable observer at the time, before the fact—would say: "This is a dumb idea. It's oppressive. It shouldn't be done. If you're going to go down the path of hospital pay parking, consider it and actually take a reasonable approach." That was never done. It was a total debacle which was, of course, finally acknowledged by this government, having lost half a million dollars. There is another example of decision making.

Mr Hargreaves talked about the Civic to Belconnen busway, which he now defends. Let us look at that process. Back in 2004, Simon Corbell said: "We're going to have this you-beaut busway. It's going to be built. Hopefully, some time from about 2006 we'll start building it. This is the way of the future. We've got it. It's there in the sustainable transport plan as one of our key short-term priorities." So one of the key short-term priorities is this busway, which they are now saying will not happen in John Hargreaves's lifetime.

There was the exchange between Minister Quinlan and Minister Hargreaves, who said, "Not in my lifetime," and eventually we get to this point and hear that it was all about reserving some land for 30, 40 or 50 years time. We know that is not true. We know from Simon Corbell's statements that that is not true. We know they changed course but they allowed Simon Corbell to go and spend $3½ million anyway, because it was

his personal fancy. He wanted it built and cabinet essentially said to him, "Well, we're not going to let you build it but go and spend the $3½ million anyway, just to make yourself feel better."

That is an indictment of this government's decision-making process. The cabinet is prepared to look at a process when they know it does not stack up. They absolutely knew. Ted Quinlan knew it; John Hargreaves knew it. Someone else in cabinet clearly knew it because they got a majority against it. They knew it was a bad idea from start to finish: $115 million, $150 million, whatever figure you want to cite, for a busway through the middle of the bush, in order to save three minutes, was never going to fly. Yet they were happy to allow Simon Corbell to go and spend $3½ million of taxpayers' money that could have been spent on much more important infrastructure. It could have gone towards fixing real problems. It could have gone towards improving our road network. It could have gone towards upgrading buses. It could have gone towards any manner of things.

We see these individual decisions, such as the $4½ million spent on FireLink, the $3½ million on the busway, half a million dollars on pay parking and the money spent on the arboretum. These are bad decisions that embarrass the government. John Hargreaves tried to say that it was simply a political issue, but what it does is actually prevent that money from being spent on the things that really make a difference to the people of the ACT—the things that really improve their lives over time. That is the real tragedy here. Minister Hargreaves tries to dismiss this as a political issue—that the decision-making process is not important and that these howlers of decisions that we have talked about today are not howlers.

He stood there with a straight face and defended the busway process when he knows that it was a bad idea from the start. Money was spent on a short-term plan for a busway that was never going to fly, and they allowed it to happen. These poor decisions affect Canberrans because they prevent this money from being spent on the key priorities of Canberrans—the key priorities that make their lives better.

DR FOSKEY (Molonglo) (5.12): The topic for the MPI sent me on a journey of discovery. What exactly is the decision-making process in the ACT with the Stanhope Labor government? As usual, one starts with the web. I am quite concerned that too much of our service delivery and consultation now is reliant on the web, but since it is that seemed like the first place to start. I am afraid to say that the web was not a great deal of help in this case. Let us just imagine that I am an ordinary Canberra person—which, of course, I am but slightly privileged by being here in the Assembly and focused for about 24 hours a day on government: what it is doing and what it could be doing.

I found that there are two possible places you might look for community consultation. That is going to be my focus in this speech—community consultation within decision making. I will explain why later. Apparently, community engagement and communication is to be found under TAMS, in the Office of the Chief Executive, whereas policy aspects of community engagement are to be found under the Department of Disability, Housing and Community Services, DHCS. If I was an ordinary person just wondering where I should go, I would not know which of these two I should follow up.

The TAMS unit is called community engagement and communications. It is responsible for branding, marketing, publications, media launches, events, community engagement activities and general communication functions across the department. I am very concerned when I see community engagement rolled into media launches, branding and marketing. I fear that that is too much what community engagement has become.

The ACT Department of Territory and Municipal Services recently—I think it is recent; it arrived in my office recently but it is not dated and I am interested to know when it was produced—produced the community engagement policy of TAMS. This is where I found the decision-making process for the ACT. There is a diagram on page 3 which, in the lovely printed copy, has a green circle in the middle with the words "Decision Making Point". It is the exact colour of the Greens' logo, by the way; that was probably a good choice on the part of the government. When you print that document from the web, you get a grey area in the middle with the words "Decision Making Point". With a different printer, it could be a black hole called "Decision Making Point".

I am interested to know what goes into this decision-making point. It appears that a lot goes into it. It includes community engagement, governance and legislation, relevant research and case studies, resource implications, minister and cabinet, contractors and consultants, TAMS staff—because we are talking about TAMS here—environmental factors and, in bold print, "Community Engagement". It is very difficult to tell what proportion of input those categories have. I would be interested to know whether "Minister & Cabinet" is a little bit, a very acute angle or a more obtuse angle. In the end, I did not find that a particularly helpful document. But I know that decisions get made and I know consultations are held, so again what is going on here?

In 2005 the government's community engagement manual was produced with great effect, great pomp. I have just checked out the minister's speech; he was incredibly proud of this document. It was Mr Hargreaves, by the way. It was called *Your guide to engaging with the community*. I assume that is the basis for the TAMS document.

One of the glories of being in the Assembly for a long time is this. Of course, the Greens do not waste paper, so we have got filing cabinets crammed full of documents. In our community consultation file, one of the things that I was really interested in—I wondered why we do not have it today—is a register of community consultation. This register was produced on 12 June 1998. It appears—others who have been here longer might be able to inform me—that departments were required to report on the consultations they were doing: the target group, the process they used, the time frame and status, the groups and individuals consulted, the regions consulted and the feedback methods to participants. By the way, the engagement manual says that feedback to participants is a really crucial part of the process, because they need to know that the effort they put into that consultation was worth while.

I do not see anything like this. On the community engagement website of today, there is—this is very useful, of course—a list of some consultations that are occurring, but it is out of date and it has on it a couple of things that have already occurred. That is

all right; we all get behind. It has a couple of things like the feed-in tariff discussion paper, the mental health treatment and care options paper and a few surveys. I am always a little bit suspicious of surveys as a way of community consultation, because they are so one way: people do not see how their data was interpreted and so on. It is useful, but it is only part of a spectrum of tools.

Once upon a time, community consultation occurred out of the Chief Minister's Department. I think that was where it needed to be: it needs to be a whole-of-government approach. Now, I am not sure. I have asked some questions on notice, which I have submitted today, but where is it? It looks as though it is in DHCS, but it looks as though policy might happen somewhere else. We need clarity about that.

Planning is one of the areas to look at if we want to think about consultation and decision making in the ACT. In the NCDC days, no-one was asked very much unless there was a really big fuss and it was a very controversial matter. We know that there have been local area planning advisory committees, LAPACs, and a lot of communities are really sad about the demise of those. There was the planning and development council, which was dropped in 2006. Now community councils are the be-all and end-all of community consultation on planning. We know that the regulations on planning and development reform are going to rule out the ability of many groups and many individuals to go to the AAT. I think that is shameful.

We know that Griffith library was just too hard. There was no consultation because the government did not want to hear what it knew would be said. Then there are school closures. That is probably one of the most significant acts that this government has done in its term of office—and that is among a lot of significant acts in terms of the impact on our communities. The principles in the TAMS document and they way they are followed are sorely lacking.

I want to conclude on the Tharwa matter. I have had a consultation with Mr Hargreaves and there is no doubt that the process for the Tharwa bridge started out well. It started out very well: there were good consultations and the Tharwa community turned out almost in its entirety. But something went wrong there. I think that what went wrong was that no body was set up—not a human body—to act as a liaison between government and the community. There were some noticeboards at Tharwa. Everyone goes to the store whether they like it or not; there is a way of communicating with people. But we needed an ongoing process. There are very clearly gaps in the communication. Communication is at least 50 per cent of good governance, in my opinion. The Tharwa community is one that works together; as we can see, it can get quite angry and miffed. Within itself, it probably knows what a good communication process is. There was a lost opportunity in not setting up that liaison group.

In relation to decision making in the ACT, perhaps there is a really good process. I am sure that all the groups are involved as the TAMS diagram suggests, but I believe that their input is not even and that community organisations are missing out.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the

Environment, Water and Climate Change, Minister for the Arts) (5.21): I am more than delighted to have an opportunity to speak on this matter of public importance to discuss my government's decision making or decision-making processes, but before getting to the nub of the issue I note that it is perhaps somewhat ironic that it is Mr Pratt who has moved this motion.

I guess it is not all that relevant to dwell unnecessarily on the decision-making processes employed by Mr Pratt but, for instance, there was his decision to obliterate a commissioned piece of public art in his quest for momentary hero status. There was a decision-making process there that led to that sort of behaviour. And we are not entirely sure what decision-making processes the Liberal Party used or utilised in undermining the single most effective Liberal parliamentary performer, Mr Mulcahy—a decision the ramifications of which we saw begin to be played out just today.

In relation to Mr Pratt's other decision-making processes, there has been very heavy reference today in relation to decision making and decision-making processes on the Tharwa bridge decision. As Dr Foskey has just mentioned, there has been a range of consultation over the period. It is relevant to go back to the decision making or the decisions announced by Mr Pratt at the start of this particular issue in 2006. On 30 September 2006, Mr Pratt expressed the position of the Liberal Party in relation to the Tharwa bridge in these terms:

> Shadow Minister for Urban Services and Member for Brindabella, Steve Pratt, said today he was hopeful the Government will consider fast tracking the building of a new bridge at Tharwa. …
>
> "I am led to believe that Minister Hargreaves is submitting a proposal for a new bridge to cabinet this week. If that is the case, well done Minister.

Mr Pratt was referring to Minister Hargreaves. In September 2006, Mr Pratt said:

> … I call upon the Stanhope Government to stop procrastinating as they have done … and expedite the sign off on a new and urgent two lane concrete bridge which is so badly needed by the community of Tharwa …

That was Steve Pratt speaking on behalf of the Liberal Party. The Liberal Party's decision, which reflects the ultimate end of their decision-making processes in relation to Tharwa bridge, was expressed by the then shadow Liberal spokesperson on behalf of the Liberal Party in these terms, and I repeat the statement:

> I am led to believe that Minister Hargreaves is submitting a proposal for a new bridge to cabinet … If that is the case, well done Minister. Therefore, I call upon the Stanhope Government to stop procrastinating—

and to build "a new and urgent two lane concrete bridge" for the people of Tharwa. "It's so urgently needed," he said. Then he said:

> The Stanhope Government is clearly wrapped up in inane bureaucracy, red tape and conservation and ecology issues … which must be swept to one side in the interest of Tharwa community's safety.

"We must build a new two-lane concrete bridge without delay," he said.

That was the Liberal Party's decision-making process two years ago in relation to Tharwa bridge. That was the Liberal Party's decision-making process and the outcome of their decision-making process on Tharwa bridge two years ago. There was a—

Mr Pratt: We changed that rapidly, I tell you.

MR STANHOPE: Here we have it. Here we have it: "We changed that rapidly. We announced our position two years ago as a criticism of this government for procrastinating in building a two-lane concrete bridge without delay to meet the urgent needs, a position which was fully supported by the spokesperson for the Tharwa community."

At the time, the *Canberra Times* reported on the matter following the bipartisan position expressed through Mr Pratt and Mr Hargreaves. It mentioned Mr Val Jeffery, described as a spokesperson for the Tharwa community. He said to the *Canberra Times*, "Long-time Tharwa resident, Val Jeffery, said yesterday, that although he loved the old bridge, he no longer cared if it stayed or not." When the decision was announced and he received the news that a new concrete bridge would be built across the Murrumbidgee, Mr Jeffery said to the *Canberra Times*, "It's the best bit of news we've had for a long time. We definitely need that new bridge and we need it urgently."

That was the position of the community at the time that the decision was announced. And that was the decision of Mr Pratt and the Liberal Party. That was their decision-making process—exactly the same as ours, with exactly the same result and the exact same conclusion. Over time, the Liberal Party changed its position on the Tharwa bridge; the Tharwa community and Mr Jeffery changed their position on the Tharwa bridge; and the government changed its position on the Tharwa bridge. There is a remarkable similarity of views in relation to the Tharwa bridge. Let us stop this nonsense and humbug and allow Mr Mulcahy the final word.

MR MULCAHY (Molonglo) (5.27): I thank the Chief Minister for his very kind remarks, but I have to take issue with some of the decisions of this territory government. Not least, in the very limited time I have available I have to note the remarkable situation where we had a second appropriation bill tabled in the Assembly just weeks after the initial appropriation was passed. It left me bewildered as to what the decision-making process was, especially as we know that government departments were instructed to begin submissions for extra expenditure through the second appropriation almost concurrently with the passage of the main budget.

Although I am sure that all members recognise the right of governments to make expenditure decisions throughout their term, it is quite curious that, having passed a $3 billion budget, this territory government found it necessary to almost instantly begin a search for new ways to expend public money. There was no mention of this in the debate concluded just weeks earlier, and it is difficult to believe that the vastly

improved financial position was not known at that stage. It brings into question the whole decision-making process.

As Mr Pratt pointed out, we have seen the manner in which consultations supposedly occurred with Griffith library. People in the electorate are still saying to me that they are dismayed by that experience. It was staggering to see the way in which that matter was handled and the way in which a very strong and compelling level of concern by the community, particularly the people of Griffith and surrounding suburbs, was so quickly dismissed.

Another issue that came readily to mind was the changes to ACTION bus services. The situation was raised as recently as this week. I have some constituents who became quite concerned about the way in which that community consultation occurred—not only the first round of changes, but the more recent round of changes, particularly in some areas where opinions were sought in the period leading up to Christmas when quite a large number of people were preoccupied with other activities. Indeed, many people leave town at that time because of holiday commitments and to beat the Christmas escape.

I am also still troubled about the issue of recycled drinking water and the decision to spend large amounts of money on a recycling plant that is supposedly just for display purposes. The community and the media were somewhat bewildered by that. As a matter of record, I do not have any objection in principle to the practice of recycling drinking water. But I do have issues with the fact that we are going to have this plant built but not run for the purpose for which I believe there is a compelling case—and which has been widely recognised.

It seems that this is stage 1 in a process. I know that Mr Costello is trying to convince me that this is not the case, but it appears to be initially for display purposes and one cannot help but believe that ultimately it will be adapted and used as a piece of capital for far more worthwhile purposes. I think that it will be the forerunner to the government implementing a recycled water policy that has been talked about for some time.

I do not have the same manic fear of this that, say, Mr Stefaniak does. Recently I saw some comments where he talked about drinking your neighbour's toilet water. That sort of panic descriptor is quite reckless and irresponsible. We have seen it work successfully in other jurisdictions, but the issue here is about why you should go ahead and make this capital outlay as though you are half putting your foot in the water. It is a concern that that decision-making has occurred.

Mr TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Order! The time for discussion on the MPI has expired.

Road Transport (Third-Party Insurance) Bill 2007
Detail stage

Proposed new clauses 67A to 67H.

Debate resumed.

MR SMYTH (Brindabella) (5.31): I want to make a broad statement about all of the amendments that the government has put forward. I have looked at the amendments. The government provided them before today, for which I am grateful, although others had them before the Opposition did. In the main, they seem to enhance the bill. The best part is that the quite draconian committee—the almost Stalinist committee—that was proposed disappears. That is a good thing. I do not think that a case has been established to have a civil penalty and censure committee, as was proposed in clause 191. I am happy to see that go.

In the main, this bill is aspirational. In the main, the amendments seek to make it work better. In that regard, we welcome all of the amendments.

Proposed new clauses 67A to 67H agreed to.

Clauses 68 to 170, by leave, taken together.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.32): I seek leave to move amendments Nos 2 to 14 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 2 to 14 circulated in my name together *[see schedule 1 at page 112]*.

Within the supplementary explanatory memorandum which I tabled, there is an explanation of each of the amendments that are proposed today and that are included within those that I just moved. Having regard to the lateness of the hour, my keenness to see this legislation passed today and the fact that there is an explanation of each of the amendments that has been distributed today, I would refer to that in support of the particular amendments. I welcome the support which the deputy Leader of the Opposition provided for the amendments.

Amendments agreed to.

Clauses 68 to 170, as amended, agreed to.

Proposed new clause 170A.

MR STANHOPE: I move amendment No 15 circulated in my name which inserts a new clause 170A *[see schedule 1 at page 112]*.

Proposed new clause 170A agreed to.

Clauses 171 to 176, by leave, taken together and agreed to.

Clause 177.

MR MULCAHY (Molonglo) (5.35): I move amendment No 1 circulated in my name *[see schedule 3 at page 120]*.

I have circulated the amendment to this bill to correct a drafting error in clause 177 in the bill which was identified by my office. I raised this error with the Department of Treasury during my initial briefing on the bill last year, but the error had not been corrected by the time of my second briefing last week. During briefings with the department, I was informed that the matter had been raised with the Parliamentary Counsel's Office and that they did not agree that there was a drafting error. I have now raised the amendment directly with the PCO. I sent the parliamentary counsel an analysis of the section. I understand that the government is now satisfied that the clause did indeed contain an error; we are probably now on the same track on this matter.

The error involves use of a double negative in clause 177 of the bill that renders the literal meaning of this section to be the opposite of the intended meaning. Whilst this may be a relatively small concern in the context of such a large bill, it is important to ensure that these kinds of drafting errors do not escape correction during the passage of bills through the Assembly. At worst the error could cause legal problems to the CTP regulator issuing licences; at best it will cause confusion and the attendant waste of time for the various parties who have to deal with the bill.

Clause 177 is on page 124 of the bill. The clause concerns the decision of the CTP regulator to issue or refuse a licence to a prospective insurer. As currently drafted, the section states in the relevant part:

> (1) On an application by a corporation for a licence, the CTP regulator must …
>
> (b) refuse to issue the licence if the CTP regulator—
>
> (i) is not satisfied that the applicant would not, or would not be able to, properly exercise the functions of a licensed insurer if issued with a licence …

The section is presumably intended to ensure that a licence will not be issued to an insurer who will not comply with the licence conditions. However, on a literal reading the section has the opposite effect. If an applicant would properly exercise the functions of a licensed insurer, then clearly this would mean that the applicant is good. Contrarily, if an applicant would not or would not be able to properly exercise the functions of a licensed insurer, this would mean that the applicant is bad.

Thus, if the CTP regulator is not satisfied that the applicant would not or would not be able to properly exercise the functions of a licensed insurer if issued with a licence, this means that the CTP insurer is not satisfied that the insurer is bad. Thus we can see that the section directs the CTP regulator to refuse a licence to an insurer if they are not satisfied that the insurer is bad. This would mean that a good applicant must be refused a licence and a bad applicant must be granted a licence. I hope members can follow all that. Clearly, the intention of the Assembly is not to have the CTP regulator grant licences to bad insurers and withhold licences from good ones.

I am mindful of the fact that the courts will usually have recourse to the intention of the legislature over the literal meaning of an act in these kinds of cases. This may of course mean that the error would present no serious legal difficulties. However, there is always the risk that it may do so; for that reason, I am putting my comments onto the *Hansard* record. Moreover, it is my view that, if we need to fall back on such a rule of legislative interpretation, we should be a little more careful in our drafting in the first place. Since we have an opportunity to correct the error now, I believe it would be prudent to do so.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.39): As members would be aware from the sheet in relation to this, both Mr Mulcahy and I moved amendments to the same section, designed essentially to achieve the same purpose. My advice is, unsurprisingly, that the government draft amendment is more elegant than the amendment drafted by Mr Mulcahy, but I am advised that they essentially achieve the same purpose. I am in that sense happy to defer to Mr Mulcahy's amendment despite a belief that the government's amendment is superior.

Amendment agreed to.

Clause 177, as amended, agreed to.

Clauses 178 to 190, by leave, taken together.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.40): I seek leave to move amendments Nos 17 to 19 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 17 to 19 circulated in my name together *[see schedule 1 at page 112]*.

These are very minor technical changes to language, particularly in relation to clause 178 (1), amendment 17. Amendments 18 and 19 are amended notes to proposed sections which have been amended for the sake of clarity.

Amendments agreed to.

Clauses 178 to 190, as amended, agreed to.

Clauses 191 to 193, by leave, taken together.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.41): I move amendment No 20 circulated in my name *[see schedule 1 at page 112]*.

MR STANHOPE: This amendment inserts a new part 4 (3A), including clauses 191 to 193B. These amendments were proposed as a response to comments provided by the scrutiny of bills committee. These relate to the civil penalty provisions of the bill. They have been replaced with a less onerous and more flexible scheme. The provisions in the original bill were adopted directly from the New South Wales legislation, but in the light of comments made by the scrutiny of bills committee, the government accepts that there was room for the New South Wales provisions to be improved. These amendments essentially represent recommendations of the scrutiny of bills committee.

Amendment agreed to.

Clauses 191 to 193, as amended, agreed to.

Clauses 194 to 265, by leave, taken together.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.42): I move amendment No 21 circulated in my name *[see schedule 1 at page 112]*.

Amendment agreed to.

Clauses 194 to 265, as amended, agreed to.

Proposed new clause 265A.

MR SMYTH (Brindabella) (5.43): I move amendment No 1 circulated in my name *[see schedule 4 at page 121]* to insert a new clause 265A.

In proposing this amendment, I have always considered it an essential component of public policy implementation that appropriate reviews are made of policies to ensure their effectiveness and efficiency or otherwise, particularly with a matter that is as important to the community as third party insurance is.

The nub of this is that it will look at how effective the scheme has been in reducing premiums, and, secondly, given that this bill is to align the current scheme with schemes in New South Wales and Queensland in particular, it will look at whether or not any advances in their legislation have occurred and whether or not they should be included in our scheme.

I note that Dr Foskey will amend this, and I foreshadow that I am quite happy to include what Dr Foskey has foreshadowed, in that it will also look at the effectiveness of delivery on the recovery of those injured in motor vehicle accidents.

DR FOSKEY (Molonglo) (5.44): I move my amendment No 1 to Mr Smyth's amendment *[see schedule 5 at page 121]*.

I will just speak very briefly. I think it is understood that if we are going to assess the impact of these amendments we need to have a broader range of criteria apart from the economic and financial ones that are primarily in Mr Smyth's amendment, which I do support because this is a new thing and we need to check how it is going in a year or so. We need to make sure that we remember what the whole purport and objective of the amendment is, which is to make sure that action happens swiftly and that claimants are quickly able to recover their health and wellbeing and return to work. I think we should just add that in as subparagraph (c).

MR MULCAHY (Molonglo) (5.45): I will also be brief. I see merit in both amendments and will be pleased to support them. My only concern with Mr Smyth's amendment is with paragraph 3 (a). Whilst I have indicated that it is certainly my hope that the long-term process of reform leads to reductions in premiums for compulsory third party insurance policies for motor vehicles, from discussions I have had and from the public comments that were made by the government when this was introduced, that outcome, certainly in the medium term, is not anticipated. Although it is one that I am certainly keen to see happen down the track as the market opens up and there is more competition, I do not think that that is an undertaking that the territory government gave as part of this process but rather as a longer-term objective that we all obviously hope it will achieve. Nevertheless, I am happy to support both amendments.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.46): The government accepts that both Mr Smyth's amendment and the amendment by Dr Foskey are quite reasonable and useful. It is appropriate with a major new approach to CTP that we do review it, and the government is more than happy to ensure that this legislation is fully reviewed in three years time.

Dr Foskey's amendment agreed to.

Mr Smyth's amendment, as amended, agreed to.

Proposed new clause 265A, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.47): I seek leave to move amendments Nos 22 to 29 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 22 to 29 circulated in my name together *[see schedule 1 at page 112]*.

These are very minor clarifications of matters in the dictionary in the schedule to the bill.

Amendments agreed to.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Regulatory Services Legislation Amendment Bill 2007

Debate resumed from 22 November 2007, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (5.48): The bill makes some non-contentious amendments to eight of the more than 70 acts that are administered by the Office of Regulatory Services. It introduces some efficiency measures such as consistency initiatives, makes some improvements for traders and also closes some loopholes. One of the things it does is enable the Commissioner for Fair Trading to suspend or revoke an agent's licence or impose conditions if the agent is in contravention of the act whether or not the agent has been convicted of an offence for the contravention. An appeal to the Consumer and Trader Tribunal is still available to the agent. Currently, the agent actually has to be convicted and that can take some time, so I can see the merit in that because it does protect the public. It means some more immediate action, and there still is the protection of an appeal to the Consumer and Trader Tribunal. It still has to go through a body before it is ticked off, but that certainly does speed it up.

The bill does a number of other things as well, which I do not think there is any need for me to go through because that has been done quite capably by the attorney. I would perhaps just ask for some clarification in relation to the provision that the change of name of a person not born in the ACT must be linked with the birth registration. I understand this only applies to Australian birth registrations: just what is going to occur if the registration was in a country outside of Australia? Just what protections and what provisions are being made, if any, in relation to that, and are there any particular problems with it? I can see some potential difficulties, albeit of a minor nature.

One of the other major things the act does is in relation to police record checks. Apparently, according to the attorney, the office processes over 6,000 licence and registration applications a year, not including the certification of licences under workplace safety legislation and business name registrations. Most of the applications require the office to consider the criminal record of the applicant before issuing the licence for registration, and that is right and proper. Some of the acts governing licensing and registration require the applicant to provide their criminal record check, whereas the Security Industry Act, the Agents Act and the Sale of Motor Vehicles Act require the office to apply for a criminal record check on the applicant's behalf.

I accept that this is a time-consuming and inefficient practice and consistency, I suppose, is important. In a way it is a bit of an impost on the applicant to have to go down that path as well, although, because now in most areas where licence checks are necessary the applicant does have to do that, I can see the logic there, and for consistency's sake that is probably sensible.

I think the attorney said the office has to accept forms and money for the criminal record check, forward the forms and money to the police, field calls from applicants about the progress of their police record check and audit the payment of fees, so it is probably a six of one and half a dozen of the other equation there and, given that that provision is already in a lot of legislation and the fact that we are talking probably thousands of applications a year, that is a logical step as well. Accordingly, the opposition will be supporting this legislation.

MR MULCAHY (Molonglo) (5.52): I speak in support of this bill. The measures that it introduces appear to be non-controversial measures and I welcome the opportunity to address and amend discrepancies in existing legislation. The only other observation that I have, before discussing the specific changes, is to marvel at just how much regulation we seem to have. One must wonder whether it is all necessary and whether some of it might be superfluous, but it is necessary, nevertheless. We must consider the various changes and I will take a little time in the minutes remaining to go through each of them.

The bill amends the Agents Act to allow the Commissioner for Fair Trading to take disciplinary action against agents who breach the act, including suspending their licence, without requiring the agent to have been convicted of an offence under the act. I had some initial reservations about the process but I am persuaded that this is a sensible change. The granting and suspension of licences is a matter that is not normally an adjunct of the criminal law. Whilst criminal convictions for offences under the act would indeed be grounds for disqualification of a licence, there is no reason that the grounds for disqualification should be limited to criminal conviction under the act.

Prosecutions for criminal offences involve a higher standard of proof than for civil matters such as licensing and are, by their nature, weighted to ensure that there is minimal chance of incorrect conviction. In civil matters such as the granting or suspension of licences it is appropriate that civil law should apply, with the civil standard of proof.

I note that there are means by which a licensee or prospective licensee can present their case to the commissioner if there is some question as to whether they have breached or are breaching the fair trading legislation. The decision to refuse an agent's licence is also a reviewable decision under the act. I am satisfied that there are sufficient protections in the act to ensure that agents are not subject to arbitrary rule in these matters.

The amendment to the births, deaths and marriages registration seems to be a sensible amendment which will now ensure that when a person changes their name the

commissioner will notify the jurisdiction where the person's birth name is registered and will note on the person's birth certificate that the person's name has been changed. Clearly this is designed to decrease the opportunity for identity fraud, a far more serious and threatening issue in the current global climate, by ensuring that there is a proper paper trail from the birth certificate to the change of name.

The changes to the Business Names Act to allow businesses to register a business name for five years instead of three years is a welcome initiative. According to the explanatory statement for the bill, this is designed to reduce the workload of the Office of Regulatory Services in processing renewals. But I note that this will also reduce the workload, more importantly, for Canberra businesses, which to me is every bit as important as reducing the workload of the government.

The bill amends the Liquor Act to allow crimes in the ACT and commonwealth criminal codes to be taken into account in determining the issuing of licences. This is a sensible measure and there is no reason that crimes under the criminal codes should be excluded from consideration. We have recently seen a great deal of controversy over the question of liquor licensing. We have seen some violent outbreaks in Civic, although I do not think that they are on the scale that some have suggested. It is surprising, in light of this, to see that such a simple problem in legislation has been overlooked until now. It is vital in the areas of liquor sales and gaming to keep the criminal element out of these industries. They skirt around the edges in a number of cases and I would like to see a more rigorous application of these procedures to keep these industries clean. The casino industry in Australia has set itself up as a model in terms of avoiding the entry of criminal elements, and the stricter we can impose the criteria to keep anyone with criminal associations out of these industries the better.

There are other issues in the time I have remaining that I will briefly mention. The bill amends various acts to provide that applicants to the Office of Regulatory Services who require a criminal record check for their applications must apply for and supply this check themselves, rather than having it done through the ORS. I will say at the outset that I am not convinced that the regulation of so many professions is required or indeed achieves any purpose other than generating revenue and work for the territory government, with some notable exceptions such as those I have mentioned. But, according to the explanatory statement for the bill, the ORS currently processes over 6,000 licence applications per year, most of which require a criminal record check.

The explanatory statement for the bill states:

> Requiring the ORS to apply to the Australian Federal Police for a criminal record check is time-consuming and inefficient.

Whilst I can appreciate that ensuring applicants provide their own police check will save the ORS time and make their procedures more efficient, it is worth noting the potential inefficiency in other areas that this will create. Without a shadow of a doubt, it is going to create considerably more work for the Federal Police in having multiple points of contact in these matters. I would suggest that the government needs to ensure that the ORS and any other arm of government that might be affected by this

change is aware that it is coming and is ready to direct inquiries appropriately. Procedures should and must be developed so that this change is clear to the 6,000-odd annual applicants, and information must be readily available explaining how the necessary documentation is obtained.

There is the potential for an unintended consequence of this change to greatly increase the number of administrative inquiries to the police from the general public, and I am sure the last thing members want or the minister wants is to see police officers spending more and more time at the counter or in front of computers instead of getting out onto the important task of policing our community. This could be avoided to some extent with a bit of advance preparation and forethought.

The final change covered by this bill is to the Sale of Motor Vehicles Act 1975 and, like the other changes contained in the bill, is uncontroversial and should be supported. I am pleased to support the Regulatory Services Legislation Amendment Bill.

At approximately 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment

Directions ACT

MR MULCAHY (Molonglo) (5.59): I would like to take this opportunity to speak about the efforts of Directions ACT, which, as I am sure members know, is a drug and alcohol centre committed to reducing the harms associated with alcohol and other drugs by the provision of information and education, clean injecting equipment, practical health interventions and counselling, referral, support and detoxification services.

I was fortunate enough to be able to visit Directions ACT at the end of last month, and meet with their executive director Carol Mead and some of her staff. I know that other members have been approached and invited there in recent times and have taken up the invitation. The visit was very informative for me and was an eye-opener about the nature of the drug problem in Canberra and the attempts of Directions ACT to reduce the harm inflicted on drug users and others.

Directions ACT provides a range of services, including detoxification, outreach services and a medical clinic. The centre also runs meetings of Alcoholic Anonymous and Narcotics Anonymous. The centre runs on a harm minimisation model, as opposed to an abstinence model, meaning that its focus is on minimising harm to drug users and others. In some cases, this may involve detoxification and other concerted efforts to ensure abstinence. In other cases, this may involve the provision of medical equipment to minimise the spread of diseases associated with drug use. The medical clinic is particularly important, as workers at the centre often find that drug users do not disclose their drug use to their own GP. The medical centre at Directions ACT ensures that patients are treated with full knowledge of their drug use.

I must say that I have great respect for those workers in Directions ACT and other similar bodies who are on the front line of the battle to alleviate drug problems. It is

certainly not an easy job and there are few people with the fortitude for this kind of work. Chronic drug users, I am advised, are not known for their cooperative and candid nature, and I have certainly seen this myself in dealing with some alcoholics. It takes an especially committed person to take on the challenge of assisting people who often resist this assistance. Indeed, Ms Mead informed me that new staff must be carefully trained to ensure that their good nature does not lead them to be taken advantage of. I was fortunate to meet some new recruits during my visit and to wish them all the best in their careers. But, of course, these staff will certainly have their work cut out for them.

Between facilities in the city and in Phillip, Directions ACT deal with approximately 1,750 people per month. Efforts to break chronic drug abuse problems are notoriously difficult. I was certainly interested to learn that chronic drug users are often very ritualistic about their drug use in the sense that they rely on established patterns of behaviour to feel comfortable, so much so that chronic users who are unable to obtain drugs will even inject water as a placebo purely in order to avoid breaking their pattern of behaviour.

The harm minimisation model adopted by Directions ACT is a controversial one, and I have been one of those who have held a great deal of scepticism about efforts to deal with drug users without an overt push for abstinence. I must say that I was interested to hear from Ms Mead on the benefits of this approach. One of the most important benefits of this approach is that it prevents the spread of disease in cases where drug users have no intention of abstaining from their drug use.

Ms Mead reported that in their first year of injected drug use approximately half of all users will contract hepatitis C. The risk is particularly high for young women, who are often injected by others. This is a particularly important topic in light of the impending opening of a new prison in the ACT. Experience sadly tells us that prisons are an area where we can expect high levels of drug problems to occur. This is a a most critical issue since we are about to start painting on a blank canvas. We have only one chance to get things right before a particular culture is established at the prison which I suspect will be extremely difficult to change.

Whether this is a culture of indiscriminate drug use that leads to severe levels of disease, or whether this is a culture of safer drug use will depend upon how the prison is run in its first period of operation. But certainly some doubts have now been established in my mind following my meetings with Directions ACT. I am personally unconvinced that it will be possible to keep drugs entirely out of prisons, no matter how noble that objective might be.

There are a great many channels by which drugs can enter our prisons—even, unfortunately, in some jurisdictions through prison workers themselves. My understanding of economics tells me that where there is great enough demand there will inevitably be supply. We must look carefully at these issues and develop measures to reduce the impact on our society.

Ainslie school choir

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (6.04):

I am very pleased to be able to advise the Assembly that the Ainslie school choir has been invited to perform at tomorrow's national apology to the stolen generations at Parliament House. This apology is one of the most significant events in modern Australian history and it is an immense honour for the Ainslie Voices Choir to have been asked to perform. I understand that they are the only school in Australia invited to sing at the ceremony.

The school's choir is due to perform two songs. The group numbers 60 students and contains a mix of Indigenous and non-Indigenous students from years 3 to 6 at the school. I understand that the choir will be performing at the front of Parliament House, and the crowds, of course, are expected to run into thousands.

Ainslie school has a long and proud history of recognising Indigenous history, particularly during special events such as Reconciliation Week, so it is very fitting that they will be playing a key part in the event. I am sure I speak on behalf of all members of the Assembly in wishing the school choir all the very best for the event tomorrow. I pay particular tribute to Ainslie school principal, Jo Padgham, for her guidance of the school and the choir.

Mr Jim Lennon

MR SMYTH (Brindabella) (6.05): Mr Speaker, in this place in condolence motions we honour people who are assumed to be great, whether they be soldiers or statesmen, scientists or sporting heroes. I would like to bring to the attention of the house the passing of a gentleman called Jim Lennon. Jim would normally be called an ordinary Canberran, but his life was anything but ordinary.

Some may remember that in March 1996 a young mother of four was murdered here in Canberra by her husband, leaving four young children—Nadia, Naomi, Isaac and Amera. At that time their grandfather, one Jim Lennon, lived on the Gold Coast with his wife Norah. Jim and Norah at that time were 68 and 70. In the belief that they had an obligation to look after these children, they sold up everything that they owned in their retirement estate in sunny Surfers Paradise and moved to Canberra. Until Sunday, 3 February just passed, Jim and Norah raised those children as their own.

You would never have picked Jim for the fantastic bloke that he was. He was born in 1928 in Coatsbridge just outside Glasgow and grew up in poverty. He had a variety of jobs, interrupted by war service, returning after his service to the poverty that affected the United Kingdom after the war. Jim had something of the wanderlust in him, so he became a merchant seaman and sailed the world. Eventually he went back to the United Kingdom, where he decided to emigrate to New Zealand to be with his sister. Also on the boat was his future wife, Norah. They met a couple of weeks later at a dance in Auckland. A couple of months later they were married and a couple of months after that they found that they were expecting the first of their three children.

Those three children travelled the world with their father, constantly moving between England and New Zealand, with Jim running one business after another. He would make a small fortune and then either gave it away or spend it visiting relatives. The family commuted on a regular basis between Australia and the United Kingdom until the early nineties.

The great thing about Jim was that he never lost his ordinary nature. He was a butcher, just one of the blokes on the street. I want to read from the eulogy prepared by his family. It states:

> By the early nineties, with retirement beckoning, they decided to move permanently to Surfers Paradise in Australia to be nearer Barry and Jean—

two of their children. It goes on:

> They bought a small flat overlooking the Surfers Paradise Bowling Club—

bowling was one of Jim's passions—

> within walking distance of one of the nicest beaches in the world. However, this idyllic retirement was shattered in March 1996 by the tragic and senseless death of their beloved daughter Jean.
>
> Without a second's thought, they packed everything up and moved to Canberra to assume care of Jean's four young children. At the ages of 68 and 70 years respectively, Jim and Norah embarked upon the heroic task of bringing up four children ranging from eight to 15 years old. Despite the obvious challenges in bridging the wide generation gap, those who knew Nadia, Naomi, Isaac and Amera realise that this was their crowning achievement of their packed lives. Great joy was also given in to him recent years by the unexpected arrival of another grandchild, Dana; she was and is truly a gift from on high.

It goes on to talk about his faith and to joke about his Scottish nature. Everybody thought he was a bit frugal, but he was not. He did not have anything because he gave it away. I met him because my daughters were in his granddaughter Amera's class. It is funny at about 40 dealing with a bloke of about 75 and working out who was in the car pool. We would meet in the driveway of the school or I would meet him in the driveway of his house or he would come to the driveway of my house. Jim and I spent a huge number of hours waiting for a bunch of young girls to get out of the dance or wherever it was that they were having their parties. He never once let those kids down. Jim Lennon will go down as a truly great Canberran.

Dr Jose Ramos-Horta

DR FOSKEY (Molonglo) (6.10): Another truly great man who is fighting for his life. I refer, of course, to Jose Ramos-Horta. He is probably very well known to us all. I think that his condition is particularly relevant to us here in the ACT. We have a friendship relationship with the city of Dili and we have in our city certainly some of the most consistent and active supporters of East Timor's long, long battle for self-determination.

Jose Ramos-Horta is now a leader in East Timor, but for many, many years, probably for his whole life, he has been consumed by the struggle to make East Timor independent of the Indonesian—let us call it invasion. Australia has a long and troubled history in relation to the domination of East Timor by the Indonesian military. Regardless of the outcome for Ramos-Horta, it is clearly going to be a long, long

struggle for East Timor. It is going to be a long struggle to overcome all the years of damage that was done, for instance, to generations of children who did not have the opportunity to go to school. A lack of education and access to meaningful work definitely contribute to the violence and unrest in East Timor. This is certainly well understood by international security analysts when they are looking at where the next trouble spot might be. I do not think East Timor is ever going to be a threat to any of its neighbours—quite the opposite—but there is a large group there that we would love to provide instant education and instant jobs to.

A friend of mine, Robin Davidson, did some work in East Timor. He is involved in using drama as a way of communicating with people and helping people. In many Pacific societies and other societies that are preliterate, drama is an excellent way of working with young people, and this is what he found in East Timor. Wherever he went hundreds and hundreds of people would gather. We are talking about a place where you do not sit down and watch TV every night after dinner.

Whether we like it or not, Australia plays a very, very special role in East Timor. We deliberately took that role on, and I was very proud of the Howard government when it made the decision to go in and support East Timor after the vote. I cannot even remember when it was now. I am sure that everyone in this house joins with me in wishing Ramos-Horta the speediest recovery to good health and that he is not deterred from the courage that he has demonstrated all these years. I believe that he and Gusmao have the capacity and the trust of a significant number of East Timorese and that our role is to help them to provide education and work to the young people of East Timor.

Environment—energy usage and climate change

MR GENTLEMAN (Brindabella) (6.14): Today I would like to talk briefly about two community-based initiatives that are currently active in the ACT, organisations that I believe this Assembly should commend and fully support in their quest to enact a social change in people's perception on climate change. The first is the Social Environment and Economical Change Group, SEE-Change for short, a group that derives itself from the Nature and Society Forum and is committed to empowering people to learn more about social and environmental issues and, furthermore, to take action on them.

The goal of the Jamison SEE-Change group is to encourage and support action aimed at reducing the ecological and carbon footprint across the suburbs of Aranda, Cook and Macquarie by 30 per cent by 2010. SEE-Change's aim is to work in close partnership with local and federal governments, schools, clubs and businesses to facilitate this action and to monitor the impact of these activities on the footprint of the area. At present it has three regional groups: the one I mentioned in Jamison, one in Woden and one in south Woden. Their membership is rapidly growing, and that was illustrated at an event I attend on the weekend.

On Sunday I went to Weston Park for the SEE-Change eco-friendly picnic. Dr Foskey was there as well. The picnic was organised to celebrate the community coming together on climate change. It was a fantastic afternoon of information, entertainment

and community spirit. There were presentations from Concerned Residents of West Kambah, Clean Energy for Eternity, Go Zero, Armada Solar and the SEE-Change groups. There were also displays by the Australian and New Zealand Solar Energy Society, the Home Energy Advice Team and other sustainability programs, some of which were part of the ACT government's program. The turnout to the event was very encouraging. It really illustrates the importance of the issue and the importance of community and business participation in addressing climate change. I congratulate SEE-Change for the picnic.

I have said several times in this Assembly, and I have echoed it out in the community, that there is only so much that government can do, both federally and locally. It is the local community that must take and make the decision to act personally on climate change. The SEE-Change group should be commended for the initiative they have taken in addressing climate change. Taken together with the ACT government's climate change strategy, we are really starting to see positive progress being made.

It is important that people turn off their lights when they are not in a room and switch to compact fluorescent lamps. It is a simple task just to turn off the TV when no-one is watching. Unfortunately, many people just do not do it. There are many simple things as well that people can do around the home or office that can make a substantial difference. A statistic that may surprise some people is that leaving a computer monitor on standby for one year creates the same environmental impact as a car being driven from Sydney to Perth.

The second initiative I would like to mention is an event that is coming up on 29 March. It is an initiative that I encourage Assembly members to support. Earth Hour is an initiative that calls on the community, business and the like to turn off all lights for one hour between 8 and 9 pm. It is a small ask, I think, that will highlight what can be done by the most simple of tasks. Last year I believe approximately 2.2 million people in Sydney took up that initiative. This year the initiative is going global and I will be actively informing our community about this important occasion and hopefully encouraging as many people as possible to take up the challenge.

Community participation is fundamental to addressing climate change. Groups like SEE-Change and initiatives like Earth Hour provide evidence that our community is willing to take action. I call on each member of this Assembly to get out into their electorate and drum up support for these causes.

Italian cultural centre
Cricket

MRS DUNNE (Ginninderra) (6.18): Last Friday I had the privilege of attending the unveiling of a statue at the Italian Cultural Centre in Forrest. The Italian Cultural Centre is an initiative of the Italian community in Canberra that is giving back to the community in many ways and a celebration of the Italian culture in the Canberra community and in the wider community.

As members would know, the Italian Cultural Centre was built essentially by volunteer labour and donated goods and services. It was opened in 2006, and since

that time there have been a range of festivities and activities in the place. It is now the home of the Campagna Association's statue of Our Lady of Sorrows. Previously she did not have a proper home and she is now housed in a chapel there. The Chief Minister and I on a number of occasions have participated in celebrations of that commemoration.

There have always been a number of activities there and one of the great events was the unveiling of the statue of Dante Alighieri, the great poet and father of the Italian language. This statue was sculpted by an Italian sculptor with a gift of stone from the region around Lecce. There was great cooperation between Canberra and Lecce. The unveiling was undertaken by His Excellency Stefano Starace Janfolla, the Italian Ambassador, who is a strong supporter of the centre. The bust was also blessed by His Grace Archbishop Coleridge. There were a number of cultural events as part of this event, including a keynote speech about the importance and contribution of Dante to Italian life. Unfortunately, Mr Speaker, my Italian, while workmanlike and serviceable, does not these days stretch to such high notes but from what I could gather it was a very erudite speech.

One of the other things we think about in summer time is that long summer of cricket. This year we have had a fairly mixed summer of cricket. There have been a lot of washed-out games and some less than favourable coverage of some of the cricket that has gone on, with allegations of abuse, a fair amount of sledging and a lot of commentary in the papers about unsportsmanlike behaviour—people not walking when out and standing their ground. It is one of those things that I am in two minds about. We hold up cricketers and sportsmen as role models for our children and then sometimes they do not live up to our expectations. I encouraged my children to play cricket, my sons in particular, and they have always been taught that when you are out, you walk and you do not make a fuss about it.

It was interesting to see an article in the *Age* recently by a commentator who likened modern-day cricketers to the Invincibles of 1948. The author said that the modern-day Australian cricket team was, in fact, better than the Invincibles. He presented a whole lot of statistics to demonstrate that Steve Waugh was a better captain than Don Bradman, that Adam Gilchrist was a better wicket keeper than the wicket keeper of the Invincibles and that, in fact, the Invincibles did not have a decent spin bowler like the great Warne.

But there is more to cricket than batting and bowling and taking wickets behind the stumps. There is much more to it; there is sportsmanship. I think that whilst Australian cricketers today are pre-eminent professional sportsmen, they will never live up to the model of gentlemanly behaviour and good sportsmanship that we saw from the 1948 Invincibles.

Canberra International Music Festival

MS PORTER (Ginninderra) (6.23): On 31 January this year, on behalf of the Chief Minister, the Minister for the Arts, I attended the launch of another upcoming festival that the ACT government is supporting. The festival I speak of is the Canberra International Music Festival, which will run from 7 to 18 May and will bring us several days of musical performances from around the world.

As Mr Hargreaves said earlier today, as we enjoy the best national multicultural festival ever we can also look forward to what promises to be yet another feast. We see from the program that our embassies are supporting a number of the musical performances, as they are supporting this current festival. For instance, on the first day we will enjoy the Swiss piano trio, and the program lists the following diplomatic missions as supporters: the embassies of the Czech Republic, France, Ireland, the Republic of Turkey, and Switzerland. This virtual smorgasbord of music will span early and contemporary music as well as jazz, vocal and world music.

The festival is in its 14th year, and it is pleasing to see a special emphasis on music for children and encouraging young composers. Music is an important part of our development and to our lives at any stage. I trust that the festival will be very successful and that members will be able to enjoy some of what is on offer in support of our local, interstate and also our international guests.

Question resolved in the affirmative.

The Assembly adjourned at 6.26 pm.

Schedules of amendments

Schedule 1

Road Transport (Third-Party Insurance) Bill 2007

Amendments moved by the Treasurer

1
Proposed new chapter 2A
Page 44, line 6—

insert

Chapter 2A Early payment for treatment of motor accident injuries

Part 2A.1 Important concepts

67A Who is a person's *insurer*?

In this chapter:

insurer, of a person, for payment of expenses under this chapter means—

(a) if the person is a CTP insured person—the CTP insurer for the person; or

(b) if the person is not a CTP insured person—the nominal defendant.

67B What is a *motor accident notification form*?

In this Act:

motor accident notification form, for a motor accident, means a form about the motor accident completed by or for the injured person.

Note If a form is approved under s 266 for a motor accident notification form, the form must be used.

67C What is a *motor accident medical report*?

In this Act:

motor accident medical report, for a motor accident, means a medical report prepared by a doctor about the personal injuries caused to the injured person by the motor accident.

Note If a form is approved under s 266 for a motor accident medical report, the form must be used.

67D What are *medical expenses*?

In this Act:

medical expenses includes hospital and pharmaceutical expenses.

Part 2A.2 Early payment

67E Entitlement to early payment—injured person to give forms to insurer within 28 days

(1) A person is entitled to payment for medical expenses under this chapter in relation to a motor accident if—

(a) the person is an injured person for the accident; and

(b) the following documents are given to the injured person's insurer not later than 28 days after the motor accident:

(i) a motor accident notification form for the accident that includes a declaration by or for the person that the motor accident was not caused wholly or mainly by the fault of the person;

(ii) a motor accident medical report for the accident.

(2) However, an injured person is entitled to payment for medical expenses under this chapter in relation to a motor accident only if—

(a) a police officer attended the motor accident; or

(b) the motor accident was reported to a police officer by or for the injured person.

67F What kinds of expenses must be paid by insurer?

(1) If a person is entitled to payment for medical expenses under this chapter in relation to a motor accident, the person's insurer is required to pay only for medical expenses that are—

(a) incurred within 6 months after the day the motor accident happened; and

(b) reasonably incurred because of the personal injury caused by the motor accident.

(2) The insurer must make a payment for expenses under this section on presentation of an account, or receipt, for the expenses made up, and verified, as prescribed by regulation.

Note 1 Payments under this section may be recoverable under pt 3.11.

Note 2 It is a condition of a CTP insurer licence that the licensed insurer must comply with this section (see s 178).

67G Maximum amount insurer is required to pay

(1) If a person is entitled to payment for medical expenses under this chapter in relation to a motor accident, the person's insurer must make payments for the person's medical expenses under section 67F up to—

(a) $5 000; or

(b) if a higher amount is determined by the CTP regulator—the determined amount.

(2) The CTP regulator may determine an amount for this section.

(3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(4) To remove any doubt, a person's insurer may make payments for the person's medical expenses under section 67F in addition to the amount payable under subsection (1).

67H Early payment—no effect on liability

(1) A payment made by an insurer to a person in relation to a motor accident under this chapter—

(a) is not an admission of liability in relation to the motor accident; and

(b) does not in any way prejudice or affect a claim or proceeding arising out of the motor accident.

(2) To remove any doubt, an insurer may make a payment under this chapter in relation to a motor accident—

(a) whether or not the insurer has accepted liability in relation to a motor accident claim arising from the accident; and

(b) whether or not a motor accident claim has been made against an insured person in relation to the motor accident.

2
Clause 73
Page 48, line 17—

omit

this Act

substitute

this chapter

3
Proposed new clause 76 (2) (d)
Page 51, line 23—

insert

(d) if the claimant has not given the respondent a motor accident notification form and a motor accident medical report for the motor accident for the motor accident claim—be accompanied by a motor accident notification form and a motor accident medical report for the motor accident for the motor accident claim.

Note If the claimant has received early payment of treatment expenses under pt 2A.2 the claimant will have already given the respondent the motor accident notification form and a motor accident medical report for the motor accident (see s 67G).

4
Clause 89 (4), note
Page 65, line 16—

omit the note, substitute

Note 1 A respondent may be obliged to make early payments for an injured person's medical expenses whether or not liability is admitted for the motor accident claim (see ch 2A).

Note 2 If a respondent admits liability for a motor accident claim, the respondent may be obliged to pay for the injured person's medical expenses and rehabilitation services (see pt 3.6).

5
Division 3.6.1
Page 82, line 4—

omit

6
Clause 114
Page 83, line 2—

omit

7
Proposed new clause 116 (3)
Page 84, line 4—

insert

(3) This section does not apply to any expenses already paid for the injured person under section 67F (What kinds of expenses must be paid by insurer?).

8
Proposed new clause 135 (5)
Page 96, line 17—

insert

(5) A mandatory final offer must identify how much of the offer is for pain and suffering.

Note If a form is approved under s 266 for a mandatory final offer or a mandatory final notice, the form must be used.

9
Clause 149 (1), proposed new note
Page 104, line 21—

insert

Note ***Damages*** does not include damages for pain and suffering (see s (5)).

10
Clause 149 (2)
Page 104, line 22—

after

$30 000 or less

insert

in damages

11
Proposed new clause 149 (5)
Page 106, line 12—

insert

(5) In this section:

damages does not include damages for pain and suffering.

12
Clause 150 (1), proposed new note
Page 106, line 16—

insert

Note ***Damages*** does not include damages for pain and suffering (see s (7)).

13
Proposed new clause 150 (7)
Page 107, line 24—

insert

(7) In this section:

damages does not include damages for pain and suffering.

14
Clause 158 (a), note
Page 112, line 15—

omit the note, substitute

Note 1 Early payment of medical expenses is dealt with in ch 2A.

Note 2 Medical expenses and rehabilitation services are dealt with in pt 3.6.

15
Proposed new clause 170A
Page 120, line 4—

insert

170A Extraterritorial operation

(1) It is the intention of the Legislative Assembly that any provision of a Territory law that provides for limits on liability for damages for personal injury arising out of motor vehicle accidents that happen in the ACT—

(a) is to apply to the full extent of the Legislative Assembly's capacity to legislate extraterritorially, even if damages are assessed outside the ACT; and

(b) is to be regarded by courts as a substantive rather than a procedural provision.

(2) If a claimant, in a proceeding brought in another jurisdiction, recovers damages in excess of the maximum amount that could have been recovered if the proceeding had been brought in the ACT, the respondent may recover from the claimant the amount (the ***excess amount***) by which the damages exceed the maximum amount of damages that could have been awarded had the proceeding been brought in the ACT.

(3) The excess amount may be recovered as a debt to the claimant.

(4) In this section:

another jurisdiction means a jurisdiction other than the ACT and includes a jurisdiction outside Australia.

16
Clause 177 (1) (b) (i)
Page 124, line 20—

omit clause 177 (1) (b) (i), substitute

(i) is satisfied that the applicant would not, or would not be able to, properly exercise the functions of a licensed insurer if issued with a licence; or

17
Proposed new clause 178 (1) (ca)
Page 126, line 4—

insert

(ca) section 67F (What kinds of expenses must be paid by insurer?);

18
Clause 181 (2), note 2
Page 129, line 13—

omit note 2, substitute

Note 2 Contravention of a licence condition is also grounds for—

- suspension of the CTP insurer licence (see s 187)
- the CTP regulator to apply to the consumer and trader tribunal for the tribunal to take disciplinary action against the licensed insurer under the *Consumer and Trader Tribunal Act 2003* (see this Act, pt 4.3A).

However, if a licensed insurer is convicted of an offence under this section, the consumer and trader tribunal must not order the licensed insurer to pay an amount to the Territory or someone else in relation to the same act or omission (see s 193B (3)).

19
Clause 187 (2), proposed new note 2
Page 133, line 8—

insert

Note 2 The grounds in s (1) are also grounds for the CTP regulator to apply to the consumer and trader tribunal for the tribunal to take disciplinary action against the licensed insurer under the *Consumer and Trader Tribunal Act 2003* (see this Act, pt 4.3A).

20
Clause 191 to clause 193
Page 136, line 9—

omit clause 191 to clause 193, substitute

Part 4.3A Disciplinary action

191 Meaning of *licensed insurer*—pt 4.3A

In this part:

licensed insurer includes a former licensed insurer.

192 CTP regulator may choose disciplinary action instead of prosecution

In regulating the operation of licensed insurers, the CTP regulator may, but need not, choose to apply to the consumer and trader tribunal for the tribunal to take disciplinary action against licensed insurers rather than pursuing a prosecution under this Act if the CTP insurer believes on reasonable grounds it would be in the public interest to do so.

Note The CTP regulator may apply to the consumer and trader tribunal under s 193A.

193 What are the *grounds for disciplinary action*?

(1) Each of the following is a ***ground for disciplinary action*** in relation to a licensed insurer:

(a) the licensed insurer has contravened this Act;

(b) the licensed insurer has contravened a condition of the insurer's CTP insurer licence;

(c) the licensed insurer has contravened the insurance industry deed;

(d) the licensed insurer has contravened, or is contravening, an order of the consumer and trader tribunal;

(e) the licensed insurer's licence was obtained by fraud or mistake;

(f) another ground prescribed by regulation.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(2) However, subsection (1) (a), (b) and (c) apply to a former licensed insurer only in relation to anything that happened while the person was licensed.

Note The grounds in s (1) (a), (b) and (c) are also the grounds for licence suspension under s 187.

193A CTP regulator may refer matter to tribunal

(1) This section applies if the CTP regulator believes on reasonable grounds that a ground for disciplinary action exists in relation to a licensed insurer.

(2) The CTP regulator may apply to the consumer and trader tribunal for the tribunal to take disciplinary action against the licensed insurer.

Note An Act may provide for an application to be made to the consumer and trader tribunal for disciplinary action to be taken against a person (see *Consumer and Trader Tribunal Act 2003*, s 15).

193B Disciplinary action tribunal may take

(1) On application by the CTP regulator, the consumer and trader tribunal may take disciplinary action against the licensed insurer that the consumer and trader tribunal may take under the *Consumer and Trader Tribunal Act 2003*.

Examples—disciplinary action consumer and trader tribunal may take under *Consumer and Trader Tribunal Act 2003*

1 reprimand the person (see s 46 (1) (b))

2 order the person to give a written undertaking (see s 46 (1) (c))

3 direct the CTP regulator to place a condition on the person's licence, or to remove or amend a condition on the person's licence (see s 46 (1) (d))

4 give the person a direction (see s 46 (1) (e))

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(2) However, in taking disciplinary action against a licensed insurer under the *Consumer and Trader Tribunal Act 2003*—

(a) a reference to the commissioner is taken to be a reference to the CTP regulator; and

(b) the reference in section 46 (1) (a) (Other disciplinary action) to—

(i) $1 000 is taken to be a reference to $10 000; and

(ii) $5 000 is taken to be a reference to $50 000.

(3) Also, if a licensed insurer is convicted of an offence under section 181 (Offence—contravening licence condition) in relation to an act or omission, the consumer and trader tribunal must not order the licensed insurer to pay an amount to the Territory or someone else under the *Consumer and Trader Tribunal Act 2003*, section 46 (1) (a) in relation to the same act or omission.

(4) If the consumer and trader tribunal orders a licensed insurer to pay a penalty, the penalty must be paid into the nominal defendant fund.

21
Clause 209 (2)
Page 147, line 24—

omit

22
Schedule 1, proposed new part 1.1A
Page 198, line 6—

Part 1.1A Consumer and Trader Tribunal Act 2003

[1.10A] Section 15, note

substitute

Note The following Acts provide that applications may be made to the tribunal:

- *Agents Act 2003*
- *Road Transport (Third-Party Insurance) Act 2008*
- *Security Industry Act 2003.*

23
Schedule 1
Amendment 1.27
Proposed new table, item 7
Page 202, line 5—

omit

24
Dictionary, definition of *civil penalty and censure committee*
Page 207, line 1—

omit

25
Dictionary, proposed new definition of *ground for disciplinary action*
Page 208, line 16—

insert

ground for disciplinary action—see section 193.

26
Dictionary, definition of *insurer*
Page 208, line 24—

omit the definition, substitute

insurer—

(a) for chapter 2A (Early payment for treatment of motor accident injuries)—see section 67A; or

(b) for chapter 3 (Motor accident claims)—see section 73.

27
Dictionary, definition of *licensed insurer*
page 209, line 5—

omit the definition, substitute

licensed insurer—

(a) see section 172; or

(b) for part 4.3A (Disciplinary action)—see section 191.

28
Dictionary, definition of *medical expenses*
Page 209, line 13—

omit the definition, substitute

medical expenses—see section 67D.

29
Dictionary, proposed new definitions
Page 209, line 18—

insert

motor accident medical report, for a motor accident—see section 67C.

motor accident notification form, for a motor accident—see section 67B.

Schedule 2

Road Transport (Third-Party Insurance) Bill 2007

Amendments moved by Mr Mulcahy to the Treasurer's amendments

1
Amendment 1
Proposed new section 67E, heading—

omit

28

substitute

120

2
Amendment 1
Proposed new section 67E (1) (b)—

omit

28

substitute

120

Schedule 3

Road Transport (Third-Party Insurance) Bill 2007

Amendment moved by Mr Mulcahy

1
Clause 177 (1) (b) (i)
Page 124, line 20

omit clause 177 (1) (b) (i), substitute

(i) is not satisfied that the applicant would properly exercise the functions of a licensed insurer if issued with a licence; or

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Schedule 4

Road Transport (Third-Party Insurance) Bill 2007

Amendment moved by Mr Smyth

1
Proposed new clause 265A
Page 190, line 26—

insert

265A Review of Act

(1) The Minister must review the operation of this Act as soon as practicable after the end of its 3rd year of operation.

(2) The Minister must present a report on the review to the Legislative Assembly within 3 months after the day the review is started.

(3) In reviewing the Act, the Minister must have regard to—

(a) how effectively the scheme under the Act provides reduced premiums for compulsory third-party insurance policies for motor vehicles; and

(b) any reform to any scheme providing for compulsory third party insurance for motor vehicles implemented in other jurisdictions in Australia.

(4) In reviewing the Act, the Minister may have regard to anything else that the Minister considers relevant.

(5) This section expires 5 years after the day it commences.

Schedule 5

Road Transport (Third-Party Insurance) Bill 2007

Amendment moved by Dr Foskey to Mr Smyth's amendment

1
Amendment 1
Proposed new clause 265A
Page 190, line 26—

insert

(3) (c) the impact of the changes on the recovery to health, well-being and work of the claimant.
