Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

8 MAY 2008

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Thursday, 8 May 2008

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The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Berry) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petitions

The following petitions were lodged for presentation:

Cotter Road caretakers cottage

By **Mrs Burke**, *from 555 residents:*

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: The 1926 Caretakers Cottage at 540 Cotter Rd Weston Creek will soon be at extreme risk of damage through neglect or vandalism if the property becomes vacant and unprotected during proposed "infrastructure works" which may service the Nth Weston & Molonglo Valley development.
>
> Your petitioners therefore request the Assembly to: Immediately implement a Preservation Plan for the Cottage that is inclusive of the current caretakers so that security issues & ongoing maintenance are fully addressed and ACT Departmental responsibility is clearly defined. It is also imperative that the heritage values of the building be assessed by the ACT Heritage Council, as a matter of urgency, prior to any deterioration that may detract from its' viability for Heritage Listing.

Gas-fired power station

By **Mr Pratt**, *from 830 residents:*

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that ActewAGL, a Territory Owned Corporation, is proposing to develop Block 1671 of the Tuggeranong District, adjacent to the suburbs of Macarthur and Fadden, to construct a facility titled "Canberra Technology City", under the submitted Development Application No. 200704152.
>
> The facility will contain a Natural Gas Power Station, high voltage power lines,

data storage space and a high pressure gas pipeline. The magnitude of the social and environmental impact on local residents remains unknown and this facility will be located as close as 600 metres from residential areas.

Your petitioners therefore request the Assembly to:

1) Immediately rescind any approvals or licenses granted to ActewAGL to construct this facility in Macarthur; District of Tuggeranong or close to urban areas.
2) Undertake to find alternative locations within the ACT that would be suitable for such a large industrial facility.

Gas-fired power station

By **Mr Pratt**, *from 695 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that ActewAGL, a Territory Owned Corporation, is proposing to develop Block 1671 of the Tuggeranong District, adjacent to the suburbs of Macarthur and Fadden, to construct a facility titled "Canberra Technology City", under the submitted Development Application No. 200704152.

The facility will contain a Natural Gas Power Station, high voltage power lines, data storage space and a high pressure gas pipeline. The magnitude of the social and environmental impact on local residents remains unknown and this facility will be located as close as 600 metres from residential areas.

Your petitioners therefore request the Assembly to:

1) Immediately rescind any approvals or licenses granted to ActewAGL to construct this facility in Macarthur;
2) Undertake to find alternative locations within the ACT that would be suitable for such a large industrial facility.

The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.

Duties (Landholders) Amendment Bill 2008

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (10.34): I move:

That this bill be agreed to in principle.

Mr Speaker, the Duties (Landholders) Amendment Bill 2008 amends the Duties Act 1999 to tighten the current anti-avoidance provisions that impose duty at conveyance rates on certain transfers of units or shares. These units or shares are in unit trusts or private companies that own land in the ACT. Without these provisions, a significant transfer of interest in either a unit trust or a private company that owns land would only be assessed at the lower marketable securities rate. These provisions protect the territory's revenue base by capturing indirect transfers of interests in land.

To further protect the territory's revenue base, this bill changes the specified interest that can be acquired before a transfer is subject to duty as a land holder. Land holder duty will apply where a significant interest is acquired. This is 50 per cent or more in a private company or a wholesale unit trust scheme that holds land in the ACT or 20 per cent or more in a landholding private unit trust scheme.

Currently an acquisition of a majority interest in a landholding private company or unit trust triggers land holder duty. However, the new "significant interests" will align the ACT more closely with other jurisdictions, particularly New South Wales and Victoria, and provides greater protection for the territory's revenue base. This is particularly important as further duties are removed from the ACT tax base under the intergovernmental agreement on the reform of commonwealth-state financial relations.

Mr Speaker, currently a public unit trust scheme is not considered a land holder provided it is a managed investment scheme with 50 or more investors. This bill introduces the concept of a "widely held trust" where the required minimum number of investors is 300. This tightens these anti-avoidance provisions and aligns the ACT more closely with both New South Wales and Victoria.

Where possible, the ACT has aligned its land holder duty provisions with those of New South Wales; particularly the New South Wales provisions for registration of wholesale unit trust schemes with a significant interest being 50 per cent or more. However, like New South Wales, qualifying investors will be excluded from the association person provisions, thus preventing the usual aggregation of transactions in a wholesale unit trust involving trusts with common beneficiaries.

It is important at this stage to distinguish the ACT's land holder model from the land rich model of some other jurisdictions. A land rich model uses a percentage of landholdings to total assets test and only applies to land above a certain value. The ACT land holder model does not have a percentage of assets threshold; nor does it depend upon the value of the land held by the land holder.

The land holder model is preferred in the ACT as the commercial property market in the territory is significantly smaller in volume and value than other jurisdictions. Further, introducing a land value threshold and percentage of assets test would significantly increase current compliance costs for all parties. Like the ACT, the Northern Territory does not have a percentage of assets test, and Western Australia has recently adopted this approach in its Duties Bill 2007.

The bill also amends the definition of "stock exchange" so that entities listed only on the Australian Stock Exchange or any other exchange of the World Federation of

Exchanges are excluded from land holder duty. The bill aligns the Duties Act more closely with New South Wales to clarify that an interest in a land holder may be obtained or increased by any means, including by the issue of shares or units.

This bill also replaces the current subsidiary model used to aggregate landholdings with the linked entity model used by New South Wales. This will provide further protection for the territory's revenue base and ensure dealings in land are dutied accordingly where there is an entitlement by one entity to 20 per cent or more of the property of another.

The bill also strengthens the aggregation provisions to ensure that apparently independent acquisitions are dutiable where they involve substantially one arrangement or where the acquisitions are made by people acting in concert. The bill will also aggregate acquisitions from three years before an option is granted to when the option is exercised.

This bill is the result of extensive consultation with the community, beginning with the release of a discussion paper in November 2003. Submissions were received and considered with further consultation taking place at the end of 2005. The review of these provisions included comparing the ACT with other jurisdictions.

Mr Speaker, these provisions, do not expand the territory's tax base. Rather, the changes tighten the current anti-avoidance provisions and ensure that significant interests in land are dutied at the conveyance rate. This bill aligns the ACT more closely with similar provisions in New South Wales and Victoria, and treats an indirect acquisition of land, through shares and units, in a similar manner to a direct transfer. Mr Speaker, I commend the Duties (Landholders) Amendment Bill 2008 to the Assembly.

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

Land Rent Bill 2008

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (10.40): I move:

> That this bill be agreed to in principle.

Mr Speaker, today I introduce the Land Rent Bill 2008 to the Assembly. This bill will implement one of the recommendations of the affordable housing steering group report to introduce a land rent scheme in the ACT. This scheme is unique to the ACT and the first of its kind in Australia. It will allow home buyers to rent their land and build their own house on it, rather than have to buy it outright.

The scheme takes advantage of the ACT's land leasehold system and will make buying a home a possibility for many people who might previously have thought home ownership was out of their reach. By paying rent on a block of land rather than finding the full purchase cost, home buyers can potentially reduce the housing costs by hundreds of dollars a week.

Access to safe, secure and affordable accommodation is one of the most basic of human needs, and the dream of owning a home is one shared by most Canberrans. Changes in the housing market over the past years driven by sharp increases in demand have pushed this dream out of the reach of many Canberrans.

The government is particularly concerned about easing housing stress for low and medium-income households so that all members of our community have access to affordable and appropriate housing. We understand that the first step into the housing market is often the hardest; therefore, we are putting into place a land rent scheme to help to make that step easier to reach.

To help those most vulnerable households the scheme will initially only be open to households eligible for the discount rental rate. This will allow entry to those currently unable to access the housing market. At a later stage the scheme will be open to all households, including builders and investors.

Under the scheme, householders will own their own homes but pay rent on their land. The annual rent will be calculated as a percentage of the unimproved value of that land. To help families on lower incomes, the scheme will have two rental rates—a discount rate and a standard rate.

Under the discount rate, households will pay annual rent calculated as two per cent of the unimproved value of their land. In order to help those most in need, the rate will only be available to households who meet eligibility through an income, ownership and residency test.

Over time, households not eligible to access the discount rate will be able to access the scheme at the standard rental rate. Annual rent will be calculated at four per cent of the unimproved value of land. To help with housing affordability, this rate will also be available to builders and to investors. However, the scheme has been designed to be flexible and to allow households to move between the two rates, depending on changes in their circumstances.

To protect households from large annual rental increases and for housing to remain affordable, growth in rent will be capped at the level of wages growth. This will ensure that the increase in rental payments does not exceed the growth in income and will help to mitigate housing stress attributed to increasing land values.

This scheme has been designed to allow households to purchase the land from the government at any time. Under this scheme, households will be able to save towards the purchase of their block of land while they are participating in the scheme. This will allow them to purchase it from the government when they are financially ready to do so.

Mr Speaker, the introduction of this unique scheme into the Assembly today is another step towards affordable housing for those households in stress. The scheme will add another housing alternative for households to choose in achieving their goal of home ownership. The bill is a practical step in addressing the issue of affordable housing in the ACT, and I commend the bill to the Assembly.

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

National Gas (ACT) Bill 2008

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (10.44): I move:

> That this bill be agreed to in principle.

Mr Speaker, the ACT is continuing to participate in the national energy market reforms that are rationalising the economic regulation of energy across Australia. This will increase efficient investment in energy infrastructure leading to long-run benefits for ACT energy consumers. The energy market reforms are ratified by the commonwealth and all states and territories under the Australian energy market agreement. This agreement defines the objectives, the structure and timing of the reforms. The agreement schedules the transfer of most state and territory energy market economic regulation functions to a national regime and the phasing out of associated jurisdictional functions.

Under the terms of the agreement, the national energy legislation operates under a national cooperative legislative scheme in which South Australia is the lead legislator. Other states, territories and the commonwealth apply the relevant schedules of the South Australian legislation as laws in their respective jurisdictions through application acts. This means that the reform is not a commonwealth legislative takeover.

The bill I am presenting in the Assembly today will apply the national gas legislation that consists of the national gas law, regulations and the national gas rules. It is similar to the revised national electricity law which came into effect across all jurisdictions on 1 January this year. The national gas legislation will transfer the governance and institutional arrangements of the current gas access regime to the national framework, where the Australian Energy Regulator is responsible for economic regulation and enforcement and the Australian Energy Market Commission is responsible for rule making and market development.

The national gas legislation also implements reforms developed by the ministerial council on energy in response to the Productivity Commission's review of the gas

access regime. The national gas law replaces the current gas pipelines access law as the third party access regime for gas network infrastructure. The national gas rules will replace the gas access code. The national gas legislation furthers the MC goal of convergence of gas and electricity regulation and contains a number of common areas with the national electricity law.

The bill applies, as a law of the ACT, the national gas law set out in the schedule to the National Gas (South Australia) Act 2008 of South Australia, as well as the regulations made under that law. It will repeal the Gas Pipelines Access (ACT) Act 1998, the current ACT legislation that applies the national gas pipelines access law as a law in this territory. It confers necessary functions and powers on the commonwealth minister and commonwealth bodies, including the Australian Energy Regulator, the Australian Competition Tribunal and the National Competition Council.

Schedule 1 of the bill enables the making of regulations of a savings or transitional nature consequent on the enactment of the bill. Schedule 2 contains amendments to certain ACT acts that are consequential on the commencement of this bill. Mr Speaker, this new bill, which will apply the national gas law in the ACT, represents the achievement of another significant milestone of the COAG national energy reforms. It will lead to a more effective and efficient energy market outcome for the territory's energy consumers. Mr Speaker, I commend the national gas bill 2008 to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Children and Young People (Consequential Amendments) Bill 2008

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (10.48): I move:

> That this bill be agreed to in principle.

Mr Speaker, today, along with the Attorney-General, I am pleased to introduce the Children and Young People (Consequential Amendments) Bill 2008. The Children and Young People (Consequential Amendments) Bill creates a new transitional provisions chapter for the Children and Young People Bill 2008, tabled in March this year. This chapter outlines transitional arrangements for the implementation of the new act. The bill is structured into schedules, to support a staged commencement of the new Children and Young People Act 2008.

The bill makes a number of amendments to various acts and regulations consequential upon the Children and Young People Bill 2008. The bill makes technical amendments to a range of territory legislation. These amendments update or substitute references to

the Children and Young People Act 1999 with references to the Children and Young People Act 2008. The amendments will also update various definitions, such as the definition of "childcare centre", across territory legislation.

The bill amends and updates various territory acts and regulations, such as the Mental Health (Treatment and Care) Act 1994, to reflect new provisions relating to parental responsibility under the Children and Young People Bill 2008. The bill also makes consequential amendments to territory legislation to implement the reforms contemplated by schedule 1 of the Children and Young People Bill 2008 to reflect the application of the Crimes (Sentencing) Act 2005, the Crimes (Sentence Administration) Act 2005 and the Court Procedures Act 2004 to children and young people. Consequential amendments further reflect the consolidation and modernisation of provisions that govern the court procedures for matters involving children and young people, through the Magistrates Court Act 1930. I commend the bill to members.

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

ACT Civil and Administrative Tribunal Bill 2008

Mr Corbell, pursuant to notice, 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) (10.51): I move:

> That this bill be agreed to in principle.

Mr Speaker, the ACT Civil and Administrative Tribunal Bill 2008 is the first of two bills dealing with the establishment of a consolidated ACT tribunal. I will table the second bill, which will make a range of consequential provisions, shortly. But first I would like to turn to the issue of background and the need for reform in this area.

Over the past three decades, many dispute and decision-making processes within the civil justice system in the ACT and other Australian jurisdictions have been dealt with by transferring the work to stand-alone tribunals. In the ACT it has proven difficult to resource these tribunals adequately. Despite strong commitment from members, some of our tribunals have struggled to discharge their statutory obligations. Indeed, some of our tribunals have been unable to pay tribunal members for the time they have so selflessly given.

Against this historical background, in 2006 the Department of Justice and Community Safety commenced a study of ACT tribunals. In this study, the department examined the role of ACT tribunals generally and how they are currently structured, recent changes to tribunal structures in other jurisdictions, ways of increasing efficiency and cost-effectiveness, and options for improving tribunal structures.

In mid-2007, my department released a paper examining options for reform in this area. The paper concluded that having no single structure for ACT tribunals causes five main problems. Firstly, the existing ACT structure does not promote access to justice. Access to justice requires ease of physical access to tribunals. It means having hearing rooms, registry and public waiting areas and other tribunal facilities that encourage participation. It requires tribunals to be capable of communicating with users and the public about their processes and matters such as costs and enforcement. In the ACT, there is neither a standard layout for a hearing room nor standard facilities for tribunals. Having to attend a court building can be intimidating for some applicants and can give an impression that the tribunal will be run in a legalistic and formal manner.

In some cases, involving the delivery of specialist services, tribunals often benefit from multi-member panels, including members with specialist knowledge. In other cases, such as those involving people with a mental illness, a tribunal must be capable of addressing the needs of the person before the tribunal or dealing with urgent matters or convening at a particular location.

The second difficulty that was identified, Mr Speaker, relates to the fact that the ACT structure does not reduce the cost of justice. The structure of tribunals should ensure an efficient use of ACT resources. Tribunal secretariats should be fully utilised, registry processes should be efficient, and hearing rooms should have a high level of utilisation. Bringing the tribunals together under one roof should reap significant benefits in this regard. It would see a reduction in the duplication of resources and lead to better utilisation of staff, tribunal members and hearing rooms. This means a more efficient, fairer and faster dispute resolution for the community.

The third issue that was identified was that the current structure does not support members consistently. The current tribunal structure has differences in the level of training offered to members, limited opportunity for members to further their experience, and differences in the number of hearings each member conducts. There is also disparity in the current tribunal system in terms of remuneration, ranging from some tribunal members with conditions set by the Remuneration Tribunal right through to others being unpaid.

The fourth problem that was identified is that the existing structure does not support officers in registries or secretariats. Currently, there is no standard training offered for members of the registry. Officers working for tribunals located outside the Magistrates Court may not have an opportunity to work for more than one tribunal jurisdiction, reducing opportunities for career advancement and job satisfaction.

Finally, the fifth identified problem was that existing legislation is inconsistent. Across ACT tribunals, it is evident that many of the factors just described are exacerbated by the fact that there are differing legislative frameworks governing tribunals that have been created at different times. To deal with these problems, the paper examined a range of options and concluded that most of the problems could only be overcome through the consolidation of most tribunals.

The government has examined the paper and has listened to comments flowing from the release of the paper. On reflection, the government has decided to proceed with the full consolidation of most tribunals, and that is the purpose of this bill, as this best accommodates the differences in jurisdiction, while maximising the access and efficiency benefits of amalgamation.

This would involve the consolidation of the following jurisdictions and tribunals:

- Administrative Appeals Tribunal;
- Essential Services Consumer Council;
- Mental Health Tribunal;
- Guardianship and Management of Property Tribunal;
- Discrimination Tribunal;
- Health Professions Tribunal;
- Legal Profession Disciplinary Tribunal;
- Liquor Licensing Board of the ACT;
- ACT Architects Board;
- Chief Surveyor, when acting as a tribunal;
- Commissioner for Fair Trading, when acting as a tribunal in relation to motor vehicle dealers, tobacco and finance brokers;
- Construction Occupations Registrar, when acting as a tribunal;
- Consumer and Trader Tribunal;
- Credit Tribunal; and
- Residential Tenancies Tribunal.

In addition, the government has decided to include the small claims jurisdiction in the transfer of functions, as stakeholders put forward a convincing case for its inclusion in the consolidated tribunal. The transfer of the small claims jurisdiction is an attractive option as it does not fit well within the broader civil jurisdiction of the Magistrates Court. The claims procedure is different, and hearings vie for priority with more substantial criminal and other matters. Incorporation within a consolidated tribunal provides the possibility of enhancing access to justice for small civil matters. It will also provide a better fit as a one-stop shop for a range of associated claims presently associated with residential tenancy, building disputes and utility matters.

The bill I am tabling today will deliver a consolidated tribunal that will be able to meet each of the problems I have outlined above. The bill establishes a single tribunal to be called the ACT Civil and Administrative Tribunal. The new law provides for common provisions for the commencement of actions, tribunal procedures and powers. The new law gives the tribunal its civil law jurisdiction. Other laws will authorise the tribunal to exercise jurisdiction in specific matters. For example, the Residential Tenancies Act 1997 will authorise applications to be made to the tribunal to resolve disputes under that act. Through this process, a common platform for dispute resolution is established; however, unique differences in the legislation can be retained where this is necessary for a particular jurisdiction. For example, the dispositions of the tribunal in its mental health jurisdiction will continue to be set out in the mental health act.

The consolidation of our tribunals removes both the present duplication of resources and inconsistencies at a governance and legislative level. Instead of having 16 separate tribunals or quasi tribunals dealing with the various jurisdictions, a single tribunal will manage across the range of disputes and decision-making functions. Instead of having 16 separate support groups, a single registry will support the new tribunal. These new arrangements will provide for the better utilisation of staff, tribunal members and hearing rooms.

Consolidation of secretariats will improve access to justice by providing a single point of access for all of these jurisdictions. The better organisation of resources will also enable appropriate registry structures to be developed so as to be responsive to the needs of different client groups, providing an environment conducive to resolving issues coming before the tribunal. Staffing for the consolidated tribunal will provide for a critical mass that will reduce vulnerability to negative effects of staff absence and provide better training opportunities and support services for registry personnel and tribunal members alike.

Common processes will be developed to deal with common functions; there will be no more need for 16 different application forms. This will lead to a more efficient, fairer and faster system of dispute resolution for the community.

The tribunal will be constituted by presidential members, senior and ordinary non-presidential members and assessors.

The bill contains a number of provisions designed to guarantee the independence of the tribunal. These protections are focused on the presidential members of the tribunal and, through them, other members.

First, presidential members will have the formal qualification requirements equivalent to those of judges of the Supreme Court and magistrates of the Magistrates Court, namely, that the person should be and has been a lawyer for five years or more.

Secondly, the government will be required to publish the selection criteria and process for selection of presidential members of the tribunal.

Thirdly, the term of appointment of presidential members must be for a period of seven years or longer.

Fourthly, consequential amendments will ensure that presidential members can only be removed from office under the processes set out in the Judicial Commissions Act 1994.

Finally, the general president will be charged with the responsibility of ensuring that decisions of the tribunal are made according to law and are free from improper interference.

These enhancements to the law significantly improve the strength of legal provisions guaranteeing independence of tribunal members. The bill provides clear governance arrangements for the management of disputes coming before the tribunal, with the general president responsible for the allocation of members to particular matters.

In civil proceedings, the present emphasis on single-member hearings will continue. However, the general president will also have the scope to appoint a larger panel of members to hear a matter where the interests of justice demand a larger panel, such as occupational review or mental health matters.

The legislation provides for a core of presidential members under the leadership of the general president. As in the Supreme Court Act, provision is made for an appeals president, although this position may be vested in the general president.

A study of existing work patterns suggests that an optimal initial configuration of presidential members would be two full-time presidential members and one half-time presidential member. This would equate to approximately 575 annual sitting days collectively.

In addition to hearing matters, either alone or with other presidential, senior or ordinary members, presidential members would assist potential litigants frame the issues that require resolution—a dispute design function, which would occur at the inception of a possible claim—assist with quality referrals, undertake relevant training of other tribunal members, and undertake internal appeal work.

Consequential amendments to the AAT Act will see the role of the president of the AAT transferred to that of a presidential member of the new tribunal.

Other members of our existing tribunals will be encouraged to take appointments with the new tribunal, to ensure continuity in the formative stages of the new tribunal.

Employment of the proposed number of presidential members would leave sufficient funding for engaging a number of non-presidential, or what might be called “panel”, members.

Assuming a mix of senior and ordinary panel members—and allowing for training and administrative functions—should be sufficient to allow for 450 to 650 annual

sitting days for a mix of a regular core of between 10 senior and 30 ordinary panel members.

To assist the tribunal further, especially in cases where the tribunal needs specialist or technical advice, the general president may appoint assessors as required. This configuration will be sufficient to cover all expected hearings on current case levels.

In addition to members, approximately 20 staff are expected to be brought together as a result of this initiative. These staff will form the baseline staffing for the new tribunal.

The consolidated tribunal will have a number of separate divisions, reflecting the different matters heard in the current ACT tribunals.

The divisions will initially consist of administrative review, civil disputes, occupational discipline and a general division; however, the tribunal may, and no doubt will, create other divisions necessary to deal with the needs of particular client groups.

While appeal from the tribunal to the Supreme Court will be allowable—with, of course, the leave of the court—to reduce the incidence of appeals to the Supreme Court and to enable the tribunal to best control the quality of its decisions, the legislation provides for internal review of tribunal decisions by presidential members in the first instance.

The process of establishing the new tribunal is necessarily complex. While some of the legislative changes in relation to all tribunals can take place quickly after commencement of the new law, the timing of the physical co-location of court-based tribunals and jurisdictions is dependent upon other processes, so transitional provisions will allow for the staggered consolidation of these tribunals.

Transitional provisions will also allow for the transfer of matters that have already commenced to the new tribunal in accordance with past ACT practice.

This is a significant reform proposed by the government, designed to enhance and improve access to justice for the citizens of the ACT. I commend the bill to the Assembly.

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

Housing Assistance Amendment Bill 2008

Mr Corbell, pursuant to notice, 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) (11.07): I move:

That this bill be agreed to in principle.

On behalf of Mr Hargreaves, the Minister for Housing, I present the Housing Assistance Amendment Bill 2008 to establish a regulatory framework for not-for-profit housing providers. This bill introduces a regulatory framework for not-for-profit housing providers in the ACT through amendment of the Housing Assistance Act 2007.

The powers will be vested in the Commissioner for Social Housing as established in the act.

Members will be aware that the revised Housing Assistance Act commenced on 10 November 2007. The new act recognised the government's expanded response to housing need.

It amended the Commissioner for Housing's title to "Commissioner for Social Housing" to reflect the commissioner's responsibilities across both the community and public housing sectors.

This government's legislation is an important part of the affordable housing action plan 2007, which was released on 12 April last year. That plan supports the expansion of social housing through Community Housing Canberra, CHC, and this legislation ensures the protection of the community's interest in the housing transferred by government to CHC.

CHC is required to increase the supply of affordable housing for purchase by 470 dwellings within five years—and 1,000 dwellings within 10 years. It is also required to increase the supply of affordable rental housing by 250 dwellings within five years and 500 dwellings within 10 years.

To support this, Community Housing Canberra has received generous public assistance, including:

- the transfer of title for 135 public housing dwellings valued at $40 million;

- a $3 million capital injection;

- access to a $50 million revolving finance facility at government interest rates; and

- direct grants of land; transitional payments of up to $250,000 per annum for three years and land tax and duty concessions.

CHC has a significant task ahead and the arm's-length nature of this regulatory framework is important in supporting CHC to achieve its goals.

The government's support for CHC is consistent with the emerging role nationally of not-for-profit affordable housing providers in expanding the supply of social housing.

On 14 March this year, the Housing Ministers Conference, of which Mr Hargreaves was chairperson, approved a national regulatory framework for not-for-profit housing growth providers.

The national regulatory framework envisages that each state and territory will:

- establish a multi-tiered registration system;

- appoint a registrar and maintain a registration list of providers;

- provide mutual recognition of registration decisions in other jurisdictions; and

- adopt a national regulatory code as the basis of registration.

A significant number of states and territories—most notably Victoria—have significantly advanced funding and regulatory arrangements to support the not-for-profit housing sector. The ACT has used this experience and that from the United Kingdom to inform the development of the ACT regulatory framework.

The Australian government has foreshadowed an expanded role for the sector in the development and management of additional rental housing. The Australian government has also made it clear that it expects proper regulation of the sector if it is to receive the funding committed by the new government for the national rental affordability scheme.

Strategies to support the growth of the sector will also be incorporated in a future national affordable housing agreement to be negotiated during 2008 by the commonwealth and state and territory governments.

The changes to the Housing Assistance Act 2007 in this bill will empower the housing commissioner to register, monitor the activities of and de-register housing providers. The consequence of de-registration would be the loss of any tied government assistance and publicly funded assets.

Two tiers of registration will be established under the bill before members today.

Affordable housing providers will undertake innovative and entrepreneurial property development for low to moderate income earners—at arm's length from government.

Community housing providers will manage properties as the head lessee, utilising government-owned or other organisations' assets which they rent to low to moderate income tenants. They are generally small in scale and typically charge rents amounting to 25 per cent of income.

In the first instance CHC—Community Housing Canberra—will be the only local provider able to secure registration as an affordable housing growth provider.

Currently there are five community housing agencies in a position to secure registration as community housing providers. While their activities are less risky, it is still important to protect the interests of vulnerable tenants.

Registration will be governed by a set of appropriate registration and monitoring processes. This will include the registration of existing providers as well as allowing entry by new providers, including organisations from other jurisdictions.

The regulatory framework will monitor risks to service quality and tenancy and asset management practices, areas where poor performance would not necessarily trigger action under other legislation.

The framework will ensure that the territory's substantial investment in the sector, including transferred stock and new stock developed through subsidies and concessions provided by the ACT government, is preserved for future generations. This will ensure that the residual interest of the territory continues to be used for affordable housing purposes even in the absence of any contractual relationship.

The framework provides for proportionate regulation based on risk with a focus on service quality, governance and protection of vulnerable clients. Higher risk activities will be subject to greater oversight—for example, property development as opposed to tenancy management. The risk assessment will consider the type, scale and experience with activities to be undertaken and the history of the organisation, including recent growth.

Regulatory processes will monitor the activities of not-for-profit housing providers on a whole-of-organisation basis and will be complementary with other regulatory and reporting requirements.

This bill will empower the housing commissioner to exercise step-in powers as a last resort. These powers will be exercised in accordance with an intervention guideline, only after the failure of attempts to resolve issues with providers. These will enable the housing commissioner to:

- appoint people to the governing body of a registered agency;

- appoint an administrator to control and direct the registered agency; wind up and distribute the assets of a registered agency; and

- de-register housing providers that have breached a condition of registration.

The bill will establish a regulatory framework that complements the work the government is undertaking to provide more affordable housing for those members of our community who are in housing stress or need.

It will strengthen the government's capacity to encourage private sector involvement in affordable housing by assuring investors that there is a comprehensive oversight of the risks being taken by not-for-profit organisations.

In summary, regulation of the sector is necessary for the benefit of the Canberra community, to:

- protect the interests of tenants, many of whom are vulnerable and experiencing disadvantage;

- ensure that public funds provided for affordable housing activities are appropriately managed and utilised; and

- preserve transferred government assets for future generations.

I commend the bill to the Assembly.

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

Namadgi national park—revised draft plan of management

MRS DUNNE (Ginninderra) (11.16): I move:

> That this Assembly authorises for publication the Namadgi National Park Revised Draft Plan of Management, dated October 2007, that was referred to the Standing Committee on Planning and Environment pursuant to section 203 of the *Land (Planning and Environment) Act 1991*.

Mr Speaker, the motion I am moving today is entirely unprecedented in the history of the Legislative Assembly, and I do not take the matter lightly. I have taken considerable advice about the steps that, as a member of this Assembly and as a member of a standing committee, I can take in relation to ensuring that committees and the Assembly operate as well as possible and in the interests of the community as far as possible.

I am very minded of the constraints placed upon me as a member of the Standing Committee on Planning and Environment and the constraints placed on me by standing order 241. At no stage in the remarks that I will make will I divulge anything that has been said by me or to me or divulge any of the decisions so far made by the planning and environment committee.

I will go back and start with a bit of chronology and a bit of background. As we all know, Namadgi national park makes up approximately 50 per cent of the ACT's land mass; it must have, in accordance with the legislation, a management plan. This is the first revision of the management plan of Namadgi national park since self-government.

This has been a long, drawn-out process; it was over five years from when the process started until the revised draft management plan arrived in the planning and environment committee. There are a lot of reasons for that; some of it was that there were a lot of hold-ups because of the 2003 bushfires. I do not want to be overly critical of the time delays, especially in the period between 2003 and 2005, because at that time I think the view was taken—and I do not resile from this view—that there were on-the-ground land management issues that were more important and that resources should be put into those rather than into the draft management plan.

However, a draft management plan was published in 2005 and it was circulated and open for consultation. I suppose the problems have arisen since then. It has been over two years since the publication of the draft management plan and the arrival of the revised draft management plan of the minister and its subsequent sending to the Assembly planning and environment committee.

The planning and environment committee—this is on the public record—has decided that it will conduct an inquiry into the revised draft management plan. It does not have to; there is nothing in the legislation that requires the committee to do so. There are published terms of reference which relate to the consultation process itself—to the joint management committee set up by the Liberal government in recognition of native title aspirations over Namadgi national park and the preservation of biodiversity and other related matters. They are the general sense of the terms of reference.

Without revealing anything that has been said, I suppose the mere fact that, as a member of the Assembly who happens also to be a member of the planning and environment committee, I have moved this motion today indicates that I, at least, have some concerns about the process that has gone on. I have taken advice on the steps that I could take regarding the concerns I have about the conduct of this inquiry.

I could have done nothing; I could have waited until the end of the process and made dissenting comments in any report that the committee might have produced. I thought for a long time that that was the only course of action open to me. But eventually, on advice, I have decided to take this course of action as well, in order to highlight to the Legislative Assembly that there is a committee inquiry going and the principal document that we have to refer to is not available to the public for comment.

This is now on the public record courtesy of the National Parks Association, who, in an open inquiry, have commented adversely on the fact that they are substantially constrained in what they can say and do and in the contribution they can make so that there is the best possible outcome for the management plan for Namadgi national park, because they are unable to see the revised draft management plan.

It is also on the public record that the National Parks Association—therefore I presume this is the case for other people who have expressed an interest—have received one of the consultation documents that goes with it, which is actually a summary made by the bureaucrats of the consultation, and the revisions they have made to the draft management plan as a result of that. The name of that document currently escapes me. However, it seems to have created more confusion in the minds of the National Parks Association than if they had nothing at all.

My concerns are manifold, but one of them is that it is clear from the evidence given by the National Parks Association that the consultation process—one of the things that the committee has said that it is inquiring into—is flawed. And the committee itself has made that consultation process so flawed. This goes back to the way that committees deal with the publication of documents. And, yes, we know that standing order 241(a) says that a committee may receive and authorise the publication of

evidence before it or documents provided to it. But I cannot think of an occasion when a document provided to the committee by a minister as part of his statutory role would not have been published.

I have thought about this for a long time and it is not an absolutely perfect analogy, but if the Minister for Planning presented a draft variation plan to the Legislative Assembly committee, there is no way that the committee could stop that being published. The analogy is not absolutely perfect because the mechanisms in the old land act—and we have to refer to the old land act because this is something that is going on under the old land act—are not exactly the same. But the content and purpose of the documents are pretty much the same.

In the case of a variation to the territory plan, we are taking a large piece of land, whether it be in public ownership or in private ownership, and changing what we do on that land. With the draft management plan and the final management plan we are taking a large piece of publicly owned and managed land and saying what can and cannot happen in that area, because it is reserved for particular reasons.

It is absolutely unprecedented, and it is with some trepidation that I stand here today and ask the Assembly to do the job of the committee. I have thought long and hard about it and I have sought a lot of advice, but I think that, in the interest of openness and accountability, it is the only course open to me.

In the hearing last week, we heard from the National Parks Association. It was a public and open hearing. Any member could have attended; the hearing was broadcast and any member can refer to the *Hansard*. It became quite clear that the interest groups, who have a substantial interest, as we all should, in what is happening in about 50 per cent of the ACT's land mass, were left to second-guess what the government proposed to do. They were left to second-guess what might be in the report. They could surmise a bit regarding what might be there. Therefore, they expressed in some cases support for things they think are there and concerns about other things they think are there. This is not openness and this is not accountability. This is not the way we should be running our committee system.

It is not reasonable for a voluntary organisation like the National Parks Association—and I expect that when we hear evidence from the Canberra bushwalkers, the alpine association and various other people, they will be in the same position—to have to say, "Well, we think that Namadgi national park should be going down this path, but we don't have enough information about what the government has recommended for us to agree with, disagree with or make recommendations for a different course of action." This is a completely and utterly unreasonable course of action. It works like this: I am a member of the planning and environment committee, and I can read this report. I am being put in the position of having to say to a volunteer, a member of the ACT community—somebody who pays my salary—"Guess what I can see that you can't see, and you make recommendations in the dark." Members of the community have to make recommendations and speak to the revised draft management plan for Namadgi national park in the dark because it is on the public record that this substantial document, which has been five years in the making, and two years since it was last revised, is a secret document.

The Stanhope government must come clean with the community. I cannot for the life of me comprehend why I have to come to the Assembly and cause to have something published when it is axiomatic that it should be published. I do not understand what power is being influenced over the committee so that they should not want to publish this report. There are things that have been said in the committee which I cannot discuss here, and which I will be able to discuss at more length when the report comes down. But members of the community are asking me what the Stanhope government has to hide. They are left to speculate that something untoward may be going on at Namadgi national park that the Stanhope government wants to keep secret as much as possible.

This is the sort of mean-spirited action that you would expect from a government which, when it came to power, said there would be more openness and more accountability from a Stanhope Labor government. In 2004, the Chief Minister said that the people of Canberra had nothing to fear from a majority government. We know that the organisations which are concerned with conservation in the ACT have a lot to fear from a majority government because they know they are being shackled by a lack of openness and a lack of accountability.

As a member of the Legislative Assembly and as the shadow minister for environment, I am concerned about the level to which the community's participation in this inquiry has been shackled. I am concerned that the finalised draft management plan, which affects 50 per cent of the land mass of the ACT, will be the poorer because there has not been the capacity for members of the ACT public, the people who pay our salary, to participate, have a view and to express their views in an unconstrained way on the way we manage Namadgi national park.

The committee's failure to publish this report represents another failure of accountability. I am concerned that the government members of the committee would rather toe the party line in relation to a lack of accountability than be open to the people of the ACT, who pay their salaries.

This is an unprecedented motion. I have been a member here for seven years and I worked here for five years before that. I have never seen a situation like this before. The advice that I have seen is that this has never happened—and nor should it happen. This should be the last time we ever have a motion like this. I commend to the house the motion that the revised draft management plan for Namadgi national park be published so that the people of the ACT can know what is going on.

MR GENTLEMAN (Brindabella) (11.31): I am excited that Mrs Dunne is showing an interest in the P and E committee's work and its current inquiry into the consultation process for the draft plan of management for Namadgi. I am excited because so far it has been difficult to entice Mrs Dunne to take part in the committee process. I advised the Assembly on Tuesday that Mrs Dunne has been absent for two out of the last four meetings that have dealt with this inquiry.

One of the most important opportunities the committee has had with respect to this current inquiry was a well-organised visit to the Namadgi national park. TAMS

officials provided detailed information on the park and the input to the plan of management over an eight-hour period. Rangers Brett McNamara and Bernard Morris and senior planner Trish Bootes provided the committee with an extra vehicle, at the request of Mrs Dunne, so that she could bring one of her children along, it being school holidays. Mr Speaker, it is not a bad idea. I am fully supportive of providing child support wherever we can in the workplace. But Mrs Dunne could not make it. Once again she was AWOL from the committee meeting. No explanation was provided, but we did see in the paper the next day that she was able to attend Mr Seselja's policy launch on stamp duty that night.

Coming back to Namadgi, the visit was a fantastic opportunity for the committee to see and hear in detail some of the issues that the consultation process gave rise to. We began by travelling up Brindabella Road to Piccadilly Circus and turning up onto Mount Franklin Road.

Mrs Dunne: I take a point of order as to relevance, Mr Speaker. This motion is about the publication of the revised draft management plan. It is specifically about the publication and in the time that Mr Gentleman has spoken he has not spoken about the publication of the report.

MR GENTLEMAN: On the point of order, Mr Speaker—

MR SPEAKER: Mrs Dunne, you consistently referred to the work of the committee, and I think Mr Gentleman is entitled to refer to it as well.

MR GENTLEMAN: As I was saying, it was a fantastic opportunity for the committee to see and hear in detail some of the issues raised in the consultation process. We began, as I said, by travelling up Brindabella Road to Piccadilly Circus and turning up onto Mount Franklin Road. As we approached Bull's Head we learnt of the history of this area, the direct impact of the 2003 fires and issues relating to the park's location alongside the New South Wales border.

We witnessed first hand the difference between the regrowth of mountain ash and eucalypt—epicormal growth versus seed generation. It was outstanding to see that this mountain ash has now grown to a full one metre since the bushfires. Did Mrs Dunne see this? No, Mr Speaker; she was absent. From Bull's Head we travelled further along the ridge and made a stop at Mount Franklin. We had a wonderful opportunity to see the historic site and learn of the work done by the ACT government after the bushfires in 2003. Members may be interested to know that a new visitors centre has been constructed just a little distance from where the historic chalet once stood.

We learnt of the loss that occurred during the fires, but also of the wonderful work of ACT rangers, volunteers and planning and architectural students at the site. We heard of the foresight of Brett McNamara in collecting some of the historical artefacts from the chalet just before the fires came through. Unfortunately, while he was fighting the fires he lost his own house during that time. Most of the committee heard the story; Mrs Dunne was absent.

From Mount Franklin we travelled along the fire trail towards Pryors Hut, passing Stockyard Spur. We heard of the issues regarding greater access to fire trails and

possible damage to the environment by heavy equipment transport provision. We heard and witnessed from TAMS rangers issues raised during the consultation process for the plan regarding possible damage and how this hinders control over weeds spreading through the park due to soil transfer as well as erosion problems. Well, most of the committee heard the evidence; Mrs Dunne was absent.

At Pryors Hut we learnt of its history, its current use, and the work of Pryor in horticulture with the use of arboretums. We learnt of the work done by rangers and the ACT government at the sphagnum bogs. Over the drought years and through the 2003 fires, the alpine bogs were almost destroyed. Well, some of us heard the evidence; Mrs Dunne was absent. We learnt of the work done by Amanda Carey in restoring the bogs over many years. She was a dedicated ranger and a keen environmentalist. Amanda passed away a little while ago, and she has left a strong legacy of environmental protection for the park. Amanda's contribution is recognised each year at the National Parks Association symposium with the presentation of the Amanda Carey award. That will be held this Saturday.

From the bogs, which we learnt were part of the natural filtration system for Canberra's water supply, we travelled through the deep wilderness of the park, down to the Cotter Hut. At least, some of us did; Mrs Dunne was absent. At Cotter Hut we were met by Lisa McIntosh, who described in detail the events of the night before when a family of mountain bikers had become lost. Lisa and the team, alongside AFP and Emergency Services, found the group at around 3.00 am and returned them safe and sound to the Mount Clear campground site. Rangers were pleased with the performance of their equipment—including the trunk radio network, Mr Pratt—and the support of AFP and Emergency Services during the operation.

Not only had our rangers been up all night providing a unique service for our community; they came to us the next day to pass on their knowledge to the committee. On top of that, Lisa also catered for all of us for lunch, including Mrs Dunne, but unfortunately she was absent.

At Cotter Hut we learnt about the other issues for the park that were raised during the consultation period. There were issues such as feral plants—St John's wort, for example. That is sometimes brought in with visitors or wild horses. We learnt of the history of the Cotter Hut and its unique position at the very top of the catchment. That catchment provides, as I mentioned, the water supply for Canberra—the very reason, we were told, that Canberra was chosen as the site for Australia's capital. We were also informed at Cotter Hut of the feral and wild animal control programs, in particular the wild pig program. This, we understand, is Mrs Dunne's pet issue in the park. It would have been nice if Mrs Dunne had been there to hear about the success this program is having and about the new bait system that is being introduced. Unfortunately, she was absent.

From Cotter Hut we proceeded down through Bendora to the Orroral Valley, where we were advised of the tracking station history and, more importantly, the Aboriginal history in this area. We were told about the use of the area by sporting groups, runners, cyclists and bushwalkers, and their submissions to the draft plan. Mr Speaker, we were also informed of the tragic death of the cyclist at Fitz's Hill last year that you

may be aware of. From Orroral, we travelled towards Boboyan Road and eventually came alongside the Gudgenby River. The Gudgenby is part of the catchment area for the opposition's proposed Tennant dam. The river was a trickle that afternoon—hardly enough for a pond, let alone to fill a dam. Mrs Dunne would have noted that if she had been there.

Boboyan Road took us back towards the city, passing through Tharwa and, of course, seeing the bridge. We stopped at the Tharwa bridge and were told of its history. We noted the restoration work that had been started on the Tharwa bridge. Mrs Dunne may have noted that, too, but she was absent. From Tharwa, past Val's shop, we drove back to Canberra, passing William Farrer's old property, Lambrigg, and down to Point Hut, noting the refurbishment of the barbecue area. During this trip—just over eight hours in all—we were taken aback by the amount of work done by ACT rangers and their crew. It is my personal belief that they are certainly not paid enough.

It is my understanding that the NPA are the only ones who have asked for a copy of the plan so far. There have been eight submissions to the inquiry. The P and E committee has already made a decision in regard to the terms of reference and the size of this inquiry due to the volume of work to be completed before the end of this term. Committee members have already decided to inquire into the Molonglo draft variation. Mrs Dunne is very keen on that and we are as well, and this will probably take up most of the committee's work until the end of the term.

Having said that, the government has no real objection to the publication of the Namadgi draft plan of management, and I am happy to support the motion to publish the document. Mr Speaker, I seek leave to table the Namadgi revised draft plan of management and the attachment.

Leave granted.

MR GENTLEMAN: I table the following document:

> Namadgi National Park—Plan of Management—Revised draft, dated 2007.

There is nothing secret, as Mrs Dunne has said, in the document. It is just a bit of a stunt by the opposition to take up some time. We would be very happy to see the NPA come back with another submission to the committee.

DR FOSKEY (Molonglo) (11.41): I am not sure of the status of the motion now. I was certainly planning to support the motion, given that it seemed to me that, without the second draft management plan, the inquiry would indeed be about a black hole. I am very pleased that Mr Gentleman has seen the worth of tabling the document. It would have been churlish to withhold it. I accept the good grace with which he has tabled it. I perhaps have reservations about some of the remarks he made beforehand, which somehow cancelled out the good grace of the tabling. Nonetheless, I am very pleased that that has now been made public. The Greens, through me and my office, will be very pleased to have a good look at it.

MR PRATT (Brindabella) (11.42): Just in case this is smoke and mirrors and we are being deceived by yet another cunning back flip, I wish to stand here right now and reinforce Mrs Dunne's motion. Dr Foskey asked a very, very good question: what is the state of the motion at the moment? I guess the answer might be that it depends on what the latest ALP internal poll has said about back flips and how mean spirited the government is and whether or not the ACT director of the ALP has indeed rung up Mick and directed him to perhaps table this plan at long last.

The motion to authorise publication of the Namadgi national park revised draft plan of management referred to the planning and environment committee that my colleague Mrs Dunne has put forward here today is an important motion. Let us just make sure that we have not seen an apparition over there, a mirage, and that indeed the report has been tabled. To make sure that it will remain tabled and there will not be yet another back flip to scoop up that plan and take it back, I will stand here with Mrs Dunne to try and make sure that it remains tabled.

Why did Mrs Dunne have to bring this motion on? Mrs Dunne had to bring this motion on because, as usual, we have seen a failure of this government to be transparent. As Mrs Dunne quite rightly pointed out, why are members of the community who are invited to come forward to make submissions to the planning and environment committee unable to see the fruits of their labour? Why is the report not made public or the plan itself not made public? That is precisely why she has pushed this issue today. Mick, I just hope it remains tabled.

Why was the report unable to be published? Mrs Dunne has done the community a great service here today. She has shoved Mick Gentleman to the point where he has now tabled the plan. Of course, Mrs Dunne, as the shadow minister for environment, is questioned by the public about why these things take so long. Why do they? Why do reports, for example, into the status of Tharwa bridge remain secret for so long? Why is the gas-fired turbine power plant that is apparently to be foisted upon Macarthur—a $2 billion project—shoved beneath the radar? Why do these matters have to remain under wraps? That is what this government is—a government of managing matters under wraps.

Could I also point out, by the way, that I thought that Mr Gentleman just took cheap shots at Mrs Dunne and absolutely skated over two very serious issues: firstly, the failure of this government to be transparent; and, secondly, the very serious issues about how well Namadgi national park is managed. That brings me to the point of fire mitigation. What are the strategies for the mitigation of the fire threat in the Namadgi national park? We all love the park and do not want to see it unnecessarily destroyed through yet more incompetence by this government, as we saw in 2003. When Namadgi national park catches fire it threatens Canberra. Namadgi national park is on the major bushfire threat approach to the Canberra city and suburban spread.

I want to know—and I will now be looking to read this plan—the operational relationships between the ACT authorities and the New South Wales authorities regarding the western approaches through New South Wales to Namadgi national park. If this park is to be managed in the best way that it possibly can be, we want to

know what plans you have got. Do you even have some form of operational management relationship with the New South Wales authorities to ensure that the western, south-western and north-western approaches to the ACT through Brindabella Park and the Namadgi national park are jointly strategised by both authorities? I do not think you do. If you do, it is the world's best kept secret.

Mrs Dunne made a couple of very good points as to why this government, this committee and this committee chair had to be dragged, kicking and screaming, to table this report today. That is because this government is mean spirited. It came to power promising to be more open and more accountable and that the community would have nothing to fear from majority government. Well, as Mrs Dunne quite rightly pointed out, with majority government this government has shut down so many avenues of governance.

Their failure to table this plan until Mrs Dunne put the matter on the notice paper today very much reflects the ethos of this government: you do not table anything and you do not carry out prior consultation until you are overwhelmingly pushed by community concern. Clearly, they know that Mrs Dunne, if she needed to, could perhaps mobilise community support to press for this very important plan to be tabled.

These things should be transparent and publicised. The community has the right to know that valuable assets such as Namadgi national park are going to be well managed. Maybe now they have got a chance, but only through the good work of Mrs Dunne. Mr Speaker, in case the tabling was a mirage I hereby commend Mrs Dunne's motion and hope that we will see more transparency in the future.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.50): Mr Speaker, can I commend Mr Gentleman on his approach?

Mr Pratt: Can I commend Mr Gentleman for back flipping?

MR CORBELL: Of course, this is the great irony in this place, Mr Speaker. When the government does something that the opposition do not like, we are criticised for it and when we do something that they do want, we are still criticised for it. This is a carping, negative opposition. They have nothing to say about anyone or anything, except themselves. They should have the good grace to acknowledge that what Mr Gentleman has done today is exactly what they wanted him to do. They should have the good grace to acknowledge that. They have no such grace. Instead, they cannot resist continuing to carp and whine and complain and be negative, rather than accept the reasons for the decisions that have been taken, as Mr Gentleman outlined, and his willingness to make the report public.

As I understand it—and I stand to be corrected—the inquiry by the Standing Committee on Planning and Environment is into the consultation process itself. It is not actually into the draft plan of management. Of course, this is a point which is conveniently omitted by those opposite. It is not an inquiry into the report itself. I understand the report is yet to be submitted to the committee.

Mr Gentleman: We have the plan.

MR CORBELL: You have the plan. I beg your pardon. The inquiry, as agreed by the committee, is into the consultation process, rather than into the draft plan itself. This, I think, raises some broader questions about how the opposition conduct their business in this place. They show a most undignified and graceless approach when the government agrees to issues that they want to see addressed. Of course, it really highlights that it is driven more by the politics of the situation than it is driven by a genuine desire to have an X or Y outcome. I think the approach adopted by Mr Gentleman today is to be commended. It highlights the government's willingness to respond on these matters.

Of course, these are issues of great significance and interest to the Canberra community. Namadgi is a very important asset for our community and one which the government has great regard for and has made considerable investments in. Since the devastating fires of 2003 the government has invested millions and millions of dollars in the rehabilitation of this incredibly priceless asset for the Canberra community in terms of its social and human heritage, Indigenous and non-Indigenous, as well as its environmental significance.

I note Mr Pratt's comments in relation to fire management. The fire management regime now in place in Namadgi national park is one which I think will definitely stand us well into the future. I receive detailed briefings from the ACT Bushfire Council and the ACT Emergency Services Agency on these matters and it is quite clear to me that the improvements in access, in particular, have been very significant in ensuring a timely response to bushfires in those areas of Namadgi national park. The upgrade of fire trails has been a very important piece of work undertaken by Parks, Conservation and Lands and the rangers that are part of that service and by the ESA. We now have significantly improved access; indeed, it is a matter identified as a satisfactory outcome by the Bushfire Council in some of their advice to me.

The other issue, of course, is about improving access to those areas that still are not able to be reached through fire trails. In very mountainous areas trails are not going to be able to get you to 100 per cent of the possible ignition points. To address that issue the government has invested significantly in remote area firefighting team capacity, particularly via helicopter deployment, so that we can get remote area firefighting teams to those locations very promptly.

We have been tested on that on a number of occasions over the past couple of years. Our RAFT teams were employed, for example, not in the ACT but in very similar terrain in parts of New South Wales further to the west of Namadgi around the Tumut location with a very high level of success. What this, I think, highlights is that the remote area firefighting capacity we have now put into place is available and ready to be deployed to protect Namadgi national park should an ignition occur in the national park itself.

We have also responded very well to fires within Namadgi. A recent fire in the far south of Namadgi down in the Mount Clear area was able to be responded to very promptly during the last fire season. This was in an area of the park that did not burn during the 2003 fire episode. That was able to be dealt with very promptly by both our

remote area teams and also by the RFS more broadly. That was a very successful exercise.

So I think it highlights that we do adopt a much more aggressive and immediate response strategy to these fires and we have, in particular, invested in the capacity to do that. I do take some offence, Mr Deputy Speaker, at your comments in relation to the negligence of the government. I think it would be fair to say that that in many respects casts a bit of a slur on all those firefighters who did their best in the 10 days leading up to the conflagration on 18 January 2003. It casts a significant slur, I would say, Mr Deputy Speaker, on their efforts to control and manage that incident.

It is important to remember that it was not the government that was making decisions operationally about how that fire should be fought in those immediate days. It was the firefighters on the ground. That is, of course, as it should be. It was not the case that the minister at the time or the Chief Minister at the time was seeking to direct how the fire should be fought. Those decisions were being made by the incident controllers on the ground and in the incident management team at that time.

I think, Mr Deputy Speaker, you should reflect on your comments when you make such assertions that the government was controlling the firefighting activities in those 10 days leading up to 18 January. I accept that you may make other criticisms about the events immediately prior to and on the day of 18 January, and those have been widely debated in this place. I do not accept those arguments either, but I think it is grossly unfair to suggest that the government itself is responsible for the tactics employed in the 10 days leading up to that particularly disastrous day for our city. That is not to cast blame on anyone else, Mr Deputy Speaker, but it is, I think, important for you to reflect on those sorts of comments.

This plan of management is, I know, the result of a very detailed and lengthy process. It is driven largely by the new management structures that are in place for Namadgi national park. The joint board of management, which of course recognises the Indigenous community's claim and ownership and custodianship of this very significant part of the ACT, has been brought into play for the first time in developing a plan of management for Namadgi national park. Therefore, it is important that we recognise and take account of some of the processes that have to be used to engage that broader range of stakeholders than perhaps we have been used to in developing plans of management for this very important institution for the Canberra community. I commend Mr Gentleman on the approach he has adopted. The government is very pleased to support the motion.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MR SMYTH (Brindabella) (12.00): I really want to thank Mr Corbell for that speech. That is the most enormous piece of confection that I think we have ever heard in this place. Mr Corbell puts forward the proposition that we should thank Mr Gentleman for being held to account, that we should thank him for the nine-minute travelogue about his visit to Namadgi. It sounds like it was his first visit to Namadgi; perhaps it is

comparable to Dr Foskey's trip to Brazil. Perhaps Mr Gentleman should have his own blog now and Mr Mulcahy can watch that blog as well and comment on it. Mr Gentleman took nine minutes to tell us about his epic journey to Namadgi. Now, I know that the new Indiana Jones film is coming. Perhaps we could have "Mick does Namadgi" or "Mick and Mary's day out in Namadgi".

For Mr Corbell to thank Mr Gentleman for putting this Assembly to the trouble of moving a motion requiring the committee chair to make public a report that he is asking the public to comment on, which they cannot see because he has chosen to suppress it, is just beyond belief. The Labor Party has two members on this committee. They had the power to make this public the moment they received it. They had the power to publish it immediately so that groups like the National Parks Association, which made a presentation to the committee, could have actually done so with that knowledge. This is absolutely ludicrous!

I will thank Mr Gentleman, Mr Corbell. I take your advice. I thank Mr Gentleman for confirming that his party is mean spirited, as the *Daily Telegraph* suggests this morning. It is mean spirited not to share this information with the public. It is mean spirited to make groups like the National Parks Association make submissions to a committee in the blind. That is honest and open and accountable government for you.

I thank you for confirming the story in this morning's *Daily Telegraph* that you are part of a mean spirited party. I thank you for confirming that the trick is to sell back flips as community consultation and answering concerns: Here we are. Yes, we are concerned. Here I back flip. I do the double back flip with the half pike and I drop the report deftly on the table and then look glowingly at Mr Corbell and hope that Mr Corbell—as he is so often asked to do by the government—will clean up the mess.

I thank you on behalf of your community, Mr Gentleman, for suppressing this draft document for—what is it—three, four or five months so that the community was kept in the dark. We thank you for that. I thank you for the opportunity to hold you to account in a public place. I thank you for that. I thank you for the fact that the Assembly has now been debating this for about 50 minutes. If you had just wanted to drop the report on the table and publish it, you could have come to an arrangement with the committee beforehand and said, "Look, we now agree. We have changed our minds. We have back flipped. We have been mean spirited." I thank you again for putting this into the public place.

I think it is absolutely incredible that it took an unprecedented motion in this place to expose the mean spiritedness of your chairmanship of this committee and the way that your government operates. I look forward to the blogging and the travelogue-ing. Obviously, Mr Gentleman wanted desperately to tell us—it took nine of the 12 minutes of his speech—where he went and whom he saw. I actually thought at one stage that he was going to say that the rangers had advised him not to publish this report and not to let interested groups see it. I did not hear that. I actually thought he was going to find some sort of road to Damascus—the Australian equivalent of the road to Damascus out there in Namadgi—but we did not get that.

We have not had a reason for the change of heart and they have been exposed as the mean spirited group that they are. We have not had an explanation as to why it took

the motion to bring them to this place. We have not had the reason for the back flip, although we now see it, apparently, for what it is. What we have, Mr Corbell, is not a thank you. It is an apology from your mean spirited government and your inept chair of the planning committee as to why it took three, four or five months—whatever it is since the committee got the draft report—for them to make it public to enable it to be consulted on properly.

What we have not got from Mr Gentleman is an apology to the committee secretariat. They must have been explaining this to the people who rang up seeking a copy, "We want you to comment on it but, no, we cannot give you a copy of the report." What we have not got is an apology. What we have not got is an apology from the Minister for the Environment, who is absent from this place, as to why he has allowed this fuss to go on. What we have not got is an apology from the Chief Minister. In his Code of Good Governance back in 2001 the Chief Minister stated:

> ACT Labor believes that responsible governments are open and accountable governments.

Obviously he is not responsible, he is not open and he is not accountable. We need an apology for the complete abrogation of that undertaking as well. So, yes, Mr Corbell, I do thank Mr Gentleman for exposing your government again. We thank him sincerely. Perhaps Mr Corbell might now like to apologise and explain why it has come to the point where a motion in the Assembly has forced the government to do this back flip. We will, of course, be supporting the motion.

MRS DUNNE (Ginninderra) (12.06), (in reply): I will close the debate, Mr Deputy Speaker. It is interesting that Mr Gentleman comes in here today and, under pressure, tables the document. It is worth noting that, until we pass this motion, that document is not published. Tabling it gives it some privilege, but it does not allow it to be circulated, and that is why we still need to pass this motion today.

The mean spiritedness of the Stanhope government was absolutely and utterly brought out for everyone to see in the presentation that Mr Gentleman made. I presume that he still has Chinese burn marks on his arm, because somebody has severely twisted his arm to put him in the situation he is in today. After a completely and utterly ungracious exposition, which I will come back to later, he has finally been put in a situation where he has to do the job he should have done back in February when this first came to the committee.

I will go back to the lack of grace of Mr Gentleman. This is an unprecedented motion. Mr Corbell is here saying we should thank Mr Gentleman. We should not thank Mr Gentleman for forcing me to gainsay my colleagues on the planning and environment committee and then come in here and go over their heads to get the committee to do something that should be done as a matter of course in the service of this community. We should not have to thank Mr Gentleman for that. We should not have to thank him for wasting our time on that.

Yes, Mr Deputy Speaker, I did not go on the trip to Namadgi and I did call it off at the last minute after considerable soul searching. I did call it off because I was asked by

my leader to do something else instead, which I did. But I want to put on the record that if there was an extra vehicle put on because I asked for an extra vehicle, that is not the case. I will say to the Assembly that when this trip was mooted—it was mooted in the school holidays—I said to the committee secretary, "If it is all right with the rangers and no-one has an objection and no extra vehicle is needed, would it be all right if I brought my son? It's the school holidays and he might find it interesting because he's not been to Namadgi for a while. He's only young and his memories of his last visit to Namadgi may not be all that clear."

I made it perfectly clear to the secretary of the committee and to the members of the committee that, if there was any sense that this was an inconvenience or an imposition, all they had to do was say, "Sorry, Vicki, not a good thing to do." That would have been fine and I would have made other arrangements, as I had to do anyhow for that day. To imply that I insisted on an extra car is wrong. On the contrary, Mr Deputy Speaker, I made it perfectly clear that if it meant extra transport it should not happen. That needs to go on the record, because what you heard from Mr Gentleman today was another part of his hyperbole to cover his own confusion.

He did spend nine minutes of a 12-minute presentation—which was supposed to be about whether or not we should publish this report—doing what he could to get under my skin. I knew that that is what he would do, because he has nothing else to do to cover his own embarrassment. I did not go on the committee trip, but I actually do have a long and abiding interesting in the Namadgi national park and I do visit it on a regular basis. If Mr Gentleman has never been there and has never been to the sphagnum bogs or never been to the Orroral Valley or seen the Aboriginal rock art, that is his look out, not mine.

It is a sorry indictment of the Stanhope government that we come here today and we have this class A back flip. Mr Smyth is right—it does actually confirm everything that was written in the *Daily Telegraph* today. The people of the ACT should be very unhappy indeed about the performance of the Stanhope government, and the environment and conservation community would be particularly concerned. I commend the motion to the house, and I am grateful that, at last, the Stanhope government has been brought kicking and screaming to this position.

Question resolved in the affirmative.

Education, Training and Young People—Standing Committee
Proposed reference

MRS DUNNE (Ginninderra) (12.11): I seek leave to amend the motion for which I have previously given notice and to move the amended motion.

Leave granted.

MRS DUNNE: I move:

> That the Children and Young People Bill 2008 be referred to the Standing Committee on Education, Training and Young People for investigation and report to the Assembly by 19 August 2008.

Mr Speaker, I will be brief. This is a fairly straightforward motion. This motion gives some time to the Standing Committee on Education, Children and Young People to look at this very important piece of legislation, and it requires that they report back to the Assembly on the first sitting day of the last sitting fortnight of the legislative year.

I am conscious that that is a very narrow time frame, but I am driven by the fact that the children and young people's legislation is extraordinarily important. It is also probably the largest piece of legislation—especially now that we have had the consequential amendments tabled today—that has ever been put before the ACT Legislative Assembly.

When we changed the planning system the legislation was referred to the planning and environment committee. When the new ACTPLA was established, that was referred to the planning and environment committee. When we changed the environment protection legislation, that matter was referred to the committee at the time. Important pieces of legislation are, as a matter of course, referred to committee for investigation and report. What could be more important, Mr Speaker, than the future of our children and young people?

This legislation principally refers to the most vulnerable children in our community—children who are in the care of the territory and children who are at risk of being sentenced to juvenile detention. I know that the minister will say that there has been extensive consultation. I was a member of the education, children and young people's committee, and about 18 months ago the committee received a briefing about the consultation process and the progress on the putting together of the bill. But there has been no oversight and scrutiny by a committee of this place of the largest and, I would say, the most important piece of legislation that has ever been brought before this Assembly. It is definitely the most important piece of legislation brought before this current Assembly in the last four years.

Although I understand the urgency of the two ministers in getting this to go forward, I think that there is time for us to pause. The consultation has been extensive; I know that. But I do not know for sure that all of the people who have been consulted have had their views appropriately considered. That does not mean to say that they have to have their views taken on board, but they have to be appropriately considered.

It is absolutely vital for the confidence the community has in this legislation that every avenue of appropriate consultation is given weight. I am grateful to the ministers for the level of support they have so far provided and have offered in a continuing way to me and other members of the opposition and, I gather, members of the crossbench to get across this legislation, which is complex. But that is not enough.

A report from a committee is about ensuring that the community is engaged. If the ministers are correct and the community has been engaged to a high level and the process essentially has the tick off from the community, the report from the education committee will be a brief one, I would say. What that will do is actually confirm for the community what the ministers are saying about the level of consultation. But to have a piece of legislation this large and this vital to the good governance of the ACT

not go before a committee in any way—it has not even been contemplated—is a sorry state.

This is another example of the Stanhope government's reluctance to contemplate open consultation. They want to have a consultation process that they have control over. In a sense, they will still have control over it because there are a majority of members on the education, children and young people's committee who are members of the Labor Party. Mr Pratt, as a member of that committee, is not going to be able to ride roughshod over them. But he will have an opportunity, along with those members, to hear from the community and report back to the Assembly about what the community actually thinks and believes and whether their views have been taken into account.

This is an extraordinarily important piece of legislation, and it is an extraordinarily important process that we are missing out on in the current arrangements. I commend the motion to the Assembly and I look forward to a positive and swiftly delivered report on this matter.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (12.18): The government will not be supporting Mrs Dunne's motion that the Children and Young People Bill be referred to the Standing Committee on Education, Training and Young People for investigation and report. Passage and implementation of this bill without further consultation and delay is critical. I can go to some of the issues around why. It is also important to know that consultation on this bill began in September 2002, and I will go through the consultation that has been undertaken.

In the first stage, forums were held with criminal justice, community and government stakeholders in 2002. In August 2003, written submissions were called for from the community, and 27 submissions were received from individuals, community organisations, government agencies, ministerial advisory councils and unions. Just for the benefit of those opposite if they did not hear that, 27 submissions were received when we called for submissions in August 2003. In May 2004, key stakeholder forums were convened by the departments to address specific issues in the areas of children services, young offenders and care and protection.

As part of stage 2 of the consultations, the Department of Disability, Housing and Community Service and the Department of Justice and Community Safety conducted further consultations from January to March 2006. During this time, the departments and the Youth Coalition of the ACT held targeted community consultations with young people and key community, government, legal and advocacy agencies. The Youth Coalition itself facilitated six focus groups with community agencies, young people detained in Quamby and young people who had resided in the out-of-home care sector. A further 10 written submissions were received during this phase of the consultation.

As part of stage 3 of the consultations, the departments worked on and developed an exposure draft of legislation, which was released by the Attorney-General and me for a third and final round of consultations in 2007. Information sessions on the bill were conducted for anyone interested. Anyone who responded to that exposure draft had

the opportunity to talk to the government. Community agencies, government, businesses and members of the public were consulted. A further 32 submissions were received from the community, government, legal and oversight agencies. In addition to this, I tabled all three of the key findings from the consultations in the ACT Legislative Assembly in February 2006, December 2006 and August 2007.

In addition to the three stages of consultation, in August 2003 the Standing Committee on Community Services and Social Equity released the inquiry into the rights, interests and wellbeing of children and young people, and all of these have had an impact on the bill. In May 2004, the Commissioner for Public Administration released what we know as the Varden report. In June 2004, the Standing Committee on Community Services and Social Equity released its report, *The forgotten victims of crime: families of offenders and their silent sentence*.

In July 2004, the Commissioner for Public Administration released the report *The territory's children: ensuring safety and quality care for children and young people*. In August 2004, the government released *The right system for rights protection*. In August 2004, the Standing Committee on Community Services and Social Equity released *One way roads out of Quamby: transition options for young people exiting juvenile detection in the ACT*. In June 2005, the Human Rights and Discrimination Commissioner released her report on the human rights audit on the Quamby Youth Detention Centre.

This is the amount of consultation that has gone on into this bill. If the opposition do not feel that the consultation process is good enough, undertake your own consultation, by all means. But this Assembly and this government have undertaken extensive consultation. I have spoken with a number of community organisations this morning, none of whom want this referred to a standing committee. They all want us to get on with the job with this legislation—debate it, amend it, but, in the end, we need to pass it.

Bimberi youth detention centre will be open in late September this year. We need this legislation to provide the framework for the operation of that centre. It is critical that we get down and deal with the bill as it stands now. There is no need for it to go to the standing committee. As I said, if the opposition want to undertake their consultations with the community because they are concerned that there are things that have not been looked at, by all means, go ahead. But the government will be moving to debate this bill.

We hope to have debate commence in June. I am not sure it will be able to be finished. I am happy for any officer that the opposition wants to speak to in relation to this bill to be made available for the length of time that the opposition seeks, however extensive that may be, in order to move this forward. It is unrealistic to expect that a referral to the standing committee will be able to deliver a report in August. Then what? We can get on and debate it? I do not think so. We then have to respond to a report, and we will not get this done.

I know this is probably the Liberals' way of declaring their own official caretaker—that is, that we are in caretaker mode under the Liberal's point of view now, therefore

we should not be able to do anything. That is not realistic. We need this new legislation. It modernises the system of the reality of the world we live in today. We need it up and running, most importantly for Bimberi. I have had two children since consultation began on this. That is the length of time the opposition have had to get their minds around this. When this consultation started, my 2½-year-old-son had not even been born. Since then, I have had him and I have had another baby!

Mr Mulcahy interjecting—

MS GALLAGHER: Well, I am not sure whether that is a reflection on me, but what I am saying is that that is the amount of time that has been spent on consultation and discussion. We need to move on, and we will not be supporting this motion.

DR FOSKEY (Molonglo) (12.24): I am not sure that I heard about this motion first from Mrs Dunne. In fact, I do not think so. But I gave this serious thought, because this is a really huge bill. Because it is such a huge bill, my office has been on the ball about it ever since the first draft came out. Remember, there was an exposure draft on this bill that was around for quite a lot of time. I know that Ms Gallagher has gone through the process of consultation. That, of course, is a voluntary thing whether you, as an MLA, decide to participate in consultation like that. This is an issue about which the Greens are extremely and passionately concerned, so we have been involved from the very beginning.

I also want to say that, as a result of our concern about this issue, we have had consultations with pretty well every community organisation that we can think of that does work on these issues. We have consulted with the minister and staff and certainly with key public officials, because it is a really important issue. The legislation is one part of the issue, and a very important part. In terms of me and my office, to look at it from a personal perspective, I do not need this committee to conduct an inquiry. I believe there is enough information in the public domain. I have not yet heard from Mrs Dunne what her policy concerns are with the bill.

When we got this new bill that Ms Gallagher tabled today, I had a look at that and I thought, "Well, this is very thick. I wonder if this justifies a committee inquiry." But, of course, after looking at that bill, I see that it is what it says it is—consequential amendments. Most of the amendments are purely technical, and although it is new information, it does not require an inquiry.

My staff have been working on this case for a couple of years now, and every time they have required assistance, they have always had ready answers from the minister's office. There has not been any reluctance to assist us. I cannot agree to a committee inquiry to help the Liberals get around this issue now. I know that Mrs Dunne has, in the past, had great interest in this issue. When I first came into the Assembly Mrs Dunne asked a lot of questions in committee hearings and so on. However, I do not know that I have heard that kind of interest of late. There has probably been stuff going on behind the scenes. I do not know if Ms Porter is going to talk about the committee's commitments at the moment.

If there is going to be no net benefit from the committee process, if we can do all that work without dragging in another three people in the case of the committee—the two

members and the secretary—then let us do it that way. We are members. If debate on the bill is delayed until August, there is a good chance it will not be through before the election, because I imagine there will be substantive debate, especially if there are concerns about the bill. So far those concerns have been ironed out by negotiation, discussion and dialogue, which is a good way to do it. But if debate on the bill does not start until August, I would be concerned that it would not get through before the election. There will be so much business in the two sitting weeks in August.

Ms Gallagher: Three.

DR FOSKEY: Three. Anyway, I still feel there is that possibility that debate will not be finished. If we start the debate in June, we may still be debating it in August anyway. I am not going to support the motion. I hope the motion was based on a real concern. I think we should have total respect for this legislation and for the processes that are being followed. We should debate it in the Assembly and do our jobs.

MR MULCAHY (Molonglo) (12.29): Mr Speaker, I will speak briefly on this matter. I am sorry for the Sanskrit version of the amendment I have circulated, but my proposal is to amend Mrs Dunne's amended motion by inserting the date "4 August" instead of "19 August" as the date for the committee to report back, and I so move the amendment circulated in my name:

> The date "19 August 2008" be amended to "4 August 2008".

Mr Speaker, I have been long in discussions with my staff and have vacillated somewhat on how we should proceed on this issue. I want to first of all say that I am appreciative of the length to which Ms Gallagher, the minister, and her advisers, particularly Mr Purtell, have gone to ensure that they have made officials available for briefings. That is appreciated. Obviously, as an independent member of this place, it is necessary for me and my office to handle briefings on every area of legislation as we do not have any others in here at this time. The extent to which they accommodated our lines of inquiry is greatly appreciated. Once or twice the briefings had to be rescheduled. It was significant that on one of those occasions there was a briefing with opposition members that went for more than three hours, and that put back the time that we could meet. That tells you that there are a range of complex issues in this particular bill that take quite—

MR SPEAKER: Order! The time for discussion of Assembly business has expired.

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

Budget—amenity of public areas

MR SESELJA: My question is to the Treasurer and it relates to budget funding in the outyears. Minister, budget paper No 3, page 95, details the improved maintenance

levels in Canberra's suburbs and shopping centres. The initiative offers $2 million for improving the amenity of public areas. Minister, you have said that this budget is a budget for the future, yet there is no outyear funding for this program. Why do shopping centres need to be swept and mowed only in an election year?

MR STANHOPE: The responsible minister is the Minister for Territory and Municipal Services, Mr Hargreaves. I ask him to take the question to illustrate the extent to which the government takes seriously and does fund the maintenance of shopping centres.

MR HARGREAVES: This amount of $2 million in the budget is a burst of activity—

Opposition members interjecting—

MR HARGREAVES: Ah, we have a sudden second burst of activity! They were not snores I heard over there at all. They have a sense of humour between them. What we have just had revealed—ever since Mr Mulcahy left the opposition treasury bench—is that they have a complete lack of understanding of the framework of a budget. Budgeting 1.01 is all about what the budget is made up of. For those opposite—

Mr Pratt: We love Richard all of a sudden, don't we?

MR HARGREAVES: For those opposite and for old motormouth over there, the fact is that it is an incremental budget. Girls and boys, it is an incremental budget. From time to time we see that governments add a certain amount of money to what? To the base. This is not zero-based budgeting, students. Little girls and boys, this is not about a zero-based budget. It is $2 million on top of all the other things that we do. Let them go and have a look. Go and have a look at the past budgets. You lazy bunch of people think that I will do your work for you. I will not do it. Go and have a look at previous budgets. Have a look at BPs Nos 4 and 3 in previous years. You will see stacks of money going into playgrounds. You will see all the money provided to City West. What we see in this budget is additional funds to a very, very significant base.

Mrs Dunne: Which you are taking out in the outyears.

MR SPEAKER: Order, Mrs Dunne!

MR HARGREAVES: What have we done? Of course, we have a significant mowing budget.

Mrs Dunne: Because the outyears are after the election.

MR HARGREAVES: We have a significant parks and cleaning budget. We know that there are certain parts of the town that can do with an extra bit of money as a one-off—

Mrs Dunne: Just before the election.

MR SPEAKER: Order, Mrs Dunne!

MR HARGREAVES: to bring them up to a standard where the maintenance budget in the base can cope with that. In the base, guys: budgeting 1.01. I refer you to that.

Mrs Dunne: Are you pulling the floor out from under the base?

MR SPEAKER: I warn you, Mrs Dunne.

MR HARGREAVES: In the base you get significant funds for playground refurbishment, for shopping centre precincts. In fact, only recently Ms Porter did some work around the Melba shopping centre. Where was the money for that, I ask you. I would not have to ask that of Mr Mulcahy because he already knows the difference between zero-based budgeting and incremental budgeting. This is what the Stanhope Labor government is all about. It is an incremental increase in the quality of this city.

I am absolutely sick and tired of having these people constantly running the town down. It is only these people who think that this city is dirty and ragged. It is not. I am proud of this city. I am proud of the significant funds that sit up in the base. Sitting in the weight—

Mr Pratt: Well, not according to the calls into the ABC last week. Not according to the weight of callers into the ABC last week.

MR HARGREAVES: Just listen to those opposite. They do not know the difference between an incremental budget and a zero-based budget. If they go back and have a look at the tables for successive budgets, they will see that there is a lot of money in the base. They will also see the moneys that have been provided in previous budgets into the outyears forming the new base. They will then see that, because we have been responsible, because there has been a significant economic upturn in the town, and because of the hard work and the pain the people of Canberra put up with in the last couple of years, we are now paying dividends.

We can plough a lot more of that money back into the city. The money that we are ploughing back into the city is because of people's hard work. Instead of saying, "What happened to the outyears?" they ought to go back and check the outyears in the previous budget; they will see it sitting there. They will see that a $2 million injection is brilliant.

Chief Minister's Department—staffing

MR MULCAHY: My question is to the Chief Minister. In the 2007-08 budget, you made provisions for an extra 22 positions in your department. It is now apparent that the actual increase in staffing numbers was 42, which represents an increase of 33 per cent on the 2006-07 levels. What additional role is being undertaken by the extra 20 staff in your department?

MR STANHOPE: Thank you, Mr Mulcahy, for the question. Perhaps I need to take some advice on the specifics of that in order to give you a detailed response in relation

to the role and function of each of the additional staff that you refer to. I must say that I could not, off the top of my head, detail or list the roles and responsibilities of additional staff that have been employed within the Chief Minister's Department over the course of the year. However, in the broad I can answer the question. I will have to check and confirm my answer to this. I will say this is my understanding, but I would want to take the opportunity of confirming my understanding.

The additional positions to which you refer are almost certainly positions associated with the role and function of the strategic projects unit which is, as I am sure you are aware, headed by Mr David Dawes. In the context of the establishment of that particular role and the funding for the positions that are attached to it, the government was mindful of the need to have, within the Chief Minister's Department, the central department of the ACT public service, an opportunity for strategic management direction of significant projects. It is an office headed by David Dawes. His deputy executive is George Tomlins.

My understanding is that those particular positions relate to the strategic projects unit, which has a range of responsibilities. It is the area within the Chief Minister's Department that oversees all of the strategic projects and the strategic initiatives and initiatives which are of singular importance to the government; for instance, the delivery of aged care units. We coordinate now across agencies. It is a coordinating office with a coordinating function. I can use the example of aged care. It is through that particular office that strategic planning and coordination across agencies in relation to the provision of aged care accommodation is undertaken.

It is an area that accepts responsibility for providing advice to me on issues on land supply. It is the agency within the Chief Minister's Department that liaises with the Land Development Agency in relation to, for instance, the direct sale of land, an area of significant importance not just to the government of course but to the broad community.

I will take the question on notice. I understand that I have not been able to answer in the detail that perhaps you were seeking. I would, I am sure you understand, need to take specific advice on each of the positions, but I am more than happy to do that.

MR SPEAKER: Is there a supplementary question?

MR MULCAHY: Chief Minister, you may wish to add this to the matter taken on notice: could you inform the Assembly of what your estimate is of the core front-line services that could have been provided if that expansion of your department had not occurred?

MR STANHOPE: The question is particularly hypothetical. It depends on the area of service delivery one would wish to concentrate on or respond to. No consistent answer could possibly be given. For instance, there might have been a cost if the provision of strategic direction and management of major government projects and initiatives had not been pursued. That is an incredibly valuable role that is being pursued by David Dawes, George Tomlins and their team in relation to issues like aged care, the development of our land supply strategy and direct grants of land.

A whole range of important projects are being facilitated through the strategic projects unit, and they are broad and wide. That is the area that has handled and managed all negotiations and coordination in relation to the Narrabundah caravan park. It is currently doing the scoping work on the future of the Yarralumla brickworks. There is the broadest range in that area, and it has a fundamental role. There are not many roles or functions within the ACT public service that I would have thought were more important or of a higher priority, in the context of the services that it performs.

Of course, Mr Mulcahy, this is the business of government—making hard, difficult and complex decisions in relation to weighing up one priority as against another, and providing the necessary funding to pursue those particular priorities. It is always an issue. It is why, for instance, the government is not inclined to support the abolition of stamp duty for incredibly wealthy first home buyers. There is absolutely no positive imperative. We have analysed, for instance, the implications or the public good that would be involved in or devolved from a decision to allow somebody earning in the vicinity of $150,000 a year the capacity to access a stamp duty reduction when they are under absolutely no economic or housing stress and when the policy would actually worsen the situation in relation to affordability.

They are the sorts of decisions that government makes all the time. We would not make such wrong-headed policy decisions in relation to the forgoing of amazing swags of revenue—$30 million of revenue a year. They are the decisions we make. That is why, particularly in relation to such flawed policy, tied on or tacked to the sort of voodoo economics that we now see being promulgated by the Leader of the Opposition and his shadow Treasurer—

Mr Barr: I think that's being unfair to voodoo economics, actually.

MR STANHOPE: That is being unfair to voodoo economics, is it? The voodoo notion is that you can provide a stamp duty exemption to a person earning $150,000 a year and pretend that you are dealing with affordability for people living in housing stress. It is an amazing suggestion that, through the voodoo economics of the Leader of the Opposition and the shadow Treasurer, you can provide a stamp duty exemption to a person earning $150,000 a year and pretend that you are serious about the issue of housing affordability or dealing with issues of people living with housing stress. It is quite remarkable. So we do not support those sorts of notions that are populist, simplistic and counterproductive. The Liberal Party's abolition of stamp duty for people earning $150,000 a year is a seriously flawed policy that will do nothing for housing affordability, and will actually act against the interests of people in genuine housing stress, who will be forced to compete in a competitive market for a limited supply of housing.

I am more than happy, Mr Mulcahy, to take your question on notice and provide the further detail you seek, but the second part of your question is so generally hypothetical that there is really nothing I can add.

Environment—energy efficiency standards

DR FOSKEY: My question is to the Minister for Planning and it is in regard to minimum energy efficiency standards in the ACT. The minister would be aware that,

by adopting the 2008 building code of Australia requirements for energy efficiency ratings, Canberra's energy efficiency standards have fallen to equal the worst in Australia. That is particularly pertinent to flats and apartments, which can now have EERs as low as three stars.

Can the minister explain how lowering the energy efficiency standards for apartments is consistent with this government's claim to be a leader in energy efficiency initiatives, and can the minister justify having significantly lower energy efficiency standards for apartments and houses when it is easier to increase the energy efficiency of apartments?

MR BARR: I thank Dr Foskey for the question. She has raised an interesting point; one that is, of course, the subject of considerable debate, not just in the territory but at a national level. The ACT has, of course, set very high standards in terms of energy efficiency for new dwellings and it has also sought, through a range of measures, to ensure that there is a range of incentives in place for the retrofitting of older dwellings to improve their energy efficiency.

In relation to the specific issues that Dr Foskey has raised, it is clear that, as part of a broader national goal, we should be aspiring to improve the environmental efficiency of new dwellings. The ACT will be part of this national process, of this national debate. I have only recently, in fact, convened a forum of major industry representatives, representatives from various research institutes and a couple of local activists, who I think would be well known to members of the Assembly—Derek Wrigley and Professor John Sandeman—who have put forward a range of interesting ideas for further consideration for the ACT government.

I am very pleased with the progress of work within the planning authority around these issues and I look forward to being able to make some further substantive policy announcements in the areas that Dr Foskey has identified. I do believe that there is room for improvement within the ACT. But, clearly, we also form part of a broader national debate on these issues, which is important. Through forums such as the planning and local government ministers forum that Minister Hargreaves and I attended only about a month ago, these issues were discussed at a jurisdictional level across all Australian jurisdictions. We also look forward to some further announcements from the commonwealth government in relation to particular programs that they are proposing in this area.

So my words to Dr Foskey are that she can expect some major policy announcements in this area in the weeks ahead.

MR SPEAKER: Supplementary question, Dr Foskey?

DR FOSKEY: Can the minister advise the Assembly what process is in place to improve the mandatory efficiency requirements for apartments and flats and how the ACT can ever take the lead in ensuring all our buildings become more energy efficient than those of other states?

MR BARR: I thank Dr Foskey for the supplementary. I do note that she completely ignored the answer I gave previously in asking the supplementary, but it was—

Dr Foskey: I didn't ignore it. I just want a time line—dates, times.

MR BARR: I can advise Dr Foskey—I will repeat the statement I made in answer to the previous question—that I will be making a series of major policy announcements in this area in the very near future.

Budget—skills training

MS PORTER: Mr Speaker, through you, my question is to the Minister for Education. Can the minister inform the Assembly of how the Stanhope government's 2008-09 budget will help ensure Canberrans acquire the skills they require to be ready for the future?

MR BARR: I again thank Ms Porter for her interest in education and training matters. I know those opposite and on the crossbench do not like to hear this, but I think Ms Porter has asked more questions on education and training than the entire Assembly combined. I pay great tribute to Ms Porter for her ongoing interest in education and training matters.

Opposition members interjecting—

MR BARR: I welcome the interest of those opposite, finally, in matters of education and training, even if it is only by way of petty interjection. That, seemingly, is all that the opposition are capable of.

As members would be aware, our country is in the grip of a skills crisis. The prime cause of that skills crisis is 11 years of underinvestment in skills by the previous Howard federal Liberal government—the abject failure at commonwealth level to invest in skills. Fortunately, amidst those 11 barren years of investment in skills, the ACT Labor government has been the shining beacon of investment in skills and training. In fact, in every year that this government has been in office, funding has been increased to the Canberra Institute of Technology. We remain determined to tackle the local impacts of the national skills shortage. The budget that was brought down by the Chief Minister and Treasurer on Tuesday continues this government's record investment in public education and in skills and in training.

I had the great pleasure at the 80th birthday celebrations of the CIT last week to announce a major package of investment in the Canberra Institute of Technology, the centrepiece of which was a $9 million investment in a new horticulture facility for the Bruce campus. This new facility will provide a state-of-the-art environment for students to learn the skills which will help us as a society understand how climate change will impact on plant life and how, through science, we can adapt climate change.

Unlike the campus at Weston, the new facility will also provide students with access to services such as canteens, student support and counselling, better access to public transport and access to a range of complementary programs in surveying, construction and environmental sciences. The new facility will also include features to reduce energy use and to maximise water reuse through on-site storage.

The funding of this new horticulture centre is part of an additional $14.3 million in funding for the CIT in the 2008-09 budget. With the demand for courses continuing to rise, the CIT needs to remain equipped to deliver the best possible education and training for students and to ensure that the training that is provided is relevant to the needs of the ACT economy.

As part of the extra $14 million investment into the CIT, the government is also funding feasibility studies into the further development of the city campus in line with the Reid master plan and for a new trades skills centre as part of the Fyshwick campus. The CIT will also benefit from $1 million in major equipment upgrades that will see modern and professional equipment provided to students so that they are training on equipment that is of the standard they would expect to use in the workplace.

In addition, there is $1.3 million for additional student support services at the vocational college and support for disabled students provided through this 2008-09 budget. There is also an investment of nearly $2.5 million over the next four years to enable the CIT to deliver an additional 35,000 hours of training. The budget increases funding to meet the demands for Australian apprenticeships through additional user-choice funding of $4.169 million over four years. In anyone's language, that is an impressive package of investment in skills and training in this city.

We realise that, when it comes to education, one size does not fit all. With this in mind, we remain committed to providing a number of different pathways for students to gain training and skills and to provide access to these pathways earlier. That is why there is targeted support in the college sector for additional vocational education and training teachers and also teachers that will be able to assist in supporting students in the transition from high school to college and then from college on to further vocational education and training.

MR SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Could the minister advise the Assembly of other steps the ACT Labor government is taking to ensure the future strength of the ACT economy and our society through education and training?

MR BARR: I thank Ms Porter for the supplementary. I think our main avenue for addressing the skills crisis is through the ongoing strength and quality of education and training provided by the Canberra Institute of Technology. It has been delivering relevant and innovative training for 80 years within our community. With the support of this government, it will continue to do so into the future.

An example of the CIT's innovation is their development, in consultation with industry, of accelerated apprenticeships. I recently had the pleasure of launching new accelerated apprenticeships in the skills shortage areas of panel beating and hairdressing. The CIT's innovative fast-track apprenticeships will help ensure ACT business operators continue to have access to the skilled workers they need, by allowing students to complete their apprenticeships up to 30 per cent faster, without sacrificing educational quality. By shortening the length of the apprenticeships, the

CIT will get skilled workers into the workforce faster and will also make apprenticeships more appealing, most particularly to mature aged students and those seeking a career change.

These latest innovations in apprenticeship training are based on the CIT fast-track apprenticeship program that was introduced in 2006. The accelerated chefs program enables apprentices to complete their training in two years instead of four. The success of this program is partly why the CIT won the 2007 Qantas Australian tourism award for the best tourism education and training organisation in Australia for the second year in a row and the fifth time overall. These fast-track apprenticeships are just part of what the ACT government and the CIT are doing to address the local impacts of the national skills shortage caused, as I have said, by 11 years of underinvestment in skills and training by the former federal Liberal government.

Last November, I had the opportunity and the great pleasure to launch the CIT vocational college, another innovation providing students with the opportunity to develop essential skills whilst studying in areas that have high demand for new employees, such as childcare, aged care, automotive, engineering and hairdressing. The vocational college opens up new education options and pathways to study and work for people of all ages, offering essential skills and job training for around 3,000 young, mature age and recently arrived migrant students each year.

Last June saw the launch of the ACT's first Australian school-based apprenticeship certificate level 3 in plumbing, which provides students with the opportunity to start a plumbing apprenticeship whilst completing their ACT year 12 certificate. This program is a partnership between the ACT government and, in this case, the licensed plumbers who have taken on these apprenticeships and without whose support the program would not be such a success. The ACT government is also doing its bit in this regard and is now offering young Canberrans the opportunity to gain their year 12 certificate whilst also learning skills on the job in the ACT public service, through the ACT Department of Education and Training.

I should point out at this point that one of the CIT's strengths is its partnership with one of the ACT's other great learning institutions, the University of Canberra. This partnership is a nationally recognised model of excellence, offering both vocational training and university education to students. The flexibility of these education options provides ACT students with wide-ranging options for career skills training.

Besides the great careers the CIT has helped so many Canberrans build, one of the best indicators of the institute's effectiveness can be found in its enrolments. Last year, the CIT had 2,698 program enrolments in apprenticeship or traineeship programs. That is an eight per cent increase from 2006. Through the CIT's partnerships with both large and small local and national employers in delivering apprenticeships, around 1,675 employers took on CIT apprentices and trainees during 2007. Last year, the CIT enrolled 106 school-based apprentices, a 23 per cent increase on the previous year.

Since 2001, the Stanhope government has made record investments in public education and in vocational education and training to ensure that Canberra and

Canberrans are ready for the future. Those opposite are yet to tell the people of the ACT how they will tackle the skills crisis. The Leader of the Opposition and the shadow minister for education and training have the opportunity in about one minute to reveal a single policy to respond to the skills crisis. *(Time expired.)*

It being 3.00 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2008-2009

Debate resumed from 6 May 2008, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (3:00): The budget of the ACT is more than numbers. It is more than promises, graphs and charts. The budget is a document that has the power to change lives and fundamentally alter the city in which we live. It is the vehicle for change and a tool which can deliver visionary reforms and practical solutions. The budget is also a test. It is a litmus test measuring how much a government is in touch with the community, how imaginative it is and how committed it is to see through demanding reforms that will help our city thrive and prosper into the future.

Whilst the Labor Party may profess a commitment to affordable housing, to world-class education, to a well-resourced and managed health system and a commitment to securing our future, as always actions speak louder than words. The truth of the matter, as illustrated in seven long years, is that they are in fact mainly interested in their own future. They have failed in critical areas and simply ignored others. The community has been subjected to a budget cycle of extremes. From year to year, and even month to month, the story changes. One minute we are in dire straits; the next we are rolling in cash. One minute we must tighten the belt; the next we must spend, spend, spend—all the while pushing through an agenda of self-preservation.

I do not believe in opposition for opposition's sake. I believe my duty, in a budget context, is to closely examine the strength of the budget proposals, to highlight policy shortcomings, to hold the government accountable for how it implements its agenda, to support positive initiatives and to put forward my own clear alternative vision to the community.

The opposition are pleased with several inclusions in this budget. We are pleased to see significant investment in a women's and children's facility at Canberra Hospital. Of course, we will be ascertaining through estimates hearings how much of this is just a replacement of the existing wards and how much is actually new capacity. Investment in health facilities in Gungahlin, extra money for non-government schools and for students with disabilities is all very welcome.

We welcome the investment in the roads surrounding the airport. This is the fifth budget in which they have promised the work, so we are watching closely to make sure that it does not get dropped again or rolled over again. We welcome the funding

for Tharwa bridge, although the start date of 2010 is rotten treatment of a community that is still reeling from a school closure.

We are pleased to see Labor follow us on teacher professional development, which I will expand on later. Areas such as mental health sometimes do not get much media attention, but they are terribly important for supporting some of those at the outer margins in society—those who most need help in overcoming disadvantage.

It is impossible to respond to this budget without putting it into the context of this government's time in office. Since Labor came to office seven years ago, annual ACT budget revenues have grown from $2.1 billion to $3.3 billion. This is an increase of almost 50 per cent in revenue, or around $1 billion in the most recent financial year.

Of course, Labor has forecast annual revenue growth every year and made plans to spend it, but the revenue streams have proven to be even bigger than Labor anticipated. Over the six years from 2002-03 to 2007-08, Labor budgeted for revenues of $15.9 billion, while the reports for those years show total receipts of $17.5 billion. So in the past six years, this government has enjoyed a cumulative windfall of $1.6 billion in revenue that it did not expect to receive, and was not part of the initial budget spending plans—the $1.6 billion revenue boom.

What have we got to show for this sea of windfall revenue? Twenty-three schools closed, taxes continuing to increase, health indicators going backwards, a water supply not secured, a bus system falling apart, and home ownership increasingly out of reach of young Canberrans.

Mr Stanhope has no competence on economic management. From 2001 to 2006, he spent like a drunken sailor. On a GFS basis, the net operating balance in 2003-04 was a massive minus $201 million; in 2004-05 it was minus $296 million; and in 2005-06 it was minus $134 million. Then, in 2006, Mr Stanhope turned around and confessed he had a spending problem. But, with an air of audacity, Mr Stanhope blamed a long line of previous governments of all political colours for putting his budgeting in a mess and for not taking the tough choices to save him from his own profligacy. He said in 2006:

> … it is time the ACT had the maturity and the wisdom to stop living beyond its means, as it has done, year after year, government after government, since self-government …
>
> Many of us in this chamber, on both sides of the room, have been part of governments that have been complicit in this history. It is right that we feel somewhat discomfited.
>
> … we have gone on in this manner for the past 17 years …
>
> The temptation is not to look—to leave it for another day, another government.

Obviously, Mr Stanhope needs to be reminded of his record in this place. When he first came into parliament, he condemned efforts by the Carnell government to trim spending in order to bring the budget into balance. On 6 May 1999, Mr Stanhope

delivered his first budget reply. He attacked budget balancing measures and criticised accrual-based budgeting. He claimed that accrual figures were "fictitious" figures and declared his support for stone age cash accounting. That was Mr Stanhope's first ham-fisted contribution to an economic debate: he declared his opposition to attempts to rein in spending and confessed his ignorance about modern, transparent budgeting methods.

After his record in opposition, opposing efforts to balance the budget, Mr Stanhope had the great audacity to turn around in 2006 and blame everyone but himself for mucking up the budget. The truth is that between 2001 and 2006 Labor enjoyed abundant revenue—windfall gains that previous governments could never dream of.

These were not windfalls of Mr Stanhope's making. It was the federal government that increased employment and economic activity in Canberra. And this was only made possible through tough decisions to cut taxes and reform the economy—decisions made by a Liberal government. Mr Stanhope is only entitled to claim responsibility for squandering the good times.

The government consistently talks up its health spending. Under Labor, over the period 2002-03 to 2006-07, actual spending on health has been $205 million more than planned in its budgets. But we are not seeing equivalent improvements in performance or health outcomes.

When Labor came into office, the majority of people waiting for elective surgery in the ACT in 2001-02 waited 40 days to have their operation. By 2005-06, the majority of people waiting for elective surgery in the ACT waited 61 days to have their operation. In 2005-06, the ACT still had the longest waiting times in the country, according to the Productivity Commission report.

The most up-to-date data from the Australian Institute of Health and Welfare show that the ACT has the highest cost of patient treatment in Australia. The cost per patient is 14 per cent higher than the average. When it comes to hospital administration, the cost in the ACT is 26 per cent greater than the Australian average.

Labor has no trouble spending $205 million more than it planned, but it is incapable of doing anything to move the ACT off the bottom rung on key measures. It is one thing to spend money on health; it is another to deliver real, tangible outcomes for the people of Canberra.

The centrepiece of this budget is an infrastructure spend of $1.4 billion over five years. We are supportive of the emphasis on infrastructure and on many of the projects within the investment. It is appropriate, at a time when the ACT government receives record revenues from land sales, that it is investing back in infrastructure. For instance, we will never again be able to sell a car park, section 63, which sold for $92 million. Those assets are gone forever, and, once we sell them, we need to invest back in infrastructure.

Notwithstanding the very large sums being spent, the ACT is getting surprisingly little of lasting significance outside the investment in health. There are only a couple of

new and widened roads. Many of the worst choke-points on our arterial roads have been ignored. The traffic problems of Gungahlin will not be fixed by duplicating Flemington Road and dumping more traffic onto Northbourne Avenue. There is no fix for Majura Road. This road is a growth corridor that carries pressure from growth areas in Gungahlin and Queanbeyan. It also connects to a heavy flow of Tuggeranong traffic. Yet we see no plan to fix it.

The capital works budget is a long list of little ideas, small and medium projects, plus some stale re-announcements that have come back from the dead. Where is the broad vision? Outside health spending, there appears to be little which will make a large difference for ordinary Canberrans. The opposition is very pleased to have a debate about infrastructure spending, because for a long time we have said that Labor has been letting the ACT's assets deteriorate and has not invested windfall surpluses into any lasting legacy.

There is no party less qualified to handle infrastructure investment than the ACT Labor Party. They have an unrivalled record of bungling on this issue. After the Labor Party first came to office in the ACT, they were initially quite honest about their disinterest in infrastructure. Labor's first two budgets significantly cut the amount of new money committed to capital works. In 2001, the previous Liberal government committed $89 million towards new capital works. By comparison, the next two Labor budgets only committed $56 million and $58 million to new works to be undertaken in 2002-03 and 2003-04 respectively.

But after that initial blatant gutting of the infrastructure spend, Labor came to realise that there was a growing public expectation that it should be spending more on infrastructure. So Labor has become more cunning about its underinvestment. Since 2004, Labor has played a dishonest game with infrastructure numbers. Labor has published some impressive promises of increased spending at budget time in May. Then, at the end of the financial year, every year, it turns out that between a half to a third of the promised investment is never delivered.

The truth about how much money has been acquitted is detailed in the low-profile capital works reports. On average, Labor's completion rate has been 59 per cent for its capital works promises made over the six years from 2002-03 to 2007-08. The inverse statistic to the completion rate is the underspend rate. Labor's underspend was as high as 48 per cent of the promised funding in 2004-05 and 48 per cent in 2005-06. In the last audited report their underspend for 2006-07 was 38 per cent.

The capital works reports are written by independent Treasury officials and they used to be tabled in the Legislative Assembly. They give a picture of actual ACT government investment, not just budget promises. In 2006, Mr Stanhope, as Treasurer, deemed that these reports should be suppressed. He hated the scrutiny and he hated the public finding out how little of his headline promises on infrastructure was ever spent.

Fortunately, the Canberra Liberals have been able to obtain the release of the capital works reports through the freedom of information process. My colleague Brendan Smyth has been putting in regular FOI requests. Thanks to these reports, we

know that this government has underspent by over half a billion dollars over six years. Add to that the rollover in the latest budget and Labor will have underspent $659 million over seven years. Any Labor budget figure on pledged capital works spending is not worth the paper it is written on.

We need to go to some of the examples of how this government have mismanaged the infrastructure spend in the ACT. The Gungahlin Drive extension project is the most famous. We have seen how they have used it from year to year in different budgets to prop up the projected spend on capital. GDE has falsely propped up infrastructure numbers in budget after budget, making the capital works spend falsely appear bigger than it ever really was.

The previous Liberal government had budgeted to build the GDE as a four-lane road by 2004, at a cost of $53 million. Labor did not sign the contract for the first stage of GDE works until—

Mr Corbell: $53 million: what were you going to get with that?

Mr Hargreaves: Yeah, right—$53 million!

MR SESELJA: The minister chimes in. The minister who could not deliver the GDE chimes in. Labor did not sign the contract for the first stage of GDE works until late 2005, a whole year after the Liberals would have finished the job. And the final contract to build the GDE was not signed until well into 2006, two years after the job should have been finished.

Labor took until 2008 to finish the job, four years after it should have been finished. And they spent $120 million for a road of only half the size that was originally budgeted for. They broke their 2001 election promise to build the road on time, in full and on budget. At the end of it, the people of Gungahlin have a one-lane highway. This is the Labor government's major infrastructure legacy, and they expect us to believe that they are now going to be able to deliver on their promises. This is their legacy.

Labor has cancelled some public projects altogether, after being announced in previous budgets. The dragway was never going to be delivered. It was just a false accounting entry to pad up the headline capital works figure.

Tharwa bridge is a classic example of how the Labor government have treated the community shabbily and kept the community in the dark over when works would ever start and how long they could take. Labor closed the bridge in 2006 and ruled out interim solutions and directed abuse at those who proposed them. Two years on, they say they will adopt some interim fixes, but they say that the residents of Tharwa will now have to wait up to another 4½ years for a permanent fix.

Labor have been delaying building a new psychiatric unit at Canberra Hospital, even though they were first told five years ago that a major reconstruction would be required. After years of dithering, Labor have actually promised a 65-bed unit and then they downgraded the promise to a 40-bed unit, but the new unit is still not built.

At last this budget delivers some money but, on past form, we question how soon Labor will get the job done.

Water storage is another area of Stanhope government neglect. Labor's one trick response to the drought was to impose water restrictions rather than to enhance Canberra's water storage. Four years ago, the Canberra Liberals announced their intention to commence work on a new dam. The Labor government consistently opposed the building of any new dam from February 2004 until October 2007. They wasted four years commissioning study after study, as a substitute for action. In fact, on 28 March 2006, Mr Stanhope told 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.

Head in the sand! As he continued to dither, gardens and parks across the bush city turned into parched and dusty terrain. Residents have suffered through a roller-coaster ride of up-and-down water restrictions. It took until late 2007 before Labor finally conceded that Canberra needs more water storage capacity. But their boldest plan now is a proposal to enlarge the existing Cotter Dam. And even under that plan the commencement of filling the dam will not be any time sooner than April 2011. This is the government's legacy on water.

Labor only deals with infrastructure problems at the eleventh hour, after the problem has emerged, after gridlock has emerged. And, when it does deal with an issue, Labor typically surprises everyone with a short-term fix, not a lasting solution. Part of the problem is that Stanhope Labor has a slightly different idea from ordinary Canberrans about what counts as community infrastructure.

Mr Stanhope: We are building the Tennant dam now.

MR SESELJA: It is interesting that the Chief Minister chimes in, given his record on water. This is the man who said we would not need a dam; we may never need a dam. Now he has been embarrassed into action. He has got it wrong again, and the people of Canberra have suffered as a result. Labor's priority has been personal indulgences such as the bells-and-whistles prison, the pie-in-the sky busway and the ultimate personal indulgence—a legacy to Mr Stanhope in the form of an arboretum in a time of drought. After years of record revenue, we have very little of value to show for it. Sure, we have a statue of a Labor Party icon and we have some expensive artwork on the side of a one-lane road that was delivered years after schedule!

There is nothing in this budget which indicates what structural changes will be made to improve the delivery of capital works. There are no new implementation systems in place to show how a government that has not come even close to delivering more modest targets in the last six budgets can possibly meet the considerably more ambitious targets set out in this budget.

School closures are the great betrayal of this government. This budget delivers surprisingly little for education. And the money to transform some closed schools into community facilities undermines Labor's claim that school closures would save

money. Parents suspected that the economic argument in 2006 did not stack up. And Katy Gallagher has confirmed this just this week.

They said they would close no schools. Katy Gallagher ruled this out on 12 August 2004, on the cusp of the last election, when she said, through a spokesman, that during the next term of government "the government will not be closing schools". On 2 April this year, Ms Gallagher confessed in the Assembly that she had in fact decided to break this promise just six weeks after the election. What a kick in the guts to the voters who took Labor on trust!

Labor's closure of 23 public schools has been the biggest setback to public education since self-government. It has and will perpetuate the movement to the non-government sector. Labor has caused disruption and uncertainty in the government school system. Labor thinks schools are all about bricks and mortar. What it has ignored is the importance of the social mortar.

Whole communities have been dislocated by these school closures. Children have been separated from lifelong friends. Teachers have been involuntarily reassigned to new schools. And some families have had to sell homes or buy a second car to get access to a new school. Many of the schools which were closed were primary schools. These kids are often not able to safely walk to distant suburbs to get to a new school.

We understand what this means to people. Mum or dad has to get to work on time, sometimes across the other side of town, but they also have to drive in another direction to drop their kids off to school first. And schools do not usually take kids before 8.00 am. It is a real and awful stress now for many parents, caught between the pressure to get to work on time and the need to get their young kids to a new school in another suburb safely.

Fortunately, the door has not closed entirely on many of these broken communities. I have a plan to reopen schools closed by the Labor Party, where this is feasible and where there is strong community support. We will work with communities to determine the future of all closed schools, using criteria based on educational, social, financial, demographic and environmental factors.

The data and evidence used by a Canberra Liberal government to make decisions on the future of schools will all be made public. It is a solemn promise. It is different from the solemn promise made by Katy Gallagher that no schools would close in the next term of the Labor government. You misled the community and you need to admit it.

That is quite a contrast to the Stanhope government, which very cynically suppressed the review run by Labor Party identity Mr Michael Costello. Mr Barr's consultation on schools was a sham that had little effect on decisions that had already been made. The secret basis on which schools were singled out was never released for public debate and challenge. This is a cowardly way to engage in a public debate or reform process. Labor thinks it can take this community for granted and get away with it.

They take teachers for granted too. For seven years they froze funding levels for teacher professional development. These school closures have brought disruptions and

dislocation. In this environment, teachers need more support than ever before. This is the message we heard in Calwell, where Labor have ignored a worsening problem of disruptive behaviour and violence. We are pleased that Labor have copied our policy in this budget, with some new money for teacher professional support, but we are not so pleased that Labor's funding cuts out partway through the forward estimates.

Young home buyers are another group that this government takes for granted. I do not believe it is acceptable that young people are forced out of the Canberra market because the ACT government is squeezing them between constricted land supply and excessive taxes. This is a government that pretends to care about housing affordability but continues to defend outrageous levels of taxation on first home buyers.

The government's track record on taxation is as woeful as its record on management of services and investment in infrastructure. Since Labor has been in office, the ACT economy, as measured by gross state product, has increased by 13 per cent but, over the same period, the government's revenue has risen by 28 per cent. Over the past six years, its financial bottom line has, on average, been $120 million different from what the government expected in its budgets.

Since 2002-03, the government's tax on property purchases alone has extracted $277 million more than it said it would. We can afford to give some of this back. I have challenged Mr Stanhope to match my plan to cut stamp duty for first home buyers, but he tells young buyers this would be "irresponsible". Just whose money does he think this is? Much of Mr Stanhope's surplus was gouged from first home buyers in the first place.

The Canberra Liberals recognise that a whole new generation of would-be buyers are struggling to enter the Canberra market and many are giving up on the dream of a long-term future in Canberra. We are losing skilled young workers to other states. Housing prices in the Canberra market are prohibitive enough for first home buyers, without government providing an extra barrier to entry.

My policy to exempt the vast majority of first home buyers from stamp duty will be the biggest positive change in the Canberra property market since self-government. Labor even acknowledges this through a land rent scheme which is perversely predicated on an assumption that low-income earners can no longer afford to own a home in this town. Mr Stanhope has driven prices up by choking land supply. He has monopoly control over land in this town. And he has been seven years too late in agreeing to ease up land supply.

Even now his belated plan to release more land is not expected to have any influence on the market until the end of this year, seven months away. Mr Stanhope thinks that $15,000 is fair and reasonable as his share from a $400,000 home sale. This is the famous mean streak. He arrogantly has his head in the sand, thinking that most Canberrans are wealthy and they do not struggle to juggle the bills. This is no doubt one of the reasons that even Labor insiders see the government as mean spirited and out of touch.

Yesterday morning in our budget debate at the National Press Club, Mr Stanhope said that to provide tax relief you have to shut services in health or education. This is a

cheap, simplistic political argument. This argument says you can never ever cut taxes or reform a tax system. I do not accept this. We think taxes should be at a reasonable level. Governments ought to consider the effects of their taxes on consumer behaviour and on the broader economy. This government has ignored those impacts when it decided its tax settings in the property sector.

Planning for public transport infrastructure and public transport generally has been deplorable. There is no greater example of the failings of this government than the Civic to Belconnen busway—$5 million dollars spent on a project that was ill conceived and would only have shaved three minutes off a bus trip.

Mr Corbell interjecting—

MR SESELJA: The timing of the interjections is interesting. The first minister for the busway, the man with the plan to spend $115 million to save three minutes on the journey between Belconnen and Civic, was Simon Corbell. That was Simon Corbell's plan. He interjects now and defends the wasting of millions of dollars on planning for a project that everyone knew was never going to go ahead. Add to this the hatchet job done to ACTION in 2006-2007 and the government simply has no credible record on public transport. Labor has failed to competently manage the operations and failed to plan for the future.

We need to plan now for a future public transport system. Development should be intensified along Northbourne Avenue, other major road corridors and town centres, instead of scattering multi-unit developments into the heart of our suburbs. We should plan now to put Canberra in a position in the future where it can truly have a sustainable and efficient public transport system. Let us acknowledge the terrible cut-down and underutilised state of our public transport system. Let us open up a debate about the future of public transport and really put this issue on the agenda.

The Canberra Liberals believe in getting out in front of problems. Labor's approach is to neglect things and then do something reactive at the last minute. I have announced a policy called infrastructure Canberra which will establish an infrastructure plan. It will also establish an infrastructure commissioner to ensure that capital works needs are carefully assessed and put in a priority order. This independent commissioner will be unique in Australia. The infrastructure commissioner will be able to publish advice to government; it will be transparent, and governments will ignore this advice at their peril.

We will beef up scrutiny of government by establishing a public works committee so that for the first time there is rigorous scrutiny of government implementation and performance. Haven't we seen the record of this government in delivering its infrastructure! This kind of planned approach will ensure that we do not see the kind of infrastructure stuff-ups that Labor has presided over. The people of Canberra are sick of the deferral of projects, blow-outs of budgets and cancellation and downsizing of projects. The new money promised by Labor to infrastructure in this budget is a belated response to Liberal criticism over many years. But Labor will continue the same old uncoordinated, unscrutinised approach to managing capital works.

I see from the leak in the *Daily Telegraph* that Labor's strategists are focused not on meeting the needs of the community but on devising political tricks. They say, "The trick is to sell back flips as responding to community concerns." I have talked today about the tricks Labor plays when it publishes figures on capital works spending and then tries to hide the data on actual spending at the end of the year.

If this budget were a sound one, this government would not be afraid of scrutiny of the budget detail. But on the last sitting day before the budget, this government used its numbers to hijack the estimates committee. The tradition in this parliament for most of the years since self-government has been that an opposition member or an independent chairs the estimates hearings. This government used its numbers to appoint a government chair and to change the committee numbers so there was a government majority.

Mr Pratt: Gutless.

MR SESELJA: It is. This is typical of Labor's attitude to accountability. We saw it before with the Costello report, which they still refuse to release. We see it again with the budget lockup. Two years ago, Mr Stanhope decided to lock the opposition out of the lockup. He overturned a longstanding bipartisan courtesy because he cannot stand scrutiny.

Labor take it for granted that Canberra is a natural Labor town. They think there is nothing that they cannot get away with. This week, Labor is using its parliamentary majority to railroad changes to the Electoral Act. Their Electoral Legislation Amendment Bill will write independent groupings off the ballot paper.

Mr Barr: Are you off the budget already now? You can't even sustain a speech on the budget.

MR SESELJA: Thank you, Mr Barr, for your considered interjections, as always. The Liberal Party understands the meaning of the word "responsibility". The Canberra Liberals are conscious that federal budget cuts are around the corner. This will be taken into account as we frame our election policies. I have a platform of important commitments that have been carefully costed and prudently crafted. Some of these policies have been rolled out in recent weeks. These commitments have been very measured to ensure maximum policy leverage from prudent government investment. My commitment to the west Belconnen clinic will only cost $200,000 in extra ACT government spending, but this will make an important contribution to providing more GPs for outer suburbs.

Ms Porter: We've already promised the money.

MR SESELJA: We hear the interjection that it is already happening. It is not going to happen under Labor. They are waiting around. They put in $200,000 and they are waiting for the federal government. We say that we will make it happen. Under a Liberal government, we will make it happen. We are not going to pass the buck like you and your colleagues, Ms Porter. We will make it happen.

My commitment on infrastructure planning will cost $5.2 million over four years but will involve a huge change to the way infrastructure is costed and prioritised. We will not see stuff-ups like a single-lane GDE or a prison that is the second most expensive per bed in the country with my new approach. This prudent spending of $5.2 million will inevitably save the taxpayer tens of millions of dollars in the future.

Where our policies have been very generous, there are natural offsets. My stamp duty policy will create a significant stimulus for housing and land sales in the ACT. This is borne out by a BIS Shrapnel study commissioned by the Property Council of Australia, which explores the potential economic impact of abolishing stamp duty in New South Wales. BIS Shrapnel found that revenue forgone is mostly balanced out by revenues from additional new dwellings stimulated by stamp duty abolition. The modelling shows that rollback of stamp duty will generate higher GST receipts and payroll tax. In the case of the ACT, I expect significant offsets from increased land sales and rates as potential new home buyers settle in the ACT in preference to Queanbeyan, Jerrabomberra and other satellite towns.

At the beginning of this address, I cited the power of the budget to change the future of our city. Previous budgets of this government have missed this opportunity. There is no doubting the level of prosperity that Canberra has had in recent times. We have been insistent on infrastructure investment to shore up our future. We welcome the late change of heart by the government to do that, but there is no doubting the missed opportunity.

As many in the community have already articulated, I ask: can these promises be delivered by a government that has failed to do so in the past? Can these commitments be honoured? Why does the government refuse to give tax relief to first home buyers? Our city is in desperate need of energetic leadership at a time of challenge. We stand ready to provide that leadership. Over the coming weeks and months we will continue the process already started of clearly showing the community the differences in policy and, dare I say, attitude towards Canberra.

Our plans will help attract investment and inspire confidence in our local economy and assist us in navigating the turmoil that may well lie ahead. The Chief Minister has glibly dubbed his budget "ready for the future". As we have seen from today's paper, the future Labor is interested in is its own. My focus will be Canberra; my focus will be meeting the needs of Canberrans.

My vision is for all Canberrans to have the opportunity to reach their potential. I see a city with the best health system in the world. I see a city where young people can afford to buy a home. I see a city where all children are supported in receiving a world-class education. I see our young people having the choice to stay in Canberra and have the opportunities created in a diverse and thriving economy.

The time has come to focus on the priorities of the community. I love Canberra, and I know what it can be. We will focus on the people. We will deliver. We have the hope, the energy and the vision to make Canberra all it can be.

DR FOSKEY (Molonglo) (3.36): It is worth setting the political context of this budget. It is an election year. The ALP has had majority government for four budgets. Last year it guillotined debate because it got late. This year there is a big financial cake to cut up due to the harsh 2006 functional review.

In the ACT the Treasurer is also the Chief Minister, cutting out an important line of scrutiny. I cannot imagine that the Chief Minister doffs his Treasurer's hat and dons the crown of chief ministership to apply a holistic view to the economic rationalist approach of the modern treasurer.

The government will be able to predict the reactions of its main opposition—the Liberal Party. I am sure it has predicted those reactions, because the Liberal Party's reactions do not vary, despite changes in leaders and shadow treasurers. Mr Mulcahy will always call for tax cuts. No doubt the government thinks it has a handle on the Greens' approach after 13 years, and I like to think that it respects our views and even takes on some of our suggestions in subsequent budgets.

The Liberal Party usually takes a line in a general context of grumpy carping. This time the Liberal Party is relying on attack and criticism and a couple of initiatives, like the dropping of taxes and holus-bolus grants via stamp duty exemption to a cohort of people regardless of their incomes, benefiting greatly the building industry. I have not yet seen evidence of a program guiding the Liberals' responses or suggestions. Most of its initiatives seem ad hoc and based on the vote-winning issue of the day. This year it is housing affordability, and it has adopted a perspective which it thinks is likely to get the most votes.

Members interjecting—

DR FOSKEY: Mr Speaker, if this were my classroom, I would have called it to order, absolutely.

MR SPEAKER: Order! Will people take their conversations outside the chamber, please.

DR FOSKEY: Thank you. To help people have secure, decent, affordable housing, why tie subsidies to particular groups of people and focus on just one of the housing options? Why just the first home buyer, for instance, typically presented as a young, heterosexual couple with children in their eyes? What about people who lost their homes through life's circumstance or the inability to maintain loan payments? Why not allow access to the equivalent of average stamp duty exemption to support access to housing in other ways, such as the bond for rental dwellings, entrance to a housing cooperative or co-housing?

In the kind of housing market we have, encouraging a diversity of tenures is a rational response. I do not think the Liberals will deliver it. So far, the government's support of other options has been limited and, except in a couple of initiatives, limited by a lack of funding and commitment to broadening them since the functional review's recommendations were so enthusiastically applied.

In the Assembly, the community has to rely on the Greens to bring these perspectives to budget analysis. The Greens look at the budget through a lens of social equity and sustainability, applying a carbon test, as we must, in these days of climate crisis awareness.

Knowing that we have fewer than 10 years to avert long-term if not irreversible climate change focuses the mind wonderfully. We do not have to have children to care about the future. The budget is the most effective and certain tool available to governments to set the economic triggers to build a sustainable economy which values the physical world—our world. Stern and respected economists have said so. We have to act now. We have to act with this budget. So let us have a look at it.

The budget indicates that the government certainly read the community submissions. It has picked bits out of lots of them, enough to make most community organisations happy enough after lean years. Much of this is good and answers real need in the community. But there are also a lot of ad hoc funding commitments that do not seem to be about building community capacity.

Mr Stanhope has boasted of this government's strong commitment to improving services for the disadvantaged communities since coming to office. Perhaps the Chief Minister thinks that people have forgotten that it was precisely the disadvantaged and politically marginalised people in our community that bore the brunt of his swingeing cuts in the 2005-06 budget. They certainly were not valued very highly in the secret Costello review, and I am not sure that this budget adequately compensates those people for the pain that the government inflicted on them in the past.

It is bad for democracy when politicians get away with substituting spin for substance and when more effort goes into packaging and market positioning of political product than in directing attention at identifying, assessing and formulating solutions to problems facing the community directly or indirectly and through our stewardship role our numbers and technologies have given us over the environment.

There are many budget measures that add to the wellbeing and future health of Canberra's people. I am not saying that there are not many good things in this budget, because there clearly are. The Greens are looking in this budget for evidence of vision, planning and consultation. I believe that there is some very thorough thinking behind many of the programs to be funded in education, and I commend the budget for significant investment in health.

The health minister announced, through extensive consultation and thinking among administrators, practitioners and consumers, a plan to roll out the health services reasonably predictably over the next decade or so. The community can have confidence in that sort of planning. They can see that the budget is actually enabling the plan to be implemented. Spending to a plan which is based on sound research and good consultation ensures we are all winners. The Greens may not agree with some of the spending priorities in health—I will talk about those later—but we do have faith in the process. Significantly, health is the one area that has done very well in the last three budgets, going against a trend for deep cuts in other services.

The current budget makes several optimistic assumptions about the ACT's economic future, as did last year's. Measures like state final demand, gross state product and employment and population growth were all overestimated in 2007-08. This year, the ACT government budget has assumed that the federal government will deliver a surplus of 1.5 per cent of GDP, but the surplus is likely to be higher.

Assuming the optimistic figures are achieved, we still see a diminishing budget surplus in outward years. If the optimistic figures are not achieved, we will see budget deficits. Will future governments be able to sustain, for example, the estimated $30 million cut in payroll taxes, especially if there is downturn in business activity and employment? Things are not as safe as they seem. In recent years the government has sailed through on an unexpected land sales bonanza. If the economy does not meet the government's optimistic projections, will we see another functional review in 2009?

We all recognise the difficulty the ACT government has with revenue streams. There are not many. The ACT government attempted to develop new streams in 2006-07 via actions like the utilities tax and the fire and emergency services levy. These taxes are not environmentally or socially progressive. They are short-term solutions to long-term financial problems—actually, they are medium term now. What I am yet to see from the government is a serious attempt to diversify or alter its revenue streams in a socially and environmentally progressive manner that meets long-term financial needs. If we are aiming for a surplus by 2011-12, the government must tackle this in the near future.

The government has chosen to cut stamp duties on the establishment and alteration of trusts. The Chief Minister dismissed it as a nuisance tax. Why should this tax qualify as a nuisance tax which can be repealed without question while other taxes which affect many more people and are not the slightest bit progressive are classified as essential taxes? I think the editorial in yesterday's *Canberra Times* was closer to the truth when it said that the removal of this tax was designed to "burnish Labor's electoral appeal among demographic groups where Labor support has traditionally been low". There is enough pork in the barrel for everyone, it seems.

While trusts can serve many very laudable and socially useful purposes, they are also a favourite vehicle for avoiding tax. They keep wealth within the family and they can amount to tax savings of over $100,000 by the time a dependent child turns 18. Few low or even middle-income earners have trust arrangements to minimise their income tax, so this tax strikes me as a reasonable and progressive tax, and I am unconvinced as to the reasons why the Treasurer decided to cut it.

If government took climate change seriously, we would see expenditure on climate change initiatives sooner rather than later. Instead, we see a government maximising its spending in this area in 2012-13. Apparently, this government does not understand that action must be taken now to militate against greenhouse gas emissions and that if we do not do enough now there will be more to deal with later.

The government is giving the impression that it is doing all it can on climate change by investing in all 43 initiatives in its climate change strategy. This may be the case,

but it seems to imply that its climate change strategy is the answer to our problems. Well, it certainly is an answer to some of our problems, but it is based on extremely low targets. A target to reach 60 per cent of the 2000 levels by 2050 is now, frankly, an embarrassment. No-one internationally talks about 2000 as a baseline, except, perhaps, the Australian Labor Party.

One gaping hole here is the ACT's energy policy. This is the flipside of the coin. The government promised to develop an energy policy by 2008. It was originally being developed in tandem with the climate change policy. But we still have no guiding energy policy. The government is instead talking about a solar-powered plant—a fine idea but ad hoc in the absence of a strategy. Now we have a plan for a gas-fired power plant, but still no energy strategy. I would have thought it would be common sense to ensure that any significant energy investment, especially of more than $40 million, would be part of an integrated plan. It is not okay to have a climate change strategy without talking about this city's reliance on fossil fuels.

The budget's massive investment in bricks, mortar and roads does not come without equally massive greenhouse gas emissions, but there is little evidence that the government or its advisers fully appreciate the importance of minimising the emissions which these developments will entail. Some creative accounting and spin doctoring was certainly needed to include things such as urban tree planting and the arboretum as climate change initiatives. Has account been taken of the emissions involved in the massive earthworks needed to create the arboretum, of the energy used in pumping water around the arboretum or of pesticides or fertilisers used over the entire life of the trees?

You cannot burn tonnes of fossil fuels, build large structures that require energy to heat and cool as well as their embedded energy, and add the environmental cost of people travelling to visit the site, and then claim that the temporary sequestration of carbon in the bodies of the trees is a giant plus for the environment. To do so illustrates the gulf of understanding in the science of climate change and sustainable development.

In the sustainable future section of budget paper No 1—lovely language—the Chief Minister says that no effort is too small. Well, I am afraid that overall the effort is too small. The government's claim that $50 million spent on replacement buses is equal to $50 million spent on climate change is ridiculous and dishonest. Money spent on buses is certainly welcome, but it cannot all be claimed as a climate change initiative. This is just spin, as is the claim that the arboretum assists the climate change strategy. I am not saying that spending on a more effective public transport system is not welcome or necessary as a response to climate change. It is also good urban planning, as fewer private cars mean less demand for car parks and roads, less air pollution and fewer health problems.

I am sure that very same spending could also be touted as spending to fix the public transport mess this government has presided over and which shows up in its polling and focus groups as an area that needs money thrown at it if it wants to win office in October. Getting more political mileage out of every dollar promised makes political sense as long as journalists uncritically accept it. But it does not equate to governance. There needs to be substance and a policy vision as well.

This government is failing miserably on waste management. A cursory look at the accountability indicators in this budget shows that we are simply not meeting targets such as reducing waste to landfill and that our recycling levels that the minister is so proud of are decreasing. The goalposts have been moved and now it seems we have reduced the targets to reduce the embarrassment rather than improve the outcome. More waste by 2010 seems to be the new strategy. The government can probably be confident of delivering that.

The ACT desperately needs a coherent plan for an integrated rapid transit system. If we take the notion of creating a city for the inevitable future then we need vision on the transport front. The large budget for infrastructure favours road building and car parking. I see no climate change analysis there.

This government pays lip-service to a sustainable transport plan but, without an integrated mass transit system which can deliver seamless, convenient and affordable transport, the ACT will remain locked into high energy, high cost and inequitable transport solutions for people across the city. We need a well-planned and designed system cleverly connected through a mix of diverse modes to provide the resilience for a carbon-burdened world—heavy and light rail, buses of various sizes, and taxis or a reasonably priced equivalent—all working together with cycling and walking, to make the single-person use of the car the last, rather than the first, option.

Undoing the vandalism inflicted on ACTION buses by the ACT government in 2006, which essentially happened last year, was an obvious step, but it is a fundamentally inadequate response to the growing traffic and parking problems, fuel costs and global warming pressures we face in Canberra. Now the money returned from the slashing is being used to patch up the timetables in order to get back a few of the customers and gain some of the trust lost at the time.

But that sequence of events also demonstrates the depth of the challenge we face. In announcing the new bus timetable to come into effect next month, the minister proudly advised the media that this time he had consulted with drivers and passengers. The obvious question is: why didn't they consult with drivers and passengers before?

There is a significant expenditure on buses over the next few years, largely in the purchase of new stock and the rebuilding of an interchange. No-one could argue these are not desirable products. But new buses do not really make a sustainable transport system, nor does one extra kilometre of bus priority lane. We need more dedicated bus lanes, not just one or two in the whole of Canberra. We need bus priority at all lights.

This government ought to have developed options which truly offer Canberra people a viable alternative to driving to work. A mix of buses and light rail would provide the spine of an efficient and attractive transport system. As ACTION buses acknowledged in my office, Canberra is designed well to link up in that way. I note that the Light Rail Coalition is asking for a proper feasibility study on light rail in the ACT with transparent terms of reference.

I am well aware that there is no support for light rail in the ACT government, but in the context of the climate change challenge we share at a time of relative—and perhaps short-term—fiscal generosity I am keen to put my support for that initiative on the table. I would like to see it considered in terms of a whole of Canberra transit strategy. That is what we need. We need to stop looking at these things as isolated parts. Indeed, I am already on the record encouraging the commonwealth government and the airport to contribute the first elements of a light rail network for Canberra's centenary.

But it is not all about light rail or buses. An attractive transport system needs to deliver people from and back to their door. Our appalling taxi system needs to be part of the transport solution, not the problem. Many times over the past few years we have heard from transport experts and taxi operators alike that the taxi system as it exists in Canberra particularly is not going to last. It is not sustainable. There is not a consistent market that can support enough drivers in quiet times to provide an adequate service if ever it gets busy.

Although the ACT government has released more taxi plates, too many cabs are already off the road as there are not enough drivers available. Funnily enough, that is the same problem we have with our buses. It is a bit like building a dam when there is no rain. It is not a solution to the existing problem. The long-awaited night cab scheme will finally get pushed along this year. It is a tentative step in the direction of linking cab and minivan scale transport to our public transport system.

There are, of course, models of better integrated systems all around the world. An autonomous dial-a-ride transit—ADART—program was introduced in 2003 by the Regional Transportation Authority of Corpus Christi, Texas—that oil-rich state—which has a population of 300,000 people. It is a small, car-based city not unlike Canberra in terms of its transport demands. It links with cabs to improve the cost effectiveness and efficiency of demand-responsive transit. I could not find any such thinking embedded in this budget for the future, yet we could give you scores of excellent examples of innovative yet easy to implement transport solutions.

This budget includes about $40 million all up for parking and riding in the outyears, but not this year, except for one small park and ride project at Mawson—and Mawson residents tell me that even this is not a new idea. A comprehensive transport strategy for Canberra would have some immediate investment in safe and convenient park and ride infrastructure across Canberra at all major nodes.

Development in the city has accentuated the problem for Canberra residents. New roads such as the Gungahlin Drive extension might be making it easier for some people to drive into the city, but when they arrive they can find themselves driving around for a long time looking for a car park. The privatisation of so much of the city's public space is now coming home to roost. The Queensland Investment Corporation now own huge swathes of Civic, with the result that much of the car parking is under their control and is significantly more expensive.

With oil now $128 a barrel and expected to rise further, with transport emissions being a key component of Canberra's giant carbon footprint and with urban infill

putting parking at a premium, an integrated rapid transit system for Canberra is both necessary and possible in the interests of the environment and social equity.

Over a year ago I called for an account of investments the government was holding on behalf of the people of Canberra. At first, the government refused to disclose the information, claiming it was much too difficult to quantify its investments. This should have set alarm bells ringing, but it did not. Fortunately, a journalist was interested in the story and requested the information himself. When it became obvious that it could no longer be hidden, the government responded immediately and gave the *Canberra Times* a list of investments within 48 hours. It beggars belief that it did not have the information when I asked for it a few weeks before, but that is another story. The fact that a journalist was able to spur the government into action while an elected representative was not is scandalous.

So what were we investing in? It turns out that we were investing in the standard mix of share indexes, financial instruments and risk-spread portfolios. The list includes tobacco and alcohol companies, the gambling industry, fossil fuel companies, and armaments manufacturers who specialise in producing weapons that look like toys and blow limbs off children who try to play with them. The Chief Minister said he was outraged by these latter products, and I believe him. He was so outraged that he commissioned a report to tell him what to do about it. The obvious answer, of course, is to move those investments. But, no, the Treasurer informed us that it would be irresponsible to adopt a values-based approach and it could risk the profitability of our investments.

What has the government done now, over a year later? Well, nothing of substance. It commissioned a report, had some discussions and is still drafting guidelines to fund managers. No speeches have been made at shareholder meetings; no coordinated representations have been made to company boards or industry conferences. We do not even know how the fund managers are using their substantial voting power in company meetings.

The climate change impact of buying gas-powered buses pales into utter insignificance beside the impacts of roughly $4 billion of investments which have next to no environmental or ethical dimension or guiding principles whatsoever. The only direction to fund managers is to return a specified level of profit. They are not even subject to the ACT procurement guidelines. Aren't share purchases procurements?

It is this kind of compartmentalised thinking that governments have to break out of. It makes no sense to support industries such as the tobacco industry, which creates problems that cost society and the government far more than the meagre dividends and capital gains we get from our share dealings. Has any thought been given to applying an accrual accounting analysis to this spending to sort out how much can truthfully be accounted for as climate change expenditure and how much is merely urban transport and urban infrastructure expenditure?

While I have been very disappointed in the wholly negative response to this budget by the latest Leader of the Opposition, he did get it half right when he said that the

building the future fund was standard expenditure masquerading as new policy. It is largely standard expenditure—but not all. There are a fair number of very good, quite good and somewhat good initiatives which I applaud and which any government, Liberal included, would be proud to have delivered—or promised anyway.

If we went outside now and asked people whether they would like to fund their retirement by profiting from drug addiction or civilian-targeted anti-personnel weapons, what do you think 99.9 per cent of people would say? I am pretty confident that there are not that many psychopaths out there. You do not need a report to tell you that tobacco shares and investments in cluster bombs are immoral. The government should have sold them the day it learned about them, so do it now.

I would like to thank Trevor Cobbold from Save our Schools for his ongoing work and research into the impact of the ACT government's education policy on our students and our teachers. Many of their planned initiatives are a welcome move towards improving outcomes for our students, particularly through funding for students with a disability and students at risk. To quote Clive Haggar from the Australian Education Union, "The budget augments the ACT government's small, positive steps taken during 2007 … to rectify the damage done particularly to public secondary schools by the 2006-2007 Budget." Remember the functional review.

It always worries me when a minister cites thousands or millions of dollars of expenditure when asked a question about education, as though spending money is, of itself, of benefit. This is not using the budget as a tool to implement a program of improvement in delivery and content of education services—or, if it is, it is not telling us about it.

The emphasis on early childhood education is certainly a coherent plan of government. But there is a lack of strategic direction for other parts of the learning process, with high schools remaining the standout example. Spruced up and new schools, even if state of the art, do not guarantee good teaching.

And more and more is being asked of teachers. Mr Assistant Speaker Gentleman, let me tell you from experience that there is no more exhausting work than teaching—this job has nothing on it—except maybe nursing. To teach well, teachers need the respect of the community, lots of professional support, chances to learn as well as to teach, and time out from face-to-face teaching to do all the work that teachers have to do.

New school buildings and state-of-the-art IT present new challenges to teachers, who have to be constantly adapting to new technologies, often without access to the professional development that used to keep teachers abreast of the demands of their profession. I want to see more money to help our teachers do their jobs as well as they can—more money to help them deal with the range of behaviours of students, which will always be problematic regardless of how many computers are in the classroom.

Providing this well-targeted funding is great but, as Mr Cobbold states, there is no real increase in recurrent funding. Recurrent funding for government schools in 2008-09 will increase by 4.6 per cent in dollar terms. The consumer price index for Canberra is

also increasing at 4.6 per cent per year. This means that there will be no real increase in funding for government schools. We need more than maintenance of the status quo; we need to improve retention of our teaching staff. We need to do more to close the gap between students from high and low income families. We need to focus further on students at risk. More broadly, we need a clearer commitment to strengthening our public education system, improving outcomes for all students and pointing that education at the future.

I welcome the investment in a college system that meets the needs of all our students. In the context of a continuing drift to the non-government system, which risks our public schools becoming a residual education system, I would like to see similar creative and outward-looking investments in our high schools. I also note last year's allocation for arts and language education. That is an inadequate, though undoubtedly welcome, investment.

If Canberra is to provide an education system that gives students an international perspective and capacity, all our students need enough time with high-quality language teachers from primary through to high school. If the arts are really going to be a key element of the curriculum framework at all levels of schooling, we urgently need a significant investment in arts teaching and support, for primary schools in particular.

The very welcome investment in community facilities right across Canberra comes at the expense of a number of schools. This puts those particular school communities in an invidious position, as they undoubtedly prefer the kind of focused community activity that these plans suggest over the demolition of buildings and their replacement with housing development. Some of the schools might still have a viable strategy and the energy to get up and running again after the next election.

I note that the Save our Schools coalition is calling for the ACT government to put a hold on actioning the plan until after October. I hope the government and community sector partners do not rush the process of taking over and refurbishing those buildings in order to forestall any decision to reopen them. If the government is re-elected and is a minority government, the Greens will be pushing very hard to have that whole 2020 strategy looked at—in a pragmatic and practical way but with true consultation and expert advice.

The seed funding that the government is providing to begin the process of portable long service leave for the community sector is welcome. It has been a long time coming. As ACTCOSS noted, it was a key recommendation of the 2005 community sector task force report. This, along with the other capacity-building initiatives for the community sector, is promising. But, as with much of this budget, our steps are barely enough to maintain the status quo and will do little to increase and enhance the valuable work of the ACT community sector.

When it comes to housing I am very disappointed with the budget. I acknowledge that a government budget cannot do everything, but for housing to miss out on funding to such a large degree is unforgiveable. Affordable housing has been a continuing problem for low and middle-income earners in Canberra for several years now. But it

is only in the last two years that the government has taken action by its affordable housing strategy.

I appreciate that much of the strategy aims at making housing more accessible to middle-income earners, in the hope that this will ease the pressure on moderately priced housing, both owned and rental, for low-income earners—the trickle-down effect. But even with the release of land and the applauded land rent scheme, it is likely that housing will maintain its price. Assuming house prices remain at current levels, low-income earners will continue to face exclusion from the market. They cannot afford what is currently available. If the government does not take action in providing housing to low-income earners, its only hope will be to sit back and cross its fingers that house prices have a downturn, which would negatively impact on current mortgagees.

The housing affordability strategy needs to be aimed not only at middle-income earners but at low-income earners as well. The only way low-income earners can afford shelter is via programs like public and community housing. That, too, will take pressure off supply in the private housing market.

This government committed spending of $10 million a year over 2006-09 to expand the public housing stock, noting that only $4 million of each came from new money and the rest was pulled out of Housing ACT cuts. Community organisations say they are yet to see whether this expenditure has made a sufficient impact on the total available stock. And while Community Housing Canberra will grow considerably, the way it charges rent will change, making it less accessible to those on very low incomes.

I am disappointed that the government has not committed to increasing our public housing stock; and I am worried that, as the government removes large public housing complexes, we will not see the number of residences replaced. To take this issue further, I am extremely disappointed that the ACT government is yet to replace the $1 million a year it ripped out of the SAAP services in the 2006-07 budget. Here we are with a government with an $80 million odd surplus, unwilling to combat the incredible demand on emergency housing.

The Prime Minister, Kevin Rudd, identified homelessness as one of his key priorities when he entered government, and made large financial commitments, yet here we see the ACT government still holding back. Maybe they are expecting the Rudd government to rescue them. This so-called homelessness strategy is a furphy, as is the social plan. I see little commitment from this government to the most disadvantaged members of our community.

There are numerous concessions on stamp duty, bus travel and water charges, but they are not being applied comprehensively or fairly. The concession on stamp duty for age pensioners downsizing their homes is significant, and we welcome it. But that concession is not being made available to older people on low fixed incomes, as many of our citizens are.

I also welcome the implementation of the land rent scheme first proposed in the long-awaited affordable housing action plan more than a year ago. We should note that this

scheme is only possible because the ACT retained the leasehold subsystem of land tenure in the face of pressure from the property owners and development lobby, for which we should credit the former planning minister.

I earlier commended the health minister for health spending commitments that are part of a plan. A key focus for this budget is the creation and improvement of health infrastructure, culminating in the ability to service increased demand for acute services in about 10 years time.

Yesterday, at the ACTCOSS budget snapshot seminar, the Health Care Consumers Association of the ACT said that, while the budget increase was very welcome, the most significant initiatives were probably the improvements to community health centres and the development of a Gungahlin health centre. The need to address the provision of primary, not just acute, health care services would do much to reduce pressure on the health sector. The association reminded the seminar that health is not just about acute needs, but is about maintaining wellbeing, with greater focus on promotion, prevention and early intervention. With an increased demand of six per cent per annum for health services, predicted to peak in about 2016, what can the government do to reduce that peak?

The ACTCOSS snapshot document states: "Very few resources were allocated to primary healthcare services. This is despite the overwhelming need for Government to address the access and affordability issues associated with primary health care. This need is particularly relevant amongst people experiencing disadvantage who are finding it more difficult to access affordable and timely healthcare." While the amount of money invested in the health budget is significant, I wonder if it has been spent in the best way. Are we pursuing smarter ways of responding to increasing demand, or are we still thinking within the square?

Many mental health service consumers are pleased about the development of a new psychiatric services unit to replace the existing one at Woden, which, to be polite, is not the most conducive to recovery. The money towards infrastructure for the variety of inpatient units is welcome. I understand that the government is making great attempts to work with mental health service consumers and community organisations to ensure that the units are in line with consumers' needs, and I have faith the government will continue to work in this manner.

But systems need to change to meet the increased demand. To quote ACTCOSS again: "If the government is committed to significant program reform for mental health consumers, an increase in community based service expenditure to at least 30 per cent of total mental health budget is required." I have had some debate with the Minister for Health about this in committee hearings, as she has argued that a number of services are based in the community. But the key point is that the services need to be delivered by community organisations, not government, in the community.

Dual diagnosis is an issue that I have raised in this Assembly on multiple occasions. Many budget submissions have called for greater commitment to this issue and the government has continued to keep it on the backburner. This budget fails to mention it, despite the large and welcome commitment to mental health. This is another example

of the government not taking a step back to see the big picture and the inter-relationship between issues. Disadvantage, addiction, mental illness, social exclusion, and often homelessness are not separate issues and they need a holistic approach from government to create solutions. While the budget initiatives are well intentioned, funding each section with little consideration for how it fits into the whole will do little in the long term to help those suffering from multiple areas of disadvantage.

An improved budget for justice and corrections is welcome, but questions remain as to just whom and how the services will be delivered. In the case of $4.1 million for health services to the Alexander Maconochie Centre, will these all be government provided, or will community health organisations be involved? For several years, the community sector has been calling on the ACT government to negotiate the manner and funding for services that community organisations will deliver to the prison population. Much of this still remains unknown, despite the prison opening in just months.

Deb Wyborn of the Corrections Coalition stated yesterday that, while the $1.5 million for post-release supported accommodation is welcome, it is not nearly enough to support these people at such a critical stage of re-establishing them in the community and avoiding recidivism. Add to this, current housing affordability problems and tightness in subservices and $1.5 million seems very small. I would be keen to find out just how many ex-detainees this money will support and what the unexpected unmet need will be.

It is much easier to see the budget clearly from the cross bench than from the front bench. My criticisms are delivered with the intention of being constructive, and I hope to see their reflection in next year's budget.

MR MULCAHY (Molonglo) (4.17): I am pleased to speak on the budget today and I compliment the previous speakers on their contributions, although obviously I do not agree with all of their particular perspectives.

I find the budget that we now have before the Assembly one that does not particularly thrill me, for reasons that to some extent I have enunciated in the past. I would genuinely prefer to be speaking today under better circumstances. I would prefer to be able to come into the Assembly and speak about my excitement and satisfaction with the budget. However, that is simply not the case.

This budget confirms that the government has wasted an opportunity to reform the ACT taxation system. It is the final nail in the coffin for tax reform in this term of government. The budget continues the government's policy of high taxation and high spending and its obstinacy in the face of calls for tax relief. The headline of the *Canberra Times* on Wednesday morning—and this is a paper that often does not get it right—said it all: "spend spend spend". On this occasion it did get it right.

In this budget the ACT government has continued to spend without limitations as it pursues its big government agenda. The ACT Labor government does stand in stark contrast to its federal Labor government colleagues who were recently elected on a

platform of fiscal conservatism and cuts to government. Compared to its federal and state government colleagues, the ACT government stands alone in its pursuit of bigger and bigger government at a time when the federal Labor government is conceding that some government restraint and fiscal responsibility are needed to improve the lives of Australians.

At a time when the federal government is touting a budget of frugality and restraint, with substantial tax reform to be delivered to all Australians, the ACT government has instead delivered yet another budget that focuses on high taxation and high spending. The result is that the people of the ACT will bear the increasing burden of the government.

Turning to rates and charges, general rates for ACT residents will increase by 4.4 per cent in 2008-09 in line with the government's policy of indexation by the wage price index. This policy ensures that people on fixed incomes, or even on incomes which increase at a rate lower than the average overall growth of wages, will face a very real increase in taxation over time. This will be particularly hard on pensioners and other ACT residents who are reliant on income streams that increase according to the consumer price index rather than the wage price index, and it makes hollow the oft-stated claims in this place about concern for the so-called working families.

This policy of indexation by WPI will result in an average increase of $49 for residential properties, $21 for rural properties and $234 for commercial properties, not to mention all the other less abysmal charges that will also experience increases of this level. This is a policy of tax increases by stealth. By locking in a high rate of tax growth according to the WPI, the Stanhope government is able to act innocent while it is raising property rates in real terms for ACT residents.

Despite ongoing calls for tax relief, the government has left its controversial utilities tax and fire and emergency services levy completely untouched. The former is a tax that is unique to the ACT, while the latter has been widely criticised as a particularly pernicious tax that imposes a disproportionate and inequitable burden on commercial property owners. Even former Treasurer Ted Quinlan, the standard bearer of economic rationalism in the first few years of this government—I know it is a role that Mr Barr seeks to take over, having taken his seat—has highlighted the fire and emergency services levy as a tax that could be repealed, and I am sure he shared the disappointment of many when it was not listed in the budget initiatives.

Clearly, people have underestimated the commitment of the Chief Minister and his government to their ideology of big government. Despite golden opportunities to reform the taxation system in the ACT, the government has continually squandered its resources and instead committed itself to higher expenditure, including a great deal of expenditure on wasteful projects. In fact, one of the few tax relief initiatives provided in this budget has been a change to the threshold for payroll tax.

At the same time as the government has introduced new fees for lease extensions, for temporary licences to use land adjacent to developments and for amending a development application, the government continually tries to present proposals for tax cuts as being inconsistent with the provision of core services. The stock standard

device of the Chief Minister in this regard is to act as if any cuts to taxes would have to come from front-line staff such as doctors, nurses or police. However, this is clearly not the case as the budget provides a great deal of wasteful expenditure. In fact, as I will discuss shortly, staffing increases have been most prominent not in front-line services but in the Chief Minister's own department.

In the 2008-09 financial year, the government's total taxation is budgeted to increase to a massive $1.049 billion. This represents an increase in expenditure of 66.2 per cent since the government came to power in late 2001. This is an average increase of 7.53 per cent per annum. This is a quite extraordinary increase over a period of two terms of government and it certainly blows any figures for economic growth out of the water. The result is an increase in the size of government relative to the economy as a whole, and the result is a government that swallows up more and more of the resources of the ACT and increases in size at a rapid rate.

There are very few people in the ACT whose wages or other income would be growing at a rate that is able to keep up with the government increases in taxation—very few people. The result for these people is that they are put under increasing pressure by a government that does not trust them to keep their own money. They are required each year to set aside more and more to fund the government and less and less to fund their own consumption and savings. You only have to talk to some of our seniors in the community and hear the level of apprehension and concern they have with the various rates and charges that are imposed, knowing that those people do not have an income growing at that rate and knowing that their only option is to dip into their capital savings or lower their standard of living—eat less and enjoy less of the society in which they have lived.

The government has chosen to spend with this budget, rather than allow people to spend their own money. In the 2008-09 financial year the government's total expenditure is budgeted to increase by 5.8 per cent to a massive $3.324 billion. This represents an increase in expenditure of 44.9 per cent since the government came to power in late 2001, and this is an average increase of 5.44 per cent each year. This is again a large rate of increase that is faster than the growth of the ACT economy. The result is that the government is increasingly crowding out private enterprise and entrepreneurialism and replacing it with a larger and larger bureaucracy. Governments, as we have discussed here, and as I have pursued, best stay out of the world of business because they rarely ever get it right and they usually leave a trail of disasters.

I welcome some expenditure initiatives, however, that the government have introduced. Certainly, some of their work on mental health and the like has been for the benefit of the Canberra community. I acknowledge the Chief Minister's passionate pursuit of that issue, no doubt coloured by his knowledge of individuals who have been inflicted with these matters. It is commendable that those areas are receiving attention, because I have come across cases in Canberra of families who are struggling to cope with one of their members who is clearly in need of greater support than they are able to provide.

However, not all of the expenditure has been on vital front-line services, and to suggest that it has been is somewhat misleading. The point is proven when one looks

at new expenditure initiatives in the budget. They show us that much of this money is being wasted and that the government has squandered an ample opportunity to reform its tax system. Budgeting decisions are not primarily a matter of choosing between front-line services and tax cuts. They are a matter of showing restraint in areas of expenditure that are more questionable, and if we look closely at this budget we see that these areas abound.

Before I go on to that, I will just make some mention of the matter that was discussed in question time, the $2 million for additional maintenance, the incremental addition to existing allocations that the minister referred to in response to a question. Whilst that is welcome and it makes up a very substantial part of the issues raised with my office over the state of the city, I do note that, in the 2006-07 budget, increased repairs and maintenance capacity was an amount of $5 million, expanding on the existing annual maintenance program for the territory's road network and infrastructure assets.

So I would contend that, to be putting in less in terms of additional outlays for maintenance in the current climate, given the fact that most people I talk to in the community are not convinced that we have at all reached a standard that we previously enjoyed in terms of the maintenance of our city, is short-sighted and something that the government has taken the red pen to, despite the fact that it is one of the biggest issues that affect residents in my electorate.

Going back to the issue of questionable expenditure, the fact that the government is building itself up for the election is clear from the large staffing increases that have occurred in the Chief Minister's Department in the past year. Instead of focusing on core services, the government has chosen to employ more advisers and spin doctors for ACT government policies. One of the department's objectives in the 2007-08 budget was to develop and embed improved arrangements for strategic human resources and, as part of its human resources, the government budgeted for an additional 22 full-time equivalent staff in the Chief Minister's Department. I digress to note that, on the issues related to the territory's human resource system that Dr Foskey pursued and I pursued, still, many, many months after the event, I have not heard of any resolution of those errors.

In estimates committee hearings on 27 June 2007, Mr Stefaniak asked the acting chief executive if there was any intention of further increases in staff. She replied rather cryptically:

> Given that the budget footprint remains the same, I think we would be pretty much on the same path—unless staff get cheaper.

However, the result was not on the same path and was not as strategic as was planned. The department instead ended up with an additional 42 full-time equivalent staff, an increase of 33.8 per cent in full-time equivalent staff, in a single year. Despite this blow-out in staff over and above the already large budgeted increase, in 2008-09 the government has again budgeted for a further increase of another 25 full-time equivalent staff, an increase of another nine per cent.

It is not merely the Chief Minister's own department who are the beneficiaries of ACT taxpayers' funds. Over the next four financial years, the government will spend

over $4 million in corporate welfare under initiatives to support business innovation and facilitate business investment. This money will be used to provide grants to ACT businesses and to pay for advisory services to certain sectors of the ACT business community at the expense of all ACT taxpayers. It will also pay for an annual business investment facilitation event, which I assume is designed for the government to schmooze potential corporate visitors at the expense of all ACT residents.

I have worked long in the Australian business community, and I certainly could not be accused of being anti business. But giving businesses the freedom to operate effectively within appropriate levels of regulation is one thing, whereas subsidising them with taxpayer funds is quite another. This is not only a problem with the government's budget; it has certainly in the past been a major flaw in the thinking of the current opposition, particularly the shadow Treasurer, who clearly is wedded to the idea that the only way to attract successful business development is for it to be funded by government. If business needs government handouts to be successful it should not be operating.

I have heard much play in this place about the handouts that occurred under the Carnell government and ill-placed funds into groups like Impulse and a string of others and I certainly do not ever sanction the idea of handouts to business and government largesse to the private sector. It will always be accepted by companies; they will always be happy to take the money; but frankly, if a business needs a government to underwrite it or to give it financial funds to set up, then you have to seriously question the projections and the economic funding and modelling of that business.

The whole thing about private enterprise is that it is not public enterprise; it is not public moneys that are involved; and, whilst we want a climate where business can prosper and employ and pay taxes, it is going one step too far, in my view, for governments to be pouring good money after bad into ventures or into propping up business activities. These are funds that ought to be returned to the taxpayers who are experiencing the burden of constant tax levels.

In addition to its new corporate welfare initiatives, the government will spend $2.075 million propping up the rather poor operating performance that I have raised previously of the University of Canberra, which has occurred under this government's leadership. While the budget states that this funding will provide money for some new courses and for a new university chair—and I understand that chair will have the potential to deliver benefits—what is not mentioned is that the university is unable to fund these things through existing revenue because of the $15 million to $16 million loss posted by the university in 2007. Thus we see, on closer inspection, some of the much-touted spending on education, at this level at least, is merely the result of an attempt to make up for past failures.

Despite the government's faith in the savings that will allegedly be made by the Shared Services Centre, they have also allocated $10.04 million in new expenditure initiatives to establish new operational teams, new staffing positions in the centre, and attract new recruits. It certainly will be interesting to see during the estimates committee process exactly what is going on in the Shared Services Centre and how these allocations affect the government's previous forecasts of savings.

I have been warning the government about this issue for some time and about the poor outcomes that have occurred in other states that have adopted this kind of structure in an attempt to save money. All the while the government has assured the people of Canberra that the ACT will not suffer these problems; it will have efficiencies.

It is interesting, Mr Speaker, even in this place, in the same Assembly over which you oversee the administration, through the Clerk, they are now not having bills paid as promptly here, I am told, because they are being referred to the Shared Services Centre. So members are getting overdue accounts on matters that are put through. These are not monumental issues impacting adversely on the credit rating, I suppose, of a member, but I am told that, instead of the efficient system we had in place here before, now that it is handled by Shared Services, of course things are not being paid promptly.

I would like to know across the whole spectrum of government just how the performance is going. I will certainly be taking that up in estimates. But now we have an additional allocation of over $10 million in this budget and one hopes that this is not merely the first of many additional injections of capital or recurrent expenditure to the cost of the Shared Services Centre.

The government has also committed another $10.6 million to their million tree initiative for trees at the Canberra International Arboretum and Gardens. But it is not yet clear how many of these trees will survive the current water lows and mismanagement of the government. The government has also undertaken a new expenditure initiative of $11.287 million to pay for increased water costs, including the watering of young and developing fauna.

This enormous expenditure is a further slap in the face for ACT residents who have watched their tax money spent on an arboretum that has been withering in a climate in which water restrictions are being imposed on ordinary Canberrans. We see another instance of the ongoing costs of poor planning by the government which has pressed ahead with its plans for the arboretum, because this is an indulgence, despite water shortages, despite an existing world-class botanical gardens and despite widespread criticism from ACT residents and a number of members of this place.

We see, in addition to these increased costs, the government has allocated an additional $1 million to the sanctuary at Mulligans Flat Nature Reserve, but at the end of day these can hardly be described as core services. It is another instance of funding for projects on the periphery of government being given precedence over the important issue of tax relief.

Another substantial new expenditure is made up by the various new expenditure allocations made for ACT festivals, which amounts to more than $6 million of taxpayers' money. This includes new expenditure initiatives for the Family and Community Fun Day, the Centenary of Canberra, an ACT festival fund, multicultural festival enhancement, international mountain bike event support, a rugby league world cup match, an events assistance program, the Canberra Festival of Running and accommodation for the Australian Science Festival.

This is a large level of new expenditure for events, and it is difficult to see why the government is contributing in such a comprehensive way to events that are specific to certain sporting organisations or other bodies. The question is not whether these events are good fun; of course they are. I would love to go to a rugby league world cup match here in Canberra. I am sure Mr Stefaniak would be in the front row. The question is not whether they are good fun. The relevant question, however, is whether or not the need for funding of all of these events is sufficiently pressing that it should trump proposals for much-needed tax reform.

I go to shopping centres and talk to people in the community who are trying to cope with increasing grocery bills each week. They ask how they can meet the costs of their family food bill. I say to them, "Bad luck. We are going to splash the cash; we are going to have good times; and we will have signs up and down Northbourne Avenue and Yamba Drive proclaiming every community day that comes along."

I am sorry but I do not think that those things are easy to defend when people are struggling from a raft of new taxes that came in only two years ago, ostensibly because the territory was facing difficulties. Indeed, such is the level of festivity with taxpayer money that one is reminded of the Roman poet Juvenal, who famously lamented that the people of Rome had sold their political freedom for bread and circuses.

These expenditure initiatives give us several examples of areas which the government has prioritised ahead of much-needed tax reform. It is not an exhaustive list but merely some examples to show that there is, in fact, fat in the ACT budget; there is spending that is not focusing on core services. Constantly when we have made the plea in this place for some tax relief, we are told, "How many hospital beds do you want to close? How many police do you want to get rid of?" And on it goes.

I do not think you need to do that. And this level of expenditure here on the periphery is very clear evidence that, in fact, the government takes a decision that it will not extend tax relief but would rather spend taxpayers' funds in a substantial way on many public relations initiatives to promote its own popularity within the electorate, which is clearly under some threat.

So instead of providing tax reform, the government has spent substantial amounts of money on business welfare, more staff for the Chief Minister, more money to prop up the University of Canberra and the Shared Services Centre, more money to the dying arboretum and so forth, and large amounts of money to subsidise festivals and sporting events. This is, of course, very much an election year budget that channels taxpayer funds into re-election projects rather than providing for much-needed tax reform.

I have to be fair—and I acknowledge that my colleague across the way Dr Foskey was also happy to add some balance in her remarks; and I have the same view of life—but it is not my intention to simply highlight missed opportunities and the shortcomings of this budget, but they need to be put on the record. There are some welcome initiatives, and it would be churlish not to recognise that some of the items in this year's budget will benefit the people of Canberra.

Firstly, while the government has declined to put money into the pockets of all ACT residents, it has provided a welcome initiative to ease the financial burden on elderly residents looking to move into a smaller home. I have been aware of this issue for some time. Many elderly people, whose children have grown up and moved out of home, do not necessarily need large family homes. The upkeep of the home and gardens, perhaps once a source of joy, may in fact become a burden. This initiative will help make the transition to smaller, more suitable accommodation more financially attractive.

I have publicly welcomed this measure and believe that it is something that a good number of older people may well take up. This will not only help them but also will free up larger housing for other residents potentially to move into, particularly younger people who have got growing families.

There are other measures that I welcome. The additional spending in health, for example, is very good news for the people of Canberra. I accept and suspect that most members of the Assembly would agree that health should be a core priority of the ACT government. Back in February I welcomed the government's plan to create long-term improvements within the health system.

Whilst I do not believe we are there yet by any means, I do believe that much of the expenditure announced in this budget will certainly improve the capability of the ACT health system to meet the needs of the people of Canberra. It is probably one of the most crucial issues in our community. It is an issue of concern to families; it is an issue of concern to older members of our community; and it is one that deserves a strong level of focus in any territory budget.

Similarly, though, in the context of health, I highlight the importance of good management. There have been, and continue to be, significant issues with the management of Canberra's hospitals and health system. Waiting times in emergency and for elective surgery are, according to the most recently published and available figures, the worst in the country. I am hoping that the minister will be able to report to us radical improvements in that performance when those figures are next published.

Simply throwing money at the health system does not in itself lead to efficiency. I think there has been a tendency by the minister to answer all criticisms by quoting expenditure figures.

In addition to funding commitments, the government must also ensure that management procedures and administration operate efficiently to provide the framework to allow medical professionals to do their jobs, because the people of Canberra need to feel confident that they can present at a hospital and receive quality care in a timely manner.

I also recognise the investment that this budget makes to address skill shortages. This is an issue that is confronting all of Australia. As I have said before, to compete with other jurisdictions, the ACT needs to be innovative and intelligent in the way we target workers to fill shortages in specific areas. We do not have the visibility of the

Sydneys and Melbournes of Australia and I am not yet convinced that we really have got it right. I have concerns about the return on investment that we are getting from the live in Canberra campaign and believe that other initiatives might be far more successful, especially in the overseas markets.

For example, the territory needs to consider engaging overseas agents to directly recruit workers to fill positions in specific fields in the Canberra labour market. I spoke the other day with Dr Colin Adrian and we shared our experience of the enormous success that has occurred in the educational sector where overseas agents are appointed, without incurring the cost of offices and full-time staff, and all of the educational institutions that I have been involved with, both here and elsewhere, have found that an enormously successful measure and mechanism for bringing people into our community.

There is no reason why the concept could not be expanded in terms of skills, because the fact of the matter is that our overseas missions seem to have an inherent bias towards the largest cities. The media that are attracted towards the major cities make them the more likely target or location for people to relocate. Whilst I know that there have been recommended changes in terms of immigrations rules and to have Canberra better treated as a regional centre, we have to have people off shore, within the resources of the territory, who can actually start assigning potential immigrants to vacancies here to meet the demands of employers in this territory so that we can continue to expand our base.

The issue of skills shortages links into the next area which I want to make comment on, which is the planned investment in infrastructure. I welcome, firstly, the expansion of the existing capital upgrades program. Municipal-type issues are amongst the most common that are raised with me, as I have said on many occasions previously. I think that it has been for too long a neglected area. The city has taken on a tired air and has needed for some time, I believe, substantial investment in maintenance and upgrade programs.

Like those who lived here back in the NCDC era—and there are many people in Canberra who have—I find that it is constantly raised with me how much better the city looked in those days compared to today. I am not sure that people have precise memories and detail, but it is a widespread sentiment in this town, and I think that there is some basis for thinking that things are not as sharp or attractive as they once were.

Whilst it may have been a spend-without-care approach when the territory was not responsible for its own funding, the fact of the matter is that it is an issue of concern to many residents and there is a need for the government to get serious about preserving the city, rather than letting it run down. Like any constructed facility, if you do not maintain it, the cost of restoring it to the appropriate standards becomes a lot more expensive down the track. We have seen it with road development here and we will see it consistently with maintenance if the right level of dollars is not put into it to get the territory back to a standard residents expect.

With some of the larger infrastructure programs, concerns have been raised about the ability of the government to deliver projects on time and on budget. Certainly the

government does not have a great track record in relation to managing major infrastructure programs.

Budget blow-outs should not be accepted as a matter of course with major infrastructure programs. Of course sometimes there might be external factors, but a lot of the responsibility for this must come down to management issues. We have been told that the Shared Services Centre will do much to improve the capacity of the territory to oversee procurement and the like and that there was a lot less expertise under the previous arrangements. Time will tell whether this is the case, and we hope that, in fact, there can be improvements in the ability to budget for these projects.

I do not necessarily worry about the government's ability to attract the necessary people to work on infrastructure programs. This has been something of a theme in the media since the budget was handed down and since the Treasurer and Chief Minister announced the theme of his budget this year. I am sure that lucrative government contracts will attract a lot of tradespeople and contractors.

However, I do worry about the flow-on impacts such as when ordinary people, looking to build a home or undertake renovations, find it much harder to find skilled tradespeople. This is already a significant issue, I am told, by people in those areas of business activity. This could become a bigger issue with new developments that are planned for parts of Canberra.

Just as we see in the more mainstream employment where the commonwealth poaches people out of the ACT and the ACT increases remuneration, which makes it harder for small business in Canberra to retain staff, the same principles can apply with public sector expenditure on infrastructure and the competitive challenge that presents for the small private developer and investor.

We will obviously have more in-depth discussions about these issues in the coming weeks, but I highlight them in this speech to acknowledge that this budget does produce some worthwhile expenditure. I do not believe in opposing something just for the sake of it.

There are some new expenditure initiatives in the budget to core services that I do support. However, there are significant shortcomings in this budget that is ultimately a missed opportunity to provide tax relief.

In addition to the wasteful areas that I have already highlighted, I am extremely concerned about the continued increase in staffing levels in the ACT public service. Staffing levels continue to increase in the ACT government, with a blow-out in the number of staff employed this year compared to what was budgeted. In the 2007-08 budget, the government budgeted for an increase of 149 full-time equivalent staff. The estimated outcome was an increase of 390 full-time equivalent staff, more than double the budgeted increase.

This is an overall increase of 2.58 per cent in the level of full-time equivalent staff in the ACT government, an increase which is substantially above population growth. This means that a higher proportion of ACT residents will be employed in the ACT bureaucracy instead of being employed in more productive taxpaying enterprises.

This blow-out from the budgeted level has been particularly pronounced in certain areas. I have already spoken about the blow-out in the number of staff employed in the Chief Minister's Department, which increased its staffing level this year by a massive 33.8 per cent.

There were also large increases in staffing levels at Actew Corporation, which increased its staffing level by 41.7 per cent, and the Land Development Agency, which increased its staffing level by 41.5 per cent. These increases in the ACT public sector make a mockery of the government's previous claims that it would cut the ACT bureaucracy.

At a time when Prime Minister Rudd is saying that he will take a meataxe to the commonwealth public service, the Australian public service, we have an ACT government that is allowing its bureaucracy to expand substantially. Despite the blow-outs in this year's staffing levels in the ACT government, there are still more increases budgeted for the 2008-09 financial year. In this coming year, the ACT government is budgeted to grow by another 379 full-time equivalent staff, an increase of about 2.45 per cent. Again, this level of growth exceeds population growth so that a higher proportion of our residents will be employed in the ACT bureaucracy instead of being employed in productive enterprises.

The result of this high-spending budget and the growth in the ACT bureaucracy is that the ACT government is again budgeted to go back into deficit in the 2008-09 financial year. What was that I said: deficit? Surely not, for we have been hearing about the great surplus achieved, the great $84.9 million surplus. This is, of course, just a clever device by the Chief Minister. When he talks about this alleged $84.9 million surplus, he is referring to the net operating balance of the government, including expected long-term gains on superannuation assets. It is quite misleading to include such expected gains in calculating the budget bottom line. These superannuation assets are set aside for ACT public servants; it is their money, not the government's, and these assets cannot be used to support government spending.

The real operating result for the ACT government, excluding the assets of its employees, is in fact a deficit of $5.6 million, with a further deficit of $188 million accumulating in the forward years. In other words, the alleged surplus is all smoke and mirrors, designed to obscure the fact that the government is budgeted to run at an operating loss in the coming financial year.

Members of this Assembly may recall that we had this exact same debate in the Assembly in last year's budget, when the Chief Minister attempted to pass off a $13 million surplus as a $103 million surplus. When I raised this with the former federal Treasurer one day at around the time of our last budget, he just said to me very simply, "We could never get away with that in the federal government; we could never get away with it." I said, "Well, they get away with it in the ACT because they don't seem to get the level of examination on these economic matters that they should."

That debate culminated in an article in the *Canberra Times* by Emeritus Professor Allan Barton, a professor of accounting at the Australian National

University, rebuking the Chief Minister's shoddy accounting. In his article, Professor Barton made it clear that superannuation assets should not be included in the operating result, saying that "capital gains and losses should not be included in the measure of the net operating balance of the budget because they do not result from transactions and do not provide a means of funding recurrent expenditure".

The inclusion of employee superannuation assets in calculating one's bottom line is a practice that is less than honest and it certainly would not be acceptable if it was undertaken by any commercial organisation anywhere in this country. I know the Chief Minister's response will be: "Well, it is there. You can see it. You've picked up the figures. We're not hiding anything." But, of course, the spin that is put on everything does not respect that particular economic concept. It is standard operating procedure for the ACT Chief Minister, and, unfortunately, much of the ACT media—dare I say, all of the ACT media—have uncritically accepted the government's assertion of a surplus. I still have not even heard this mentioned this year by the opposition leader or the shadow treasurer, so I am assuming that they have accepted it without question.

The inclusion of gains in superannuation assets in the budget bottom line is especially problematic, given that there is no corresponding inclusion of the increasing liabilities for superannuation payments that they are set aside to fund. By the end of the current financial year, the government projects that it will have a shortfall of $1.1 billion in unfunded superannuation liability. Moreover, in the last year we have seen that the goal of fully funding all superannuation liabilities by 2030 has proceeded behind the schedule budgeted in the 2007-08 budget. The budgeted projections in the 2007-08 budget were that by the end of this financial year it would be at 67 per cent funding. In fact, the government is now only at 65 per cent funding. With the revised estimates, the government is not now anticipating reaching the 67 per cent funding level until the end of the 2011-12 financial year, four years late.

This is the real state of the ACT budget, despite the government's assurances that it is a budget for the future. The headline of the *Canberra Times* on Wednesday perfectly captured not only the essence of this budget but the essence of the Stanhope government philosophy throughout its two terms in government. As I said at the introduction of my remarks, that headline read, in bold text, "Spend Spend Spend". To that description I would add only one major additional diagnosis—tax, tax, tax!

While there are some allocations in this budget of which I approve, I am left somewhat disappointed by yet another budget in which an opportunity for tax reform, a plea which is heard in all quarters of this territory, has been sacrificed on the altar of big government expansion and election year opportunism.

There are initiatives that I have complimented. I am pleased to see some of the work that is being done on the duplication and widening of a number of existing roads in the vicinity of the airport. I have received a number of complaints from individuals who lament the fact that getting to catch flights has now become an exercise in guesswork because of the hopeless state of roads to and from Canberra airport and the enormous difficulty that people who have business interstate encounter in trying to make their flights in time.

There are other areas I would like to talk on at greater length but time will prevent me from doing so. I am pleased that work is underway to try and address the issue of water and water storage, but the fact is that, when there was an opportunity to recognise that we were likely to face problems of water capacity and storage—some years ago, almost four years ago—those needs and future demands were dismissed, for political reasons, and the territory is now suffering.

Many people get great pleasure out of their gardens. Many have lost substantial amounts of money as a result of plants dying and so forth. Is this essential to our community? Probably not. But the fact is that it is a substantial cost and it is an area of pleasure that many retired people have enjoyed and who now lament the fact that, thanks to the rather poor management of water policy in this territory, they have paid a personal price for this government's lack of vision. Progress seems to be in train. I welcome initiatives to expand our dam capacity and I hope that we reach a situation where permanent water conservation measures which are embraced within the government's program are not seen as the solution to problems but that the government embraces a permanent planning approach that recognises climate change and the potential demands of a growing community and that provision is made appropriately to meet the needs of this growing community.

I have not touched on a number of areas. There is mention, in the government's glossy-cover book, of police and how many extra policemen are available. That is great. It is great to have more police, but the fact of the matter is that we have got to get action in terms of offenders in this territory. I still do not know where the problem lies, but too often I hear people say, "I lodged a complaint and nothing else happened." Talk to police when they are not in an official discussion and they tell you that it is the fault of the courts and they feel totally frustrated by the inability to get appropriate sentencing.

I was talking to a young lad who is a friend of my son the other night. I did not know about this, but he said, "I was assaulted at the Mawson Club on 22 October." He was there with one of his mates. I know the family. He is not a bar room brawler. He has now got a permanent scar across his face. He filed a report with the police but has never heard another word. They knew the culprits. It was a vicious and cowardly assault on two young Canberrans by some thugs. There is security video that has never been reviewed and the security staff at the club have never been contacted.

On the other hand, I heard of an assault on a fellow who is a friend of one of my staff here, two weeks ago at a bar in Civic. To the credit of police, on this occasion the perpetrator, who slashed a glass across this fellow's ear, has been charged and will be before the court, so I will not elaborate on that. But I am troubled that too many people express frustration at the lack of progress after a complaint is made. I would like to see that area toughened—not just more people but results.

MR SMYTH (Brindabella) (5.00): The 2008 ACT budget reveals much about the approach of the Stanhope government towards governing the ACT, and what is revealed is not a pretty sight. What it shows is a government that is content to sail close to the wind, much longer, with a much larger government, and much closer. The

problem for the government is that it is unable to develop a coherent budget strategy and stick to it. We see a government that acts to contradict, in a subsequent budget, its earlier budgetary decisions. We see a government that cries wolf about the future of the ACT in 2006 when the evidence shows that this was not warranted.

There are two issues that emphasise the failure of the Stanhope government to implement coherent budget strategies. First, there is the history of the Stanhope government's budget since 2002-03, and there can be no doubt that the ACT has revelled in economic good times ever since the Stanhope government was elected in October 2001. As an aside, it does need to be acknowledged that this economic good fortune was largely the result of sound economic management by the Howard government in giving Australia more than 10 years of sustained economic growth while the rest of the world experienced such issues as the financial crisis in Asia, the economic crisis in Russia, the collapse of major corporations such as Enron and the bursting of the tech bubble in 2000.

Our Chief Minister has been quick to point out on numerous occasions how well the ACT economy has been performing across a range of economic indicators for a number of years. Yet, despite this inherently very sound economic performance, what budget strategy have we seen from the Stanhope government except spend, spend, spend? The answer to that question is very easy. There has not been any coherent budget strategy.

We need only to go back to 2003-04, for example, when the Stanhope government budgeted for a deficit—yes, budgeted for a deficit—even though the economy was quite strong. That year the economy recorded a large surplus. In the 2005-06 year the Stanhope government again budgeted for a deficit. This time, our economy was booming and a deficit of $91 million became a surplus of $134 million—a turnaround of some $225 million. In 2006-07 the Stanhope government budgeted for another deficit—only $17 million this time—and what happened? With our economy really booming through injections from the federal government, there was a surplus of $332 million. Yes, that is right: a turnaround of $349 million.

There are two observations that I can make about these budget performances. First, the Stanhope government has clearly never had a coherent overall budget strategy for the ACT. Otherwise, we would not have had this wide variation between budget forecasts and actual outcomes. Second, the Stanhope government has acted against all economic wisdom by budgeting for deficits during times of strong economic activity. This approach is just plain stupid. The logic is simple—very simple even for someone like the Chief Minister: governments do not need to prime the economic pumps when an economy has been performing and continues to perform strongly. Governments need to pump-prime only when resources are not being used or they are underutilised. And, of course, governments also need to be careful that they do not pump-prime too much at the wrong time.

Let me look at the strategy that the Chief Minister and his colleagues have adopted in their latest budget. Again, it is a most interesting strategy as it sits strangely against the strategy that was shown to the people of Canberra in the government's budget only two years ago, the memorable 2006 budget when we had to reduce, according to

the Chief Minister, our spending and increase our revenue efforts—so much so that 500 public service jobs were cut; 23 government schools were closed; funds for business assistance were slashed; funding for tourism was slashed; the inequitable fire and emergency services tax was introduced; the inefficient utilities tax was introduced—and all of these decisions were made apparently in compliance with the still-secret recommendations of the Costello report.

In this year's budget, we see a complete reversal of that strategy. The government are employing more public servants. Indeed, the Chief Minister has said we can absorb the 2,000 or 3,000 public servants that the commonwealth might dispense with. We have seen $100 million worth of recurrent spending and we have the announcement of the $1 billion future spending on capital works.

I am reminded of some words I heard almost eight years ago in this place. The speaker at that time said, in relation to the 2000 ACT budget:

> What is the point in putting up a draft budget that is so far out of kilter with what is to follow? It allows the Chief Minister at the vital moment to flutter over Canberra dispensing stardust as she waves her magic social capital wand.

These comments were made, of course, by our current Chief Minister, then in his capacity as Leader of the Opposition, in a speech given to the National Press Club on 20 May 2000 in his so-called drover's dog budget speech.

We can talk all we like about this latest budget being a budget for the future. I would have thought every budget should look to the future. Indeed, if a budget did not do that, we would all be in serious trouble. But the reality is that, as you view this budget, it resembles very closely the description of the last budget brought down by Mrs Carnell. So, if Mrs Carnell was wrong then, Mr Stanhope must be wrong now. And what we have is a latter-day Tinkerbell—although comparing the current Chief Minister to Tinkerbell is a bit disparaging for Tinkerbell—dispensing fairy dust haphazardly over the ACT in a desperate attempt to gain re-election this year.

We see the government strongly exposed in the *Daily Telegraph* this morning, under the heading "Stanhope's poll shock", which talked about a "mean-spirited" government that makes decisions that are now back flips that have to be sold as some form of community consultation.

You only have to look at the nature of both the recurrent and the capital expenditure proposals spelt out in the budget papers presented last Tuesday to observe the Tinkerbellesque nature of the Chief Minister's latest budget. There are five pages of recurrent expenditure initiatives in budget paper 3, including an amount of $28,000 for the Rugby League world cup match—not that I in any way disparage the provision of these funds to the Rugby League. Then we have an affordable housing compliance officer, for which no funds are provided at all—so very affordable!

There are 11 pages of capital projects in budget paper 5, including an amount of $140,000 as the restoration of appropriation for Stromlo forest park. What a joke! A project is listed that simply restores funding to an existing project. Then there is an

amount of $140,000 for the replacement of multibay parking meters—no doubt a worthy project some would think. But are they initiatives when you are just funding existing projects or existing services in this way?

This latest Stanhope budget is full of fairy dust, sprinkling largesse far and wide across the ACT as the Stanhope government seeks to build favour with the electorate and dispel the spirit of mean-spiritedness that Labor so fears. There is no coherent strategy with these spending proposals. Indeed, not only is there no strategy underpinning these proposals; a number of the capital works proposals are either back flips—and we know why they are back flips, because the government fears being kicked out of the benches in October—on previous announcements or re-announcements of projects.

For example, my favourite is the re-announcement of the search for a permanent site for Floriade—first announced when? It was first announced in a Humphries budget in 2000-01, and we are still waiting—yes, eight years later. Then there is the announcement of the extension to Cohen Street in Belconnen, first announced in the 2004-05 budget, and, of course, a particular concern of yours, Mr Deputy Speaker, the back flip on Tharwa bridge; but we will have to wait till 2010 for that one.

Then there is the overall quantum of the long-overdue infrastructure budget from the Stanhope government. We hear the claims from the Chief Minister that his latest budget will fund spending of $1 billion over a five-year capital works program. The reality is that this program simply represents what should have been the case in any event and it simply makes up for the inability of the Stanhope government to put in place any effective capital works program in earlier years.

We can see the numbers: $353 million in 2006-07; $314 million in 2005-06; $247 million in 2004-05 and $167 million in 2003-04. That is proposed expenditure of almost $1 billion. It is almost as if the government was blinded by the ACT prison project and the Gungahlin Drive extension project.

If we look at the capital budget for health, for example—and at least the Minister for Health has the decency to be in the chamber, unlike the Chief Minister, who never sits through the budget debates—we have $300 million over the next five years. But if we look back we find an average health budget of only $24 million. Between 2004-05 and 2007-08 we see an average of $24 million followed by a dramatic jump for this year of $90 million in 2008-09. Why did it take so long if it was so important? Because, as always, when the government get caught out, they react. Instead of actually planning for the future, they are caught up in their own mismanagement of the budget.

If we look at the capital works budget for education we see a relatively low level of capital works spending prior to the 2006-07 budget—again followed by a substantial jump to the spending levels we now see in education. So again: no plan, ignore the problem and then huge boosts to catch up at a much more expensive rate. This latest capital works budget is simply making up for the failure of the Stanhope government to develop a reasonable and ongoing capital works budget over the past six or seven years, let alone delivering it. We know from the delivery rates that they are anywhere

from below a third to almost half that which is promised. The government has no dilemma at all with making these promises because they do not expect to have to deliver them.

Even though it has identified funds for capital works it has consistently underspent these funds. Between a third and half of the funds in the capital works budget each year have not been spent. This is the simple pea and thimble trick. The Stanhope government produces a figure for the capital works budget just like window dressing in the knowledge that it will not deliver on that budget, but that information is not highlighted. Indeed, the Stanhope government sought to hide that information by stopping the release of the capital works reports.

There is more. The Stanhope government has been asleep at the wheel instead of planning a coherent capital works strategy. The more than quarter of a billion dollars identified as future provisions in budget paper No 5, page 10, is a lot of hollow logs. Cast your mind back to a speech that the Chief Minister gave before he became the Chief Minister. At the press club on 26 May 2000, the would-be Chief Minister said:

> There is a peculiar line in this year's budget papers that has already caused the government a good deal of disquiet and led to a very entertaining display of fancy footwork. It is the unallocated funds …

I guess this year you would read that as future provisions: No analysis of the budget is complete without a reference to this highly unusual discretionary funding or, as most people seem to regard it, Michael Moore's slush fund. For that read "Jon Stanhope's slush fund". Mr Stanhope said:

> That is not the way to frame a budget. It simply smacks of an alarming lack of strategic planning … This is the government that cannot find a way to spend $7.6 million.

In this case read "$254 million". He went on:

> This is a government that cannot identify any health need deserving of these available funds.

It is interesting hypocrisy as you travel the short distance from one bench to another, Mr Deputy Speaker. We also see nearly $11 million in the 2008-09 budget alone for more feasibility studies—more feasibility studies meaning more delays in delivering projects. It is clear that the only strategy that the Stanhope government has followed with its budgets has been a strategy to have grandiose plans such as the economic white paper that simply obscure the lack of action: a strategy to tax business till they bleed but not until they die; a strategy to cut the heart out of the community, particularly through closing schools; a strategy of pursuing personal indulgences such as statues of minor federal ministers and arboretums at the expense of sound community programs and projects and a strategy of announcing major policies through the social pages of the *Canberra Times*.

We need to remember that we are dealing with an ACT government that is anything but open and accountable—two hallmarks that were meant to characterise the

Stanhope government. We have a government and a budget that repudiate the activity of the last two years. It repudiates the basis of the savage and unwarranted cuts that were made in the budget in 2006. It highlights the lack of any strategy for capital works projects prior to this budget and it confirms the inability of the Stanhope government to implement a coherent budget strategy across its period in office.

MRS BURKE (Molonglo) (5.15): Well, what a difference a year makes. I will start off with health because this year we are looking at health spending of $300 million. Even to the politically innocent this must look suspiciously like catch-up, or is it, rather, that the electorate has realised just how mean spirited the Stanhope is? The Stanhope government closed 23 schools for no good reason. The Stanhope government said this week that it was not about saving money, although the rationale in the 2006-07 budget was that we "need to live within our means". The unnecessary sacrifice of these schools and their communities is even more blatant given the remark in the budget speech that "over the coming years there will be one new school opening every year". On that basis, it will take 23 years to undo the damage done by the Stanhope government.

The Stanhope government have hiked taxes across the board and linked them to the WPI, rather than the CPI. Well, it is a very crafty move because, of course, we all know that the WPI is more than one per cent higher. The Stanhope government have closed a well-loved and well-used library at Griffith—once again for entirely trumped-up reasons and a saving of only $500,000 a year.

You have allowed the city to become drab and poorly maintained. You have taken away services like the shopfront in Civic. You have razed and destroyed, even though your coffers are bulging and the ACT has enjoyed surplus after surplus and another surplus this year of $89 million—or is it? I was asked this week about the inclusion of long-term gains on superannuation. Of course, we do not really know. Mr Smyth just mentioned hollow logs. All we can do is see and drill down on these matters as we come into estimates.

The Stanhope government have created more pain and hardship for Canberrans, even though the ACT has had boom time revenues—billion dollar boom time revenues, no less, from high property prices over the past 10 years and a buoyant economy. It has consistently delivered bumper GST revenues, up to around $800 million this year. The people of Canberra are not impressed by the one-lane GDE. They are not impressed by the bronze statue to Al Grassby. In fact, one constituent said to me this week that when the Liberals get into power, could they please knock down the statue and smelt it down. That is the attitude out in the community. "A snip at around $70,000?" you would ask yourself, but it is nevertheless symbolic of the inability of this Stanhope Labor government to focus on the bread and butter issues that affect so-called working families, which they love to parade and talk about ad nauseam. No, this government likes to grandstand about issues like human rights and gay rights. As to the rights of ordinary citizens to obtain timely access to community services, this is another matter apparently.

Canberrans, including rusted-on Labor supporters, are unimpressed by your elitist preoccupations; for example, allocating $1 million for one art work at the entrance to

Canberra. They are not impressed by your absurd priorities, such as building a new arboretum in the middle of one of the country's worst droughts while the city's botanical gardens have suffered from your failure to secure a water supply and consequent increased water charges.

Your administration is happy to monster struggling farmers in the ACT and cannot offer a dying woman any certainty about continuing to receive a disability support package granted by the Queensland authorities. Thinking people have come to realise that your words are only spin and do not represent what is really happening out in the community.

There is such a huge gulf between what you affect to achieve and what is really happening. In the same week that the opposition has highlighted serious breaches of workplace health and safety law at the Canberra Hospital, your budget papers claim as an objective to "keep staff safe and healthy" and to "manage environmental risks to ensure the safety of all people on ACT health premises". Tell this to the nurses at the hospital who have been complaining for months about working in a construction zone. Electricity leads, rubble and other hazards have obstructed the path of patients—the health minister is leaving the chamber now; what a shame—staff and visitors alike at the Canberra Hospital as building contractors work unsupervised by hospital management. Gas bottles with exposed flames have been set down without any barriers around them in hospital corridors as contractors put down vinyl flooring, and other workmen drill concrete in patient wards with dust covering patients' beds and presumably entering the ventilation system.

Words are cheap and we on this side and an increasing number of Canberrans know not to believe the usual pious statement of laudable intentions. Can you really be so surprised that, despite the unblushing and uncritical reportage of the *Canberra Times*, the Chief Minister and his works are not held in esteem? He is a lesson for Prime Minister Kevin Rudd because he is now Mr 70 per cent—just as Jon Stanhope was when he was first elected.

Now the health minister is telling us we are facing a health tsunami. You are obviously also facing an electoral tsunami, and whether you can latch onto a palm tree and save yourselves from annihilation at the polls will depend upon your ability, in concert with your left-wing barrackers and the media, to sweet-talk the electorate into believing your empty promises yet again.

In his budget speech on Tuesday—Mr Corbell, you might want to listen to the words of your esteemed leader—Mr Stanhope said:

> Expenditure on health has close to doubled since we came to office. And those dollars have delivered results—there are 147 more beds.

Sixty of those beds are acute care beds. There is a record amount being spent on health—$888 million in the next year—but the government's own performance indicators show that the services just are not being delivered as they should be.

Let us take the strategic indicator for emergency department access block on page 147 of budget paper No 4. Twenty-eight per cent of patients admitted by the emergency

department wait more than eight hours from commencement of treatment for admission to a ward. It is stated that this "provides an indication of the effectiveness of public hospitals in meeting the need for acute care and emergency department care". Just so! Our public hospital emergency departments are not effective in meeting the need for acute care in emergency for nearly a third of people.

No-one has any argument with the quality of treatment that patients receive when they finally receive it, but the wait for this treatment and the wait for admission to a bed are not acceptable. I would like to hear one day the minister explain the difference between occupancy and efficiency in relation to hospital beds. That would be an interesting discussion.

With an ageing population the treatment of over 75s is a key indicator. How do the elderly fare in our hospital system? The news is that they fare even worse than everyone else presenting at emergency. Strategic indicator 15 on page 155 of budget paper No 4 entitled—hopefully—"Improving Hospital Access Time for Persons Aged over 75 Years" tells us a different story. In 2007-08, nearly 40 per cent of people aged 75 or over waited more than eight hours from the commencement of treatment in the emergency department for admission to a ward. That is a shocking admission of failure. The government talks about looking to the future. How about the present? How about the here and now for the over 75s?

Another indicator supplies us with the answer to why patients are waiting many hours for admission to a bed, usually after they wait for long periods of treatment. Strategic indicator 3 on page 149 of budget paper No 3 dealing with bed occupancy tells us that the estimated outcome for bed occupancy is 91 per cent. I understand that this is not going to mean anything to most people. If you get 91 per cent in an exam, you would be right to feel elated. The statement in the budget paper below seems designed to deceive people into thinking that a big number means good results. There it is stated that the mean percentage of adult overnight acute medical and surgical beds "provides an indication of the efficient use of resources available for hospital services".

So this figure of 91 per cent for bed occupancy you may think is surely a good thing, showing that there is no fat and that they are using their resources well. On the contrary. What this shows is what the AMA—the Australian Medical Association—has called a dangerous level of overcapacity. In October last year in its public hospital report card for 2007 the AMA said:

> A shortage of beds manifests itself in a dangerously high bed occupancy rate. An Australasian College for Emergency Medicine study has shown that an occupancy rate of more than 85 per cent (on average over the year) risks systematic breakdowns and extended periods of 'code red', which put patient safety at risk.

So a rate of 91 per cent bed occupancy means that the system has little capacity to absorb new patients. It is like rolling up to a hotel which is almost fully booked, but with this difference—you are ill and injured and there is nowhere else to go.

The health Minister's suggestion that 87 per cent of patients, or nearly nine in 10 patients who present at emergency departments, could just see their GP is arrant

nonsense. The AMA and the emergency clinicians say 10 per cent is more like it, and they are quickly dealt with and sent on their way by any competent triage nurse using up, on average, only one per cent of resources.

The other worrying thing about the performance of our public emergency departments is the government's lack of ambition to change the situation. We see that next year's target for bed occupancy is only one per cent lower. This is aiming very low. The budget provides another 20 acute beds, but this is way below the 150 that the opposition believes are needed.

The government is planning to spend $90 million on what it terms a women's and children's hospital, but it is hard to see this as anything but a grandiloquent name—a nice newspaper headline for the present unit relocated in the grounds of the Canberra Hospital. We do need to ask about this. We see the word "collocated" written in the budget paper. How much of this will be just soaked up by the move and how much will represent any expansion of services? I will not hold my breath.

The budget shows that staffing in ACT Health is expected to rise from 4,327 to 4,418. Like the Australian Nursing Federation, the opposition finds it difficult to understand how the government aims to provide any expansion of services because of the current dearth of staff. AMF ACT secretary, Colleen Duff, said today:

> When you look at the projected full-time equivalent which is the staffing, the increase is minuscule.

That is from the *Canberra Times* dated 8 May 2008, page 5.

It is interesting to see that the idea of nursing assistants has again surfaced. The positions were mentioned in ACT's Health annual report, but the minister professed no knowledge of them in a recent answer to an opposition question on notice. That is really interesting. The left does not know what the right is doing. Something is suggested through the Workplace Relations Unit but the minister does not know about it.

As I have said again and again, the problems in the health system centre on systemic management failures, including an apparent inability by management to listen to nursing staff. Nurses are leaving the system, despite what the health minister says, because they are overstretched, unappreciated and unheeded. There is a whole poisonous workplace culture that must be overhauled if vast injections of public money are to achieve real improvements in performance. Money, in and of itself, as Dr Foskey has said, does not necessarily benefit the community. The $9 million upgrade of Calvary ICU is welcomed, but it has been promised for five years by this government.

I think that there are many things that we can look to in health. The minister herself is now on the public record as supporting the opposition's position that this is not about bricks and mortar. The Chief Minister said, "It's not about money. It's not about beds. There are systemic issues within the system."

It is disappointing to see how little extra the government is investing in Canberra's public housing at a time when housing affordability is at a crisis point. I agree with Dr Foskey about the SAAP funding of $1 million. It seems a minuscule amount, but at a time when rents are at a record high we seek to raise the eligibility criteria for public housing, making it more difficult for people to access public housing. There is a tranche of people now desperately trying to find accommodation.

The retrofitting of water saving devices in public housing is good but, if you will excuse the pun, this is a watering down of the Stanhope government's 2004 election promise to retrofit the 70,000 Canberra households that still have inefficient water guzzling toilets and showerheads.

We saw the slashing of $33 million from ACT Housing's budget in the horror budget of 2006. Failing to invest more in public housing hardly does anything for social justice. Mr Speaker, there is very much that I could say. I have one paragraph about disability services. Why? It is because there is literally nothing mentioned in the budget about the main bulk of people with a disability and/or their carers. All I can say is that we should have a moment of silence in the absence of initiatives.

MRS DUNNE (Ginninderra) (5.30): Jon Stanhope's 2008-09 budget is an extraordinary, piecemeal document. I think the shadow treasurer referred to it as a sprinkling of fairy dust. There are little itty-bitty programs all over the place.

In relation to what I am going to deal with next, I know that Dr Foskey has used this line, but I intended to use it. Even though she got in before me, it needs to be said. On page 19 of the budget speech, the Chief Minister says in relation to the environment that no effort is too small. Dr Foskey is right: when it comes to climate change, only small efforts are put in by the Stanhope government. It is a bevy of small initiatives.

The climate change action plan has 43 actions in it. It is interesting to go back and review some of the literature on the climate change action plan. When the Liberal Party was in government, we had a greenhouse strategy that had a large number of actions in it. When it was reviewed, at about the time of the change of government, one of the standout recommendations was to go back, cut back the number of initiatives and do something more substantial with the money—rather than having a lot of little things peppered everywhere, take the money and do something substantial so that it is easier to monitor and does not take up so many resources in monitoring and accounting for these things.

When the Stanhope government threw out our greenhouse strategy and eventually replaced it with his strategy, "Weathering the change", it failed the first test. There was a strategy. The strategy was criticised—and rightly—for having too many actions in it. In a small jurisdiction like this, you should be doing more substantive things with the money. But what the Stanhope government did when it created its climate change strategy was to go through the bureaucracy and find anything that in any way could be construed as an energy efficiency program or something of that form. If it had greenhouse that could in any way be attached to it, it was put in the climate change strategy so that the government could say, "Look how much we are doing or

propose to do." It did that rather than starting from scratch and writing, de novo, a greenhouse strategy, a climate change strategy, which would give us something that we could test and measure and something that would give us some hope and some expectation that we would make some progress towards limiting our greenhouse gas emissions.

When it comes to climate change, the Stanhope budget is almost entirely dependent upon tree planting for greenhouse gas abatement. There are four separate tree-planting schemes. It is very hard to see when you go through the budget papers. You can look at budget paper No 5 and budget paper No 3 and all the different initiatives. It will take some drilling down during the estimates process, but I have the terrible feeling that they are either understating what they are spending or double counting. It is very hard to get your head around just which initiatives are environment initiatives or climate change initiatives and how much is actually being spent in the budget.

Then we have the future provisioning. Some of the future provisioning seems to be for the solar power plant. I do not have a problem with that, but it is a strangely imprecise amount of money. The $47.551 million seems an extraordinarily imprecise amount of money. I am not quite sure what they have in mind for that $47.551 million and whether Actew will be able to use every last cent of that money. In addition, there is future provisioning for $5 million in the outyears—not in the budget year, but in the outyears and one year beyond the outyears. In various places it is just future provisioning; in other places it is future provisioning for yet more trees.

There are a lot of things that the *Canberra Times* correspondent on the environment and I disagree on, but I had to agree wholeheartedly with her assessment of just sprinkling parsley over environmental initiatives to make them look good. The environment initiatives in this budget are extraordinarily disappointing, especially when we look at the things that relate to climate change. Only minor initiatives have been announced. We know that the Australian community in general, and we believe the Canberra community in particular, want something much bigger and much better from this government, which has spent a lot of time beating its chest about the environment but has not actually done very much.

There are some things that are worthy of note. It is not that I have anything against planting trees, but there is roughly $4.7 million in tree planting spread over four separate initiatives. There are the one million new trees over 10 years; there is the urban forest replacement program; there is additional tree planting; and there is the one million trees initiative in relation to the international arboretum and gardens.

While we are planting trees, we are also rolling out AstroTurf. It beggars imagination that the "Where will we play?" initiative is highlighted as an environment initiative, because we are rolling out AstroTurf. I hope someone does the calculation for the embedded energy in the AstroTurf and the impact on the petrochemical industry for the AstroTurf, not to mention the grass burns that you get when you fall over on AstroTurf when you are playing soccer, hockey or those sorts of things. It is a pretty rough and unforgiving surface—not nearly as forgiving as grass.

There are a couple of wry moments. A wry moment which I do not think the Attorney-General has got yet was the cause of much mirth on the opposition benches

yesterday. In his po-faced answer about public safety, he included in public safety initiatives the money for the morgue. A certain number of people will unfortunately end up in the morgue because of failings of public safety, so I suppose in some sense it is a public safety initiative, but I thought it was rather comic. You need to find your comedy where you can.

As I said, there are a whole lot of piecemeal initiatives in relation to the environment. There are small amounts of money. There is an extraordinary amount of rebadging. We have got the "Switching your thinking" program, which has been in various budgets in various forms; we are not in any way fooled by the fact that the government keeps changing its mind. They are small amounts of money when we should be looking at much better investment in energy efficiency. Energy efficiency is what in modern parlance people call the "low-hanging fruit" when it comes to environmental change and abating greenhouse gas emissions.

The McKinsey report that came out earlier this year pointed to the fact that, because Australia has particularly poorly insulated houses and we spend so much of our money on heating and cooling our houses, we can make truly substantial improvements in greenhouse gas emissions by insulating our homes properly. Simply doing that, and by the expenditure of something like $1,500 to properly insulate your roof, will return you a saving every year—year on year for the life of a house—of two tonnes of CO_2. On current costs, that amounts to about a $260 saving in electricity. For an investment of somewhere between $1,000 and $1,500 on insulation, you will save yourself money year on year. After five years, you are saving yourself money. And the community is better off. That is $260 in modern-day terms that Canberra families would have to spend on textbooks and school uniforms—money that people do not have now because they are heating their houses and cooling their houses through the filter of the roof. We have a paltry $4½ million over four years to address this issue.

There are incentive programs. There are some more incentive programs. There is the heat program. The heat program is a great program, but it is being done in a piecemeal fashion. There is not the money in the budget to do anything substantial and turn out large amounts of insulation into the ACT community.

The amount of money and effort that has been put into insulation in government housing is an improvement, but it is too slow. At a really conservative estimate, the poorest and most vulnerable people in the ACT—people who live in government housing—are probably paying $260 a year more for their heating than they need to. They are probably not paying it, because they do not have the money. They are probably going to bed early with socks, beanies and jumpers on because they do not have the money to heat their houses. They should not have to live in circumstances like that.

I have constituents who have come to me with mould that appears on the inside of their walls every year. Their children get sick. The mould appears on the inside of their walls simply because their houses are not insulated. This is a first-world country. People who live in public housing should not have to take sick kids to the hospital with respiratory conditions because they have mould on the inside of their walls. If the government is serious about climate change, it is not shown in this budget.

Many initiatives are worthy of comment. Mrs Burke has referred to the women and children's hospital initiative, which may be completed in 2012. Again, we have to reinforce this: as the shadow minister for women, I am very pleased to see this as a possible initiative, but I do not want to be just moving things around; I want to see new money, new resources, for new facilities for Canberra's women and children.

In the area of family and community services, and in our own electorate, Mr Speaker, I welcome the money for the west Belconnen children and family services centre, which I think will make a big difference. But I am disappointed to see that there is not the final money needed to establish the west Belconnen health collective.

Ms Porter got extraordinarily agitated today when Mr Seselja spoke about our initiative. I need to put this on the record loud and clear, for Ms Porter and for Ms Gallagher, who seems to have conveniently espoused this view as well: in addition to the money that has already been raised by the community by contributions from people joining up to the collective and in addition to the roughly $200,000 already promised by the ACT government, we Canberra Liberals made the commitment the other day to double that so that the $600,000 needed to start off this fantastic project would get underway for the people of west Belconnen, who have very limited access to GP services.

By our coming out ahead of the budget and declaring our commitment to this, I was hoping that we would see the ACT government come out and say: "Okay, there is bipartisan support for this. Bob McMullan keeps talking about the need for bipartisan support for this. We will fund it." The thing would have been started within weeks. It would probably take them four or five months to get up and operating, but they are ready to go; they have a space. What is it about the government that, for the want of another $200,000, they would deprive your constituents, Mr Speaker, and mine, of access to bulk-billing doctors in the most disadvantaged area?

I spent five hours in the emergency room at Calvary the other day. I was quite surprised at the number of young people with children there. Some of them, I know, came from west Belconnen. They were there because they had nowhere else to go on a Monday night with a sick child. That is not the place for those children to be. I saw a little boy who waited nearly as long as I did. He should have been home in bed, but his parents had nowhere else to send him. I was there because I had a child with a broken toe and that was the right place for him to be, but that other little boy did not need to be there; he should have been in a situation where he could see a doctor and be home in bed. His parents probably needed to be home in bed as well.

The Stanhope government has missed a lot of opportunities here. There are some things in here that are good. We will be using the estimates process and the final debate on this to highlight the good things and the lost opportunities. This is a budget of lost opportunity, but it is not a lost opportunity for the Stanhope government: it is lost opportunities for my constituents and your constituents, Mr Speaker.

MR STEFANIAK (Ginninderra) (5.45): Indeed it is a budget of lost opportunities. And it concerns me that, like a lot of things it does, this government wakes up far too

late. It has been very slow to take a number of steps that were essential and that should have been taken years ago.

This is a budget, too, that may—and this scares me—in the macro picture be built on false premises. What if the economy dips more than we think? Mr Rudd and Mr Swan are talking down the Australian economy; when you do that, you tend to spook business very easily. What if they take a real meataxe to Canberra? What if the economy dips? What if the forward estimates for growth are way out of kilter? What happens if the amount of revenue the government thinks it is going to get simply does not materialise because the country and Canberra go backwards at a great rate? Whilst we may not be in a recession, we are certainly in a very dodgy economic position, with very little growth.

The government has finally acted—again, way too late—in terms of things like land release. Some of that will be in our electorate, Mr Speaker. But let us look at those figures. There are something like 4,200 blocks in 2008-09; there are 2,700 in the next year, and then 2,900, and 3,200 after that. It would have given me some comfort if it had happened three or four years ago.

We will see what happens. We will see what happens to our economy with this budget—a budget brought in a week before the federal budget, a federal budget which could be just as difficult for Canberra as some of the Keating government budgets—and John Howard's 1996 budget. Well do I remember that; we had to take some very difficult steps to help our local economy get over that period. That period was brought on by 13 years of incompetent Labor management at the federal level but it certainly caused pain for Canberra. Yes, we probably came out of that a lot stronger as a result, but it was very difficult.

In that macro picture, I wonder whether there are a lot of false premises here. Time will tell, but we will start to get a bit of an idea next week. It will probably not be all that long before we see whether the premises this budget is built on are accurate or whether they are way out of kilter and there will have to be some substantial restructuring—and whether a lot of false hopes are being built up as a result of what the government is doing.

Mr Speaker, I want to mention another area that relates to our electorate, which I will concentrate on. Again I speak about a rather macro picture in relation to what is possibly significant waste. The government has announced some $14 million or so for community halls to replace schools that it has closed. As Mr Seselja and several of my other colleagues said today, one of the greatest betrayals this government has made is in relation to public education, especially in relation to closing some 23 schools and preschools.

Now, in a move which I think everyone in the community sees through as being quite ridiculous, the government are trying to make up for it by creating school halls or "hubs". Some of the money is going to be spent on an arts hub at Cook. I think that is several million dollars—I was trying to find it—but it is certainly a significant amount of money. The people of Cook do not want a new hall or an arts hub in the place of their school; they want their school back. They want a school. For the past eight or so

years, the school had between about 120 and 150 students. The other half of the building is occupied by other groups. They have a very nice school hall, thank you very much, which I am sure could be opened up to the community.

It does not cost much to bring a school like Cook back. I suspect that the running costs would be a quarter of a million dollars a year. It is a small school. Yet the government is going to spend millions on a centre that no-one in that community wants. You could do a centre if you had the school going and just utilised the school hall that exists as part of the school. That would be listening to the community; that would be sensible; and that would save money.

At least you are not doing anything to Flynn yet. We all suspect what is going to happen there if the court case by those valiant P&C people at Flynn is not successful. They have taken on this government, despite all the obstacles put in their way, including legal obstacles, to make their job as hard as possible—things for which, if we did, we would have been absolutely howled down.

I can think of a similar situation when we rightfully closed the School without Walls and the completely different approach taken there, to not put obstacles in the way of a group who wanted to save that school, unlike what you people have done in terms of the Flynn community and the legal obstacles you have put in their way. Irrespective of the court process there, it is a case of "watch this space". If something goes wrong for the community there, what is going to happen? That would be probably bulldozed, I would imagine. That is what the people of Flynn think.

In regard to Hall, I think you are going to give them a community hall. Hall has not only some great space in the old school building, which, thank God, is heritage listed—that gives us the opportunity of bringing that one back—but it has a magnificent pavilion, showground and community hall which you people should know about. It is used. They do not need a hall. They want their school back. Business at the Hall shops has dropped about a third since the school closed. That school provided quality education since 1911 and you arbitrarily closed it.

I have heard you are only saving something like $80,000 or $90,000 a year by closing that one. How much are you going to spend in terms of a useless hall there when you have got a magnificent hall down near the pavilion and you have got outdoor space actually at the school itself, together with tennis courts and several other items which actually were put in during my tenure as sports minister and education minister? If you go down to where the pavilion, the town hall and the sportsgrounds are, it is a very nice facility indeed. Money has been spent there over the years and you have a great facility there. All it needs back is its school. Save yourselves some money. Bring the school back rather than building something useless the community does not actually want.

In my brief time, those are some of the things I would like to touch on in relation to some of the more macro issues and in terms of some specific issues in my electorate. While I am on my electorate and looking at the arts, yes, there are some interesting things there in the arts. But I see there is no money in terms of a feasibility study as to what we do with the Canberra Theatre and planning for the future there at a macro

level in the arts. You still have the percentage for arts program. I think people are very sceptical about that.

If the $750,000 on artworks spent on Gungahlin Drive is anything to go by, I think people would much rather have that bit of money go towards doing the road properly. That monstrosity down near the Federal Highway is probably quite dangerous if someone went skewing off the road there. So I think your percentage for arts program is something you could revise. That could certainly be money better utilised.

I do not see anything in the budget either—and I might be wrong here, having a quick look through it, but it certainly is not highlighted in red for the future in terms of Belconnen—as to what is happening with the new arts facility which has been on the cards for some years now. It had money allocated to it last year. I hope there is money in the budget for that. I cannot see you not doing that.

Mr Corbell: Yes, there is.

MR STEFANIAK: Mr Corbell says yes. I am pleased to see that because that is a much-needed facility. Again, perhaps just as an aside, it is not prominent in the various budget papers and, in terms of being ready for the future, that would be a logical thing to stick in there under Belconnen.

Mr Seselja mentioned in his speech the dragway. Maybe you have finally been quite honest about that. I cannot see any money for the dragway. My understanding was that at least was a continuation, as you maintained the farce, of perhaps trying to reactivate the old site which no federal government, unfortunately since 1999, has been interested in doing. Maybe that is a final admission that your supposed commitment to a dragway, the false promises you made in 2001 and 2004—it seems with little intention to keep—was all nonsense. Finally that facade has gone.

If there is money in there, again I would be interested to see it. I cannot. Perhaps it is something that can be confirmed that at least you have finally taken money out for a project you never had any intention of actually bringing back. Those are some of the comments I wish to make in relation to that.

In the five or so minutes remaining, let me make some comments in relation to justice and community safety. There are some initiatives here which I certainly would applaud—some extra money, $2.8 million over four years, for improved court technology in the case management systems. There are still problems there. This has been an ongoing problem for probably close to a decade. Hopefully, we are getting to a stage now where finally most of the bugs will be out the system. I am pleased to see provision for new CCTV cameras and playback facilities to assist multiple witnesses and improve court technology.

In terms of your Supreme Court building, the $220,000 there, might I say this has cropped up from time to time. Fundamentally, people are much more interested in what comes out of that court—the judgements of that court—and that court hopefully getting it right in terms of community expectations than being in a nice, new, luxurious building. I think people are far more interested in that than building a new building.

Having said that, if you insist on going ahead with that project, there was a very good scheme which, in the early years of this decade, was mooted under the previous government whereby you could build a building and, as long as you put in JACS, the DPP, rented out chambers to the bar, you would be saving about $2 million in 2001 dollars in terms of government expenditure for the DPP and JACS. That is probably a lot more now. Over about a 25-year period you might pay for your new building. If you could do something like that, it might be justified. If you cannot, it is just throwing good money after bad. But you do have some options there—perhaps build a building but also save money down the track in terms of what you are doing now in paying dead rent.

There are some minor money matters in terms of Supreme Court jury payments. That is a positive step. One thing I will applaud, attorney, is your commitment to the jury system. I think that is sensible. It recognises, I think, some of the real problems we have had with an overemphasis in the last 15 years on judge-alone trials and the misuse that is being made of them. Whilst it is a small amount of money, it is welcome.

In relation to your modern facilities for procedures involving deceased persons and a more appropriate environment for relatives needing to identify deceased persons in a new forensic medical centre, I take it that $4 million also enables additional forensic studies and work to be done in terms of assisting crime fighting. There was a lot of mirth on the opposition benches yesterday when you talked about the morgue and a lot of money going to the morgue. I trust it is more than that. But that is something that we would at least applaud in terms of a new forensic centre and improved forensic work being done.

I am concerned, even though you have $1.5 million over four years for the implementation of the work safety legislation, that there is nothing in the budget. Looking at budget paper 3, on page 85 you state:

> This initiative provides for the retention of an independent Occupational Health and Safety Commissioner, after restructuring of the Office of Regulatory Services, and for the statutory work of the Commissioner. The Commissioner is responsible for promoting understanding … and reviewing ACT laws to ensure their consistency with the Occupational Health and Safety Act.

Clearly, what we have been hearing for some time now is that WorkCover is actually understaffed, that there are not many inspectors there and that there are some very real and significant problems in terms of the work of that authority. The inspectors are going out there, being proactive, finding problems that can be rectified, rather than simply reacting. We have had some horrendous near misses, near tragedies, in terms of accidents in the workplace. Among the most prominent recently was that great lump of concrete that fell on that car at the Cameron Offices.

Clearly, in terms of occupational health and safety, I would have liked to have seen an emphasis placed on getting a few more WorkCover inspectors out there. I am being proactive in terms of ensuring worker safety. I would agree very much with any unionist who says, "When you go to work you want to be able to be very confident

that you can come home in one piece." There are some real dangers occurring now and we do need a much greater emphasis on WorkCover and on worker safety and issues in relation to that.

I welcome some money for the Belconnen police station, except that has been around, again, for many years now. It is still going to take another four years to build. Finally, that appears to be occurring. I suppose it is better late than never. That is indeed welcome.

Finally, I will touch on the money for a couple of extra inspectors for liquor regulation. At least you specify two more liquor licensing inspectors, people who can go out and attend to problems in that area. I would, however, encourage you to heed industry and the police association and anyone who is involved in the area who feel that it would probably be far better if the liquor inspection duties were actually undertaken by the police, with proper resourcing. You still have not bitten the bullet on that one, but I suppose two more inspectors will at least count there.

There are some decent initiatives there, but there are certainly a lot of lost opportunities. Getting back to my original point, I think there are some potentially fundamental problems with your premise on which you might find you are being overoptimistic.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR PRATT (Brindabella) (6.01): The budget before us this year is an election-year budget, rehashing and recycling all those funding promises that have come before. Where has the billion dollar windfall gone and what do ACT taxpayers have to show for it, as the Leader of the Opposition outlined in his headland speech this afternoon? Where is the vision that will sustain us in the future? There is no plan. There is no coherent vision. This is the budget of a government that is well past its use-by date.

We must ask ourselves, "What are we really left with after pushing away all the froth and bubble of this budget?" We are left with a track record that shows little in the way of forward planning, transparency and good governance. First and foremost, we must look at what has not been achieved by this budget or, for that matter, any other budget handed down by this government. We still have a severely over-bloated bureaucracy and very little in the way of front-line services. Where is the vision to perhaps cut some of that bureaucracy and transfer the resources from the backline to the front line?

Worse still, to add salt to the wound of ACT public servants who may be some of the few front-line personnel already under the pump, there is a commitment by Mr Stanhope that the ACT government will absorb the massive redundancies—3,000, in fact—that will result from the Rudd razor gang cuts for Canberra next week. Where will these people go? Whose jobs will they take? This cannot happen while the ACT public service staff budget is already blown out.

Let us have a look at this revelation in today's *Daily Telegraph* by Labor insiders about their own mean spiritedness and their cunning back flips. I refer to the quote in the article today from a Labor senior staffer:

> The trick is to sell back-flips as responding to community concerns.

Unquote, comrade! That is what is said behind closed doors in Labor corridors. That is their strategy to retain any semblance of credibility with the community. The list of these back flips is long.

Tharwa Bridge: look at the cost caused to that whole community and that whole community's heart and soul. The way that community was treated by this government is the greatest example of mean spiritedness I have ever seen—firstly, with the threats to close the bridge, then partially reopen it, and then discussions about whether they would restore or whether they would not restore, whether they would pull the bridge down or build a concrete memorial bridge to John Hargreaves—and all through this, that community has suffered.

The incompetence on the part of this government which caused that pain to that community is a hallmark of the way this government governs. Then we saw the back flip, the back flip dressed up as "it looks like we have found a whole new lot of engineering evidence" when they damn well knew the engineering evidence that was available to them.

Then we have hospital pay parking. It cost us over $500,000. That is also a case of mean spiritedness. Here we have the government squeezing the visitors to the hospital until they bleed. That was what that policy work was all about. And then another back flip! After 2½ years of constant questioning, we have the scrapping of the FireLink project, at a cost of over $5 million lost and nothing to show for it.

Then we have the roadside drug-testing trial—three years behind the rest of the country, five years after the government's own website identified the risk of drug-affected driving in the territory. The cost is the safety of residents, at the risk of impinging on human rights.

What about the mean spirited closing of the Griffith library? To quote the minister that day when he stood on those steps, on a fine Saturday morning, in front of about 200 residents: "I didn't bother speakin' to youse because I knew what youse'd say. So I just went ahead and closed it." Fair dinkum!

What is the strategy of this government? You push through or bust. And if critical mass in opposition is met in the community, and only after of course the community has woken up because you have been trying to shove things beneath the radar, then you back flip and pretend the back flip is a consequence of newfound wisdom.

Let us have a look at the Emergency Services Agency. There has been waste on all fronts in emergency services and no hope of ever catching up with that spending that saw $26 million disappear into the ether. The ultimate result is that we are no better

prepared for a bushfire disaster than we were in January 2003. All the expert opinion has been ignored; all the community concern has been ignored. By God, have we seen that during the emergency services inquiry!

Worse still, the government have ignored their own election promises. We still have no replacement for FireLink, which cost over $5 million, due to the lack of ministerial oversight on the part of three consecutive ministers. The relocation of the headquarters is still a shambles. Some two years after it was really planned to transfer out of Curtin, there is still nothing to show for it.

What about the strategic bushfire management plan? After three years, version 2 is still overdue. If it has been printed, the question now is: has it been established as an authentic, confirmed document or will it still continue to be a draft document, discussion paper, as was the case for so long?

Let me turn to sustainable transport: buses. The ACT has a failed bus system that has taken two steps back and one step forward as a result of the hatchet job done on ACTION in 2006-07. This government has no credible record on public transport and it is doubtful that network 08 resolves the main issue of poor patronage. What we need is a safe, reliable, frequent bus service that entices people out of their cars, something Mr Stanhope has continually failed to do.

We do see testament to this government's focus on human rights and harm minimisation in this budget. We see a dedicated bus service for visitors to the new "Hilton hotel" for prisoners on the Monaro Highway, at a cost of $70,000. This is the government that can provide a bus service to the prison, but it took two years to provide a bus service directly to the Canberra Eye Hospital. And we are still waiting for an adequate service to and from our international airport. What a disgrace! Where are this government's priorities? I will tell you where they are.

There is no forward planning for parking in the territory. I am now looking at parking. Instead we see a policy that forces people out of their cars onto an inadequate road system. The draft ACT parking strategy strongly advocates the reduction of car parks in the ACT. That will solve the problem? I do not think so. Then, contrary to that, we see a piecemeal parking plan for the precinct north of Commonwealth Avenue Bridge. There is no vision here for a sustainable public parking infrastructure.

We see approximately $530,000 earmarked in the budget for some park and ride, but does this allow for only new surface parking space? How much surface parking space do we have available in our town centres and our group centres where we might develop the very badly needed park and ride infrastructure? I do not see $530,000 catering for the infrastructure that needs to be developed if the government is serious about decentralised park and ride services.

Until we can entice drivers out of their cars onto a convenient, comfortable and safe bus service, we are not going to increase bus patronage beyond seven per cent. Therefore we will still have the severe impacts on both our road system and our environment. Until we meet that critical mass, that critical tipping point, where we can entice people to leave their cars, at least in decentralised park and ride centres,

and catch buses, we are not going to do all that much to change the equilibrium between the habit of driving and the protections we would like to see provided for our environment.

I turn to roads. The big hoo-ha over infrastructure and road funding in this budget is just that—a lot of noise about nothing. It is clearly the case that a fair amount of money has been allocated to roads, but there is no vision and there is no tying together of any form of overall road plan.

Yes, there is good money being spent here and there, but a lot of it is catch-up money. We do not see a strategic plan which would indicate where our roads are going to be upgraded to provide a better, more flowing service for the territory. We do not see that. There is no plan—no strategic plan. There is just money here and there—money which in some cases is badly needed on some of the roads, to be frank. For that we are grateful. We have an expensive, $26 million, two-lane GDE four years late and not able to cope with the commuting traffic of the future. And we have a failure to maintain all the other roads that have been in desperate need of upgrading.

The Tharwa Drive duplication has been trotted out for the third time, recycling and rehashing an earlier Stanhope government promise. By the way, that project was identified and budgeted by the previous Liberal government as one of its five-year road funding plans. The traffic problems of Gungahlin will not be fixed by duplicating Flemington Road, which will only see the dumping of more traffic onto Northbourne Avenue, which will struggle to cope with the extra volume of vehicles. The airport road project has been rolled over four times, from 2001 to 2005; dropped once, in 2006; and restored a fifth time, in 2008. The upgrade to Athllon Drive is another recycled, rehashed announcement that was promised in previous budgets. That was another five-year road funding plan identified by the previous Liberal government.

What does this illustrate? This illustrates the point that Zed Seselja, the Leader of the Opposition, made here today: how can you have any faith that this government are going to spend the boom that they have with their so-called infrastructure plan when their record in the past has been that they have not been able to implement what was already in the budget? Those two examples of roads in previous plans illustrate the point very clearly. We see a lack of forward planning, with no vision for the future needs of a growing city and its environment. When it comes to roads, there is no plan at all. There is no prioritised list—just a series of re-announcements on the same old, tired road projects.

We discussed Tharwa bridge in some detail before. Again, we are not going to see any real work done, and perhaps the bridge will not open before 2011. That will be about six years out from the time that the bridge was first closed and then re-opened. It remains baffling to me why this bridge cannot be partially opened. Perhaps that is the government's plan. I would certainly like to see the government be a bit more forthcoming. They have been extremely quiet about the restoration project since they made the propaganda announcement a couple of months ago.

I turn to amenity. The amenity of the city is in a state of disrepair. The $100 million over five years promised in this budget simply catches up with the three years of

neglect. On ABC radio not long ago, Minister Hargreaves went to great pains to ignore the 50 or so callers who had phoned in to voice their disgust at the look and safety of the city centre, instead opting to take the head-in-the-sand approach that he is famous for. Mr Hargreaves went so far as to say that he was proud of his and his department's actions in regard to the look of the city.

What does he have to be proud of? We do not have to look too far to see the disgraceful state of our city. And we do not have to look too much further to see the state our suburban shopping centres and parks are in. On my daily walks at lunchtime I see the good old Braddon CityScape depot, which is continually adorned in graffiti. Often the graffiti does not change for six weeks at a time. How does that demonstrate Mr Hargreaves's seriousness about his responsibility? The minister's own depot—responsible for cleaning or at least supervising or inspecting the city landscape—is covered in graffiti and the minister does not give a stuff.

I finish with waste management. There is no vision by the government. How about no waste by 2010? It is an unrealistic goal on the part of this government. There is simply the announcement of money to find another landfill site. Where is the vision? What about alternative strategies? What about recycling? What about green waste and those sorts of issues?

This is a budget which is full of bubble. There is no vision; there is no faith that these targets can be met. *(Time expired.)*

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) (6.16), in reply: In closing the debate, I thank members for their contributions. I think it is appropriate at this stage to acknowledge again the significance of this budget for the future of Canberra and the ACT. It is a budget that quite truly prepares the Australian Capital Territory for the future. It is quite clear from the comments and the commentary that we received today, particularly from the opposition, that they essentially accept and acknowledge that that is the true position and the status of the budget that was delivered. This is the biggest, the most expansive and the most visionary budget that has ever been delivered in the ACT, one that really does allow us to take control of our destiny and prepare ourselves for the future to ensure that Canberra is ready.

We have seen it today, too, particularly in the response of the Leader of the Opposition in a 40-minute presentation of the Liberal Party's position in relation to the budget. There was no vision; there were no alternative proposals put; there was no underlying understanding of the issues that the territory or the community face. There was a real inclination to play politics, a looking back—opposition for the sake of opposition.

Mr Barr: I thought his camera work was outstanding.

MR STANHOPE: Yes. Some significant media advice has been taken and the presentation to the camera was something of a first.

In the context of policies, proposals or vision, we see a criticism of the government's decision to expand the Cotter dam and a return to the Tennent. I presume the Liberal position is that, if they are elected, they will abandon the decision to expand the Cotter dam and simply resort to their old flawed and significantly challenged policy of a dam in a rain shadow. Unfortunately, in that particular policy decision or change there was no expression of how the opposition in government would pay for it and what aspects of the budget now before the Assembly they would not proceed with in order to fund a dam at Tennent.

With those brief comments, I will close. I look forward to the debate in detail and to continuing the contributions and actually expanding on the ways in which this budget prepares Canberra for the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to Select Committee on Estimates 2008-2009

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

> That the Appropriation Bill 2008-2009 be referred to the Select Committee on Estimates 2008-2009.

Administration and Procedure—Standing Committee
Report 3

MR SPEAKER: I present the following report:

> Report 3—*Application for Citizen's Right of Reply: President, Curfew 4 Canberra Inc*, dated 7 May 2008, together with a copy of the extracts of the relevant minutes of proceedings.

MRS BURKE (Molonglo) (6.20): I move:

> That the report be adopted.

Mr Speaker, I will be very mindful of the standing orders in relation to this matter and not reveal what was discussed in the committee, which often does make it quite difficult at times such as this to be able to talk too much about the case at hand. It is hard that, when it is brought before the committee, other members are not privileged or privy to the details of the discussions of that committee. That can also become a difficulty: if ever this was moved any further forward than it was today, it would be a difficult one for members to vote on.

I have to say that I have a degree of sympathy with anyone believing that they have been wronged in this place, and there is a certain degree of sympathy for Curfew 4 Canberra in this instance. But, sadly, the committee had to decide that the only place

that they could go was to recommend that no further action be taken by the Assembly in relation to the submission.

I say I have some sympathy, Mr Speaker, because I have a bit of personal interest in this matter. My husband tried the same thing in 2004, but was unable to, again because of the rulings of the committee. I will try not to reflect on the debate; I can see what you are about to say, so I do say that it is—

MR SPEAKER: It is good to have a bit of accurate mind-reading.

MRS BURKE: I was, and I could see. I am just trying to tell you that I have a degree of sympathy. I know that it is frustrating for people in the community to wonder why, when they feel they have been wronged and it comes before the house or before the admin and procedure committee, we are not able to come to a resolution that they are happy with. Despite people feeling that things have been out in the public arena, and that people would readily identify them or their company, it is often, sadly, the case that there would not be too many people who make the intrinsic links that people do when they are making representations.

I will keep it short because I am mindful of what we have on tonight. In summary, the report handed down recommends that no further action be taken by the Assembly in relation to the submission. We have taken into account everything that was provided to us. On that basis, whilst I have some sympathy, unfortunately on this occasion it will be going no further.

DR FOSKEY (Molonglo) (6.23): Mr Speaker, I rise to speak against the motion—knowing, of course, that it is futile and that the report will be adopted. I wish to express my dissent to the findings of the committee on administration and procedure. I note that appendix A of your report—your very slim and lean report—says:

> Where a person or a corporation who has been referred to by name, or in such way as to be readily identified in the Assembly, makes a submission in writing to the Speaker …

I am not sure, but I understand that the committee's conclusion was based perhaps to some extent on the fact that Curfew 4 Canberra was not named. It is hardly surprising that Curfew 4 Canberra was not named by the Chief Minister, because his understanding of the meeting was so poor. Let me quote:

> … 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.

That is indeed a misrepresentation. I am very sorry that the committee decided not to give Curfew 4 Canberra a right of reply. I feel that they were in order to ask for that right. I will be very interested to see if that right is ever granted; it certainly has not been in the two cases that I have had before me in this Assembly.

I look forward to that. In this case, I believe it should have been granted; however, I must accept the committee's conclusions.

Question put:

> That the report be adopted.

The Assembly voted—

Ayes 14		Noes 1
Mr Barr	Mr Hargreaves	Dr Foskey
Mr Berry	Ms MacDonald	
Mrs Burke	Mr Mulcahy	
Mr Corbell	Ms Porter	
Mrs Dunne	Mr Pratt	
Ms Gallagher	Mr Smyth	
Mr Gentleman	Mr Stanhope	

Question so resolved in the affirmative.

Health and Disability—Standing Committee
Report 6

MS MacDONALD (Brindabella) (6.29): I present the following report:

> Report 6—*The use of crystal methamphetamine "ice" in the ACT*, dated 23 April 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

In the interests of time I just say this: there are 23 recommendations in this report; it is an extensive report and I commend it to the Assembly.

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

Administration and Procedure—Standing Committee
Statement by chair

MR SPEAKER: Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. At its meeting on 6 May 2008, the Standing Committee on Administration and Procedure agreed to conduct a review of the code of conduct for members.

Sitting suspended from 6.31 to 8.00 pm.

Papers

Mr Corbell presented the following papers:

Petitions—out of order

Old Caretaker's Cottage—Weston Creek—Preservation—Mrs Burke (20 signatures).

Civil Partnerships Bill 2006—Support for inclusion of the ceremonial component—Dr Foskey (711 signatures).

Gas fired power station—Proposed development in Tuggeranong—Mr Pratt (267 signatures).

Electoral Legislation Amendment Bill 2007

Debate resumed from 6 May 2008, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (8.02): The Electoral Legislation Amendment Bill as it has been presented presents considerable difficulties for the Liberal opposition. Many of those difficulties have been outlined by Mr Stefaniak in his remarks. They go principally to the antidemocratic process that this government wants to entrench.

There is a range of amendments that come from various sources. There are some that come directly out of the commissioner's recommendations as a result of the review of the last election and there are a number that come from the government. It is principally, but not exclusively, the recommendations that come from the government that give us particular concern.

There are some that have come from the Electoral Commissioner that give me concern, principally the one in relation to removing the provisions in relation to the defamation of candidates. The argument has been put that there are defamation laws already in place and that should be sufficient. But candidates who put themselves forward in an election are more vulnerable than others to defamatory claims. Without the protection of having an offence of defaming a candidate, it would be too often possible to substantially and detrimentally derail someone's campaign by circulating defamatory material about them.

If we just rely upon the laws of defamation as they stand in the civil courts, the problem is that it takes a very long time for those matters to come to court. And the recompense under the new regime is somewhat modest. In the process, a person who, for instance, has been a member of this Assembly but has been substantially defamed by something which turns out to be untruthful—and maliciously untruthful—may have already lost their seat as a result of the material being distributed and may have to wait some substantial period of time for what are now very modest damages, because there are now severe limitations on damages.

Someone who was a backbench member of the Legislative Assembly and who had a reasonable prospect of being re-elected but did not get re-elected because of defamatory material has, if nothing else, lost a base rate $400,000 in salary over the

life of the Assembly, not to mention his reputation. It is much easier in many ways to damage the reputation of a member of parliament or another candidate than it is to damage the reputation of someone else, simply because of the position that this person holds in the community and the fact that they are well known in the community—have high recognition.

Someone who is a member of or has a high prospect of being elected to this place should not have to run the gauntlet of defamation. The recommendations of the commissioner and the fact that the government has agreed to this are unfortunate. We will be opposing these provisions.

The crux of this is that it is about Labor looking after itself; it is about Labor's future. It is planning for the future by making it much easier for the Labor Party to obtain funding and donations without having to account for them.

Over the life of self-government we have seen a lot of backwards and forwards discussion in this place about the unusual arrangement whereby the Labor Party still receives substantial funding from gaming machine revenue. Let us look at other members in this place at other times. I take the example of Mr Osborne, who was employed by a licensed club as a coach from time to time. He declared that he had a conflict of interest and would not vote on issues that related to gaming machines. But the Labor Party has in this place raised its conflict of interest to an art form. You, Mr Speaker, have experienced—

MR SPEAKER: Order! Withdraw that. The question of conflict of interest is a matter for the Assembly to decide.

MRS DUNNE: I withdraw that, Mr Speaker. While I withdraw it, I remind you of your difficult circumstances when you have raised concerns within the Labor Party about poker machines and how you have been treated on these occasions.

The Labor Party is conflicted in that it is an organisation whose principal electoral funding comes off the backs of people with gambling addictions. Mr Stanhope spends a lot of time in this place talking about how most people who go to licensed clubs do not have a gambling addiction. That is true. Many people do go to licensed clubs and from time to time play the poker machines, and it is neither here nor there. But for the proportion of people—and it is not an overly small proportion of people—who are addicted to gambling, it is here or there, and it is here or there for the large number of people and their families who are also affected by their habit.

What we are seeing here today is an opportunity for the Labor Party to make it easier for their members to get elected on the backs of people who have a gambling addiction. A range of amendments in here makes it easy for the Labor Party to do that and to distance itself from its relationship with the Labor Club, whose raison d'etre is to fund the Labor Party.

I do not have a problem with organisations that come together to fund political parties. It is not that there is a problem with that; there are many organisations in many jurisdictions when like-minded people come together and raise money to help the

funding of a political party. The Liberal Party has had various organisations that have been organisations of like-minded people who fund the Liberal Party, both federally and locally. The Greens have people who come together and raise money for the Greens. But it is quite different when you have a licensed club. With a licensed club—although it might be called the Labor Club—a lot of people go there and avail themselves of the facilities, probably not realising that when they put money through the poker machine in the Labor Club in one of its various iterations around town they are in fact funding the ALP.

I had to have words with my son the other day when I discovered that he was a member of the Labor Club. I said, "Tom, I have got concern about this." He said, "It's all right, mum. I never put money in the poker machines; I just go there because the beer's cheap." In that case, perhaps the Labor Club is subsidising the Dunne family—so long as he does not ever put money in the poker machine.

In some of the provisions proposed by the Labor Party today we are seeing an opportunity for them to make it easier to receive donations from the Labor Club and disguise the fact that they will be receiving electoral funding on the backs of people who have a gambling problem. If amendments pass here today, there will no longer be provision to account for proceeds that go to the Labor Party—or any other organisation that has a licensed club that supports it and that was an entity before the Electoral Act. They will no longer have to account for the proceeds of gambling or the proceeds of the sale of alcohol.

This is the main means by which the Labor Party receives funding—substantial amounts of funding. Hundreds of thousands of dollars that go to the Labor Party come to the Labor Party out of poker machines. The poker machines are fed by the residents of Belconnen, Civic, Charnwood—one of the most disadvantaged areas in the ACT—and Weston Creek. All of that money out of the Labor Club premises across town eventually makes its way into the coffers of the ACT ALP.

If anyone thinks that I am making too much of this, they just have to look year after year at the list of people who are on the board of the Labor Club. The former Treasurer of the ACT at various stages was a member of the board. The current secretary of the ALP is a member of the board. A range of former members of this place and current members of this place at various stages have been members of the board. In addition to that, at the moment there are current candidates for the ALP who are members of the board. This is the organisational wing of the ALP in lock step with the poker machine industry, obtaining proceeds for elections in lock step with the poker machine industry. It may as well just take out shares in Aristocrat; it would be much more honest.

This is why the Liberal opposition will be opposing large slabs of the legislation brought forward today.

The other concern we have is this. As with most of the bill that we will be debating tonight, we have essentially *War and Peace* in the form of amendments. We have from the Attorney-General—admittedly they were dropped on Tuesday, and we were supposed to debate this on Tuesday—15 pages of amendments. I understand that

Mr Stefaniak approached the attorney's office and said, "Can we sit down and work through this?" The answer was, "No. You can like it or lump it. We have got the numbers; we will be just pushing it through."

This is another example of the arrogant lack of regard for democracy with the majority Stanhope Labor government. Mr Corbell can sigh and exhale dramatically, but what it boils down to is that Mr Corbell will use his numbers here today to make the ACT Electoral Act that little bit less democratic than it was before.

We have to remember the history of this Electoral Act. I have been involved in politics in the ACT for a long time. I am very proud of my commitment and my contribution to how this Electoral Act looks. I was one of the people who represented the Liberal Party on the Hare-Clark Campaign Committee. Along with my husband and some of the staff in this Assembly, I was one of the people who, for all of 1992, worked long and hard to ensure that we had a good and a fair electoral system in the ACT.

As a result of the hard work of people like me, my husband, a range of people from the Greens and Democrats and people who were just interested in the community, we turned this community around, because we could demonstrate that having a Hare-Clark electoral system like the one that we have now was the best possible solution for the people of the ACT. We did polling on this. At the beginning of the Hare-Clark election campaign, fewer than 30 per cent of people thought that Hare-Clark was a good idea. Because we had a good product to sell, by the time we went to the 1992 referendum in excess of 75 per cent of people voted in favour of introducing the Hare-Clark electoral system.

What did we see under the Labor Party? As soon as Rosemary Follett got her chance to do something about Hare-Clark, she attempted to pass a bill which completely ignored the will of the people in the ACT. She tried to doctor the Hare-Clark system to the advantage of the Labor Party. It took until 1998 for the Labor Party to admit that Hare-Clark was here to stay and was the electoral system that they had to work with.

What we have now is yet another attempt by the Labor Party. It is not going to undermine the Hare-Clark aspects of the system, because we managed to entrench all of those after Rosemary Follett's tour de force. I still remember Geoff Pryor's *Canberra Times* cartoon showing Rosemary Follett on the floor on the day after she introduced her Hare-Clark legislation, which was an abrogation of Hare-Clark. There were all these people saying, "What are you looking for, Rosemary?" They said, "Shh; she's looking for her credibility."

The Labor Party has undermined its credibility once more with the introduction of this legislation. This legislation goes against the democratic spirit that the people of the ACT have fought long and hard for. The only people who opposed the introduction of Hare-Clark into the ACT—and you know this well, Mr Speaker—were the Labor Party, because it did not give them everything that they wanted all the time. Now they are using their majority to make this an electoral system which is as undemocratic as possible.

This is a sad day. Most of these things will pass today because this minister has the numbers, but we need to put it on the record that the Labor Party have undermined our electoral system today.

MR MULCAHY (Molonglo) (8.17): I find myself in agreement with a number of sentiments put forward by Mrs Dunne in relation to this bill. I want to make it very clear at the outset that I certainly will not be supporting the bill in its current form. I acknowledge that the government have made some concessions in their further amendments to the bill, but I am still unable to support it. Certainly, for example, the retention of the offence of defamation of a candidate is most welcome. Mrs Dunne went to some lengths to outline why it was such a foolhardy recommendation and proposal for amendment. The way in which the process existed under the act will now be preserved. It did protect members of this place, and indeed candidates, from the sort of treachery that goes on in the electoral process.

Indeed, I found that, in the 2004 election campaign, a disreputable soul attempted to embark on an exercise of defamation, gave money to a member of this place as well—a matter that is not a closed chapter—and when that person became aware that there were criminal sanctions for defamation, the person suddenly panicked and said, "No, there's nothing to be concerned about." If this government had proceeded with plans to remove this, the only protection would have been to proceed to take action in the ACT Supreme Court—and I know that these matters can take three to four years. I am aware of the case involving two prominent businessmen in Canberra that has taken four years. The costs of that matter are in the order of several hundred thousand dollars. As a result of a decision taken in this place a couple of years ago, we now cap payouts at $200,000, which would not even equate to more than two years remuneration for a member of this place.

I know that Mrs Burke thinks this is very funny. She comes into this place, as we have seen in the health area, and it is a matter of saying, "Don't let the facts interfere; if you can trash somebody in the health area, let's do it." In fact, I think it is very serious. I do not care whether it involves Labor, Liberal, Green, independent or any other new party; I think that electors are entitled to a measure of protection from villainous and scurrilous activity of the nature that occurs in election campaigns. So I am pleased that this change will occur, and I endorse everything that Mrs Dunne said about what would have been the case if the government had not retreated from this very foolish reform. Having a reputation besmirched and smeared by false statements is stressful and damaging for the individuals involved, and we need to retain protections that stop people trying to go down this path.

Although there are obviously some fairly minor parts or technical changes in the bill, my objection to the overriding purpose of the bill means that I will not be voting to support it. I am sure that the government's majority will ensure that the bill passes, but I place on the record my opposition to some of the changes that will result from this legislation. I am obviously not opposed to openness and transparency; I believe that members and candidates should have to declare donations openly when they reach a certain level. I have been diligent in declaring everything in the past and will continue to do so in the future.

Although I intend to speak again in relation to some of the amendments—including, obviously, my own—I will take the opportunity to make some initial remarks on the government's original bill. As I have said, many of the changes are relatively minor. I have no issue, for example, with requiring applications to register a political party that contain a living person's name to be accompanied by a signed note from that person. Similarly, clause 15, which will allow the Electoral Commission to approve computer programs for either electronic voting or electronic counting, is a sensible measure. We hope that we are not beset with the problems that confronted the Republic of Ireland, which has a somewhat similar voting system to ours. It has now abandoned the electronic system, I understand, because of flaws that became evident. There do not seem to be similar difficulties in the ACT.

I do have some issues with the government's intended changes to the requirements for postal voting. Whilst I recognise the point that postal votes may be more likely to be invalid than votes cast at pre-poll stations, and that we should be striving for as many valid votes as possible, I do not believe that making it more difficult to cast a postal vote was the correct way to address this problem. Surely, if the Electoral Commission is receiving a disproportionate amount of postal votes, the solution should be to make this process simpler to follow and more efficient. All that the government's changes will do will be to make it more difficult for people who genuinely need to cast a postal vote to do so, and I will certainly be supporting the Greens' amendment on this point.

In relation to both the government's initial and subsequent changes to disclosure laws, I say at the outset that I am committed to openness and accountability. The reduction in the disclosure threshold to $1,000 to bring the ACT into line with the commonwealth is not something that I am particularly concerned about, although it was interesting that, when the disclosure levels went up under the previous federal government, the ACT was not so enthusiastic about lining up in tandem. Obviously, with a federal Labor government in power, it becomes a good idea to change the disclosure threshold. I have no problem with a $1,000 threshold.

Mr Corbell: It went up to $10,000.

MR MULCAHY: It did go up to $10,000; that is correct. But the principle seems to be that you want to be in line with the federal government when it suits. It is an additional burden on candidates and members, and obviously will result in some more work, but I do acknowledge the need for openness and accountability.

I do not believe that the knee-jerk calls we are hearing in other jurisdictions to end political donations are appropriate, and I am pleased that nobody in this place seems to be advocating anything quite along those lines. However, we are seeing something of a knee-jerk response of our own. There is a concerted push by the Greens—and I hope it will not be supported by anyone else in this place—to target the property development industry. Clearly, this is a result of the recent events in Wollongong, but it is not justified. There is no reason to target the property industry and put them on a higher pedestal than any other individual or group that is involved with government procurement or is the recipient of any government funding.

You could extend this principle involving people who do business with governments and look at the area of pubs and clubs as well. They do business with government; they are impacted significantly by government legislation. The recent *Four Corners* story gave us an insight into some of those activities, but I struggle to find that it is fair or reasonable to go down the road of identifying business sectors and starting to target them in terms of the donation process. I am not aware of any impropriety by donors in the ACT, except for one celebrated example that came to light in the media in 2004 when some wanted to enjoy the good times. In light of that absence of impropriety, I will not be supporting the Greens' amendments that seek to punish members of the property industry for offences they have not committed.

Dr Foskey: Isn't it actually about transparency?

MR MULCAHY: Dr Foskey says it is about transparency, but I do not know why we have transparency in relation to property developers while not worrying about anybody else. We are not saying, "Let's target union officials or unions that might be putting money in and treat them in a different fashion." They sit down and negotiate with the government over the most significant outlay that the territory makes in terms of an individual area of activity—that is, the cost of salaries and pay rises. Should we say, "Well, we should treat them differently in terms of political donations"? What about employer groups in the ACT? Should we say, "Well, they kick money along to members in this place and we should treat them differently"?

The problem I have is not with the issue of transparency; the problem I have is with targeting individual groups in the community that might have cause to have business with the ACT government in either procurement or negotiations and then singling them out for specific treatment. If we have good monitoring of the donations arrangement and there is compliance with the limits that are within the legislation then I do not see why one group of people who want to support the political process, wherever they sit on the political spectrum, should be treated in some different fashion from other groups.

I have said before in this place that there is an increasing tendency to view property developers as being in the lowest strata of society, but I do not think that is justified in this community as it ignores the positive contribution that many of them have made to the Canberra community. I believe the Greens' amendments in this regard are not needed, and for that reason I will not be voting in support of them.

In addition, I flag that I will not be supporting their amendment to require weekly publishing of donations and gifts from candidates and political parties. My concern on this front is purely practical. I believe that it would represent a significant administrative burden on candidates that would not greatly increase the transparency of the reporting requirements, especially in the midst of a hectic election campaign period. Whilst the major parties—particularly the government party; not so much the Liberals but the government—may have somewhat better resources in their organisation, I think that to expect smaller parties, individual candidates and the like to provide weekly reports on donations and gifts is unduly onerous. For that reason, I cannot bring myself to support that particular amendment.

I think that, as long as all donations are reported and the disclosure requirements are met, there will be a sufficient level of accountability and openness, subject to one further amendment that I will introduce. I do not recognise the need to extend this further and to target specific industries or individuals or to place a significant administrative burden on candidates.

I had serious concerns about the government's plan to remove the need to authorise messages of less than 10 words and bumper stickers. I am pleased to see from the government's further amendments that they have now moved away from this plan. Bumper stickers were not concerning me, but certainly there is a concern about messages of 10 words or less. You could put a truck on State Circle—I saw this in the last election—with billboards on the side; who knows what kind of message could be put there? It is hardly a trivial piece of election material.

Authorisations make it clear who is disseminating material. It is a minor requirement and it is not difficult to adhere to what is needed. I believe the addition of messages of less than 10 words to the exemption would have opened up a whole genre of political advertising that does not require authorisation. It would have allowed people to produce billboards, posters and other advertising with no authorisation at all.

This is not in the interests of anyone. It would have potentially allowed misleading advertising. It would also make the life of the electoral office more difficult in addressing issues that may have arisen in the campaign. I believe that authorisation should be required on any advertising. Indeed, I have circulated an amendment that adds to authorisation requirements, in the interests of openness and accountability. As I have said, I am glad that the government has amended its amendment bill to remove the two proposed exemptions. It is important that our elections are kept as open and transparent as possible.

I will conclude my initial remarks at this point. As I said at the outset, I have significant concerns with several aspects of this bill, specifically and most importantly the removal of groupings of independents. Although many of the changes in the bill are technical and minor in nature, I cannot support the bill while it contains these provisions. I will speak in more detail later in the debate and specifically address some of these concerns. But whilst this bill serves to make it harder for independents to compete in the ACT political system I will not be supporting it.

Personally, I would be able to deal with the proposed changes, but a number of candidates may be more significantly challenged. I think that these changes are not in the interests of the democratic process. I also flag that I have introduced my own amendment to the bill which will improve the authorisation process. It relates to the disclosure of printers. It has been distributed to all parties and I will speak on it in more detail soon. I encourage members to support it.

Mr Speaker, you always get worried when governments start trying to tamper with the electoral process. I say "tamper" in relation to making changes that are clearly part of a process, not simply to tidy up administrative arrangements but to significantly attempt to alter the political landscape, especially when the government appears to be

encountering a growing number of people in the ACT electorate who are dissatisfied about various issues. I have seen it happen with other governments around Australia over the years, during my 30-odd years in politics.

As I mentioned yesterday, even back in the Whitlam era, when things were disintegrating towards the end of 1975, I became aware of some significant and alarming changes to the electoral system that were designed to shore up that government having regard to the way in which appointments were going to be made in what is now called the Australian Electoral Commission. We have to be vigilant about governments that see this as a way of hanging on, and I will certainly be opposing reforms that are designed to weaken the democratic system.

DR FOSKEY (Molonglo) (8.32): Elections are the pivotal event in Australian democratic systems and though differing political ideologies have slightly differing views on democracy, both the Labor and Liberal parties have accepted our current system of democracy as appropriate for determining government. Having accepted the mandate to govern, they should therefore be committed to ensuring that the processes remain democratic and any changes are aimed at increasing participation and understanding.

At first reading, this amendment—and here I am referring to the original government amendment—seems to be another example of government housekeeping. Tidying up past legislation, bringing it up to date and lessening the administrative burden on the ACT Electoral Commission are not necessarily bad things. However, the bill is not entirely about housekeeping and I believe that some of the measures put forward by the government should not pass. If they do pass, it should not be without serious debate.

As members have been advised, I have tabled a number of amendments to the bill in order to generate such debate and, hopefully, agreement. Members will also remember that I circulated those amendments—I think towards the end of last year. I notice that other amendments are much more recent. That indicates that people have only very recently started addressing this bill.

I am pleased that the amendment generally tightens the disclosure requirements for the ACT. The Greens encourage a high degree of transparency for electoral funding and $1,500—now $1,000—is a significant amount. In just one of many actions designed to pervert and weaken democratic institutions to serve its own interests the Howard government raised the disclosure threshold to $10,000. I take heart from the Rudd government's commitment and actions to substantially wind this back.

When financial power is too easily translated into political power the interests of the many become sacrificed for the short-sighted and short-term interests of the few. The latest manifestation of this phenomenon has recently come to light in New South Wales, where the reliance of the New South Wales Labor Party on so-called donations—in this case from developers—has corrupted the planning process and weakened democratic representation in that state.

The Costa and Iemma drive to privatise electricity production in New South Wales would appear to be driven by their ideological fixation with weakening union power

and privatising the means of production. But it makes so little sense both in long-term financial benefits and in terms of minimising greenhouse emissions that in the light of the recent developer donation scandals one wonders whether the sale is not really motivated by a desire to benefit some prospective future owners as well. These are the questions that are asked. They may not be answered in the affirmative, but at the moment they are not being answered in any way at all.

I think ACT voters are rightly concerned about the level of almost unqualified support which the Labor government gives to the gambling industry in the ACT. They are right to question the linkage between this support and the source of a large proportion of funding received by the party. My amendments seek to minimise the corrupting potential of developer donations to the political decision-making process. Perhaps in future we can address the corrupting potential of donations sourced from poker machine revenue.

While I understand the drive to standardise amounts, and thus simplify the disclosure requirements, it would be nice to see a further strengthening of the legislation to allow voters to be more fully aware of who is backing any particular party or any particular politician. The amendments that I have proposed aim to begin this strengthening and I will speak to them shortly.

The major impact of the government's bill is the removal of the non-party groups, which was attempted in the last Assembly and defeated. The scrutiny of bills committee in its investigation into this amendment has also brought this issue to our attention, as it may engage section 8 (3) of the Human Rights Act regarding the common law rights of candidates. While I sympathise with the wish of the ACT Electoral Commission to cut administrative costs and keep all options on one ballot paper, I question, as did Ms Dundas in 2003, whether this is really a good enough reason to remove the option to create a non-party group. To quote my predecessor Kerrie Tucker in 2003, non-party groups allow "independent candidates to stand out from the crowd".

Despite our system it is difficult for independent candidates to be elected. Mr Corbell has advised us that the non-party group provision was put in place to serve the interests of certain incumbent independents and can often be used to give an unfair advantage to one independent over another. However, not having the option at all gives yet another advantage to political parties over independents.

The Robson rotation system is designed to give no candidate an unfair preference over another. But when all independents are lumped in the final column, does not this unfairly advantage the parties that are a part of the random rotation? Is not this, in fact, an undemocratic situation which further limits the chances for independents and small groups to be elected? No doubt it would be easier for the Electoral Commission to have fewer columns on the ballot paper, but where do we draw the line? The early problems with metre-long ballot papers have not recurred in recent elections and this amendment seems to be ostensibly aimed at solving a problem that no longer exists.

Yes, as argued by the Electoral Commission, non-party groups may possibly be used by people with no common stance, although if you disagree with someone's politics it

is not likely that you will agree to form a non-party group with them purely as a way to give you both some small measure of separation on the ballot paper. I believe that non-party groups play an important part in the ACT's democracy, and I propose amendments in this area.

Moving on, some of the changes to the authorisation of electoral matters seem to be common sense. Of course, with any legislation there will be those who break the law and while these changes recognise that discovering and prosecuting the offender is often difficult, sufficient penalties remain in place for the majority of offences. However, these changes are another of the recommendations by the ACT Electoral Commission review and, as I mentioned previously, making things easier administratively for the Electoral Commission is not basis enough for changing the Electoral Act.

By the way, while I am on this topic, I would like to thank Mr Green from the Electoral Commission for his meetings with us and his prompt and helpful responses to our questions. We have had many questions over the long period that we have been waiting to discuss this legislation.

The changes the government proposes to make to postal voting are said to be justified in the name of increasing privacy and efficiency. I agree that making postal voting more accessible and easier to accomplish privately is beneficial. Clause 31, which removes strict liability from section 143, is also reasonable. In light of previous debates I have participated in about the use of strict liability, I agree that its use in this case is excessive and it should be removed. I also agree with giving voters the option to apply orally as well as in writing. However, I disagree with, and have proposed amendments to, the tightening of eligibility for applying for a postal vote.

On a positive note it is good to see that the government is updating the legislation to allow for advances in technology. Clause 15 recognises that access to electronic voting is becoming more common and has a variety of benefits, not least allowing for low vision or vision impaired voters to be able to cast a secret ballot. This is currently being researched by a recent trial by the Australian Electoral Commission. Clause 103, which makes it an offence to take a photo of someone's marked ballot paper with a mobile or digital camera, for instance, highlights that not all new technology is to the benefit of voters, and measures such as this to ensure the privacy and sanctity of the secret ballot are important.

Though I appreciate the thought and effort put into preparing this bill—and I thank Mr Corbell for meeting with me and my staff to discuss the amendments—there are several elements in the Electoral Act 1992 which required change. Not all have been covered by this bill. There are also things the government would like to change that should have been left alone. If the bill remains unamended, I will be unable to give it my support. That is, I am going to vote against the bill unless some of our amendments get through. I am pleased to see that the government's amendments reflect some of mine, and I might have to rethink that a little.

As of yesterday morning, my office was still waiting to hear back from the government, although it has known of our concerns since last October. It was only on

Monday night, after weeks of having our amendments, that the opposition divulged that they are moving many of the same amendments on non-party groupings. As members know, the government's amendments were tabled late on Tuesday. We have had this bill on the table for a long time and I think it is quite unfortunate that there was this last-minute rush.

I hope that government members in this place care enough about our democratic processes to give consideration to all the amendments that I will make in the detail stage and not just those that they see as being of political advantage to them. The Electoral Act is a vital democratic instrument and when it is changed it should be in such a way that it benefits voters. Too many of the government's amendments have the appearance of being drafted to suit the interests of the major parties, particularly itself, and perhaps the convenience of the Electoral Commission.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (8.43), in reply: Our electoral system is one of the foundation stones of our democratic society. The ACT's electoral system is one of the best in the world. It incorporates many elements that are designed to produce fair, transparent and accessible elections. Our system will once again be put to the test at the ACT Legislative Assembly election in October this year. With any system there is always opportunity to refine and improve. After every ACT election the ACT Electoral Commission routinely reviews the operation of the legislation and makes a range of recommendations for improvements.

The bill before the Assembly today addresses issues raised by the commission after the 2004 ACT Legislative Assembly election and subsequent issues that have arisen since that time. The bill will bring about changes to postal voting intended to simplify the process and allow voters to apply for postal votes in ways that reflect the technological age in which we live. In addition to the traditional written application voters will now be able to apply for postal votes by telephone, email or the internet. I am sure members would agree that this is a particular issue for many electors who find the traditional method of being required to put their request in writing cumbersome and slow.

While ensuring that it is straightforward to apply for a postal vote, the bill also aims to encourage as many people as possible who are unable to vote on election day to use the pre-poll voting facilities in preference to postal voting, if possible. This is intended to maximise the number of valid votes—an important consideration. Electors voting by post are more likely to have their votes rejected on a technicality compared with electors voting in a polling place or pre-poll centre. These changes will not affect the entitlement to a postal vote of registered postal voters such as those who are seriously ill or infirm and those who are registered as silent voters. These people will still automatically receive postal ballot papers at the start of the voting period.

The bill also proposes a number of other refinements to the Electoral Act, including simplifying the requirements for authorisation of published electoral material, removing the outdated provision for non-party groups to be listed on ballot papers and providing that it is an offence to take a photo of a person's marked ballot paper so as to violate the secrecy of the ballot. I will be speaking further in particular on the issue

of removing the outdated provision for non-party groups. I note that those opposite and other members of this place have sought to characterise it as a government move to improve its chances in the next election. Of course, very few of the members in this place tonight have had the honesty to concede that, in fact, it was a recommendation of the ACT Electoral Commission from the past two ACT elections. I think that says it all about the real motivations of some people in this debate.

The bill, as introduced, contains a wide range of changes to the scheme for disclosure of political donations and expenditure. These amendments were drafted in the context of the changes made in 2006 to the commonwealth disclosure laws, which saw commonwealth disclosure thresholds raised to over $10,000. In March this year the new federal government announced its intention to make a range of changes to take effect from 1 July this year, most notably to reduce all disclosure thresholds to $1,000. At the same time the federal government announced its intention to conduct a thorough review of the nation's electoral laws in consultation with the states and territories, including a more detailed review of those laws. The government welcomes these proposals and will be participating actively in them.

As a result of this announcement and the likelihood of further changes at the national level the government has decided to delay making major changes to the ACT's disclosure scheme until the commonwealth's review process is complete. This is not expected to occur until after the October ACT election. Accordingly, I intend to move a range of government amendments to the bill to undo most of the changes to the disclosure scheme included in the bill.

However, mindful of the ACT election due in October, I also intend to move amendments to the bill to make a small number of key changes to the disclosure scheme to apply from 1 July this year. Importantly, these changes include providing that all disclosure thresholds are to be reduced to $1,000 to bring the ACT into line with the forthcoming commonwealth change. This is the one commonwealth change that is easy and straightforward to implement and is the reason why the government has chosen to do it at this time.

Another of these changes will be providing that political parties and associated entities registered at both the ACT and commonwealth levels will not be able to satisfy their disclosure obligations by submitting a copy of their commonwealth disclosure returns to the ACT Electoral Commission to ensure that the ACT cannot in future have its disclosure scheme automatically altered by changes at the commonwealth level. I note that some other major parties in this place—not the Australian Labor Party—have been using this provision to report rather than to submit an ACT return.

Another change is to provide that associated entities are to be required to disclose the identities of persons who make payments to the entity of any amount and the total amount paid by each such person, except in relation to normal business services, to ensure that donors cannot avoid disclosure by giving through multiple associated entities. It is a sensible reform that is designed to capture all types of donations. Finally, associated entities are to be required to notify donors of their disclosure obligations, bringing them into line with the requirement imposed on registered parties.

It is, of course, interesting to note that these provisions actually make it harder for political parties such as the Australian Labor Party, which does have a clearly affiliated organisation in the Canberra Labor Club, and it imposes significant additional reporting requirements on those associated entities that previously did not exist—hardly the hallmark of a government trying to make life easier for itself.

I also intend to move several other government amendments. The first amendment is intended to extend enrolment and voting rights to all ACT prisoners in response to the High Court's 2000 decision in Vicki Lee Roach v Electoral Commissioner and Commonwealth of Australia, which upheld a challenge to the 2006 amendments to the Commonwealth Electoral Act 1918 that extended the right to enrol to all prisoners for commonwealth and ACT purposes, but removed the right to vote for federal elections from all prisoners while extending the right to vote to all prisoners for ACT Legislative Assembly elections.

The High Court ruled that the removal of the right to vote from all prisoners was unconstitutional. The effect of the court's decision was to revert to the commonwealth provision that applied before the 2006 change. This means that prisoners serving sentences of three years or longer are not entitled to enrol for federal or ACT elections under the Commonwealth Electoral Act.

The proposed government amendment will provide an entitlement for prisoners to enrol to vote in ACT elections if they are not entitled to be enrolled on the commonwealth roll only because they are serving a sentence of imprisonment. This amendment will create for the first time a special ACT-only category of enrolment. Prisoners in this category will be enrolled under the ACT's Electoral Act but not the Commonwealth Electoral Act.

A further government amendment will retain the offence of defamation of a candidate in the Electoral Act. The bill proposed to remove this offence, relying instead on civil law defamation procedures. Following criticism of this proposed change from a range of members in this place the government amendment will now retain this offence so that it will remain another avenue for candidates to pursue in addition to the civil law alternative, although I think there remain some inconsistencies in members of parliament and political candidates having greater access to defamation law than ordinary citizens.

Another government amendment will remove bumper stickers and items of 10 words or less from the exemptions to the authorisation requirements to be introduced by the bill. Following criticism of this proposed change the government amendment will retain the existing requirement for these items to carry an authorisation statement. A technical amendment will also be proposed to clarify the intent of the bill to ensure that an MLA is not to be required to disclose expenditure made using funds provided by the Legislative Assembly to assist the MLA in exercising his or her functions as an MLA, for example, funds provided in an MLA's discretionary office allocation. The clause in the bill is unintentionally too broad and could be interpreted as applying to expenditure made using an MLA's salary—thus the technical amendment to be introduced to clarify that point.

I note that Dr Foskey has foreshadowed a range of amendments to the bill. Two of the proposed government amendments will make changes that have also been proposed by Dr Foskey related to retaining authorisation statements on bumper stickers and items of 10 words or less and retaining the offence of defamation of a candidate. However, the government does not support Dr Foskey's other proposed amendments. I will address the government position on each of Dr Foskey's amendments when we debate the detail stage of the bill.

Passage of this bill will ensure that our electoral system remains one of the best in the world and that the ACT maintains its place and its record of best practice in the conduct of its elections. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Proposed new clause 6A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (8.55): I move amendment No 1 circulated in my name which inserts a new clause 6A *[see schedule 1 at page 1774]*. I table a supplementary explanatory statement to the amendments.

This amendment will extend the right to enrol and vote to all ACT prisoners otherwise entitled to enrol, notwithstanding that they may be excluded from enrolling for federal elections. The government's amendment to extend enrolment and voting rights to all ACT prisoners is in response to the High Court's decision in Roach v the Electoral Commissioner, which upheld a challenge to the 2006 amendments to the Commonwealth Electoral Act 1918 that extended the right to enrol to all prisoners for commonwealth and ACT purposes but removed the right to vote in federal elections from all prisoners, while extending the right to vote to all prisoners for ACT Legislative Assembly elections.

The High Court ruled that the removal of the right to vote from all prisoners was unconstitutional. I have already spoken about the effect of the court's decision. The proposed amendment will provide an entitlement for prisoners to enrol to vote in ACT elections if they are not entitled to be enrolled on the commonwealth roll only because they are serving a sentence of imprisonment. This proposed amendment is consistent with the focus in the ACT on human rights and gives effect to section 17 of the Human Rights Act 2004, which provides for the right to vote at periodic elections.

MR STEFANIAK (Ginninderra) (8.57): Because of a plethora of amendments, especially the government's amendments to amendments on Tuesday, I join with other speakers—and I have said it earlier—in saying that the most sensible thing for

us to do would be simply to go away, sort all of this out and come back in June. Clearly, the government has the numbers, but I certainly want to put on the record that that is what I think should occur here. I do not want to see this legislation end up like the planning bill did in 1991, when about 50 amendments were dropped a day or so beforehand, and it took about five years to sort it all out. So I hope that will not happen. At any rate, here we go with the first of these amendments.

Mr Corbell, in his explanatory statement, has indicated that the effect of the court's decision, and thus the need for this amendment, was to revert to the commonwealth provision that applied before the 2006 change—that is, prisoners serving sentences of three years or longer were not entitled to enrol for federal or ACT elections. In his explanatory statement he says:

> This amendment will create for the first time a special ACT-only category of enrolment. Prisoners in this category will be enrolled under the ACT's Electoral Act but not the Commonwealth Electoral Act.

I think that, for consistency—and it always worries me when we go off on our own little tangent—it would be far simpler if we followed the Commonwealth Electoral Act.

There is provision now throughout Australia for certain categories of prisoners to vote. Some decades ago, there were three classes of persons who could not vote: criminals, the insane and the royal family. That has somewhat changed now in terms of prisoners. However, it is important, for the sake of consistency with the commonwealth and other jurisdictions, for us to adhere to that. I think that makes sense rather than having a special ACT-only category. Accordingly, I will be opposing this amendment.

Proposed new clause 6A agreed to.

Clauses 7 to 13, by leave, taken together and agreed to.

Clause 14.

DR FOSKEY (Molonglo) (8.59): I will be opposing this clause. This relates to keeping the provision for non-party groups of independent candidates to have their own columns on the ballot paper. There will be many proposed amendments in this regard. The decision to remove that provision seems to be more about making things simpler for the Electoral Commission and saving money or perhaps removing a perceived benefit that was enjoyed by independent MLAs than about ensuring an open, democratic process for the ACT electorate.

In my in-principle speech I discussed the reasons why the option of non-party groupings should stay. I will, however, further stress that they provide a way for independent and small parties to distinguish themselves in a system that would otherwise lump them all together at the end of the ballot paper. The Robson rotation is supposedly about making ACT elections candidate rather than party based, so removing this right is contrary to that idea. Giving each group the right to equal representation on the ballot paper is a key factor in assisting voters to make their own choices.

The Attorney-General's response to the scrutiny of bills committee's questions about non-party groupings does not give a solid reasoning for the government's position, to my mind. The attorney's position is that independents who want to be grouped together on the ballot paper should form a political party. But, as I have already said, if you dislike someone's politics, you are hardly going to agree to be in a non-party group with them. And forming a non-party group does not mean being close enough on every issue to warrant forming a political party. Voters know that, and are intelligent enough to appreciate that, while there might be large areas of overlap in candidates' positions, there are still enough areas of disagreement to warrant their remaining independent from each other. Independents wish to be just that—independent—and a desire to differentiate yourself from the other candidates lumped into the ungrouped column should not mean that you have to join or begin a party.

Given some of the personal ethical gymnastics we witness in this place as, in the interests of party or cabinet solidarity, loyal party members adopt postures that can be palpably offensive to their own personal values, I sometimes wonder whether we would not be better served by coalitions which do include independents. I am not actually advocating such a move, but it should be there as a possibility. It would certainly result in a better system of proportional representation of the many disparate viewpoints that are held on different issues, both in the community and by most individuals. Of course, the idealist who proposed Hare-Clark for this territory imagined that the intelligent voter would use it like that. I do not agree that non-party groups cause confusion amongst voters as to which candidate stands for what—at least no more confusion than candidates being lumped in the ungrouped list at the end of the ballot paper.

I note that the opposition has similar amendments, so I would say there is a great deal of disquiet in the Assembly about this government proposal, and I would ask the government to listen in that regard.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (9.03): The government does not believe that the criticism of these proposed changes is warranted. I have heard over the last couple of weeks a lot of commentary from the opposition and other members in this place that this change is about the Labor Party trying to favour itself in future elections and that it is trying to nobble independent candidates. We have heard Mr Stefaniak make that claim, we have heard Mr Mulcahy make that claim, and we have heard Dr Foskey make that claim. I draw the attention of those members to the report and review of the Electoral Act by the ACT Electoral Commission in 2005. This was the report of the Electoral Commission following the last ACT election.

Was it the Labor Party that recommended the removal of non-party groups? Was it some sinister ploy by party apparatchiks to diminish the role of independents as part of the electoral system? No, Mr Speaker, it was not. In fact, it was the three-person Electoral Commission, comprising Mr Graham Glenn as chairperson, Mr Phillip Green as the Electoral Commissioner and Ms Christabel Young as member, that recommended the removal of non-party groups. I draw to the attention of those members pages 6 and 7 of that report. There are two pages of commentary on the

rationale as to why this provision should be removed. I would like to read that for the benefit of members. It is headed "non-party groups" and reads as follows:

> In its 2001 Electoral Act review, the Commission recommended that the provision of nonparty groups should be removed, and that only candidates belonging to registered political parties should be able to be listed in groups on ballot papers—all other candidates should be listed in the "ungrouped" columns on the ballot papers.
>
> This proposal was included in the *Electoral Amendment Act 2004*; however, a majority of Assembly Members voted to reject this proposal in 2004. The Commission considers that it is worth revisiting this issue in the current review.
>
> The number of non-party groups contesting ACT elections has fluctuated from election to election. In both the 1995 and 1998 elections, there were 2 non-party groups across all electorates. In 2001 there were 5 non-party groups, with 3 in Molonglo and 1 in each of Brindabella and Ginninderra. In 2004 there were again only 2 non-party groups across all electorates—1 in Ginninderra and 1 in Molonglo.
>
> Non-party groups can be formed by 2 or more non-party candidates requesting that their names appear together on the ballot paper. A non-party group is entitled to a column on the ballot paper. This column is identified only by a column letter such as "A", "B" etc. The position of the non-party group on the ballot paper is determined in the same draw that determines which column a party is to appear in.
>
> Non-party groups were included in the model Hare-Clark system described in the *Referendum Options Description Sheet* that was published at the time of the referendum to choose the electoral system in 1992. Non-party groups were subsequently included in the Hare-Clark system adopted by the Legislative Assembly in 1994.
>
> The legislative history of non-party groups in the ACT can be traced back to the introduction of registration of political parties by the Commonwealth prior to the 1984 Commonwealth elections. At Senate elections prior to the 1984 election (at the 1983 Senate election, for example), all columns of candidates listed on Senate ballot papers did not carry party affiliations. Consequently all columns of grouped candidates appeared as non-party groups do today. When party affiliations were introduced for the 1984 election, groups standing for Senate elections were given the option to stand either as registered party groups or as non-party groups. The model Hare-Clark electoral system proposed for the ACT in 1992 essentially followed the Senate ballot paper layout, insofar as groups of candidates were concerned.
>
> The Commission considers—

I emphasise that it was the commission—

> that it is appropriate to review the provision of the opportunity for candidates to be listed on ballot papers in non-party groups.
>
> In its original conception, a non-party group was a collection of like-minded candidates campaigning on a common platform. Before registration of political

> parties was introduced, non-party groups were commonly all members of the same political party.
>
> It is now arguable that the facility for candidates to stand in non-party groups is most commonly used as a vehicle for 2 or more candidates to distinguish themselves on the ballot paper by being listed in a separate group. There is no requirement or expectation that candidates listed in a non-party group have anything in common other than a desire to be listed together in a separate column. Indeed, it is possible that 1 of the 2 candidates listed in the column may only have agreed to be nominated in order to allow the other candidate to be listed in a non-party group on the ballot paper.

I make the point that I think we are all aware that that occurs. I will read further from the review of the Electoral Act:

> Therefore it is apparent that the existence of non-party groups does not assist voters by providing them with any meaningful information about why such candidates are grouped together.
>
> By contrast, candidates who are grouped under a registered party name have gone through a public registration process, which includes a requirement to make party constitutions available for public inspection. Consequently, voters can inform themselves about the policies and ideals of registered political parties and use that information to make judgments about candidates grouped together on the ballot paper in a party group.
>
> The facility that allows 2 candidates to form a non-party group could have significant consequences for the size of Legislative Assembly ballot papers. As each column on the ballot paper increases the width of the ballot paper, a relatively small number of candidates forming several non-party groups with as few as 2 candidates in each group could result in a ballot paper that was unmanageably wide.
>
> Wider ballot papers impose significant costs. They cost more to print, they use more paper, they are more difficult to store and handle, and they are more difficult and time-consuming to count and data-enter. With electronic voting, the more columns listed on the ballot paper, the more difficult it is to list all columns on screen so that they are all visible at a readable point size. If a large number of columns are required on a ballot paper—say more than 20—it may not be possible to use the existing electronic voting system.
>
> The non-party group facility could be used by a relatively small number of mischievous persons to frustrate the electoral process by causing ballot papers to be over large and difficult to manage, at considerable cost to the public purse. By contrast, persons wishing to run in party columns have to prove a significant level of public support in order to register a political party.

I add that this would be at least 100 members. The commission continues:

> In voting against this proposal in the Assembly in May 2004, Members expressed the view that this proposal was not healthy for democracy.

That is the same argument we have heard tonight. But what does the Electoral Commission say? The commission says:

> The Commission's view remains that the provision of non-party groups does not provide voters with any useful information regarding the grouped candidates, unlike a registered party group. The Commission notes that its proposal does not prevent non-party candidates from contesting Assembly elections as ungrouped candidates in the right-hand column of the ballot paper.
>
> For these reasons, the Commission **recommends** that the provision of non-party groups should be removed, and that only candidates belonging to registered political parties should be able to be listed in groups on ballot papers. All other candidates should be listed in the "ungrouped" columns on the ballot papers.

That is the end of the excerpt from the commission's review of the Electoral Act. An apparatchik plot by the Labor Party to undermine democracy in the ACT? I think not, Mr Speaker.

The government endorses the recommendations of the Electoral Commission in this regard. It believes they are sensible and well reasoned. It is for these reasons, and not any others, that the government is implementing this recommendation of the Electoral Commission.

MR STEFANIAK (Ginninderra) (9.13): As indicated on the running sheet, the Liberal Party also will be opposing the clause. That is my amendment No 1, which I will now speak to. Yes, I heard with interest what the attorney said. It is telling that we had the same argument in 2004; it is also telling that we have had non-party groups since the Hare-Clark system started; and it is also telling that the sky has not fallen in. The most significant effect it has had on the ballot paper, as I think you said, was in Molonglo where there were three different non-party groups.

The fact is that removing non-party groups—and I will come back to people being frivolous in a minute—is an attack on democracy. I am sure the commission went into this with the very best of intentions, but it does not get away from the fact that it does affect our democracy. Our democracy, in the short time we have had it, works well and is regarded as a very fair system, a system that two-thirds of Canberrans voted for in the 1992 referendum.

Non-party groups might have some detrimental effect, not only to your party, Mr Corbell, but indeed to my party as well. Probably out of any party in this Assembly we have had more detrimental effects from non-party groups than anyone else. It was indeed a member of the Osborne non-party group, Dave Rugendyke, my old mate—and he is an old mate of mine—who was instrumental in getting rid of the most effective Chief Minister this territory has had to date. He did not get re-elected; he was in a non-party group.

The electors clearly wanted Dave Rugendyke and Paul Osborne as part of the Osborne non-party group to get in and they were duly elected to the Assembly in 1998 on that ticket. In the seat of Molonglo their running mate, a now famous ABC commentator, Chris Uhlmann, of course missed out. That is part of democracy.

We have not seen repeated the farcical situation—it is now comical and might be a bit frivolous, but it was not detrimental to democracy at all—of the Party Party Party, the

Surprise Party, the Sun-ripened Warm Tomato Party and a couple of other parties, which Anthony Rumore formed, standing for the first Assembly. You can take care of a lot of that too by simply having a reasonable threshold for people to nominate, which I think the Electoral Commissioner does. It probably finds a fairly good balance by deterring absolutely frivolous idiots from nominating but ensures that people who do not have a huge amount of income still have the opportunity to participate in our democratic system. If people want to do that through non-party groups, why not?

I criticise to an extent a couple of members of the Osborne group, but they did many good things in this Assembly. Some of Mr Rugendyke's legislation is still here—the burnout legislation, for example, a legacy of Dave Rugendyke, one of the non-party groups on a ballot paper in 1998. That has stood the test of time, obviously. No-one has tried to amend that or throw it out.

It is all part of the democratic system and the rich democratic system we have here in the territory which has served us well—a system supported by the people of the territory and recognised, I think, by learned political commentators and people who take a great interest in democracy as one of the fairest systems you can have. And it is a system, obviously, that serves Canberra well.

Perhaps that was the government's reason for this particular recommendation to get up. As I said, I accept it is made totally in good faith and for a number of valid reasons. I do not necessarily support those reasons, but they are understandable reasons, by Mr Green and his officers. Clearly, these non-party groups are seen and always are seen by the Labor Party as posing a threat. I think Labor traditionally—certainly in this territory, but perhaps Australia wide—seems to have a problem working with the coalition, with independents or with minor parties.

I can understand Mr Corbell's position here too. I think his party has a historical aversion to going into government with anyone, and an aversion to having to rely on independents and other minor parties and groupings. You had better get used to it because—and I cannot see into a crystal ball, but I would certainly be prepared to wager—if you are going to be in government at all after the next election you will be a minority one. I think that probably applies to whoever is going to form the government. You are going to have to get used to it.

That too seems to be a part of our democratic system here—it is not always the case of course—a part that clearly the history of this Assembly to date has shown to be the norm rather than an aberration. I think you just have to get used to it. Clearly, the people of Canberra will be deprived by not having non-party groups. It is different from registering a party. Why on earth should we change a system that I think has fundamentally served us well? Why on earth should we deprive several independents who are like minded from forming a non-party group?

Why on earth, if the Save Our Schools group did not want to form a party but wanted to run two candidates in the next election, should they not? They are running on a specific issue. Why the hell should they not be able to form a non-party group? What really adverse effect does that have on our democratic system?

I have yet to see a ballot paper anything like the joke we had in 1989 when we had a different system, the d'Hondt system. I think the ballot papers since Hare-Clark have been quite manageable in all of the electorates and there is—in my view, with the greatest respect to the commission—no really valid reason that would outweigh the benefits of fairness and democracy in this territory by having non-party groups, rather than get rid of them and lump them in with every other independent. I do not see that as being democratic; the argument is not made, in my view and in my party's view, to not allow like-minded independents to form a non-party group. I think that is a positive for our democratic system and we will be opposing this course.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (9.20): I think it is useful to respond to some of the comments made by Mr Stefaniak. He uses an interesting example to justify why non-party groups should be still provided for. Mr Stefaniak refers in particular to the election of Paul Osborne and Dave Rugendyke as a non-party group. Mr Stefaniak really should do his research. Paul Osborne was first elected from the ungrouped column in the right-hand column at the end of the ballot paper—a clear indication that candidates can be effectively elected as independents from that column. They need to have the standing; they need to have the recognition in the community to ensure that they are elected.

But what is even more interesting is Mr Stefaniak's next claim that Paul Osborne and Dave Rugendyke were elected through a non-party group arrangement. In fact, they were not. They were elected under a party registered by Paul Osborne as a sitting MLA, the Paul Osborne Independents.

The argument Mr Stefaniak makes is simply wrong, and the example he uses works against his own argument. The first time the high-profile independent Mr Osborne was elected into this place, he was elected from the right-hand column, with all the other ungrouped independents. But he got elected. Why did he get elected? Because he had the profile and he had the standing in the community to win enough votes to get elected.

Then he got re-elected with another candidate, Mr Rugendyke, as a registered political party in the ACT. Even though he was an independent, he established a political party; he established a constitution; he went and got 100 members; he abided by all of the reporting requirements of a political party; and he got re-elected. He got another candidate for his party elected in another seat, Mr Rugendyke.

This suggestion that without the non-party groups Paul Osborne and Dave Rugendyke would not have got elected is wrong. They never utilised those provisions. It is simply another indication of why this is a sensible recommendation on the part of the Electoral Commission, why the government supports it and why the government is going to maintain its support for it as we go through the detail stage.

MR MULCAHY (Molonglo) (9.23): I was interested to hear the two addresses by the attorney tonight. I was originally amazed, after rereading the Attorney-General's presentation speech, in light of the then lack of justification being given for one of the primary objectives, in my observation, and outcomes of the government's bill in

relation to the removal of these provisions that allow non-party groupings on the ballot paper. His speech dealt at some length with changes to the postal system and disclosure requirements, but there was a pronounced absence of justification given as to why this change is required. I hear it tonight spelt out.

I do not recall a pressing need for it. I do not remember a tablecloth-sized ballot paper in 2004 and I doubt we would have had one this time. I do not think we will. Call me cynical, but in an election year when non-major party candidates are widely tipped to be influential the government has been motivated by more than just a desire to tidy up the Electoral Act.

The bill is clearly designed to aid major parties, at the expense of independent candidates. One has to especially take into account that we have not had a New South Wales upper house experience in this territory. Our ballot papers have not become cluttered with hundreds of ungrouped candidates, as I think Mr Stefaniak said in his remarks. They are clear and easy to read; there is no confusion. As far as I am aware, none of this has been created by the presence of columns of grouped independents.

You must then ask what the motivation is of the government in seeking to have these amendments forced through, with their majority—a dangerous situation in any electoral change. Indeed, when we appoint the chief electoral officer for the ACT, there is a process of consultation so that that matter is ideally approached on a tripartisan basis. I do not know how we tackle that in future scenarios, but certainly the attempt is to create consensus because electoral matters are fundamental to the democratic process. Judicial matters are pretty crucial, I think, also to the democratic process. When you start using majorities to get your point of view across, when you are sitting with a majority of one over the very significant non-government member numbers in this place, it is cause for concern.

It is a very important bill we have tonight. I am sorry the Leader of the Opposition packed it in five hours ago and went home. There are other critical pieces of legislation we are considering tonight—probably two of the most controversial pieces of legislation that have ever come into this place—and I really think all members ought to be in the place to deal with these issues.

Mr Pratt: It is none of your business.

MR MULCAHY: Mr Pratt says it is none of my business. The democratic process is a vital part of my business. If he does not believe that as a member of the Assembly, then I suggest he go and reflect on what on earth he is doing in this place.

It is telling that all non-government members oppose this part of the bill. It will pass, but only because of the ACT government's majority. Only the ALP has expressed tonight that this is a good idea.

Mr Barr: And the Electoral Commission.

MR MULCAHY: They are not in this chamber, as I understood, in a formal capacity. Only the ALP thinks that it is a good thing to make it harder for independents to operate in the political system.

I will reference the commission's report. Of course if you worked on the principle Mr Corbell has, every single idea in here would be embraced, but in fact that is not what happens. I turn to the rationale that has been put forward by the commission. Mr Stefaniak said, "You can hear the points of view in the argument." He has had legal training; a number of members have.

I guess, through life, you can argue anything if you have a point where you want to get to and then you develop the arguments. Quite frankly, I am not persuaded by many of the arguments in this report. They are thin; they are not compelling; and certainly they would not persuade me as to their merit, whether I was in a political party or an independent.

The argument here is that there is no requirement or expectation that candidates listed in a non-party group have anything in common, other than a desire to be listed together. Yes, these things are theoretical, but has it ever happened? No. Could it happen with a political party? I suppose it could, in theory. It is very hypothetical and pretty unconvincing, from my point of view.

It states that the requirement in relation to political parties which involves party constitutions being made available for public inspection "enables voters to inform themselves about the policies and ideals of registered political parties and use that information to make judgements about candidates grouped together on the ballot paper and party group". They have got to be kidding. There would not be one person in Canberra, except those involved in branch battles probably in the various parties, that would have a clue what is in the constitution.

When I was a member of the Liberal Party, we had to get a copy of it sent over because none of us had a copy. I am quite sure that if you had a 10-point quiz on the ALP constitution half the government members would not know what is in it. To say that the people of Canberra need these constitutions to sit down and inform themselves how to vote is extraordinarily naive as a concept. If that is the length of the argument, I am afraid I am very unconvinced.

We are hearing: why do ballot papers impose significant costs? Yes, they probably do, but is that the end of the world? We only have elections every four years. The cost of ACT elections in a $3 billion budget is not earth shattering. I am quite happy to see the costs.

I am not sure whether I mentioned this to Mr Green or one of the ministers, but I would like him to have double the staff so that we can get to the count a bit quicker. I am not too fussed about that area of government outlays; it is the big ticket stuff that concerns me.

I think the plan to remove non-party groupings is a retrograde step. We will still see independents grouping themselves together. They will create parties probably. There is already one that has formed out in Weston Creek. It will simply create more work for the Electoral Commission; it will not save them time. People will do it to ensure the new requirements are met.

I do not think we will be any the wiser as to what people necessarily stand for if we tell them to go out and create a political party, find 100 people, have a constitution, comply with the accounting requirements and so on. I do not think it will enhance anything in the democratic process and I think it is an ill-considered change. I share the view of my colleagues Dr Foskey and Mr Stefaniak.

This is probably the worst element of this bill. It is the most significant change; it is the real change here. The rest is, I think, playing around at the edges, but it is certainly an initiative that is very bad. I think it is very bad that in this place we force changes through to the electoral system. I share Mrs Dunne's view about embedding as much of the electoral system as possible into the legislative framework to make it very hard for people to change it. Unfortunately, these changes are possible with a majority, and I am very much of the view that that does not lead to good government.

MRS BURKE (Molonglo) (9.31): We see in this amendment a provision that removes non-party groups from being listed, separated to one-group candidates. What is fair about this? I have heard all the arguments placed on the record tonight, but you would have to wonder. Mr Corbell remonstrates: "It's not us; it's the Electoral Commission." It just suits you very well.

An article in one of the national papers today gives me further cause to feel very uncertain about the motivation behind this amendment. For example, if people from the Water Our Garden City group want to run on the issue of water security—and I might add that this has been an area of shocking mismanagement and broken promises by this government, for which we are all suffering—the electorate will not be able to readily identify them. The Save Our Schools group would be another such group. Mr Mulcahy alluded to a group that has formed in Weston Creek. And I believe that there are many other groups that will stand up and be counted come this October election.

By not making it easy to identify like-minded candidates who do not belong to a political party, this provision does not promote choice, which is what we should all be about in this place. Certainly that is what we as Liberals believe in; that is what we are about. We are about choice. It is about democracy.

This amendment seeks to shut that down. This government seems very good at that—shutting things down, closing, controlling. It does not promote the community that the Stanhope government professes to believe in. The Stanhope government talks a lot about community, inclusion, openness and accountability, but it does not do that. You hear people say that they vote Labor because they believe in community. That is a slogan that Labor runs on. But it keeps shutting community out. You are actually stopping that free and open democratic process.

The reality is that this government only pays lip service to community. It uses community consultation after it has made the decision—such as with the closing of schools—to pretend there is universal acclamation for its acts. This bill shows yet again that the Stanhope government wants the electorate to be less informed, not more informed. This government has subtly, and not so subtly, eroded the rights of the

silent majority in favour of privileging less representative interest groups. It is shades of the Keating government and what we shall see more of under the government of K Rudd and his summit of self-appointed and unrepresentative groups of individuals touted falsely as the brightest and best.

Mr Corbell: I take a point of order on relevance, Mr Assistant Speaker. Whilst Mrs Burke is quite entitled to make any comments that she likes about the political philosophy of Labor governments, here or federally, it does not have much to do with the detail stage of this bill, which concerns whether or not—

MRS BURKE: Of course it does. It goes to the very heart of it. If you can't take it, you shouldn't give it.

Mr Corbell: If I can make my point of order without being interrupted: references to the Keating government or references to the Rudd government have absolutely nothing to do with this bill.

MRS BURKE: It is about democracy.

Mr Corbell: The Assembly is debating whether clause 14 should be agreed to. Clause 14 relates to the retention of the proposal to omit non-party groups. I ask you to draw Mrs Burke's attention to it, Mr Assistant Speaker.

MRS BURKE: Thank you, Mr Corbell.

Mr Mulcahy: Mr Assistant Speaker, could I speak to the point of order? Earlier tonight, Mr Corbell explained about the relationship between what is going on here and the commonwealth parliament.

MRS BURKE: Exactly. What hypocrisy!

Mr Mulcahy: He is saying that we cannot talk about the Rudd government when the Rudd government is doing things that this government is now jumping into bed with and saying, "What a great way to go." I find it impossible to see any credibility in that point of order.

MRS BURKE: If you can't take it, you shouldn't give it, Mr Corbell.

MR ASSISTANT SPEAKER (Mr Gentleman): Thank you, Mr Mulcahy.

Mr Corbell: My point of order is on relevance.

MRS BURKE: I take note and I am being very relevant.

Mr Corbell interjecting—

MRS BURKE: Mr Assistant Speaker, I hope you rule that other members in this chamber from the Labor Party remain relevant.

MR ASSISTANT SPEAKER: Indeed. Go ahead, Mrs Burke.

MRS BURKE: The essence of democracy is a contest in which people form themselves into groups and seek the approval of the greatest number of their peers. That is what the Labor Party is frightened of. We only have to see what was splashed all over a major newspaper this morning to see why it will continue with this amendment, though by disenfranchising a large part of communities that are rising up to want to have their say come October. This bill does not advance the democratic contest or promote genuine representation of the people.

MRS DUNNE (Ginninderra) (9.36): This is probably the most important part of the bill; it is the most substantial right being withdrawn by the Labor Party and the most substantial undermining of the democratic system in the ACT.

If we are going to show who knows most about the electoral system, we should look at this. If the Attorney-General is going to stand up here and give people lessons, he needs to get it right. Mr Osborne did form a party called the Osborne Independent Group; he formed that group by virtue of the fact that at the time the legislation allowed that a sitting member of parliament could form a political party. There was not the requirement for signatures and the like that there is now. Mr Stefaniak was wrong when he said that Mr Osborne was elected as a non-party group; he was incorrect. Most of the members in this—

Members interjecting—

MR ASSISTANT SPEAKER: Mrs Dunne, take your seat for a moment. Members, the conversation across the floor is not good for our debate. Mrs Dunne has the floor.

MRS DUNNE: Mr Stefaniak was incorrect, which he admitted; he recognised that. Mr Corbell, as the Attorney-General and the minister responsible for electoral affairs, has a very scant understanding of how the electoral laws in this territory work. He showed his ignorance both of the electoral laws as they existed then and of the history of what goes on in the ACT in relation to electoral matters.

When you are in the ALP, electoral laws are the things that get in the way of you getting your own way. Electoral laws get in your way. What you are doing here tonight is bulldozing your way through the electoral laws to the advantage of the ALP, to the advantage of major parties.

The Liberal Party—by comparison, by contrast—has a proud history in the ACT of supporting a wide and diverse approach to democracy in the ACT. That is why at the outset we supported the introduction of the Hare-Clark system.

To do away with non-party groups is to undermine the whole spirit of the Hare-Clark system that the people of the ACT voted for by a huge majority. Back in 1992, in excess of 75 per cent of the electorate voted for an electoral system that gave them a diversity of choice. They did not want a choice between the old parties—just the old parties. They said that they wanted more. There are other systems that allow those choices, but the Hare-Clark system, more than any other system, gave people those choices, with a whole lot of other checks and balances—the Robson rotation system,

the fact that on polling day people are not overly confronted with how-to-vote material and all of these things.

This is what the people of the ACT signed up to. This is what, consistently, year on year, every time there is a review of the Electoral Act, the Labor Party has tried to undermine. It tried to undermine it in 1994 when it set about the task of implementing the Hare-Clark legislation which was approved at referendum. It tried to undermine it. It was one of the reasons, I submit, that the Follett government lost the confidence of the people of the ACT. It showed that it would ride roughshod over the will of the people of the ACT. The same arrogance is here today.

There has been only one little flickering time in the history of the ACT ALP when they showed any recognition of really signing up to the spirit of the Hare-Clark electoral system. That was when, in 1998, for the second election in a row, they were comprehensively drubbed. Their electoral review committee eventually said: "Look fellas, you have got to take it; you have to accept it. Hare-Clark is here to stay and you have to learn to live with it." They went through the processes, the words—saying, "Yes, we'll live with Hare-Clark"—but the spirit wants to buck the system all the time.

They forget that in 1992 in excess of 75 per cent of the people in the ACT said, "This is what we want." This was the most spectacular, most decisive election result or result of a ballot that we have ever seen in the ACT—probably in this country. More than 75 per cent of people signed up to the Hare-Clark system. What we are seeing here today is the Labor Party attempting, once again, to undo the Hare-Clark system. At the time—let it go on the record—they were the only people in this territory interested in politics who were opposed to the introduction of the Hare-Clark system. It is part of the thing that drives them to undermine the Hare-Clark system. What they are doing here today is using their numbers. This is the only time since 1992 that they have had the numbers to do it. They are using their numbers to undermine the Hare-Clark system.

The people of the ACT lost all faith in the Follett government. Rosemary Follett undermined her credibility enormously on the day that she tried to buck the referendum result. What the government is doing here today is attempting to buck the referendum result of 1992.

Mr Mulcahy touches on a very important point. In 1995 we had an entrenchment referendum to try and stop this undermining of the electoral system. We entrenched the principal tenets—what we saw as the principal tenets—of the Hare-Clark electoral system. It may be that, after the fall of the Stanhope government in 2009 and after the review of the 2008 election, we will have to come back and entrench more things in the entrenching legislation, because there is going to be an awful lot of filthy work that has to be undone after the 2008 election.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (9.44): Once again we hear from Mrs Dunne on this matter. She seeks yet again to perpetuate the myth that this is some evil agenda on the part of the Labor Party. Yet again I refer Mrs Dunne to the report of the ACT Electoral Commission—that well-known hotbed of Labor Party apparatchiks, with all due respect to the commissioner.

Mrs Burke: I was going to say—

MR CORBELL: I am sure that he recognises the irony with which that is put. They recommended that non-party groups be removed. It was not the Labor Party, not some sinister group of ALP apparatchiks working behind closed doors in smoky rooms.

I know that Mrs Dunne loves to paint this picture of the Labor Party as an organisation of people in dark, smoky rooms making sinister plans to undermine democracy in the ACT. But it was none of those things; it was the Electoral Commission—not just the commissioner, but the commission. Mrs Dunne turns her back on this argument because she knows that it completely undermines all of her rhetoric. Despite all of her rhetoric, the Electoral Commission has recommended—not once, but twice, after each of the last two elections—that this provision should be removed. The arguments that have been put forward, the arguments which the government supports, are the arguments made by the commission. I simply draw that fact to members' attention.

Mrs Dunne: You have already done that.

MR CORBELL: Indeed I have, and I will continue to do it for as long as those opposite seek to perpetuate the myth that this is some sinister plot on the part of the Labor Party. It is very important to put on the record that it is not and it is very important to put on the record that the government endorses the view of the ACT Electoral Commission on this point.

Let us have a debate about the specifics of the commission's recommendations rather than these rhetorical flourishes from Mrs Dunne and others about the evil, sinister motives of the Labor Party. Why doesn't the opposition just accept that the commission makes valid points? We can debate those points; we can get into detail on those points. That is fine. Mr Mulcahy tried to do that. But those opposite do not. They simply revert to type and seek to portray this as some sinister and evil agenda on the part of the Labor Party.

For the record, I again restate the fact that the government believes that the recommendation by the Electoral Commission to remove non-party groups is a sensible one and that the reason as set out by the commission in its report on the 2004 and the 2001 elections—not once, but twice—remains valid, appropriate, sensible and the way forward.

For those reasons, and not any other—certainly not for the motivations proposed by Mrs Dunne—the government believes that these amendments should proceed.

MR SMYTH (Brindabella) (9.48): It is interesting that the minister is happy to quote the commission when it suits him. I will go to another Mr Green and quote him. It is not the Liberal Party. I know that Simon sees evil and some sort of prejudice over here. This is not the crossbench or the independents; it is Antony Green, the election commentator from the ABC. On 28 March 2008, he posted an article headed "Independents to be disadvantaged by ACT electoral changes". This is the intent and

the purpose of what Mr Corbell proposes here today: he is going to disadvantage a group of ACT citizens. That is what the effect of this will be. The Labor Party—the party of equity, the party of human rights—wants everybody to be equal as long as they are not as equal as Labor Party candidates when it comes to election day.

What does Mr Green have to say? What does he speak about in his article? I will read bits of it. I refer people to the website; they can find it there if they want to read it all. Or I am happy to share this copy when I finish. He says:

> At the 2004 election, the Stanhope Labor government became the first ACT administration to be elected with a majority … As a result, the Stanhope government is the first in the ACT's history to be able to pass legislation without having to compromise on amendments put up by the Opposition or the Assembly cross-benchers.
>
> One bill where this will be important is the Electoral Legislation Amendment Bill, introduced in August 2007. This bill, soon to be debated in the Assembly, includes a provision to change the way non-party candidates appear on the ballot paper. If passed it will become harder for Independents to be elected to the ACT Legislative Assembly.

Let me read that again:

> If passed it will become harder for Independents to be elected to the ACT Assembly.

What happens on the fairness test? The minister signed off on the human rights certification—"This will uphold people's human rights"—but here is an independent commentator who says:

> If passed it will become harder for Independents to be elected to the ACT Assembly.

Mr Green goes on to talk about the ACT and its political system and how parties are registered. He then looks at the proposed changes. He says:

> The proposed changes remove the provision that allows Independents to be grouped on the ballot paper. The Stanhope government attempted to make the same change in 2003, but then lacking an Assembly majority, it was blocked by the opposition and minor parties.

Let us look at the home of the Hare-Clark system, Tasmania, and see what they did. The article says:

> A similar provision was implemented in the Tasmanian Electoral Act before the 2006 Tasmanian election. However, the Tasmanian change was more democratic than the ACT proposal …

So more democracy in Tasmania than currently exists in the ACT—denied. The article continues:

> … as it simply applied a tougher test—

which is not unreasonable—

> for grouping rather than totally remove the right.
>
> Like the ACT, the Tasmanian Electoral Act requires parties to have 100 members for registration. Only 10 nominators are required for an Independent to nominate, and any Independent putting themselves forward with only 10 nominators will appear in the ungrouped column.
>
> However, one or more Tasmanian Independents can have access to their own column on the ballot paper by applying for grouping, backed by 100 nominators. In effect an Independent, or group of Independents, can have their own group by proving a level of nomination support equal to the membership support required to register a political party.
>
> This is where the proposed ACT electoral changes will disadvantage Independents.

Simon Corbell, Attorney-General, wishes to disadvantage people in the ACT who seek to action their democratic rights. They are my words, not Mr Green's, but let me read what Mr Green says:

> This is where the proposed ACT electoral changes will disadvantage Independents. Unless Independents lodge a registration for political party status by 30 June this year, they will be forced to appear in the ungrouped column of the ballot paper with all other Independents.

Mr Green goes on to say:

> Election from the Ungrouped column is possible, as was shown by Paul Osborne's election at the 1995 ACT election. (How-to-vote material was still allowed in 1995.) The last occasion in Tasmania where an ungrouped candidate was elected was in 1959, and I am not aware of an Ungrouped candidate ever being elected to the Senate or to any state Legislative Council.
>
> For Independents to receive the same rights—

we are very strong on human rights here until it affects the Labor Party and what it wants the outcome of an election to be—

> as parties in accessing their own group, it seems appropriate that a higher test of support be applied, as is done in Tasmania. Simply grouping all Independents together, whatever their political persuasion or level of support, is unfair to Independents, but above all, deprives voters of ballot paper prompts on like-minded Independent candidates.

Not only is it undemocratic and unfair to those who wish to represent the jurisdiction where they live; it is actually unfair in the opinion of Mr Green and I think the opinion of all members here bar the Labor Party, and particularly the Attorney-General. Mr Green continues:

> The approach adopted by the Stanhope government appears to be an attempt to make it harder for Independents to be elected. A fairer approach would be that adopted by Tasmania, setting a higher hurdle rather than banning like-minded Independents from appearing together on the ballot paper.

It is interesting to look at clause 17 of the Human Rights Act, "Taking part in public life". It says:

> Every citizen has the right, and is to have the opportunity, to—
>
> vote and be elected in periodic elections, that guarantee the free expression of the will of the electors …

Today we see the free expression of the will of electors being modified by this bill. We are hurting those that the Labor Party does not want to see have a fair go. The Labor Party that expresses the rights of people to equity, expresses its support for human rights and constantly talks about a fair go is willing to hurt anybody who stands in its way and the way of majority government and put them off to one side. It is as simple as that.

It is interesting that Mr Corbell has signed off on compliance with the Human Rights Act. I note from the scrutiny of bills report that they did not necessarily go through a lot. They did raise the question. They said that the Assembly should genuinely look at this. They are quite right. What we have is an attempt by the Labor Party—in effect it is a gerrymander of sorts. It is most unfair that this is to happen.

The system has worked. It does not necessarily mean that we have all liked the outcomes. We would all like different outcomes at various times. But the system has worked. It is a very fair system; it is a system that was entrenched; it is the system that people think works very well in the ACT. It suits the needs of an electorate that is very well educated and that is particularly well motivated when it comes to the matter of elections.

What we are doing today is unfair. Antony Green's opinion on these matters—not necessarily his predictions or outcomes—is pretty much respected in many places. He says that this will disadvantage people.

It should be on the record, and it should be on the record in very large letters, that the Attorney-General, the representative of the Labor Party, in this place tonight is putting forward an amendment to a bill on a most fundamental right—a right apparently or supposedly protected in the Human Rights Act, a right to a fair go. This bill disadvantages anyone who wishes to choose to be an independent and not tread the path of those that have joined political parties. That is inherently unfair; it is absolutely un-Australian. I believe it to be a breach of the Human Rights Act. If the minister had any decency, he would withdraw the amendment.

MR MULCAHY (Molonglo) (9.57): I do not always agree with Mr Smyth, as history would tell you, but I have to echo everything he said. I had read the article by the ABC election commentator Antony Green. His concise analysis of this was quite

profound. It certainly sparked a lot of dialogue as a result, and I think he was spot on. This is all about making it harder for independents to get in. He cites the Tasmanian experience, and I have some knowledge of that. I spent the first part of my political life in the Tasmanian environment and I understand the Hare-Clark system reasonably well. It occurs to me that the arrangements they have in that state could have been put forward and would have provided the necessary precautions against what one might term a frivolous nomination in order to take up a column, because I do not think that any independent groupings that were serious would have much difficulty in getting 100 names. It would obviate the need for the creation of new political parties, which will no doubt pepper the landscape as a result of these changes. I do not think they will make life any easier for the electoral office. I do not think, frankly, that the perceived alarm, concern or threat is of any scope.

It is significant—being in an ungrouped column is a massive disadvantage for a candidate. We ought not try to make it harder for people to be elected to this place. I would love to see more people involved. I find it extraordinarily disappointing that few people are ever in the gallery in this place. A minister in the last federal government said to me only last year that he did not even know where the ACT Assembly was. If I had said to that minister, "I bet you know where the Queensland parliament, the Victorian parliament or the parliament of Western Australia are," I guarantee he could have told me exactly where they were. He did not even know where this place was. If we do more things to discourage people from becoming involved, we are going to diminish the quality of parliamentary representation in this place.

I hear time and time again from people that this is nothing better than a glorified town council with pretensions. The fact is that we are not held in high regard, in my view, by the prevailing majority of the ACT community, and as long as clever devices like this are employed to make it harder for people to get into what is perceived to be Canberra's most exclusive club we will ensure that we do not get people of calibre putting themselves forward, because they simply do not respect the institution.

I have said on many occasions in the past 3½ years that I would like to see more done to elevate the perception of this parliament. We run it on a shoestring; we apologise for our raison d'etre here. Some members still seem to be coloured by the pretty strong public opposition to self-government in the ACT. But we have to move on. This ought to be a cutting-edge legislature that is at the front edge of good governance, accountability and transparency.

What we have here is a device by the government to try their level best to make life a little easier after 18 October by discouraging groupings of independents. They cling to the Electoral Commissioner's report; of course, that Electoral Commissioner's report contains all sorts of other things that they do not agree with. So when they find something that they agree with, they grab it, and when they do not, they reject it.

When I look at the defamation provisions, the net effect of that report, which I read when it came out some time back, was to say: "It's all too hard. We've never prosecuted anybody so why should we have a provision in there that there can be consequences for slandering candidates and members of parliament?" The fact that

you have never done anything about it is hardly persuasive. The fact that there might be legal deficiency in the way the act is drafted and that there are not adequate legal protections there or that there is doubt about the capacity of a member or a candidate to get an injunction is not an argument to give up the game and make life easy. To me, that would strongly suggest, as would normally happen in all other areas of this territory, that a department would come forward and recommend to their minister that certain amendments were required, they would be agreed to by the cabinet and brought before this place. But it seems that there is another direction that constantly comes through in that report.

I do not want to be critical of officials, because they are not in a position to respond, but I do not buy the Attorney-General's argument, which is a very convenient one, that you flick through this report, find something that suits your argument and then grab it and run with it.

Mr Smyth made very valid points about the Tasmanian experience. It would have been perfectly possible to offer those arrangements as a sensible reform measure without exposing the voting system to endless lists of frivolous candidates who enjoy no community support. The argument about constitutions being required for political parties, as I said earlier, is simply fallacious; it has no basis whatsoever. I can guarantee that there are plenty of people who are running on tickets on both sides of this house who have rather radical views. I do not think Mr Hettinger and some members of this government are exactly on the same frequency, as we saw in the 2004 election where he masqueraded as a quasi-Green, as I am sure Dr Foskey well remembers. So the constitution means very little. Most of those things are normally procedural. I know that the Liberal Party one was more about the mechanics than about any kind of ideological direction, apart from a bit of a preamble. So that is also a very thin argument for justifying a discrimination against independents and favouring party candidates.

The Human Rights Act, which is trotted out by this government when it suits it, suddenly is not convenient on this occasion. It is very explicit about discriminating against people in this territory. That sentiment is one that I agree with, and I will be saying that in relation to another matter later tonight. But I do not believe that there is any justification whatsoever for discriminating against independents on the spurious grounds that have been advanced. I urge the government to reconsider, but I know that plea is in vain.

MRS DUNNE (Ginninderra) (10.04): Everyone is being so polite tonight, Mr Speaker; I am sure we will get a bit crustier as the night goes on. It is interesting that Mr Corbell does the usual thing, as someone who is inexperienced and does not know very much about what is going on. What he has done here tonight is to fall back on his usual defence: "I'm just following advice." It is very selective. We often hear Mr Corbell stand up in the Assembly and say: "Well, what else could I do? I was following the advice of my advisers." But on this occasion he has been very selective. He is saying, "I'm doing this because the Electoral Commission advised me to do it twice." The last time they advised him to do it, the government attempted to do it. This time we have a new Attorney-General who has no more feeling or understanding for how the electoral system should work than his predecessor, so what he has done

today is to fall back on the scoundrel's defence: "I was just following orders." He did not follow orders in relation to a whole range of other things, as Mr Mulcahy and Mr Stefaniak have pointed out. Not all of the recommendations of the Electoral Commission were taken on board.

Mr Mulcahy: Just the convenient ones.

MRS DUNNE: Just the ones that were convenient for the ALP. This is what we will see over and over again. Mr Corbell can "humph" in his chair, turn his back and show how little he cares about the opinions of people in this place, let alone the people outside the Assembly. He will come back and say, "The Liberal Party's reverting to type." The Labor Party is showing just what type of organisation it is when it comes to upholding democracy in the ACT. This is an underequipped and underdone Attorney-General and minister responsible for electoral affairs, whose only defence for riding roughshod over this is: "I was told to do so by the officials." This will be on his epitaph: "I was only following advice." It is only about one step away from the Nuremberg defence, and the people of the ACT will remember it.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (10.07): There are a couple of points that have to be made. We have to respond to this sort of scurrilous rubbish that has been put forward. Mr Mulcahy, and to an extent Dr Foskey, have put forward—

Dr Foskey: And Antony Green.

MR HARGREAVES: Just wait—have put forward arguments to support their particular view. I do not happen to support their view but I respect the argument they have put forward. But what we have heard is a diatribe of drivel. We are having accusations thrown around the place, willy-nilly—the Nuremberg defence is a good one. We hear that this dark organisation, the Labor Party, is doing things in smoky rooms and all those sorts of things, yet the Attorney-General has said in this place that he supports the commission's position. The process is that the commission puts it forward, the government of the day say whether they support that and then they bring it to the parliament.

Mr Smyth: That is a weak excuse.

MR HARGREAVES: Mr Smyth thinks this is funny; he thinks it is contemptuous. The point that he has not recognised in this place is that this is not a collective of ideas compiled by the Labor Party. This is a report from an independent electoral commission. Is Mr Smyth therefore accusing that commission of being an instrument of the Labor Party? If he is, let him have the guts to stand up here and say so. If he is not, let him get up and say that.

Mr Smyth: If your argument is so weak—

MR SPEAKER: Order, Mr Smyth!

MR HARGREAVES: Mr Smyth has not heard the argument because I have not put it yet. I wonder about the motives of those folks opposite. I know the motives of Mr Mulcahy, and I really respect them. With respect to Dr Foskey, I disagree with what she is saying but she is putting exactly the same argument that Ms Tucker put before her, and which I would expect the Greens to put after Dr Foskey has moved on. I would expect that. However, I wonder about those opposite. I recall that when we first came into this place and joined you here, Mr Speaker, in 1998, we were treated to the Carnell government and then later the Humphries government. It was a minority government. These folks opposite are saying how wonderful minority government is, and so too is Dr Foskey. But let me remind you what that minority government was all about.

Dr Foskey: It isn't about minority government.

MR HARGREAVES: Yes, it is, because it is about the 12 per cent that one member can bring to this place in proportional representation, and one person held an entire government to ransom. Mr Michael Moore in fact put his 40 points down. Mr Smyth and Mr Stefaniak were members of that cabinet. Can somebody explain to me how democratic it can be when one person with 12 per cent of the entire vote can hold to ransom the cabinet that these guys sat in?

MR SPEAKER: Are you going to link that to clause 14?

MR HARGREAVES: I can do it, but I have to make this point: we are talking about people's groupings. These folks here reckon they know Hare-Clark really well. The fact is that Hare-Clark is also about recognition and credibility.

Mr Smyth: I thought it was about equal votes for all.

MR HARGREAVES: Mr Smyth is an interjector par excellence, but he makes absolutely no sense to me. The fact is that the groupings are in like groups. That is why we band together as parties—because we have like views. And we have the courage to go out and tell the public that we belong to this organisation. In that sense I pay credit to the Liberal Party for doing it, and to the Greens, because they are labelled—although, of course, with the Liberal Party, they toss somebody out every time they come into this place. In every single term that I have been in this place, and there have been three of them, they have tossed one of their members onto the crossbench. It is no wonder they like doing it. If we wait for long enough, the whole crossbench will be the Liberal Party; they will just move. We are having a bit of a raffle in my office about which member of the incoming Liberal government will be on the crossbench before the end of that term.

Mr Smyth: On a point of order, Mr Speaker: we always find Mr Hargreaves amusing the later the night goes, but can you ask him to come back to the subject.

MR HARGREAVES: Look, you just can't cop it; you can't cop it, can you?

MR SPEAKER: Order, Mr Hargreaves!

Mr Smyth: Everybody else has treated this seriously. Perhaps he could as well.

MR SPEAKER: Remain relevant, Mr Hargreaves.

MR HARGREAVES: Okay, I will. We are talking about groupings. The grouping of Michael Moore in that election saw him elected, and I agree with the numbers that these folks are talking about. And what did he do? He held the entirety of the ACT to ransom, and this Stanhope government has done an enormous amount of work to undo some of the damage that that man caused while he held this lot over here to ransom. I just wonder what it is about. They have no hope of ever achieving majority government, and they are relying on independents to come into this place and prop them up, because they will never, ever be able to do it. You guys have got the smoky room.

DR FOSKEY (Molonglo) (10.13): I found Mr Hargreaves's speech particularly interesting because, perhaps without intending to, he revealed the agenda behind this move. Mr Hargreaves's great fear, the thing that keeps him awake at night, is minority government—being beholden to a group of people over whom the Labor Party has no control. Of course, with the election of parties, there is some predictability. I understand; it is, of course, convenient. I remember that the Australian government's mission was to go to Papua New Guinea to get everybody running for election from a party perspective, because it provides some coherence. Mr Hargreaves remembers the election of Mr Moore through a grouped ticket. He has not forgotten it and he wants to make sure it never happens again. But the trouble is that it is an anti-democratic move.

I also want to consider this legislation. It seems to me that the more we argue about it—and I have to say that I am enjoying this debate tonight because people are passionately involved and they are not just posturing; or most of us are not—the more it makes me wonder whether we should set the bar higher when we are making decisions like this one. It seems to me most unfortunate that the group that has the most to gain from this getting through can get it through with the number of one. We have been told that a person on the crossbench can hold a government to ransom, but one extra person in the party that is given government can hold the whole territory to ransom if it can pass something like this that reduces people's democratic rights and to stand for election in such a way that they might get elected without being part of a party. It is okay for them to stand but it is not okay for them to get elected, unless they are part of a party. That is what is being said here tonight.

Mr Corbell has been very pleased to stand up—and I thought he did it with quite a smug look on his face—and deny that this amendment and the consequential amendments are anything except the government following the independent and expert advice of the commission. You cannot stop there. Just because the commission put this argument forward does not mean it is a true or a correct one. In my opinion, the commission's argument is weak. The argument about democracy here is all about seeing names. We know that is how our system works. But the commission has ignored that element of the debate. Given that the commission spent two pages on this issue—two pages being quite a lot in the context of that report—this is very disappointing.

Sometimes our experts get it wrong, and sometimes there are other experts' advice that should be considered as well. I would say that Antony Green is an expert whose advice should be balanced against the commission's advice, and I thank very much Mr Smyth, and particularly his staffer who found that for us. It is interesting that debates have been conducted about the ACT electoral system. That is because it matters to people. People see our system as one that is extremely democratic, and someone like Antony Green obviously regrets that that democracy may be being eroded.

Even if the commission's advice in this regard was sound—and, of course, it was said from a perspective of this was their advice; there was probably no agenda—I note that other apparently sound recommendations from that report have not been adopted so zealously in this legislation. So, again, it was, "This is sound," "That was sound," but "This is the one that we want to get through." "Just go form a party," says Mr Corbell. But to me that is a little bit like Marie Antoinette saying, "Go and eat cake." I know she did not really say that, but Mr Corbell did say, "Just go and form a party." But Mr Corbell did not have to form his party.

I had to be involved in forming my party, and, gee, it is a lot of work if you want to do things properly—and of course you do—because the steps for setting up a party are quite extensive and you do not do it in just a couple of months running up to an election. I think the Community Alliance Party has been formed, but I am pretty sure that that process started some time ago. Anyone currently thinking of standing as an independent and now having to go and form a party to stand at this election is probably going to find it really, really hard.

The other thing about parties is that they are intended to be permanent entities. They are meant to have a life longer than the next election and the next period of government. Let us face it: non-party groups are—and they do not pretend to be anything else—temporary, opportunistic, advantageous associations based on common interests, and often they are just the ones to get elected, and appropriate to the political context. In the Hare-Clark political context, non-party groupings are very appropriate.

But forming a party is by definition a long process, which implies a long-term, coherent entity which shares common policies—and they are not easily arrived at, as the Labor Party would know—and solidarity on issues. It is absolutely unfair to say that to stand for election with a chance of being elected in the ACT people have to form a party or join a party. If they are going to join a party, their chances of being preselected compared to the old hands are probably quite minimal. People can feel passion—I am just thinking of the nurses a few years ago—and see an election not perhaps as a way even to win an election but to really get an issue out there, to make it an election focus.

There are so many reasons for forming a non-party group and I believe that it is an indictment of the Labor Party here to use its majority of one to bring in a change that is so far reaching that we will be reading about it on Antony Green's blog and we will be hearing about it, I hope, on *AM* and *PM*, because this is a profound change—and you have got to wear it, mates.

Question put:

> That clause 14 be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Pratt
Mr Berry	Mr Hargreaves	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	

Question so resolved in the affirmative.

Clause 14 agreed to.

Clauses 15 and 16, by leave, taken together and agreed to.

Clause 17.

DR FOSKEY (Molonglo) (10.26): I move amendment No 2 circulated in my name *[see schedule 2 at page 1781]*. This amendment seeks to omit proposed new section 136A (1) (a) (ii), the definition of "eligible elector", on page 7, line 20. It is the Greens' view that voters should have the right to make a postal vote and this right should be a freely available option. I note that this bill in other ways makes the application for and the lodgement of a postal vote a simpler process, which I commend. The rationale for requiring people to demonstrate that they cannot attend a pre-polling voting centre in order to be entitled to lodge a postal vote is a weak one. I quote from the minister's speech:

> To ensure that the simplification of the postal voting process does not lead to an increase in the number of electors unnecessarily applying for a postal vote, the bill modifies the grounds for applying for a postal vote. An elector will not be eligible to apply for a postal vote if the elector is able to attend a pre-poll voting centre in the ACT before polling day. This change is intended to boost attendance at pre-poll voting centres in preference to postal voting for those electors in the ACT unable to vote on polling day, as electors voting by post are more likely to have their votes rejected on a technicality compared to electors voting in a polling place or pre-poll centre.

In the first instance, some of the technicalities that result in people's postal votes being rejected are precisely the unnecessarily complex processes that this bill aims to simplify. In other words, after those aspects of this bill are passed, we can expect fewer technicalities that result in people's postal votes being rejected. And surely that was the intention of making those amendments in the first place.

In the second instance, people making postal votes often include the infirm, travellers, the elderly and people overseas. Of course, they are a little more likely to cast an

informal vote, or to fail to comply with all the technicalities, for a range of obvious reasons; there may be deficiencies in our electoral education, and that is certainly an area where the Greens would like to see Elections ACT, the Assembly and the ACT's education systems invest more time and attention. But none of these are sufficient reasons to discourage others from making a postal vote. Again, it seems, rather, that there is a bureaucratic advantage in minimising postal votes. The Greens do not accept that such advantage justifies this measure, which actively discourages people from applying to make a postal vote.

I have witnessed that some people have an almost pathological aversion to having to face the prospect of another person offering them a how-to-vote card. Some people have an aversion to going into the cities, town centres and those places where they have to vote. For these people, a postal vote gives them a means of escaping this personal interface with the democratic process. We might think there is something odd about these people—that they are not well, as Ms Porter says—but they exist and they have the right to have a choice to do a postal vote.

While I personally think that running the how-to-vote card gauntlet is at worst a pifflingly minor inconvenience, I do have sympathy for people who find it extremely stressful. A postal vote gives them the option to vote without dangerously elevating their stress levels. And, whether we like it or not, we do have a system in which it is compulsory for people to vote and we do have people who do not vote accurately in all our forums. It is not a crime. It would be great if they knew how to vote properly and all their votes were formal, but making it harder to get a postal vote will not deal with that problem.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.31): The government does not support Dr Foskey's amendment. It would retain the existing grounds for applying for a postal vote, removing the change in the bill that would remove the right to a postal vote from those who are able to attend a pre-poll voting centre.

Presently, to be eligible to apply for a postal vote an elector must declare that he or she expects to be unable to attend at a polling place on polling day. An elector with silent enrolment is also automatically entitled to apply for a postal vote so that he or she does not have to declare his or her identity in public. An elector is also entitled to cast a pre-poll vote at a pre-poll voting centre in the ACT or interstate on the same grounds.

As the elector simply has to declare that he or she is unable to vote at a polling place on polling day, an elector is entitled to apply for a postal vote even where the person is able to attend a pre-poll voting centre, which is effectively a polling place. Pre-poll voting centres are provided in the ACT for the three weeks leading up to polling day. Typically, they are located in central locations in the main town centres. At the next election, pre-poll voting centres will be located at Belconnen, Civic, Gungahlin, Woden and Tuggeranong. The Electoral Commission intends to provide electronic voting at all of these pre-poll centres.

A person applying for a postal vote is the most likely of all categories of voters to have his or her vote not counted, and this is the driving reason for this change. Postal

voting is the most complex form of voting. Postal votes must be applied for, ballot material must be mailed to the elector and the elector must complete the ballot paper, complete the form, have the form witnessed by an eligible person and mail the ballot material back to the Electoral Commission. Postal votes must be in the mail before the close of the poll on polling day and must be received by the Electoral Commission no later than the Friday after polling day. If the elector claims a vote for the wrong electorate, or if the elector fails to sign the postal vote declaration, or if a witness fails to sign the postal vote declaration, the elector's vote will be rejected from the count. If mailing delays prevent ballot material from arriving on time or at all, the person's vote will not be counted.

These hurdles cause many electors to lose their votes. In 2004, for example, 223 postal votes were rejected because they were not signed by the elector or by the witness, many postal votes were rejected because the elector claimed a vote for the wrong electorate, 211 postal votes were received too late and 52 postal votes were returned to sender unclaimed. By contrast, a person casting a vote at a pre-poll voting centre is the most likely to cast an effective vote, particularly using the electronic voting system, which has been proven to reduce the number of mistakes made by electors on ballot papers. A person voting in a polling place is the least likely to cast a vote for the wrong electorate, as polling officials search all electoral rolls for each elector if they cannot be found on the electoral roll that the person expects to be on.

This amendment, therefore, is aimed at maximising the chances that a person's vote will be counted by removing, from electors who are unable to attend a polling place on polling day but who are able to attend a pre-poll voting centre some time in the three weeks leading up to polling day, the right to cast a postal vote. The amendment is not intended to prevent people from applying for postal votes where they have mobility difficulties or where they are unable to leave their workplace or homes. The amendment will not affect people interstate or overseas during the election period. For these reasons, the government opposes Dr Foskey's amendment.

MR STEFANIAK (Ginninderra) (10.35): Very briefly, whilst I hear what the attorney says, people still do informal votes when they turn up and vote in a ballot box. Whilst there is a fair amount of merit in what the attorney says, postal votes have been an important part of our system and I am inclined to support Dr Foskey on this one.

MR MULCAHY (Molonglo) (10.35): I will be brief also, but I also, for the reasons I outlined earlier, accord with the views that Dr Foskey put forward and Mr Stefaniak has echoed.

The theme that comes through in this report, as I indicated, is constantly one that, if there is a problem, you go down one road, rather than look at trying to rectify the situation by improvements to the system. If there are deficiencies because people forget to witness a particular postal application or there are other issues in terms of timeliness, much of that might be able to be addressed with the quality of documentation and the presentation of material that is issued by the Electoral Commission. I would have thought the challenge for the Electoral Commission would be to try and develop ways of improving that. They talk in their report about overseas people and, by making an earlier cut-off, they believe they have solved the problem

there, but I am not sure that the statistical basis proves that point. My view is certainly to make life easier for people in the voting system, not to create more impediments as a way of solving the problem of informal votes occurring. It is a challenge, but, as Mr Stefaniak said, we have had postal votes for an enormously long time.

I remember when I was a young political activist—I still think I am young, but not quite as young as I was—that that was a very important part of the party process, getting people to cast postal ballots. I know there were changes effected in 2004 that changed the role of the parties in that process, because it was perceived that they had undue influence in the administration of the voting. Yes, it probably is an advantage for them, but I am not entirely convinced that that was an improper advantage. I have never seen it applied improperly in the years I have been involved in politics. I think the tradition in both the Labor and Liberal parties of having volunteers go out and help older people complete their documentation, without breaching privacy issues or breaching the act, has worked pretty well over the years, but officials in the electoral office may be able to convince me otherwise. Anyway, I think those points have been well made and I will maintain the position as I have outlined.

Question put:

> That the amendment be agreed to.

Ayes 7		Noes 8	
Mrs Burke	Mr Pratt	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

Clause 17 agreed to.

Standing order 76—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

> That standing order 76 be suspended for the remainder of this sitting.

Clauses 18 to 33, by leave, taken together and agreed to.

Clause 34.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.42): The government will be opposing this clause. This clause introduces a range of new provisions in relation to disclosure laws. As I previously indicated in my in-principle speech, the government is not proposing to proceed with a wide range of these changes due to the recently announced national review of

electoral funding laws by the federal government. We believe that, with the exception of the change in relation to the threshold for disclosure from $1,500 to $1,000, other changes should await the more detailed discussions that will occur at a national level.

For the information of members, the government has been approached by the commonwealth seeking the involvement of all ministers responsible for electoral law with the Special Minister of State, Senator Faulkner, and a meeting is to be convened by Senator Faulkner in the coming month to discuss national reform of electoral laws. I will be participating in that meeting on behalf of the territory. Subsequent to that national reform process, the government will be prepared to revisit the other existing provisions in relation to disclosure. That is the reason for the government's opposition to this clause at this time.

Clause 34 negatived.

Clause 35.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.44): I move amendment No 3 circulated in my name *[see schedule 1 at page 1774]*.

Again, this amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure, for the same reasons I have just enunciated in relation to the previous clause.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36.

MR STEFANIAK (Ginninderra) (10.45): I will be opposing the clause. It is consequential, Mr Speaker. The debate has been had; we have lost the debate.

DR FOSKEY (Molonglo) (10.45): I will be opposing this clause also.

Clause 36 agreed to.

Clause 37.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.46): I will be opposing this clause on behalf of the government—this is another in a range throughout the amendment process that undo the previously proposed disclosure provisions—consistent with the reasons I have outlined previously.

Clause 37 negatived.

Clause 38.

DR FOSKEY (Molonglo) (10.46): I will be opposing this clause.

MR STEFANIAK (Ginninderra) (10.46): I will be opposing this clause. It is consequential, Mr Speaker.

Clause 38 agreed to.

DR FOSKEY (Molonglo) (10.47): I seek leave to move that clauses 39 to 57 be taken together.

Mr Corbell: The government cannot agree to that. I have amendments to clause 50 in particular, and a new clause 52A, so I suggest we proceed to clause 48 and then deal with clause 49 separately.

Clauses 39 to 48, by leave, taken together and agreed to.

Clause 49.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.49): Again, the government will be opposing this clause. Again, it deals with previous disclosure proposals which the government proposed to omit from the bill.

Clause 49 negatived.

Clause 50.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.49): I move amendment No 6 circulated in my name *[see schedule 1 at page 1774]*.

This amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure. However, it also includes an amendment to reduce the disclosure threshold from $1,500 to $1,000, in line with the recently announced commonwealth minimum disclosure threshold.

Amendment agreed to.

Clause 50, as amended, agreed to.

Clause 51 agreed to.

Clause 52 agreed to.

Proposed new clause 52A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.51): I move amendment No 7 circulated in my name *[see schedule 1 at page 1774]*.

This amendment inserts a new clause 52A. This amendment is one of a series of amendments intended to reduce disclosure thresholds from $1,500 to $1,000.

MR STEFANIAK (Ginninderra) (10.51): Although this was, again, a problem in terms of the very late notice, we have had a good chat in my party in relation to that. I note the attorney's reasons. We will support it.

Proposed new clause 52A agreed to.

Clause 53 agreed to.

Clause 54 agreed to.

Clause 55 agreed to.

Clause 56.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.52): I move amendment No 8 circulated in my name *[see schedule 1 at page 1775]*.

Again, this is a procedural amendment to omit the previous proposals in relation to disclosure.

Amendment agreed to.

Clause 56, as amended, agreed to.

Clause 57.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.53): I move amendment No 9 circulated in my name *[see schedule 1 at page 1775]*.

Again, this amendment is the same as the amendment to the previous clause to omit disclosure provisions previously proposed.

Amendment agreed to.

Clause 57, as amended, agreed to.

Proposed new clauses 57A and 57B.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.53): I move amendment No 10 circulated in my name *[see schedule 1 at page 1775]*.

Again, this amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure. It also includes an amendment to reduce the disclosure threshold from $1,500 to $1,000.

Proposed new clauses 57A and 57B agreed to.

Clause 58.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.54): I will be opposing this clause. For the reasons that I have enunciated in relation to previous similar provisions, opposition to this clause will undo previous proposals regarding disclosure.

Clause 58 negatived.

Clause 59.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.54): I move amendment No 12 circulated in my name *[see schedule 1 at page 1775]*.

Again, this amendment is one of a series intended to undo the various changes in the bill related to disclosure and also proposes the new reduced disclosure threshold.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clause 60.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.55): The government will be opposing this clause, for the same reasons as outlined for previous similar clauses.

Clause 60 negatived.

Clause 61.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.55): I move amendment No 14 circulated in my name *[see schedule 1 at page 1775]*.

This amendment deals with the previous proposals in relation to disclosure. It proposes to omit those changes and includes an amendment to reduce the disclosure threshold.

DR FOSKEY (Molonglo) (10.56): Mr Speaker, I have lost the opportunity to move my amendment but I would like to give my speech anyway.

MR SPEAKER: As long as it is relevant to the minister's amendment.

DR FOSKEY: I am speaking to the amendment.

MR SPEAKER: Yes, good.

DR FOSKEY: This amendment cuts the time frame in which political parties and candidates must give the Electoral Commissioner their annual reports, detailing donations received in a financial year, from 16 to eight weeks. That was my amendment. As it operates now, the 16-week requirement—

Mr Corbell: On a point of order, Mr Speaker: Dr Foskey is speaking to her amendment, which she has not and cannot move.

MR SPEAKER: No, but this is in relation—

DR FOSKEY: I am giving my speech, but I am speaking to your amendment, Mr Corbell.

MR SPEAKER: But you have got to be relevant.

DR FOSKEY: Yes. Mr Corbell's amendment is—

MR SPEAKER: You have got to speak to Mr Corbell's amendment, but you can speak further in relation to the question that the clause, as amended, be agreed to. It does not very often happen.

DR FOSKEY: Yes. I do feel as though I am walking on fast-melting pieces of ice in a very fast-moving river. Perhaps you can rescue me when the time comes, Mr Speaker.

Because Mr Corbell's amendment is quite different from my amendment and, it seems to me, the content of my amendment, it needs to be put on the public record. I do not oppose Mr Corbell's amendment; I just feel that it could have had a lot more content. And this is the content that it could have had. The Greens are concerned that the 16-week requirement means that disclosures are not made public until after an election takes place and it seems to me that to have made the time frame shorter would have made it possible for the commission to publish those disclosures on the Elections ACT website prior to the election, rather than after it. The Greens' opinion of eight weeks is not a tight time frame and political parties and candidates presumably look closely at all donations offered to them, just to make sure they are comfortable with the partnership and to check they are not being set up.

If we are concerned enough to reduce the level of donation from $1,500 to $1,000, I think we should be concerned enough to increase the transparency of donations, and that means that we would need to shorten the period in which people are required to make those donations public. We need to shorten it because people who are interested in the candidates that they are voting for in an election—and I would have thought that the aim of the Assembly here was to ensure that more rather than fewer people were interested—are going to want to know as much about their candidates as they can, and that includes whom they receive money from. So that is why I am disappointed that Mr Corbell's amendment is so limited in its extent.

Again, there could have been the arguments that shortening the disclosure time would have put more pressure on the Electoral Commission at a time when it is managing the ACT election, which of course is its busiest period. It is, however, a reality that the uneven workload does result in the commission taking on a number of casual or short-term staff around election times and it is adequately resourced to do so. The actual work of these disclosures within eight weeks, instead of the current 16, is largely electronic, not particularly complex and I would be confident that, if this amendment were supported by the government, more resources could be found to assist the commission in completing the task in a timely manner.

The key point here is about declaring donations, where possible, ahead of the election whose result they seek to influence. Even the $1,000 donation can be very significant, especially to a small party or an independent who is going to need all the donations they can get. It is facile to argue that political donations ought to remain secret or that companies making political donations do not expect something for their money. In an open, transparent political process, the relationship between the donor and the candidate needs to be public and the information about it needs to be made available to people at election time, when they are most actively engaged with the political process.

Making the information available at a later time, whether it is $1,000, $1,500 or $10,000, merely provides the opportunity for politicians, political journalists, journalists and their ilk to express views and comment on or attack each other, but it avoids the obvious purpose of holding the parties and the donors to account at elections, the only time usually where that notion of accountability means anything concrete.

US Supreme Court Justice Louis Brandeis put it best in 1933.

> Sunlight is the best disinfectant and transparency is a powerful defence against the corruption of the political process.

Therefore we need not just to declare donations 16 weeks later; we need to declare them eight weeks later.

MR MULCAHY (Molonglo) (11.02): I will be speaking briefly to the amendment. I do not have an issue with the lowering of the threshold to $1,000. Obviously the way in which the political parties work, of course, is that they channel funds into their party so that the relationship between the candidates or the members and the donors is more difficult to identify. That is probably the bigger issue, rather than the quantum. I would have been happy to support the heightened level of disclosure that Dr Foskey was advocating—that obviously will not happen as this amendment will be passed—but I do not think we should be afraid of transparency in reporting donations.

I think it is useful for the electorate to know before the election is held, rather than after, where the buckets of money come from for various flyers. I acknowledge that I had very substantial support in the last election. I am not ashamed of that. There are people I will not accept donations from. But I am happy to have things on the record

as to where my support comes from. I would be more than happy in the 2008 election to make it very clear who the people are that choose to support my campaign.

I know, from discussions with Dr Foskey and, particularly, advisers that they have a similar willingness. They copped a fair bit of flak at the federal level over their CFMEU donation. But to give them one benefit on this issue, they have not tried to hide things. I think her proposal would have been desirable to tighten the reporting period. I have a problem with this idea of weekly reporting. It is too hard, I think, but cutting back the reporting to eight weeks after the end of the fiscal year would have been reasonable. But that will not happen tonight.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clause 62.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.06): I move amendment No 15 circulated in my name *[see schedule 1 at page 1776]*.

Again, this amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clause 63 agreed to.

Clause 64.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.07): I move amendment No 16 circulated in my name *[see schedule 1 at page 1776]*.

This is now my routine amendment to omit a range of previously proposed disclosure proposals and to amend the disclosure threshold.

Amendment agreed to.

Clause 64, as amended, agreed to.

Proposed new clause 64A.

DR FOSKEY (Molonglo) (11.08): I move amendment No 25 circulated in my name which inserts a new clause 64A *[see schedule 2 at page 1781]*.

This is the one that Mr Mulcahy has already expressed his objection to, and I would be interested to hear what the Liberal Party says about this. This is in regard to weekly

publishing of donations during the election period. The amendment establishes a regime of weekly publishing of donations and gifts made to parties and candidates during the election period, which is that time between the end of the Assembly and the election.

This can be made, as Mr Mulcahy has made it, to appear onerous. But of course it does not need to be. As things stand, I assume that no party or candidate would accept donations above $1,000 without being confident of the source and without issuing a receipt. The task of updating a list on a website or, if necessary, advertising in a newspaper is quite a simple one.

Again, we do this at the Greens, which is a party with far fewer resources or capacity than either the Liberal Party or the Labor Party, and I am assured by those who have updated the list on our website that even an independent can manage it—a candidate, someone so silly as to stand as an independent in the ACT, could manage it if they had to.

This requirement echoes that which applies in the United Kingdom, although in a simpler form. People still give donations to political parties and candidates in the UK. So do not fear, colleagues; it does not mean that people will be discouraged from donating to your campaign.

I would have been, and still am, prepared to consider a format that involved just the one disclosure—I am very flexible on this—say, a week before the election, if that would make this provision more palatable to parties in the Assembly. You will understand that the key point is transparency.

The purpose here is to ensure there is not too much of an opportunity for donors and parties to delay disclosure, and that explains some of the apparent complexity too. On all occasions, the ACT election is the third Saturday in October. The first part of this amendment establishes the weekly reporting period from the end of the preceding June until then.

Of course it is not on the third Saturday in October if the federal government chooses to have an election then, so it is not always then. Where that is not the case, this amendment includes the provision which ensures parties would self-report on donations from the end of the previous financial year until the election, whenever it is held.

I understand if people think we are being a little too obsessive, but there is a background story going on around Australia, which is a growing move to get rid of all political donations. I am not ready to go there yet; so this could be certainly a way of restoring public trust if we have this transparency. I think that there is a very strong need for political parties and candidates to make that effort.

If all political donations were banned, existing parties, particularly the two largest parties, would be greatly advantaged and smaller parties and independents who are unlikely to have a lot of resources up their sleeve with which to contest an election would be quite disadvantaged unless they are personally rich. It is for that reason that

I am arguing that we should do what we can to make the existing system more transparent. While I think a good case can be made for banning donations from developers, from gambling revenue, or from the sale of drugs like alcohol and tobacco, that is a debate that can take place at another time.

The Greens support public funding of election campaigns in order to strengthen democratic power against financial power. The amendments that I am proposing today are a small but a significant safeguard against corruption, and I urge members to join me in supporting my amendment in order to show that they have got nothing to hide and that they are very prepared to show it, and to rebuild the faith the electorate has in our political system in so doing.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.13): This amendment is intended to require weekly disclosure of donations made to parties and candidates during the election period, through reporting made directly by parties and candidates on their own websites or in newspaper advertisements. The government does not propose to support Dr Foskey's proposed changes to the disclosure laws at this time, and that is for two reasons.

Firstly, the government has concerns about the fairly onerous requirements this would place on political organisations and, in particular, independent candidates during the election period. For example, Dr Foskey's requirement that it be published on their website or in a newspaper advertisement could be potentially quite onerous, particularly on small political organisations or candidates. It also puts in place an additional burden at a time when candidates and parties are focused on fighting the election itself. And we have concerns about the administrative burden that it places.

The second reason is that the government wishes to delay such major changes to disclosure laws pending the national review of disclosure laws recently announced by the federal government. We believe that there could be wide-ranging changes to electoral disclosure laws as a result of the federal government's push for national consistency, a push that the government is very pleased to participate in.

I think it would be unfortunate if we embarked upon major changes to the Electoral Act at this time in this regard, only to have to revisit them within a relatively short period of time following the federal government's further consideration, along with the states and territories, of this matter. For these reasons, the government does not support the amendment.

MR MULCAHY (Molonglo) (11.15): I also am opposed to this particular amendment. Dr Foskey, towards the end of her remarks, made the comment that, if we really want to demonstrate our strong stand against corruption, we should be supporting this. Throughout my career I have given a lot of weight to fighting corruption in a range of different areas of my career. It is never an easy task and it often has consequences when one refuses to in any way embrace corruption. But I am not convinced that this amendment really achieves the outcome of fighting corruption.

I agree with the attorney that this is likely to be more of a headache and a nuisance than anything else. I do not even maintain my own website; it is done by other people

for me. Although I do read Dr Foskey's blog, as I said yesterday, on special occasions—it is not a nightly pastime, I hate to say—and I certainly think I have better things to do than spend every week updating a website about how much money is coming to my campaign.

Dr Foskey: I did say I would negotiate; once might be enough.

MR MULCAHY: I am happy to support something that is less onerous, and that is why I was more than happy to support the concept of having a reporting date after the fiscal year of eight weeks so that you still have that out in the open before the election. But I think the weekly proposal, which is the one before the Assembly at the moment, is, frankly, too difficult to adhere to. There would be candidates who are less resourced than I and who would find it a massive burden in the next election or in an upcoming election.

If we are to achieve the level of transparency, I would suggest, with respect to Dr Foskey, that she come up with something that is more manageable. There is probably likely to be greater support. I certainly would be happy to have a level of transparency but I do not want to drive people crazy trying to comply with administrative burdens, especially, as the minister said, in the middle of an election when most of us are flat out at that final stage.

MR STEFANIAK (Ginninderra) (11.17): I concur with both the Attorney-General and Mr Mulcahy. I will not labour the points they have made. If someone can ever come up with a system where you can do away with political donations yet be fair to everyone, that would be worthy of support. I think that might be rather hard, but good luck anyway. I will be interested to see what happens there.

Question put:

> That proposed new clause 64A be agreed to.

The Assembly voted—

Ayes 1	Noes 14	
Dr Foskey	Mr Barr	Ms MacDonald
	Mr Berry	Mr Mulcahy
	Mrs Burke	Ms Porter
	Mr Corbell	Mr Pratt
	Mrs Dunne	Mr Smyth
	Mr Gentleman	Mr Stanhope
	Mr Hargreaves	Mr Stefaniak

Question so resolved in the negative.

Proposed new clause 64A negatived.

Clause 65.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.22): I move amendment No 17 circulated in my name *[see schedule 1 at page 1776]*.

This is the government's standard amendment to undo certain provisions in relation to disclosure.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67 agreed to.

Clause 68 agreed to.

Clause 69.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.24): I will be opposing this clause.

Clause 69 negatived.

Clause 70.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.25): I will be opposing this clause.

Clause 70 negatived.

Clause 71.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.25): I move amendment No 20 circulated in my name *[see schedule 1 at page 1776]*.

This amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure.

Amendment agreed to.

Clause 71, as amended, agreed to.

Proposed new clause 71A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.26): I move amendment No 21 circulated in my name *[see schedule 1 at page 1776]*.

The amendment inserts a new clause 71A to reduce the threshold for disclosure to $1,000.

Amendment agreed to.

Proposed new clause 71A agreed to.

Clause 72 agreed to.

Proposed new clause 72A.

DR FOSKEY (Molonglo) (11.27): I move amendment No 31 circulated in my name *[see schedule 2 at page 1782]*.

The amendment seeks to insert a new clause 72A to adjust disclosure requirements, particularly in regard to planning developments. I base this amendment on a recent position paper by the Independent Commission Against Corruption titled *Corruption risks in NSW development approval processes*.

Although this paper relates to New South Wales, where the planning and development processes differ from those in the ACT in that local councils have historically had control of planning decisions, I believe my amendment serves to give another level of transparency to the ACT system.

My amendment relates to recommendations 23 and 24 of the ICAC paper and I believe it serves to further protect the rights of ACT residents against the chances of development companies and industry lobby groups using political funding in an attempt to sway the government or the Minister for Planning and their party. I am not suggesting, as I have no firm evidence, that this has ever occurred in the ACT, but it would be foolish to deny that it has occurred in other jurisdictions and that it could occur here. As the ICAC report notes, it is important to recognise that a perception that corrupt conduct is occurring does not establish that such conduct has occurred.

That said, even a perception of corrupt conduct can be damaging to the government and the community and may have a basis in truth. I have had anecdotal concerns raised with me by people in the development industry regarding past inconsistencies in change of use charges and, although these concerns have never been independently verified, having the amendment that I am proposing in place would be a good safety mechanism to ensure that they remain merely concerns and not something more serious. Having discussed this briefly with Mr Corbell, it would be possible to argue that this disclosure could reasonably be covered by the general $1,500, now $1,000, limit. However, the time frame for the general disclosure may mean that several months might have passed and the development has already begun. So my amendment remains relevant as it seeks to make donations that may impact on decisions public before the decision is made.

It has also been raised with me that this amendment may seem to be unfairly targeting the Minister for Planning. I would like to stress that the amendment notes that, if the

Minister for Planning is a member of a political party, the developer needs to advise that a donation has been made to the party. In the majority of cases, the minister will be a member of a party, and probably the government; but this amendment also covers those situations where in a minority government the minister may not be a member of the ruling party or any party at all.

I also agree that often the minister has very little input into planning decisions, and therefore these disclosure requirements may seem unnecessary. However, as the ICAC paper comments, political donations at the ministerial level have the capacity to create perceptions of undue influence in planning decisions and, while ACTPLA is an independent authority, the minister can give direction and does work closely with it, as should be the case. The paper states:

> The Commission does not suggest that ministerial planning power is inherently conducive to corruption, and indeed, as noted in Chapter 3, the ministerial power can in certain circumstances be a safeguard against potential corrupt conduct …

The minister, however, should not be the only safeguard, and the public should be able to see, through the disclosure, whether the minister is being unduly influenced by the source and size of political donations. Within New South Wales, the state government considered the issue of political donations at the local level as potentially giving rise to a conflict of interest. The ACT does not have this local level and, therefore, the minister and/or their party are the next obvious place for public disclosure to take place.

If my amendment is passed, we should also ensure that changes are made to the forms and paperwork to require a person or company that has made a political donation to a party or individual to disclose that fact on their development application. As I have mentioned, this amendment, while inspired by New South Wales, has its place in the ACT, to give greater transparency and to nip any potential corruption risks in the bud.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.33): This amendment is intended to require a person making a development application to submit a disclosure return to the Electoral Commissioner within two weeks of submitting their application if the person has made a gift in the last 12 months to the planning minister or the minister's party.

The government does not intend to support this proposal, for two reasons. First of all, the proposal, as Dr Foskey herself concedes, is developed in the context of local government activity where councillors, that is elected representatives, have the direct authority and ability to approve, and are required to approve, all development applications at a local council level.

Dr Foskey's amendment does not take account of the fact that in the ACT we have a different framework for the approval of development applications. With a very small number of exceptions, development applications are approved by the ACT Planning and Land Authority and by the Chief Planning Executive as the authority. Therefore, there is an arm's length process for determining development applications separate from elected representatives. Indeed, this is a best practice model, a model that is

unique to the ACT but a model that has also meant that the potential for corruption has been greatly limited. For that reason, the government does not propose to support Dr Foskey's amendment.

The other reason is the same as I have submitted previously, which is that there is a range of issues now being proposed and discussed at a national level about prohibiting donations from people involved in the development and building industry. Certainly, a number of state governments, particularly the New South Wales government, have flagged this as a very real possibility, and the ACT government anticipates that this is a matter that will be discussed by state, territory and federal electoral ministers when we meet later this year. For that reason, we believe it is appropriate to delay any significant changes in this regard pending that national review.

MR MULCAHY (Molonglo) (11.35): I share the attorney's sentiments on this one. As I indicated before, I think it is inappropriate to be targeting one particular section. I know that is not what the minister was particularly on about, but he did point to the distinct differences between the way in which planning approvals occur within this jurisdiction and the way they occur in a number of municipal environments.

There are many interests that can potentially prosper as a consequence of government decision making that do not fit into the developer category. For example, one that comes to mind is that, come 2011 or 2012, the monopoly on casino licences in this territory will disappear and there is scope for a second operator. That could be potentially very lucrative, depending on where territory law goes on gaming. I know that casinos in Australia, and even in this territory, have utilised the opportunity to provide political donations.

I talked earlier about what hotels and clubs have done in New South Wales and the amount of money that they have thrown around to political events. I cannot see a compelling argument why one aspect of our business environment should be tackled without other areas being equally considered, and then I am just not sure how practical it becomes to start putting all these sorts of things in if somebody is, say, putting in a tender for outsourced IT services and bought tickets at Mr Stanhope's dinner on Tuesday night at the Hyatt at $220 a plate, or $2,000 a seat—whatever it cost at his table—or at the Liberal Party do in Sydney last night for John Howard.

Given all these different situations arise, unless you outlaw political donations altogether—which I do not think is a good thing, because the usual replacement, that is public funding, based on previous voting tends to limit change politically—unless you tackle all the different areas of people who stand to benefit from government decision making, to target one group, even though they have been in the news of late, is difficult.

Back in the eighties and earlier, tobacco companies used to be massive contributors to political parties. The Labor Party has banned them. I think the Liberal Party has not but has taken a fairly distant view. That whole scene has changed because of changing attitudes and the way those companies operate. So we go through different eras. Right now there is lots of news about developers and allegations of corrupt activities in some parts of Australia. I do not think that what I would call a knee-jerk solution to a

controversy necessarily goes for making good electoral law. So I would not support it either and I would ask Dr Foskey to consider all those things with this proposition because, whilst I know her sentiment is well meaning, I do not think the amendment really achieves a great deal and I also do not think it is as applicable in this jurisdiction as it might be elsewhere.

MR STEFANIAK (Ginninderra) (11.38): In the famous words of the late Justice McTiernan of the High Court, I concur. For those who do not know, Justice McTiernan usually just concurred, with nothing much more.

I would add one thing that, whilst it has been said before, is worth reinforcing, and that is that Dr Foskey is only highlighting one particular group. I think the list could be exhaustive, if you wanted to do it fully, in terms of who would have to disclose political donations. It could become completely unwieldy. I make that point and agree with what has been said by my two other colleagues who also oppose this particular amendment.

Amendment negatived.

Proposed new clause 72A negatived.

Clauses 73 and 74, by leave, taken together and agreed to.

Clause 75.

DR FOSKEY (Molonglo) (11.40): Mr Speaker, I want to let you know that my amendments up until clause 91 are consequential and therefore I will not be moving them.

Clause 75 agreed to.

Clause 76.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.40): I will be opposing this clause.

Clause 76 negatived.

Clause 77 agreed to.

Clause 78.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.41): I will be opposing this clause.

Clause 78 negatived.

Clause 79 agreed to.

Clause 80.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.42): I will be opposing this clause.

Clause 80 negatived.

Proposed new clause 80A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.42): I move amendment No 25 circulated in my name *[see schedule 1 at page 1777]*.

The amendment inserts a new clause 80A and, again, it reduces the disclosure threshold to $1,000.

Amendment agreed to.

Proposed new clause 80A agreed to.

Clause 81 agreed to.

Clause 82 agreed to.

Clause 83.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.42): I will be opposing this clause.

Clause 83 negatived.

Clause 84.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.43): I move amendment No 27 circulated in my name *[see schedule 1 at page 1777]*.

Again, this is the government's amendment to omit previous provisions relating to disclosure.

Amendment agreed to.

Clause 84, as amended, agreed to.

Clauses 85 and 86, by leave, taken together and agreed to.

Clause 87.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.43): I move amendment No 28 circulated in my name *[see schedule 1 at page 1777]*.

This amendment is intended to clarify the intent of the bill, which is to ensure that an MLA is not to be required to disclose expenditure made using funds provided by the Legislative Assembly to assist the MLA in exercising his or her functions as an MLA, for example funds provided in an MLA's discretionary office allocation. The clause in the bill is unintentionally too broad and could be interpreted as applying to expenditure made using an MLA's salary and is being amended accordingly.

MR MULCAHY (Molonglo) (11.44): I will claim some shared credit for this amendment. I think this came up when the Acting Leader of the Opposition's good friend Mr Kent identified this as an issue, which I subsequently raised with the Clerk, who then spoke to Mr Green. It was then identified that there was, in fact, a problem that potentially existed. The amendment simply removes now any doubt in relation to the use of DOA on communications.

Amendment agreed to.

Clause 87, as amended, agreed to.

Clause 88.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.45): I move amendment No 29 circulated in my name *[see schedule 1 at page 1777]*.

This amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure. This amendment will also ensure that political parties registered at both the ACT and commonwealth levels will not be able to satisfy their disclosure obligations by submitting a copy of their commonwealth disclosure returns to the ACT Electoral Commissioner. This is intended to ensure that the ACT cannot in future have its disclosure scheme automatically altered by changes at a commonwealth level.

Amendment agreed to.

Clause 88, as amended, agreed to.

Proposed new clause 88A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.46): I move amendment No 30 circulated in my name which inserts a new clause 88A *[see schedule 1 at page 1777]*.

Amendment agreed to.

Proposed new clause 88A agreed to.

Clause 89.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.47): I move amendment No 31 circulated in my name *[see schedule 1 at page 1778]*. This amendment is the same as the amendment to clause 88 and it has the same effect.

Amendment agreed to.

Clause 89, as amended, agreed to.

Clause 90.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.47): I move amendment No 32 circulated in my name *[see schedule 1 at page 1778]*.

This amendment is one of a series of amendments intended to undo the various changes in the bill related to disclosure. The amendment will also provide that associated entities are to be required to disclose the identities of persons who make payments to the entity of any amount and the total amount paid by such person, except that associated entities should not be required to disclose the identities of clients who pay the associated entity for normal business services rendered. This is intended to ensure that donors cannot avoid disclosure by giving through multiple entities.

MR STEFANIAK (Ginninderra) (11.48): I move amendment No 1 circulated in my name *[see schedule 3 at page 1784]*. It is an amendment to Mr Corbell's proposed amendment.

I am pleased to see the attorney move his amendment. We have had quite a few consequential amendments so far, including amendments to allow the commonwealth and the states to get together and other significant changes. That is quite a healthy process in terms of putting this bill back into some form of equilibrium.

That said, proposed subsection 232 (4) is problematic. The rest of it is fine. It is now $1,000 rather than $1,500. It is now anything less than $1,000. We do not have to add up little bits of money any more, and that is good. So we do not have any problem there. Proposed subsection 232 (4) states:

> Subsection (3) does not apply to any of the following amounts:
>
> (a) for an associated entity licensed under the *Liquor Act 1975*—
>
> …
>
> (b) for an associated entity licensed under the *Gaming Machine Act 2004*—

That is a problem. One of the problems that we have with this legislation, and certainly one of the problems in terms of the associated entities, was the—I hate to use the word bias—change to the act perhaps to benefit the Labor Party's main

benefactor, which is the Labor Club, especially in relation to gaming machine revenue. This is very much a new provision, as opposed to the existing act, and is quite clearly designed to ensure that it does not apply to the Labor Club—the main donor to the Labor Party in the ACT. Those donations come principally from gaming revenue and here we have the associated entity of the Labor Party being exempted from submitting a return on the basis that it is licensed under the Gaming Machine Act and the Liquor Act.

If you delete that, the rest of the proposed subsection is fine. There can be no possible allegation that by exempting an associated entity—such as the Labor Club—it would get any unfair advantage. As it is, it lays itself open to allegations that the Labor Party is going to get an unfair advantage because its principal source of revenue is exempted specifically by proposed subsection 232 (4). That is the purpose of my amendment. If you delete proposed subsection 232 (4) you get over that perceived or real bias in favour of the Labor Party because of the very nature of its main source of income in terms of donations. I commend my amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.52): The government will not be supporting this amendment. Mr Stefaniak's amendment fundamentally misunderstands how the government's amendment operates. The government's amendment is designed to achieve two things: first of all, to ensure that any donation of any scale, whether it be $2 or $2,000 or $200,000, must be declared if it is coming from an associated entity to a political party or candidate. That is a significant change, but it is designed to capture any donations from associated entities.

The second intent of the government's amendment is to recognise that associated entities receive payments for purposes other than to donate to a political party or candidate. For example—and Mr Stefaniak uses the example of the Labor Club—the Labor Club receives payments from patrons for meals, food, alcohol and for the use of gaming machines. Those payments are not payments to a political party; they are payments to the Labor Club. If the profits from those activities are subsequently donated to a political party, they will be captured by the government's amendments and they will be required to be reported. So if the Labor Club, to use that example—but it applies to other associated entities as well—uses the money that it raises from those activities, such as gaming or food or alcohol, and donates it to a political party it will be required to report it. Indeed, even if it only donates one cent it will be required to report it.

The intent of Mr Stefaniak's amendment and the effect of Mr Stefaniak's amendment would mean that every time a patron buys a middy at the Canberra Labor Club it must be disclosed. That is the effect of Mr Stefaniak's amendment. It is completely impractical and I think it shows that he does not understand how this provision works. As I have said, this provision is designed to ensure that any donation and any level of gift provided by an associated entity to a political party or candidate must be disclosed—of any level.

Any donation of any sort, any gift of any sort, must be disclosed. But it is unrealistic that entities that also conduct trading activities, whether they are a licensed club or

some other form of business, should be required to disclose each and every transaction. It does not make sense to report a transaction about buying a beer or buying a Chinese sate or putting money in a poker machine. That is a purchase for services rendered. It is not a donation. If the profits from those activities are donated, they must be disclosed. That is the intent of the government's amendment. For the reasons I have outlined, the government will not be supporting Mr Stefaniak's amendment.

MR MULCAHY (Molonglo) (11.56): I am inclined to support the amendment, but I would welcome clarification, if the attorney is inclined to explain it, how this might apply in relation to a commercial tenant of an entity associated with a political party. I am aware from my past experience how commercial tenants have had to be listed as though they are donors when, in fact, they have had a purely commercial relationship for the provision of office accommodation to an entity that may be associated with a political party, and much the same principle applies. It is a provision of accommodation service. It is not somebody who is trying to give money to the political party though the back door.

I would have thought that if there was an argument to look after their mates at the Labor Club around the corner and not include their beer sales when people walk in there, or their meals, or people that play the machines—and I can understand the line of argument there—ought that to be the case? I am not involved in this area any more, but the same principle applies where a commercial tenant of an entity with a political grouping ought to be exempt from disclosure.

I understand that was not the case. If I am wrong, I would be delighted to be corrected. I know it caused embarrassment to that company because they did not want to be seen as a political donor; they were purely a commercial tenant. I wonder if that situation has been thought of or contemplated and why it ought not to be captured under any exemptions being extended?

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.57): Just in response to the issues raised by Mr Mulcahy, I am advised that currently such a tenant would be required to disclose their rental payment to the associated entity if the associated entity was the landlord. However, I am advised that there is a provision in the act that would allow the minister to make a regulation to exempt certain types of payments from disclosure. I must admit it is not an issue that has ever been raised with the government. It is not one I have ever been aware of before, but if it is an issue that members believe is of concern there is a provision to provide for certain types of payments to be described by regulation as exempted. Maybe that would deal with the issue.

Amendment (**Mr Stefaniak's**) negatived.

Amendment (**Mr Corbell's**) agreed to.

Clause 90, as amended, agreed to.

Proposed new clause 90A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.59): I move amendment No 33 circulated in my name which inserts a new clause 90A *[see schedule 1 at page 1778]*.

Amendment agreed to.

Proposed new clause 90A agreed to.

Clause 91 agreed to.

Clause 92 agreed to.

Friday, 9 May 2008

Clause 93.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.00 am): I will be opposing this clause.

Clause 93 negatived.

Clause 94.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.00 am): I will be opposing this clause.

Clause 94 negatived.

Clause 95.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.01 am): I will be opposing this clause.

Clause 95 negatived.

Clause 96.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.01 am): I will be opposing this clause.

Clause 96 negatived.

Clause 97.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.01 am): I will be opposing this clause.

Clause 97 negatived.

Clauses 98 and 99, by leave, taken together and agreed to.

Clause 100.

MR MULCAHY (Molonglo) (12.02 am): I move amendment No 1 circulated in my name *[see schedule 4 at page 1784]*.

I believe the amendment is pretty self-explanatory. I have moved it to give greater transparency to election advertising. I would be surprised if anyone opposed it and would seriously question what their motives would be for doing so. There should not be anyone in this place, or any candidate, who is afraid to list where they have had something printed. My amendment should therefore be supported. It will serve to stop people considering or contemplating cheating on the production of their election materials and attempting to circumvent the disclosure provisions of this act.

One would hope that everybody in this place, indeed every politician in Australia, would have learnt the lessons from events last year in Queensland that saw federal MPs accused of fraudulently misusing their generous printing and postage allowances to assist state candidates. I have not used federal resources to produce election material because I knew to do so would be cheating and would be illegal.

My amendment will require all printed election material distributed after 1 July to have the name and address of the person who printed the material on it. It will remove what might be a temptation for some to cheat and to use federal resources to gain an advantage in the election campaign. It is not an onerous imposition; it involves adding one line to printed material; and, if the material is printed at a local company, it would simply have to contain the line at the bottom of the page, or wherever, "printed by ABC company of such and such an address". This has been the case in other jurisdictions in which I have lived.

The only people that will be disadvantaged by this change are those seeking to hide where they have had something printed, but I have put a transitional clause in the amendment to give a period of grace until 1 July. It is recognised that some candidates or members might have existing printed material that they need to distribute. I did speak informally with the Attorney-General earlier in the week about this and he focused somewhat on the legal obligations for people to disclose materials and the like and donations.

I do not believe that the Electoral Commission would find the task easy if matters were drawn to their attention without this level of disclosure. At the present time, materials can circulate in the electorate with no indication of where the printing has occurred, which makes it quite a lot easier to circumvent the ACT act, and potentially to defraud the commonwealth by the inappropriate use of commonwealth facilities. I urge the government to consider supporting this; I hope Dr Foskey will consider supporting it; and I hope the Liberal opposition will see that this would ensure that the appropriate level of integrity is applied in the production of materials.

This is a clear gap in the current arrangements and it makes it very difficult for the Electoral Commission to police assistance provided in this regard. Obviously,

financial contributions are easier to track, if one were of a mind to do so, whether they be in bank form or in some other form of payment, or payment for materials used; but there is a major deficiency in the capacity to enforce the current provisions of disclosure when one does not know where materials are distributed. Given the history of this matter, I think it is very important that this loophole be closed.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.06 am): The government will not be supporting this amendment and the reasons for this are that, under the ACT's Electoral Act 1992 as originally passed before the 1995 election, authorised election material has never been required to show where the material is printed. This policy was adopted as it was considered that the requirement in the commonwealth Electoral Act to list the printer's name and address was outdated and unnecessary.

The policy intent behind that requirement is to include an authorisation statement on election material to prevent irresponsibility through anonymity and to give voters a clear understanding of who was responsible for publishing material that the voters might use to inform their judgement about candidates and parties. Listing a printer's name and address does not add to the voters' understanding of the identity of the authors of electoral material. Given the prevalence of home and office photocopiers, much electoral material is now printed outside the traditional commercial printer environment. In these cases, a typical printer's statement would be expected to read "Authorised and printed by", a statement that would not add to the voters' understanding.

The authorisation requirements as amended by the bill are intended to simplify the required information to ensure that voters are informed about the source of election material by reducing the opportunity for opponents to make petty complaints about each other's material. To that end, the bill is requiring only the name of the person authorising the material to be included, dropping the current requirement for address, and, if relevant, a statement as to whether the material is published by or on behalf of a candidate or a registered party.

Requiring an authorisation statement to include a printer's name and address would be contrary to the intent of the simplification contained in the bill. It could be expected that this requirement would lead to petty complaints about campaign material that would not serve the policy objective of ensuring that voters were adequately informed about the source of the material.

The policy intent of Mr Mulcahy's amendment is to stop the illegal use of commonwealth resources to print material. The amendment is unlikely to achieve this. It is not likely that any campaign material that is illegally printed will include a statement that will indicate that the material is illegally printed. If Mr Mulcahy's concern is with photocopied material, it can be expected that a printer's statement will simply say "Authorised and printed by". If material is printed by a commercial printer using commonwealth funds, this fact will not be ascertainable by simply listing the name and address of the printer.

It is suggested that any illegal use of commonwealth resources should be pursued under more appropriate legislation than providing for this sort of requirement in the Electoral Act. For those reasons, the government does not support the amendment.

MR STEFANIAK (Ginninderra) (12.09 am): I have some sympathy for and I can see exactly what Mr Mulcahy is getting at. I listened intently to the attorney. I recall when the commonwealth changed this provision and I also recall quite clearly people saying, "Written and authorised by", and it was the same person. I think there is merit in what the attorney said in terms of it being very difficult to prove anything. I think I also heard him say that there are other more appropriate measures if, for example, someone is guilty of an offence under the Crimes Act—theft, fraud, something like that, issues of government property—if you could prove that. The printing itself you could very easily get around.

I am just trying to think how long ago it was that the commonwealth changed it because it used to be "written by", "authorised by" and "printed by" and you had to have that. Often people would combine all that into one, which probably defeated the purpose. It is not something that we have had to do for probably eight, nine or 10 years—something like that; I could be wrong there but I can recall when we used to do it. Then at some stage it stopped, and I recall the reasons for that being very similar to what the attorney has said.

So, whilst I sympathise very much with what Mr Mulcahy is trying to do, I would have to agree with the attorney. I do not think he is going to have much success this way. There would be better ways of doing it. A substantive offence in the Crimes Act or some relevant act, with the relevant penalty, might be a better way to go than this and might be much more effective in terms of drilling down so that what he is trying to achieve has a lot more legislative force than this particular amendment would have.

MR MULCAHY (Molonglo) (12.11 am): There are flaws in the arguments mounted by the Attorney-General. First of all, on the advice he has taken that this would lead to a series of trivial complaints, I do not think there is any basis whatsoever for that. The point of what I am putting forward is that it will provide much clearer identification of the place where printing has occurred.

The minister said, "With home photocopiers and office printers, how would you be able to prove otherwise?" I have taken a bit of time this year to inquire into home office printers and the like and I would challenge anyone in this place to suggest to me or show me where normal office copiers and printers that would be used in a domestic or small office situation could hope to produce the sort of material of the size that one might be generating across some 60,000 or 70,000 homes, for example, in my electorate of some 100,000 voters. Quite clearly, if any candidate were to say they had printed it themselves, it would be very easy to establish that they simply did not have the technical capability within their facilities and that they had in fact had it done elsewhere.

Mr Stefaniak talked about the fraud provisions possibly under the Crimes Act. In fact, defrauding the commonwealth is captured at the commonwealth level and there are provisions where commonwealth facilities are used in this regard. But this does not overcome the challenge that the Electoral Office would have in attempting to establish whether these materials were produced through a commonwealth office, unlawfully, when there is no capacity to identify the source of the printer. Once the disclosure was

made as to the location of the printer, it would be very easy to identify whether that was within the capability of the candidate's resources. More importantly, it would serve as a deterrent to these sorts of practices.

I understand the commonwealth government is about to wind back significantly what I believe were excessive provisions and allowances given to commonwealth members of parliament. About $250,000 for printing and postage—an extraordinary amount of money—was made available for senators and members and I believe that until 30 June these provisions will still exist, and the opportunity exists for those to be potentially misused in the context of the ACT election.

But it is not just commonwealth facilities; it is also the capacity of private backers of individual candidates to use substantial corporate facilities to undertake printing on behalf of candidates without disclosing that they are providing high-grade colour printing services to candidates who are under no obligation as the law exists—at least they cannot be identified—in terms of the materials that they are publishing. So I do not accept the argument that it will lead to trivial complaints. I do not understand why massive misuse of potentially commonwealth or corporate facilities would be perceived as trivial.

There is still this undertone all the time that these electoral issues are all too hard. I think the matter is of very serious concern. The argument for disclosing printers is important if we are to put a measure of strength into the disclosure provisions. It is all well and good to run around and say that we want to be more open and transparent and we are lowering the provisions from $1,500 to $1,000. But, when it comes to leaving a gaping hole in this legislation, it makes it very hard for in-kind contributions to be provided by corporations in this town. I am aware of one case where a company have spent $75,000 on printing equipment which I believe they are going to use to help a candidate. If that happens, it will be interesting to see whether that is ever disclosed.

There is enormous potential for misuse of commonwealth facilities in this campaign, despite that being unlawful. This amendment would make it easier for that matter to be examined, rather than the way circumstances are at the moment where we simply require an authorised person to take responsibility for the content.

So I stay with my amendment. I know the government again will use its numbers to crunch this, and I am sorry the opposition have not come to a view to support this. The arguments are very clear cut that it is appropriate and it will ensure fairness in the election campaign. It will certainly make it more difficult for those who want to get around the electoral laws as they are being presented tonight.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 2	Noes 13	
Dr Foskey	Mr Barr	Ms MacDonald
Mr Mulcahy	Mr Berry	Ms Porter
	Mrs Burke	Mr Pratt
	Mr Corbell	Mr Smyth
	Mrs Dunne	Mr Stanhope
	Mr Gentleman	Mr Stefaniak
	Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

DR FOSKEY (Molonglo) (12.20 am): I move amendment No 42 circulated in my name *[see schedule 2 at page 1783]*.

This amendment aims to make authorisation of electoral material easier to understand. Over the past few years, brochures and advertisements have been circulated, often misleading or deceiving voters as to their authorship and/or the policies, the parties and the people they are attacking.

As a member of the Greens, I am particularly well aware of the many brochures produced by the Liberal Party that appear to obey the letter of the law but do not make their provenance clear to the reader. By the way, I have to say that this practice is not confined to the Liberal Party. In other states it has been one carried out by the Labor Party. Some of them simply misrepresent or overdramatise aspects of Greens policies. Others make undeniably false claims. Yet others purport to come from the Greens themselves or from official non-political sources, or from other political parties, such as Labor.

Opposition members interjecting—

At the federal election last year—

Mrs Burke: I raise a point of order, Mr Speaker. I am finding it hard to hear Dr Foskey.

MR SPEAKER: Order! If you are having conversations, please take them into the lobbies. Dr Foskey has the floor.

DR FOSKEY: At the federal election last year, the Liberal Party employed the technique with great enthusiasm. Canberra-wide direct mail from Senator Humphries offered voters the opportunity to apply for a postal vote. It appeared to be official electoral matter and, while it featured a promotion for Senator Humphries and was authorised by an official who was at that stage the Canberra director of the Liberal Party, it was by no means apparent to the casual reader that the document was produced by the Liberal Party or by Gary Humphries; it suggested that it was official government election material.

Closer to the election date, the Liberal Party letter-boxed Canberra with two essentially anonymous items: a postcard saying "Send Stanhope a message" and an anti-Greens brochure that incorrectly stated that the Greens policy is to legalise drugs. The Canberra Liberal Party chose not to put the names of its candidates or its own name or its logo on these items. It obviously had its reasons, one of which involves deception. It would appear that an inflammatory or inaccurate brochure has a greater effect when it is not clearly identified with the Liberal Party and its candidates. While Liberal Party members might excuse themselves—by leaving the chamber, as they are doing now—by arguing that the party broke no laws, this issue is about honesty, not legality.

Fortunately in the ACT, parties are required to identify themselves on their material. I am suggesting that the federal electoral law be amended accordingly. But the amendment that I wish to make here is to specify that the identification of the party and candidates responsible for electoral material needs to be clearly legible. Obviously, we can expect some political parties to push the legal line as far as they can. Events have proven that we cannot rely on the probity and personal ethics of political candidates and parties to do the right thing; we must spell it out in minute detail.

I would like to ensure that we do not see a repeat of the situation where the Liberal Party are able to get away with writing "Liberal Party" in pale grey, five-point type, on their election material. It is clearly intended to make it difficult to ascertain who authorised the material. It would be naive to assume that, given the opportunity, they will not do it again.

I commend my amendment to the Assembly and I hope that all these little talkfests going on in the chamber are about parties reappraising their position and deciding to agree to it.

MR MULCAHY (Molonglo) (12.24 am): Just briefly, I am pleased to speak in support of Dr Foskey's amendment; it seems reasonable, the expectation of legibility. I am not as familiar with the instances that Dr Foskey has cited, although some of those materials I vaguely recall. I do not recall the issue about their legibility, but it is an amendment that is reasonable and there ought to be no prospect that people can put out material that is designed to deceive or mislead voters, and a very clear disclosure of those responsible for particular materials ought to be a requirement of the act. So I think what has been put forward to the Assembly makes sense.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.25 am): The government does not support Dr Foskey's amendment related to ensuring that authorisation statements are easily legible to anyone reading the matter. The reason for this is that the government considers that this requirement is implicit in the existing scheme, as amended by the bill, and that the amendment really is unnecessary.

It comes down to a matter of interpretation of the bill. But, if an authorisation is required, you have to be able to read it; otherwise it is not an authorisation. So we believe the amendment is unnecessary.

MR STEFANIAK (Ginninderra) (12.26 am): I tend to agree again with the attorney. It is getting late. But also, just looking at it legally, it is terribly broad and there is a bit of vagueness in it too; so it might be somewhat difficult to—

Dr Foskey: Yes, some of these authorisations are pretty vague as well.

MR STEFANIAK: Not necessarily. I think there could be some real problems there, just in terms of how it is interpreted, but I hear what the Attorney-General has to say as well; so we are not going to support it.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 2	Noes 13	
Dr Foskey	Mr Barr	Ms MacDonald
Mr Mulcahy	Mr Berry	Ms Porter
	Mrs Burke	Mr Pratt
	Mr Corbell	Mr Smyth
	Mrs Dunne	Mr Stanhope
	Mr Gentleman	Mr Stefaniak
	Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.30 am): I move amendment No 39 circulated in my name *[see schedule 1 at page 1779]*.

This amendment is intended to remove bumper stickers from the list of items that are exempt from authorisation. Following criticism of this proposed change, the government amendment will retain the existing requirement for these items to carry an authorisation statement.

DR FOSKEY (Molonglo) (12.31 am): Mr Corbell and I think alike on this one. This amendment relates to the authorisation of electoral matter. Keeping voters informed of who they are voting for and why is a key factor in any election. The authorisation of electoral material is vitally important in allowing voters to make an informed decision.

As we all saw in campaigning for the federal election, conflicts over unidentified electoral matter are common and contentious. Take the New South Wales seat of Lindsay, for example. This seemed to be a case where the standard Liberal Party

practice of disseminating misleading electoral material went a bit too far and backfired badly. Where these practices are not uncovered prior to an election, they can have an enormous impact on voters in campaigns and, as such, they need to be tightly regulated. Preventing abuses of electoral advertising requires solid authorisation legislation. These laws have been flouted in the past, but knowing they are flouted and knowing that not a lot can be rectified once the damage is done is no reason to ease these requirements.

With this in mind, I have proposed amendments to exclude bumper stickers and other campaign material with 10 words or less from the electoral material that does not require authorisation. I thank Mr Mulcahy for reminding us that 10 words or less could be as large as filling up the side of a truck as well. We thought small; we should have thought big.

Bumper stickers are a popular and prolific campaign tool and should be authorised in order to minimise confusion amongst the voting public. Imagine if we had one of those flashing digital boards along the side of the road, such as Actew's one about our water. There could be six words flashing "vote for Father Christmas" without an authorisation. So we have to think ahead, we have to think of the new technologies and we have to authorise everything. The same can be said for campaign material that is 10 words or less. A lot can be said in 10 words—in fact, most of us have to get our media grabs down to 10 words now, and we actually know that not enough can be said in 10 words—as was shown this year by the truck which had a short, derogatory, anti-Liberal sentiment and which many falsely attributed to the Greens. Even the shortest phrase can cause confusion amongst voters about which group is expressing the opinion. So let us authorise it, and let us authorise it legibly.

Amendment agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.34 am): I move amendment No 40 circulated in my name *[see schedule 1 at page 1779]*.

This amendment is intended to remove items of 10 words or less from the list of items that are exempt from authorisation. Again, this is a matter that has been criticised by a number of members, and the government is prepared to make this amendment to retain the existing requirement for these items to carry an authorisation statement.

This is particularly important—and the government accepts the critique made by some members of this place—in that, whilst you could potentially have very small items carrying 10 words or less, you could also have very large items such as billboards or the sides of buses or trucks painted with 10 words or less, and not required to be authorised under the previous provisions. For this reason, the government is removing this provision and retaining the existing provision that requires these items to carry an authorisation statement.

Amendment agreed to.

Clause 100, as amended, agreed to.

Clause 101.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.36 am): I will be opposing this clause.

DR FOSKEY (Molonglo) (12.36 am): This amendment, in regard to clause 101, is about repealing the defamation laws.

Mr Corbell: No, we are not on that.

MR SPEAKER: Mr Corbell has indicated he will be opposing clause 101. That is the question before the house—that clause 101 be agreed to.

DR FOSKEY: This amendment is with regard to clause 101—repealing the defamation laws. We are not on the same page. Again, we are seeing an attempt ostensibly aimed at simplifying things. Simplification is fine, but we need to consider the impact that some of these simplifications may have.

Yes, our civil law arrangements are technically equipped to handle defamation law suits, but does this mean the candidate would be liable to finance their own legal battle or have the time to devote to preparing their case in the heat of an election campaign? Elections are a heated environment where candidates are far more open to derogatory and slanderous actions. Elections create a heightened level of public exposure. The rules for election are separate from everyday life, so accordingly the rules for defamation proceedings should be different.

The consequences of a misleading defamatory statement affect more than the individual's reputation; they strike at the very heart of our democratic system. Independents and minor parties in particular are unlikely to have the money or the time to properly prosecute defamatory statements made against them for political purposes.

Making it easier to defame political candidates, which is what the government's amendment will achieve, will further discourage ethical and highly qualified people putting their name forward to be MLAs. The defamation offence should remain in the Electoral Act and with the commission, as civil law is not really set up to deal with the mudslinging that is common to elections.

The commission deals with every aspect of electioneering and is better equipped to investigate and make a fair judgement on defamation claims. This could be seen as an example of the Electoral Commission trying to avoid its responsibility for ensuring that elections are fought transparently and that allegations made against parties and individuals have a factual basis.

This reticence to exercise their power is being felt across jurisdictions and is leading to a decline in political standards which can only further alienate voters, especially young voters who are cynical and suspicious of all political parties and politicians and have not learnt to differentiate between the different standards and principles of the various political parties.

If we want to encourage a range of people to put themselves forward to represent the people of Canberra, we should afford them some protection and support. It does not make a lot of sense to argue that we should abandon this provision in the act because it has not worked. It has not worked because the commission has not tried to make it work.

The commissioner has made it clear in the past that he thinks the place to resolve misrepresentations is at the ballot box. This ignores the central point that the motive behind misleading and defamatory behaviour at election time is precisely to influence what happens at the ballot box. It is too late to rely on private legal action to prevent the mischief having its effect. The commissioner must be alert to deceptive behaviour and be ready and willing to apply for injunctive relief. Not to do so is an abrogation of his statutory duty. If the commissioner refuses to perform this duty, then the government should institute another body who will. I would rather we were debating strengthening existing anti-corruption provisions but, given that we are not, I am happy to argue at least that the existing protection offered under this act is preserved.

Clause 101 negatived.

Proposed new clause 101A.

DR FOSKEY (Molonglo) (12.41 am): I move amendment No 46 circulated in my name which inserts a new clause 101A *[see schedule 2 at page 1783]*.

This amendment picks up the commissioner's recommendation to amend the canvassing ban from 100 metres to six metres. The Greens cautiously supported the introduction of the 100-metre rule, which was a tradition of the Hare-Clark system in Tasmania. It promised to cut down on the use of paper and was touted as protection against parties and candidates misleading voters and setting up nefarious preference deals—quite a big expectation. A return to the six-metre rule would prove easy to enforce from the Electoral Commission's perspective and would bring election day activity into line with the commonwealth's requirements at federal elections.

I understand that the Electoral Commissioner is no longer so strongly committed to a return to the six-metre rule, but he has not been able to advise us of any plans to address the existing problems. Yes, there is often a complaint that people feel pressured and harassed when running the gauntlet at polling booths. It is our view that everyone should have the choice of pre-polling or a postal vote if they do not like that. However, there are also many people who appreciate the information and the assistance that they receive from volunteers and party representatives handing out how-to-vote cards.

During the last ACT election, people asked me to explain our somewhat complex system. Having someone there with the knowledge to assist as they were going in is helpful. Most people expect there to be material at the polling booth. I am afraid that most of them do not do their homework as we would like, and this is especially beneficial given that each year our population changes by a staggering 30 per cent, meaning that many voters have never had any contact with the ACT electoral system,

which is complex and, I would contend, poorly understood even by many long-term residents.

I recognise that the six-metre as opposed to the 100-metre rule does advantage political parties. The 100-metre rule leads to an increase in political advertising, such as through television and other mass media. In my view, advertising advantages political parties in a less wholesome way in that it is merely a question of money delivering the benefits. Indeed, a well-resourced independent—not that we are going to see too many of those in the future, by the look of it—such as a one-time developer or a major property owner could expect to receive substantial financial support if they were to run in the ACT on, let us say, a pro-development platform, if it were ever necessary to be so obvious.

On a purely practical level, having those how-to-vote stations set up at each booth provides an environment which better supports the fundraising mini-fetes that most schools operate on polling day. They also are, or usually are, conducted in quite a positive tone. The many stalls and posters and the lively debate of the canvassers also help to create a carnival of democracy on federal election day. By comparison, ACT election day is a more furtive, low-key, very dull and embarrassed affair. We should be encouraging involvement in the political process by allowing canvassers as close as six metres, as they are at federal elections.

As an addendum, I had circulated a draft amendment which would have set up a system of supplying how-to-vote advice inside the polling booths to voters, free of the argy-bargy that goes on outside. This could be as simple as supplying a few folders which contain how-to-vote information from any candidate who wished to supply it to the Electoral Commission prior to election day and making those folders available to look at in the polling station. However, I could discern no interest in the proposal from either major party and, while I have no doubt it would be simple enough to find a workable way to do it, I could see that there was no point on this occasion in pursuing the notion. And this one, of course, would have really been a saver of paper.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.45 am): I would say to Dr Foskey that brevity is a virtue. The government intends to oppose Dr Foskey's proposed amendment to remove the 100-metre ban on canvassing at polling places. This change would fundamentally alter the nature of the ACT's Hare-Clark system, which is intended to combine the Robson rotation method of printing candidates' names on ballot papers with limits on canvassing at polling places in order to empower voters to elect candidates of their own choosing rather than those that may be recommended through canvassing immediately prior to voters entering a polling place.

All I would say in addition to that is that this really would potentially undermine the use of the Hare-Clark system and it would lead to a situation where we could see a push to reinstate a ticket vote endorsed by parties. The Labor Party does not support that, but we believe that going down this road opens up that prospect and we are not prepared to support that.

MR MULCAHY (Molonglo) (12.47 am): My main concern—and I suspect it is a factor in the reason that these laws came in in Tasmania—is the issue of last-minute misleading information. But I suspect the real reason is the fact that under Hare-Clark you have so many candidates in each electorate, and there is the prospect of being mobbed by candidates and all their canvassers. From my experience of 30-odd years in the Liberal Party, part of which has been under the two Hare-Clark jurisdictions, there would be no way in the world that individual candidates would surrender their autonomy to a collective wish of some party official. It is a case of every man and woman for themselves. I am sure the Labor Party has to cope with the same sort of competing issues.

I think that many of our voters, particularly older people, would be quite intimidated by such a large number. It is bad enough in the federal elections when you have the Senate and the Reps together. I saw plenty of altercations in Campbell on federal election day. Dramas go on as it is, presiding officers are dragged out to arbitrate and so on. I cannot imagine what it would be like with potentially 30 or 40 people body-tackling voters so close to the front door of a booth. For that reason, I do not think it makes sense under this particular electoral system.

MR STEFANIAK (Ginninderra) (12.48 am): I thought the Greens were in favour of saving trees; I think of all the paper that would be used in this. I heartily agree with what Mr Corbell and Mr Mulcahy have said about the potential for large numbers of candidates and for candidates' supporters to swamp electors as they come in. How-to-vote cards do not really work in Hare-Clark. The Labor Party tried it in 1995 and it did not work very well at all. I think they learnt their lesson in 1998.

A lot of people I have spoken to in the electorate think it is wonderful that they can go to a polling booth and not be harassed by people sticking pieces of paper under their nose as they enter the booth. People have gone around it to a certain extent. There are some polling booths where you can strategically be about 100 metres away and you will catch a few voters. I found a lovely little possie outside the Labor Club in Charnwood and got a few people. I might have picked up the odd vote last time. But at least with 100 metres you are going to miss a hell of a lot of voters.

The whole idea of our system is to get away from the how-to-vote cards so that people can go in there, think clearly and vote according to their wishes. That is why we have Robson rotation. It is not just that everyone gets a chance at the top of the ballot; the numbers of people who are second, third, fourth or whatever down are jumbled up. So we do not get the donkey vote we had before we did that.

We have a very good system. The vast majority of people in Canberra appreciate the fact that they can go to a polling booth and not be harangued and harassed. They like that. Some people would always like a how-to-vote card, but they are very much in a minority. We in the Liberal Party are very keen to ensure that the 100-metre rule stays, that people do not get harassed very close to the polling booth and that extraneous material does not go up in the polling booth.

The system is not broken; in fact, it works very well indeed. Until such time as there is a real clamour in the community for change—and I do not detect this—I do not think we need what Dr Foskey is proposing.

Amendment negatived.

Proposed new clause 101A negatived.

Clauses 102 and 103, by leave, taken together and agreed to.

Proposed new clause 103A.

DR FOSKEY (Molonglo) (12.52 am): I move amendment No 48 circulated in my name which inserts a new clause 103A *[see schedule 2 at page 1783]*.

I am sorry for annoying Mr Corbell and I am also sorry for people who are here for the next bit of legislation. It just so happens that we have got two really important bits of legislation tonight; despite the late hour, we need to give them both the attention they deserve.

This amendment is in regard to electoral matter and concerns the functions of the commissioner in section 325 of the act. The Greens would like to see the commissioner report annually on any complaints made under section 325, whether the allocations have been investigated or not. At present, the commissioner seems to have a great deal of discretion about which matters to investigate.

There even seems to be a lackadaisical attitude to investigations of misleading or deceptive matter as covered by section 297. The commissioner has stated: "I take the view that the question of how true a political advertisement is is really a matter for judgement for the electors themselves rather than for courts to make." As I have said before, this is a remarkable statement. I invite the commissioner to correct the record if he no longer stands by this statement.

Misleading the public is something that is difficult or impossible to combat quickly; often the damage is done before any charge can be laid. However, that is no reason to allow it to happen and leave it up to the electorate to remember the fraud at the next election and vote the offender out of office. The damage has already been done. An MLA would have been elected under false pretences and rewarded for that deceit. Being voted into government gives politicians enormous power over the lives of ACT residents. Obtaining that power through misleading voters is something that should be discouraged and punished wherever it occurs.

If this is not a role for the Electoral Commission then whose duty is it? Should voters, once they have found out they have been duped—if they find out—take the matter to court themselves? If this is to be the default position, the ACT government should legislate to give the public clear standing to bring such allegations to court.

My amendment aims to protect the public from unscrupulous parties and individuals who hope to use the heated election environment to dupe voters. The Electoral Commission in the person of the commissioner is best equipped to manage and report on these issues.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.55 am): The government intends to oppose Dr Foskey's amendment to require the Electoral Commission to give the minister an annual report on investigation and referrals of complaints received by the commissioner for tabling in the Assembly. This would impose an unusual burden on the commissioner that would not apply to other investigatory office holders. The government does not consider this step is necessary as the commissioner routinely reports on complaints received, in the Electoral Commission's annual report.

I should go on to add that I think the issue of truth is a very complex one in the context of an election campaign. It places the Electoral Commissioner in an invidious position to have to determine what is true. The commissioner is right to make the point that ultimately it is for voters to decide whether claims made by political parties and candidates are true and to vote accordingly.

The proposal that Dr Foskey puts forward would simply inevitably lead to an enormous bureaucracy trying to make judgements about the truth, which, in the election context, would be an almost pointless exercise.

MR MULCAHY (Molonglo) (12.56 am): I think Dr Foskey's amendment makes sense although I do not think that the premise on which she presented her argument—that the commissioner should differentiate on claims of truth—is the most compelling argument for the amendment. I agree with the attorney in that that would be a nightmare.

Every day we sit here, there are barbs back and forward across the chamber. Whilst the term "misleading" the place is not appropriate, the clear inference on numerous things that are undertaken by various members of this place is that they are not being completely truthful in the way in which they report, deliver, defend or analyse a particular circumstance. That seems to be central to all the debates we have in this place. How a commissioner could do that would be an interesting challenge.

But I do think that the principle of action taken on complaints and a reporting mechanism back on that is not an unreasonable one for something as important as electoral issues. From memory, I think that the Ombudsman does this. The attorney said, "We do not expect this of other investigators." I think the Ombudsman's office report on complaints received, in their report. The general principle contained in here is worth supporting.

Amendment negatived.

Proposed new clause 103A negatived.

Clause 104.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.57 am): I move amendment No 42 circulated in my name *[see schedule 1 at page 1779]*.

This amendment applies to a series of transitional provisions intended to ensure that the changes to the disclosure provisions, particularly the reduction in thresholds from $1,500 to $1,000, commence from 1 July this year.

Amendment agreed to.

MR MULCAHY (Molonglo) (12.58 am): Mr Speaker, I had a transitional amendment which was really consequential to the earlier amendment that was defeated, so I will not proceed with it.

Clause 104, as amended, agreed to.

Clauses 105 to 107, by leave, taken together and agreed to.

Clause 108.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.59 am): I will be opposing this clause.

Clause 108 negatived.

Clause 109 agreed to.

Clause 110.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.59 am): I will be opposing this clause.

Clause 110 negatived.

Clause 111 agreed to.

Clause 112 agreed to.

Clause 113 agreed to.

Clause 114 agreed to.

Schedules 1 and 2, by leave, taken together and agreed to.

Schedule 3.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (1.01 am): I seek leave to move amendments Nos 45 to 48 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 45 to 48 circulated in my name *[see schedule 1 at page 1780]*.

These amendments all relate to undoing the various changes in the bill related to disclosure which the government has agreed to not proceed with.

Amendments agreed to.

Schedule 3, as amended, agreed to.

Title.

MR MULCAHY (Molonglo) (1.03 am): In my concluding remarks on this bill, I indicated earlier that I was going to vote against it, and I will vote against it. Central to this whole piece of legislation is, in my view, a rather insidious attempt to make life more difficult for independent groupings to appear on the ballot paper. I think that that is a retrograde step, as I have said earlier, and not one that ought to be supported in a democratic society.

I do not think that it is one that will be well received by the ACT community; that is the feedback I have had. Dr Foskey, to her credit, led the public debate on that, which was then supported by Mr Stefaniak. I am firmly of the view that the people of Canberra expect governments not to start manipulating the electoral system for perceived potential advantage.

I got involved in politics 34 years ago. There is one thing I have observed over the years, and I have worked for a range of governments: when governments start to get into trouble, they do two things in this country, and probably elsewhere. They start tampering with the electoral system because they think that there might be a way they can fool the electorate and beat the system. And they start spending buckets of taxpayers' money on advertising to say how well they are doing the job. I have seen it with governments when I have worked at senior levels; my experience is that it usually works the other way: it makes the electors nervous; they start to reach a view that things have come to time-on and they usually rein them back in.

I was out at dinner tonight at a restaurant in Canberra. The owner of that said that a remarkable number of customers were coming in saying, "We do not want either party to have a majority in the next Assembly." People are concerned about absolute majorities and how they can be misused. The other day even Mrs Dunne warned of the dangers of absolute government. I am not sure that she had thought through what she was saying, but it was interesting. Deep down she probably knows what happens. Parties get absolute power; they go crazy and start doing all manner of things that are not necessarily in the interests of the community at large.

I have never been keen on minority governments—I have said that in the past on the record—because too often the balance of power is dependent on people who are single-issue activists, who pursue a very narrow agenda and who basically hold governments to ransom. It is certainly not my intention to be a single-issue person or

to be simply wedded to a narrow set of views that may suit a very defined ideology. If I were ever in that position, I would be looking to support things on the basis of what is best for the territory, but with the overriding consideration that stable government is absolutely essential.

If we end up with the situation of a minority government, we cannot go through the carry-on that I witnessed in Tasmania when the Labor Party tried to cut a deal with the Greens. And I think the Liberals did at one stage. It was dreadful for that state; the state paid a heavy economic price, from which it has only started to come back in recent times.

That being said, I do not believe that there ought to be legislative roadblocks put in the way of independent people running. I am sure that there will be people running in this election who are substantially less resourced than I am and there will be people running who find the road to creating a political party a challenging one. I am concerned that this legislation tonight is designed to simply shore up the current government—from the prospect of having to deal with more independents in this chamber. Of course, they will be presented with potentially other, but not minor, parties.

I will conclude my remarks at that point, but I will be voting against this bill in its totality.

MR STEFANIAK (Ginninderra) (1.07 am): I rise to put my party's position on the record. I note that we had a large number of amendments which were dropped fairly late and which substantially wound this bill back—wound it back to basically the existing bill. In many ways, this bill seems now to be a bit of a holding bill pending further developments at a federal level in conjunction with the commonwealth government and the states. That makes you wonder just how important it is for this bill to go through given that now the Attorney-General himself has wound back a lot of his proposals. Indeed, he has wound back a number of things we had considerable concerns with. At the end of the day, it is not going to hurt democracy in this town if this bill does not pass, because we still have the old bill there, which substantially has not been amended as much as this bill initially proposed.

We do have—I hark back to it—one fundamental change tonight which, in my view, strikes at the very heart of democracy. That is to make it more difficult for independents—like-minded individuals—to have their place on the ballot paper. We can argue semantics about the Osborne group and anything like that. Yes, I made a technical mistake there, but I might say that in those days Mr Osborne could just form his own party without anyone else belonging to it. He did not have to get 100 members. Whilst I was wrong there, he, Rugendyke and Uhlmann were very much in the position that like-minded independents would be in now. Indeed, we regularly see like-minded independents put their names forward. I think a Canberra small business group got about 100 votes each. My old mate Darcy Henry topped the poll with that little group; he had a few customers in his pub. You do get those groups. It is fair; it is part of democracy. It is the beauty of our system that we have a very fair electoral system here.

The amendment is a significant winding back. The government might not think so and the commission might not think so, but as a matter of principle it is a quantum shift. Making it more difficult for independents is not right for democracy in this territory. For those reasons, the Liberal Party, at the end of this debate today, will not be voting for this bill as it is currently constituted.

Title agreed to.

Question put:

> That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Civil Partnerships Bill 2006

Debate resumed from 12 December 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (1.13 am): Let me start by stating the bleeding obvious: we are at a stage now where we could have been two years ago if the government had accepted the Tasmanian legislation model which we put up in 2006. It was voted down at probably about this time or a little bit earlier—it might have been about 11 o'clock at night instead of a quarter past one. It was around about this time of the year in May two years ago. It was a system that worked well and was tried and proven. Since then it has been adopted by two other Labor states—Victoria and, I understand, South Australia. A lot of people who hung their hopes on this legislation have really been let down by the government. They could have had something in place two years ago. It is interesting in that both federal governments of different political persuasions had problems with what the ACT government was proposing. I will come back to one point in relation to that shortly.

Another point today is that on Sunday the attorney indicated that he had come to no arrangement with the federal government and had to go down this particular path. That was on Sunday. Even though this debate has meandered around in circles for probably two or more years, there is now an element of rushing. We have a bill, a substantive bill, the Civil Partnerships Bill 2006, consisting of 23 pages. The amendments consist of 29 pages.

Obviously, these amendments were produced pretty quickly after the attorney's statement—I would imagine on Sunday. We did not see them until the luncheon adjournment today. They certainly were not here at 12.30. I cannot in any way say with any confidence that they are absolutely watertight and will do exactly what is required in terms of a registration scheme. Certainly, from the very cursory glance I had at them, as far as I can gather they appear to institute a registration scheme. They appear not to offend the federal Marriage Act and the institution of marriage, as defined in that act.

I must say I have not had a chance to look at the Powers of Attorney Act, the Rates Act, the Sale of Motor Vehicles Act, the guardianship act or the Wills Act to cross-reference that. Nor has my meagre staff had a chance to do that. After all, today and this week have been dominated by the budget. One wonders why we have had two very significant bills debated last night and in the early hours of Friday morning in a budget week. Why are we dealing with this bill tonight? The government could have had something very similar up and running by simply adopting our bill back in May 2006. Why could this not be done properly in June, and why the huge sense of urgency now when people have been basically left hanging out to dry for the last two years?

Whilst, on the surface, this appears to be correct—I hope it is—I hope for everyone's sake that the federal government is not going to find something wrong with this or that you are offending a federal act and knock it on the head again. I hope this actually does the job of a registration scheme.

I have had a quick look at it. I do not know that it is exactly like the Tasmanian registration scheme, which allows those in a non-sexual relationship, a caring relationship, to also benefit from that scheme. About 2½ years ago, when I introduced our bill, I said that that was very much the beauty of the Tasmanian scheme. It not only gives loving couples, be they same sex or opposite sex, the chance to register their feelings for each other and have it accepted by law; it also gives people in a caring relationship that ability as well.

I do not quite see that here. In fact, I think that is probably excluded by pages 1 and 2 of the amendments. I may be wrong, but I simply have not had the chance, which is a problem in itself, to actually sit down and go through all of these amendments with the care and attention that should be given to them, simply because it was physically impossible to do so in the time allowed.

I make those points in relation to the amendments and in relation to the bill itself. Our position as a party has been quite clear. We came to the view very early on in this debate that the Tasmanian registration scheme was fair. Not everyone liked it. I gather some of the Christian groups were a little bit iffy about it, but they accepted it. Two years ago—it was reiterated recently—the Roman Catholic Church, the Anglican Church and even the Australian Christian lobby supported a registration scheme. At the very least they accepted it.

You had a consultation period, and I do not for a minute accept that there was some mandate to do it; I do not think many people in Canberra sift through everyone's

policies and accept everything. You had a consultation period and a discussion paper, which had, I think, over 400 responses. Some were individual responses; they were all very varied. I do not think that really constitutes an actual mandate. But we came to the conclusion pretty early in the piece that the Tasmanian registration scheme was something that the vast majority of people in the ACT would accept. It seems to be something that the vast majority of people in most Australian states seem to accept—Tasmania, followed by Victoria and now South Australia.

I have a letter here, which I will have to answer tonight, from someone who is perhaps homophobic. He certainly has a huge problem. He is saying, "Don't vote for a registration scheme." Well, sorry, we actually have gone into this in some detail. We put up our own bill, based on the Tasmanian model, which you should have accepted. By the way, if there is something wrong with this, you are still welcome to pick it up and do it. Again, I simply have not had the time to say definitively whether this actually hits the spot or not.

But it is a system which is growing in acceptance, and I think there was considerable merit in what the federal Attorney-General said in terms of a nationwide approach. A nationwide approach on these things is very important. I make one point. It is an interesting debate in terms of states' rights and territories' rights and commonwealth rights.

One thing that has been missed a bit here and which makes us a bit different, say, from the Andrews bill is the fact that there is a section in the constitution which states that if there is an existing federal act, a state or a territory cannot enact legislation that is inconsistent with that. Two successive federal governments with completely different political persuasions have had a problem with what has been put up by the government. We have said on a number of occasions that we support the existing federal act—the federal Labor Party supports it and the federal Liberal Party supports it—which supports the sanctity of marriage, as defined in that act.

That is a slightly different situation from a situation where there is no relevant federal law. There is nothing to be inconsistent with and the territory or a state passes its own law. Under the states' constitutions it is all over, red rover and the commonwealth cannot do anything. But the commonwealth can, of course, pass an act which effectively kills off a territory act, and that happened in Andrews. I had problems with the Northern Territory legislation, as indeed I think did most of the government at the time, but it was not inconsistent with any federal law because there was no relevant federal law. The commonwealth, through a private member's bill, stepped in and overrode that existing territory law. I think everyone was right to complain about that.

In this particular situation, though, we are dealing with an existing federal act. Perhaps to some people that is a minor point, but it is important legalistically and constitutionally. I think a lot of people have missed that in the debate. More importantly in the debate, we enact laws for good government. We enact laws to ensure that society moves on. We do things to protect society. We do things to ensure fairness. It seems to me we are now at a stage that we could have been at two years ago—a stage where people in a loving relationship, regardless of their sex, can have it registered and get the benefits that flow to them through law.

Parliament has actually moved on in the last two years. The federal government is now enacting antidiscrimination laws which we support and have been supporting for some time. We in the territory have enacted a number of antidiscrimination laws. If a registration scheme had been set up two years ago some legal rights would have flowed that were not available then. Some legal rights will still flow from registration, although it may still take a little bit of time to get through federal parliament.

The legislation does seem to do as is required by the federal Attorney-General. It does not seem to us to be inconsistent with the Marriage Act. The amendments do, on the surface, seem to set up effectively a registration scheme. There are a couple of differences, I think. I am not quite sure if the Tasmanian scheme actually allows for a ceremony in the Registrar-General's office. I am not quite sure if that point is there or not, and it does not really matter. I gather that under the registration scheme in Tasmania and, I gather, in other states, if people want a ceremony they can have a ceremony. Indeed, they are entitled to do so. If that is a sticking point, it is not mandated in this particular bill. It is not mandated in the Tasmanian or other acts. That sticking point seems to have been overcome in this particular bill.

Again, I am not going to be definitive in any of this, simply because I have not had the time to cross-reference and check all of this, but from my initial glance it seems that you are setting up a registration scheme. It does seem to be, on the surface, quite consistent with what has gone on before in other states. You do not seem—at this stage, anyway—to have caused any likely problems with contravening an existing federal act, although I suppose time will tell.

That does, I think, highlight the problem that we are passing this blind to a certain extent because we have not had the time to go through it in any detail. So we are taking it with an element of trust, and I do not really think that is a satisfactory situation. I cannot really see why. This issue has been around now for several years—several years of your own making. You could have got it right to start with. You could have taken steps to do something like this even after the Howard government had problems with it. You have only done it a second time round because the Rudd government obviously had similar problems. You could have ensured that people who want to make a public commitment to their loving relationship, regardless of their sexual orientation, and to put that on the record could have had that recognition much earlier than will occur now.

You seem to have a bill which should be acceptable to most people in the community, and that I think is an important step. It is important to pass good legislation. It is important to pass fair legislation. The majority of the community will usually see the relevance of and the necessity for good and fair legislation and they will say: "Yes, that is something we can support. We think that is a reasonable idea. We give it a tick in the box."

The test of good legislation is that it stands the test of time. Earlier in the debate I mentioned something that Dave Rugendyke did that stood the test of time which was opposed at the time. There was a lot of controversy about it, but it was seen to be sensible legislation. So we will see what happens with this legislation in terms of the test of time.

At this point I cannot find any obvious problems with the legislation. There may well be problems, but just having a look at it, it does seem to do what it is supposed to do. It does establish a registration scheme. It does not seem to be exactly like Tasmania. It does not necessarily have to be, but it seems to be in the same ballpark—the same type of scheme. One of the sad things about it is that it has taken you so long when you could have had something like this up and running two years ago.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (1.28 am): It is nearly two years ago to the day that the Assembly debated and passed the Civil Unions Bill. That bill was about recognising and strengthening relationships. It was about supporting loving, caring relationships regardless of the sexuality of those involved. Unfortunately, we all know what happened next. The federal government arrogantly intervened and vetoed that legislation.

There is no doubt that the federal government had the power under section 35 of the self-government act to overturn that legislation. The question is: should that power have been exercised? In thinking about this issue it is worth contrasting section 35 of the self-government act with section 59 of the Australian constitution that grants the British monarch the power to invalidate within one year any law passed by our federal parliament. I note that that power has never been exercised and I doubt it would ever genuinely be contemplated. But it is an example of a power that could have been used by monarchs over the years. Fortunately, common sense and democratic values have always prevailed.

Sadly, such common sense and democratic values are not prevailing with respect to this parliament, this Assembly, and two years on we are back again with the Civil Partnerships Bill and the federal government has yet again intervened in the territory's law-making process. It saddens me to observe that it now appears that both sides of federal politics have determined that it is appropriate to veto territory laws. Can you imagine the reaction of the Australian people and federal parliamentarians if the British monarch overturned or sought to overturn a law of the Australian parliament? The sad thing is that this was not always the position that was put by federal governments or by the federal parties, both Liberal and Labor. Prime Minister Rudd said only on 6 December last year that "the question of legislation of the type that you speak, it's always been our view as the Labor Party that that lies properly within the prerogative of the states and that remains our position".

Former Attorney-General Philip Ruddock made a similar observation—that the matter of civil unions is a matter for the states and territories. The question is: what changed their minds? It is clear that the influence of the religious right is a factor. We live in a secular liberal democracy and there is meant to be a separation of church and state. However, on the basis of the experience with this legislation and some of the comments from significant players in this debate, it is obvious that hard-line religious leaders have played a major role in orchestrating yet another federal veto of this legislation. It saddens me that Mr Stefaniak went so far as to say last week that the Assembly should only support legislation that was approved by the major religious leaders.

Organised religion does not have a monopoly over morality or ethics. I am concerned that we have now reached a point in Australian public life where our parliaments seemingly require the acquiescence of the major religious leaders to enact laws. Given the position outlined by the ACT Liberals in this debate and in all of the debates around recognition of the rights of same-sex couples, it would appear that we can expect a Seselja government, should that ever occur, to adopt a very similar conservative position on a range of other issues, like abortion and adoption.

It saddens me that the agenda of social inclusion that we have seen embraced by the Rudd government does not appear to extend to fully including gays and lesbians in Australian life. It appears the Rudd government does not want to be seen, even in a technical way, as starting or approving the starting of gay relationships, but it is happy to recognise them if they exist. Registration and civil unions qualify gay and lesbian couples for almost equal treatment, but civil unions, it seems, look too much like weddings and therefore, according to the federal government, they are bad.

The question must be asked: why? There is no logic in opposing civil unions whilst encouraging registration. The federal government apparently does not object to gay couples or object to legally recognising them. It just objects to ceremonies. As one commentator has observed, apparently this is a problem with symbolism, not practicalities. I must admit I find that interesting from a government whose first major efforts have been to apologise to the stolen generations and to sign the Kyoto treaty. The question I would ask is: why shouldn't same-sex partners be able to stand up in front of their family and friends and receive the blessing of the state for their union? The federal government is effectively saying that some relationships are more legitimate than others and that some loving, committed, long-term relationships are, for some inexplicable reason, of lesser value.

I have said in this place before that good governments seek to lead on important social issues. Good governments set the social agenda for their communities. They govern as leaders, not as followers. This government believes that all loving, committed relationships deserve to be treated equally and to be celebrated. To the extent that this bill, as amended, achieves these aims, it is an important step forward. That said, I acknowledge that this is not all that it could have been and that many are disappointed that it does not go further. Some very important reforms remain in the bill, though. The ACT government will be able to offer many benefits that flow from formal recognition of relationships. Partners will still be able to have ceremonies at which a representative of the ACT government presides.

Strong relationships deliver important benefits to us all. We all define ourselves in some way by those we choose to share our lives with, and love, trust, intimacy and commitment are found at the heart of all good relationships. Even in its modified form, this Civil Partnerships Bill encourages, empowers and protects couples who want to make their relationships loving, long term, stable and committed. We should embrace all such relationships; they enrich us all.

The passage of this bill is a step towards the removal of discrimination that is intensely felt by Canberrans who have been living in long-term, loving, same-sex

relationships. It will help ensure that our citizens, regardless of their sexual orientation, are shown the dignity and respect to which they are entitled. I also believe it will put the spotlight on other jurisdictions to introduce similar schemes and it will pressure the Tasmanian and Victorian governments to go that step further with their legislation and to allow ceremonies.

I commend the bill to the Assembly. Even in its modified form, it is better and it is a step forward from where we are now. I hope that this legal recognition will prompt more people in same-sex relationships to come forward proudly into our community. Finally, I wish all of those couples who choose to formalise their relationships under this new law long and happy lives together. I know that their commitment will be recognised and warmly embraced by the ACT Labor government and by the vast majority of their fellow Canberrans. I thank all those who have stuck around tonight to be part of this debate.

DR FOSKEY (Molonglo) (1.36 am): It is sad and it is a pity that we are standing here tonight on what should be a celebratory occasion, but in fact it has a little bit of a feeling of a wake. There is no doubt that this whole experience tells us again what we already know and what we do not need to be told over and over again, which is that sexuality and reproduction will always be the markers by which ideologies separate themselves in our polities.

I want to reiterate something that I learned and that many women learn, I think, in their practical lives but which I learned from my research, and that is that these kinds of debates are never really about ethics; they are never really about religion; they are in fact about power and politics, often disguising themselves as religion; that they are generally asserting power over the bodies of women and sexual minorities; and that these are often easy targets in our society because they are not groups that generally hold the power to actually take control of their own lives as they want. And that is what we have learned yet again.

So it is with great reluctance that I announce a qualified support for the highly qualified ACT government's Civil Partnerships Bill 2006, as it will be amended after tonight. Unfortunately, due to intervention by successive federal governments, the bill has lost a lot along the way. Gays and lesbians continue to face unnecessary discrimination in our society. There was a chance that things were going to move there; there was a genuine commitment from the Stanhope government. I want to see the ACT government's original Civil Unions Bill passed in this place without any intervention by the federal government.

I was disappointed by the announcement that our new federal Labor government was unwilling to support the legislation in its previous form. Not so long ago we had the Prime Minister's assurance that he would never interfere with ACT matters. ACT people have a right to feel let down and angry.

It is worth noting the petition tabled today that calls on the ACT government to pass the Civil Partnerships Bill that includes legal recognition of ceremonies. Within only four days of the announcement that the ceremonial recognition would not go forward, the petition has been tabled, with an incredible 711 signatures. Such is the outrage.

Members of our community will also be holding a protest this Saturday, which I will attend and speak at. Will Mr Barr and Mr Corbell be as popular at this rally as they were at earlier, more optimistic ones?

I was hoping to put forward a motion yesterday calling on the ACT government to not give up the fight and to extract from the Civil Partnerships Bill those aspects that relate to the legal recognition of ceremonies and present it in a second bill. Unfortunately, I could not put forward that motion as it pre-empted today's business and would have been out of order. Being a single member in a budget week, my office has not had the resources to do up the amendments but I do intend to table amendments in coming sitting weeks.

If the Greens' idea was followed, the first of the two bills would be exactly what we have here in front of us, legislating for the recognition of a relationship between two people, regardless of gender. This bill would meet the federal government's concerns, be passed by the Assembly today, without disallowance by the federal government, and would provide for civil partnerships to occur in the ACT as soon as later this month.

But the second bill would provide for the legal recognition of ceremonial aspects of civil partnership and, if the federal government chose to disallow this legislation, the plight of civil partnerships would not be put entirely at risk. In addition, by forcing the federal government to disallow the legislation, the ACT government could force, with assistance from Greens senators and federal Labor, to have a publicly documented debate on the matter via the Senate.

But the path that the ACT has chosen does not push the federal Labor government to explain itself, as the previous federal Liberal government was pushed. Prime Minister Rudd should be forced to say why he has suddenly done an about-turn on the matter of civil partnerships. Late last year he said he would not interfere. What caused the change?

Perhaps the Rudd government has found it politically expedient to form a compromise with the Australian Christian Lobby and groups such as Family First. And there are others, as we know. There are not too many of them, but they have loud voices. The compromise could be that these conservative Christian groups will remain silent during federal Labor's removal of discriminatory clauses from commonwealth legislation, if Labor is willing to overturn ceremonial aspects of the ACT civil partnerships legislation. Perhaps Mr Stanhope knows; perhaps Mr Corbell knows. I would like to know.

ACT constituents are thus the pawns of Mr Rudd's trade-off, and it appears that the ACT government is going to let this happen. I am not totally sure why the ACT government ultimately chose to scale back its fight for same-sex couples' rights. It could be because both governments are Labor and the ACT does not want to fully combat its federal counterparts, the ACT government just wants to hurry up and see civil partnerships legally recognised, or the federal government has provided our ACT with no choice. The answer, I suspect, is a mixture of all three.

I am sure it must be very galling for the government to sit there and listen to the sort of muted gloating that the Liberals were able to go on with. I must say Mr Stefaniak was somewhat restrained. Nonetheless there it was, in his voice.

I can understand Mr Corbell's desire to give legal recognition to civil partnerships as soon as possible, for same-sex couples have already waited too long for their significant and loving relationships to be recognised. Mr Corbell did issue two very angry media releases about the federal government's decision and the Chief Minister had a momentary outburst. But I do not really see the Attorney-General or the Chief Minister putting up a strong fight.

If the federal government was forced to veto the ceremonial aspects of civil partnership, it would be made to squirm with embarrassment, both within and outside Australia. If the Senate was forced, probably by Greens senators, to debate and vote on the disallowance, I would expect some senators to cross the floor. Gary Humphries might do it again.

On 15 June 2006, Greens Senator Kerry Nettle, in collaboration with Labor Senator Ludwig and Democrats Senator Stott Despoja, moved to overturn the Liberal government's disallowance of our Civil Unions Act. Federal Labor was crying foul when Howard vetoed our civil unions legislation. Prominent members like Penny Wong spoke out in favour of both the legislation and the right for the ACT to self-govern. To quote Senator Ludwig:

> Labor are moving to disallow this instrument because we do not believe that Mr Howard should override the ACT laws on this matter.

And let us not forget that, after 1 July, the Greens, with Nick Xenophon or Steve Fielding, will have the balance of power in the Senate. This will be a very interesting situation.

In the case of the commonwealth antidiscrimination changes, the Labor Party could actually get the changes through without the Liberal Party or Steve Fielding, if just one Liberal or National was willing to cross the floor. There are some, I believe, who would be willing to cross over—or let me say, I hope. Rudd may not have had to cut a deal with Family First about civil union ceremonies, if indeed that is what has happened.

I recognise Mr Corbell's attempts to maintain ceremonial aspects of civil partnerships by arranging for administrative ceremonies to be conducted by the Registrar-General or her delegates. But as he himself said, these ceremonies will have no legal status. And that is the key point. If we are trying to remove existing discrimination against gay, lesbian, bisexual, transgender and intersex people, we should maintain our commitment to a legal and symbolic ceremony.

As Mr Barr said so well in this Assembly on 11 March 2006, when the Civil Unions Bill was passed:

> Gay and lesbian Canberrans are part of our community. We are not nameless, faceless people who live on the margins of society. Gay and lesbian Canberrans deserve the respect and dignity afforded to others; we deserve equality. This bill affords us equality under the law.
>
> This equality is not only functional and practical but also highly symbolic. It allows us to hold our heads up high as equal members of the community and to celebrate our relationships. It is about dignity.

Symbolism counts. Legal recognition of a ceremony will not award a gay couple greater taxation benefits or access to a partner's superannuation but will send a clear message that their union deserves to be celebrated, just as does a heterosexual couple's. And the key debate with federal counterparts is all about symbolism.

There is not essentially a great difference between the Tasmanian relationship register and ACT civil partnerships. Both provide for legal recognition of a relationship between two people, regardless of gender. The difference is that that Tasmanian registry was never designed to be a step towards awarding same-sex couples symbolic recognition of their relationships. It is much more focused on practicalities. In the ACT, not only do we want to make life easier for same-sex couples when it comes to things like finance, we also want to symbolically recognise and celebrate their choice to make a commitment to each other.

But successive federal governments will not have a bar of it and will not let us celebrate unification between two people of the same sex, apparently because it threatens the institution of marriage. What federal counterparts are yet to define is in what manner a marriage between two heterosexual people is threatened by the celebration of a homosexual civil partnership. The federal Labor government cannot and will not answer this question because it is embarrassed to admit that it would rather stay safe in the minds of the homophobic than support homosexuals' rights.

In 2006, many Labor representatives called out Mr Howard on this aspect of his politics, but it seems pretty quiet today when it comes to Mr Rudd. Back in those days, our Chief Minister, Mr Stanhope, said he was willing to take High Court action if the federal government attempted to overturn civil unions legislation. What has happened since then, Mr Stanhope? Why have you given up?

For the past two ACT elections, the Labor Party has committed to introducing civil unions legislation, which I assume includes legal recognition of ceremonies. I wonder: with the coming election, will the ACT Labor Party maintain this as part of its platform?

The government conflict over civil unions has increased my concern about the impact of wall-to-wall Labor governments, due to their enthusiasm for cross-border legislative harmony. We are often told that the ACT government is not proceeding on a matter because it is waiting for a ministerial committee agreement or it must go backwards to meet lower national standards.

In the case of civil partnerships, we are seeing the federal government set the standard as to what can constitute acceptable recognition of same-sex partnerships by requiring

the ACT to come into line with Tasmania and Victoria. But we are not Tasmania and we are not Victoria. Our population is perhaps more progressive. We have human rights legislation—we have had it for five years—and if it was not for the federals using our territory status against us, we could have more legislation that reflects our values.

To quote Senator Ludwig again:

> Because this issue affects only the territory, it should be left to territorians to decide. If self-government in the ACT is to have any meaning at all, it must mean that the ACT legislature can determine policy of this sort.

The centralised power of the Labor Party threatens progressive jurisdictions. The small but powerful groups asserting their moral superiority and ability to dictate other people's lives will set the agenda at a federal level. We must do something to combat the flow-on effects for jurisdictions like our own. It is really a great pity that the Stanhope government has decided to assist the federal government's weaselling out of this commitment by withdrawing key parts of the legislation to save the face of its federal counterparts.

Nonetheless, the Greens will be reluctantly supporting the Civil Partnerships Bill before the Assembly. I acknowledge the need for civil partnerships to be available to our constituents as soon as possible. However, I urge the ACT government to maintain the fight for same-sex couples, perhaps by supporting my additional bill when it is tabled. If this government is unwilling to take further action, I can only assume that it is going to wait until there is another Liberal government in the federal parliament when it will again feel bold enough to take up the fight.

MR BERRY (Ginninderra) (1.50 am): I feel a strong sense of outrage at what has occurred in recent days and weeks about the Civil Partnerships Bill and the resulting negotiations between the ACT government and the Rudd Labor government. In 2004, the Labor Party went to the election with a policy to continue our work in updating the ACT's laws to remove discrimination against people in same-sex relationships. Specifically, we promised to legislate for same-sex relationships. And in 2006 we delivered the Civil Unions Bill that was debated and passed in the Assembly on 11 May.

But it did not accord with John Howard's view of the world and, in that dark time when Howard and his cohorts were working to divide the Australian community, they seized upon that particular piece of legislation in another divisive act to drive a wedge into the Australian community. After that, of course, I am very happy to see that the Australian community woke up to what Howard and his crowd were doing and threw them and the Prime Minister out of control of the federal parliament.

I recall that, on 8 June, the Assembly took the step of passing a motion to address the Governor-General, a step never before taken, in relation to this matter after Howard acted on our legislation. We had been involved in these things, though not at the same level, in an appeal to the federal parliament when the Andrews bill, another Howard cohort, overturned the Northern Territory's euthanasia legislation and our right to

deliver on that particular legislation. I was proud to deliver the address to the Governor-General on 13 June. But to no avail, as members will recall.

I signed up to this legislation because I believed in it and it gave the ACT the opportunity that we have from time to time to champion something which might show some leadership to the rest of Australia where these sorts of issues are not dealt with well and where discrimination still occurs for people in homosexual relationships. I think it is a matter of great shame that these things are allowed to continue.

But the sense of outrage that I spoke about when I started was stirred again by some of the things that have come out of the federal Labor government, especially when I touch on these following points which really show the gross hypocrisy of Rudd and his crowd on this issue. I have got a great deal of pride—do not get me wrong—in the Rudd government. I think they provide great leadership for this country. It has been like a breath of fresh air and things have been going swimmingly.

One of the reasons he is there and why things are going well is that he has been consistent. It is a great embarrassment to me that he has not been consistent on this issue but I think, in terms of interfering with the right of this Assembly to legislate in accordance with the self-government act, he has been shameful, especially in light of some of the things he has said.

I read some comments that were made in the Senate by Senator Joe Ludwig. He goes through the history of the events which led to the Governor-General disallowing the legislation, and he goes on to say:

> Labor are moving to disallow this instrument because we do not believe that Mr Howard should override the ACT laws on this matter. Let me explain why.
>
> Labor acknowledge that it is this parliament—only the Commonwealth parliament—that can make laws about marriage. In fact, in 2004 we did pass a law confirming that marriage was between a man and a woman. Labor supported that view then and are committed to maintaining marriage as a separate and special institution between a man and a woman. The ACT Civil Unions Act does not deal with marriage. It does not compromise, contradict or impinge on that principle. It does not, and could not create same-sex marriages. In fact, in section 5 of the [then] act, it says expressly that a civil union "is different to a marriage".

And if you look at the bill which is the subject of this debate, the Civil Partnerships Bill 2006, in section 12 it is pretty clear how civil partnerships are entered into:

> Two people who have given notice to a civil partnership notary in accordance with section 11 may enter into a civil partnership by making a declaration before the civil partnership notary and at least 1 other witness.

That is not a marriage either. And this is where there has been a disingenuous approach taken by the Rudd government to the law that has been attempted to be passed in this territory. It is not a marriage; it was never a marriage; and it is completely disingenuous to try to create that impression. But it is consistent with that which the religious right has been saying.

Religions think that they have ownership of marriage. Marriage was around a long time before religions came on the scene, but the religious right have decided that they own it and that only their rules shall apply in these matters. I think it is about time that secular governments in this country sent the religious right a message about their place in this society. Something they ought not be doing is fostering discrimination in our community. And that is what they are onto now. They foster homophobic moods in the community by their utterances in relation to these matters.

I heard Jim Wallace on the radio the other day trying to equate some nutter in Holland marrying a dolphin or something with these laws that were being passed in the ACT. What sort of tub-thumping is that? It is just tub-thumping fundamentalism which tells us all we need to know about that advocate for Christianity. There are progressive Christians who cringe when these people say anything in relation to moral issues.

So it is very clear from what was said in the Senate that Labor was committed to our right to pass legislation in relation to these matters before the election. What has changed? Nothing has changed so far as the ACT is concerned. We are still consistent with what we wanted to deliver, and what we were all signed up to on the Labor side, and the Greens, in relation to this matter. So nothing has changed here. Something has changed in the federal parliament.

I also note that there has been a lot said lately about Gary Humphries crossing the floor in relation to this matter. He was congratulated on what he did. But of course it was never going to make any difference, so he was not in danger of doing Howard any damage. It was well known then that the Family First Party was never going to cross the floor. I know that because I rang his office and wanted to talk to him about this particular issue and the right of this Assembly to make laws in relation to these matters. But he was not available to talk to me.

I know where he stood and I will bet you Gary Humphries knew where he stood too before he crossed the floor. Good on him for doing it in the end; it looked good; but it was never going to make any difference.

I agree with the things that Senator Ludwig was saying in relation to the federal parliamentary Labor Party in 2006. As late as December 2007, after the federal election had delivered our Labor government and Kevin Rudd, the new Prime Minister, he said, in relation to these issues:

> On these matters, states and territories are answerable to their own jurisdiction.

I have to say that the heavy-handed threat by the Rudd government this week has turned all of this on its head. And that is why I have this sense of outrage. The problem is, I think—and I have said this to my colleagues—the ACT government folded their tent too early. In effect, they are taking the dump. They are taking the dump for something which Kevin Rudd should be taking the dump for. He should have to explain why he has been hypocritical in relation to this matter. The only way that that can be done is to test him. I believe he ought to have been tested. That is my strong view. He should have been tested on this matter.

I understand the pressure that has been brought on this government in the ACT. I could imagine some of the threats that were made because I know how powerful these people sometimes feel in relation to these matters and how much power they think they wield. But I think, on this one, it would have been nice to see them tested. I know that out there in the political world there are a whole bunch of people waiting for our Prime Minister to miss his footing. It does not look like he is going to, but I think he has on this one. If he had been put to the test then I think he would have folded.

If you look at all of the background to this, there is no reasonable argument that our Prime Minister could have put to intervene because of all of the things that he said in the past on the matter. And that is why I believe we should have stuck to our guns. I have taken that view from the beginning, principally because I think that we have lost the opportunity to lead again.

"Two people who have given notice to a civil partnership notary in accordance with section 11 may enter into a civil partnership by making a declaration before the civil partnership notary and at least one other witness." The opportunity to do that will not emerge again for a long time because of all of the politics which have been generated by this.

So I do not support amending the legislation to pander to this current Prime Minister. I think he should have been taken on. In the end, I am not going to vote against Labor's position in relation to this but I am so outraged about it that I think Rudd is wrong. As much as I welcome this Rudd Labor government, on this issue of the right of this Assembly to pass legislation of its own in accordance with the self-government act, we should be left alone, as Kevin Rudd promised we would be. So it is wrong, I think, for us to change our actions as a result of a threat from the federal government.

They gave us the right to do things. I acknowledge that they have got the right to intervene if they want to under section 35 of the act, but they are out there saying, "What the people of the ACT and the legislature there have done is the right thing," or even if they disagree with what we have done, they took the position they had the right to deal with it.

It seems to me that the Rudd government would not want to see itself as a mirror image of the Howard government and that is a strong reason why I would prefer it if the amendments to our legislation were not to proceed. It is good legislation. It is the sort of stuff that shows the ACT taking the lead again on important issues. I emphasise the point again that the federal government, the federal parliament, should never be let off lightly for interfering in the way we legislate here in accordance with the self-government act.

There ought to be a debate. What has happened here is that there have been negotiations and never a debate. There needs to be a debate in the federal parliament about this. If the Rudd government wants to intervene then there ought to be a debate about it. Regrettably, that will not happen. As I said earlier, I am extremely outraged at the behaviour of the Rudd government, the way that it has treated this Labor

government here in the ACT because of the progressive policy that it has adopted. We should have been allowed to pursue it in accordance with the laws that have been laid down by the federal parliament. I think we folded our tent too early.

MS PORTER (Ginninderra) (2.05 am): This is a very sad day as we debate in this place a bill which is so much less than we had hoped—so much less because of the gross interference by the religious right that Mr Barr spoke so passionately about. It is not the whole Christian church, of course; Christian friends of mine believe in equality and fairness and the right of people to have their loving relationships recognised and celebrated, no matter who they are. And yes, the state and church should be separate. Why is this not so in this case?

My niece, happily, was able to have her loving relationship with her partner recognised through British law—as her partner is a British subject—and recognised through a wonderful ceremony. Those two women are fortunate indeed. Their mother, my sister, I know, is feeling with all of those who are distressed and disappointed tonight and with us right now as we face this night of regret, this night of disappointment and this night of a small step which we had hoped would be a great leap in the right direction.

MR MULCAHY (Molonglo) (2.07 am): This piece of legislation has been immersed in controversy since its introduction in its original form. One would have had to have one's head buried in the sand not to be well abreast of the developments in relation to the Stanhope government's push for civil unions or partnerships in the ACT. I am anxious to make sure my position on this matter is understood.

I do not subscribe to the opposition to people involved in same-sex relationships having the rights from discrimination enjoyed by heterosexual couples. I do not support discrimination on the grounds of sexual preference, particularly in the context of this discussion—or other criteria such as race—and not confined to but especially in relation to the employment environment, which is an area that I feel still needs attention.

Couples in same-sex relationships should be able to access things like superannuation and so on in the same fashion as traditional partners are able to. There should be no legal discrimination against same-sex couples. The announcement by the federal Attorney-General last week—I have not heard much regard given to this tonight but I may have missed it because I had to make some late calls—that he would be moving to remove any remaining barriers when the parliament returns is welcome.

I do, however, hold to the view that marriage is between a man and a woman. In making that statement, I am certainly not a captive of the religious right, as Mr Berry and Ms Porter have been referring to tonight. I am a Christian, and no doubt that colours my thinking on these matters, but I certainly have no accommodation for bigotry or any of the sorts of hostilities that have been touched on tonight. I will certainly support this bill, which allows same-sex couples to be recognised and registered. I believe that systems that have been developed in other jurisdictions like Tasmania should serve as a model, but I believe that the institution of marriage should remain between a man and a woman.

I am critical of the handling of this issue by the territory. I believe that there has been an element of going out of the way to pick fights and antagonise on this issue, rather than negotiating things through. The initial attempt to allow 16-year-olds in a same-sex relationship to commit to what effectively was a marriage was ill advised. It was something that sparked the ire of the community and should never have been put forward. I think that they undermined their position by going down that road. I am pleased that the Attorney-General's amendment included increasing the required age of parties to a civil partnership to 18.

I get disappointed when I hear the Chief Minister or Attorney-General railing against the federal government—more correctly, federal governments of both persuasions—for overriding territory laws. It is very hard in debate on an issue such as this, and there have been other contentious areas. Mr Berry talked about euthanasia legislation in the Northern Territory that was overridden, I believe, at the direction of Mr Andrews. It is very hard to look at these things in a non-emotional fashion and understand or appreciate the respective powers of different levels of government.

The fact is that one needs to look at that—to stand back somewhat on this issue and recognise the fact that the Australian Capital Territory does not have unfettered power. I made this point before this latest blow-up when we had a group of visitors to the chamber from various schools and this issue came up. The point I made then, and the point I make again tonight, is that the states also do not have unfettered powers. Indeed, the commonwealth does not have unfettered power. All levels of government in this country have limits upon the power that they can exercise. Does the fact that the federal government overruled these laws mean that they have overstepped the mark in the exercise of power? I would contend that that is not the case. It may be argued, in fact, that the ACT government stepped beyond its authority and power.

I know the contention that the final wash-up of this is a consequence of threats made against the Rudd government by what has been described as the religious right. I have no knowledge of those discussions; I do not know whether members here do or whether there is speculation. But I do put some store on the issue of different levels of power with different governments.

Having grown up in Tasmania, I remember a federal Labor government crunching Tasmania over the Franklin dam issue many years ago. They did not believe that the Tasmanian government had the right to make those decisions. That was okay because that was a fashionable issue, it was leading up to an election period and it was seen as populist. But the fact is that they went to the High Court to override a state. They used their external affairs powers, as I recall.

The same principle that I am getting to is that no government in this country—whether it be municipal, state, territory or commonwealth—has absolute power in every direction in terms of the way it legislates. We have to keep that in mind here. I came into this Assembly in 2004 with a fairly clear appreciation that there were limitations. The mace that sits there, I am told by a former federal minister, is an issue in itself. I am told that the Clerk of the Senate took great exception to a mace being put in this place and felt that it was beyond the capacity of this place to have that

feature and all that goes with it and what it stands for—because we are not a parliament in that sense. These are complex issues in terms of powers, but I do not think they should be ignored in the heat of what has become a very high-profile issue.

The government suggest that they believe they have a mandate on this policy from the 2004 election, but I am very much of the view that a significant number of people voted for them for reasons other than their particular interest in the issue of civil unions. I appreciate that a number of people in this community see this as a very important issue. It is a very emotive issue. Mr Barr has spoken at great length tonight and with a great deal of passion about how important it is for people in this town.

I do not think, though, that it is an issue that is prevailing with a large number of the people in Canberra. I can only judge that on the letters and emails I receive—a very small number—on this issue. I have had people on one side send me letters. I had one quite bizarre letter today saying, "Oppose the lot. This is all linked to various disease and illness." It was quite an irrational letter.

Mr Barr: Dolphins? Did it mention dolphins?

MR MULCAHY: No, it did not get into the dolphins. I do not think that this was a person from the religious right, but they had some extreme views. And I have had some on the other side of this debate. But I have to say that the number of communications I have had on this issue would be fewer than 10 in the last three months versus what would probably be now into the several hundreds on other issues.

I say that not to diminish its importance to those who have a particular interest in this but simply to say that I suspect most people in Canberra look to the Legislative Assembly to address other basic issues, such as health, education, municipal services and things of that nature, which are important in their day-to-day lives. I do not think they see this as a place for massive social change.

I think there is a bit of a temptation in this place to favour high-minded and socially profound issues over the more mundane day-to-day tasks like ensuring that police services are maintained at an appropriate level and provided in a timely fashion and that other basic services are in order.

All governments must operate within the limitations of their power. This is as true of the ACT as of the federal government and all other jurisdictions. If the ACT government believes that the commonwealth is exceeding its constitutional powers, there are mechanisms, including the High Court, where those could be tested—as has happened on occasions before when there has been conflict between commonwealth and state and territory governments. It would appear that that avenue—I imagine—has been explored and not found to be persuasive. Whether there were other motivations on the part of the current Prime Minister, others would know; I do not know.

We do have to recognise the fact that there are limitations. We cannot have defence forces raised by states; we do not have states being allowed to print their own money. Obviously, there is a view nationally that the ACT government has limitations on what it can do.

I have gone on at length about the issue of division of powers and entitlements. I also note the keen interest in utilising the Human Rights Act in the context of this debate. I noted the Attorney-General's remarks when he said that the directly elected representatives of the people of the Australian Capital Territory have attempted to maximise the opportunity for ACT citizens to enjoy this right—he meant rights supposedly derived from the ACT Human Rights Act—but then went on to say that they had been restricted in their attempt to do so by the archaic restrictions placed on them by the commonwealth at the time of self-government.

It should not come as a surprise to Mr Corbell that the ACT is in fact governed under the self-government act. That is the act from which the ACT government derives its power, not the Human Rights Act. I do not think that it is valid to argue that it is an archaic piece of legislation. It sets—just as the constitution does for the commonwealth government or the Australian government and the states—the legislative boundaries under which we in this territory operate.

As I have said, this issue has become highly politicised. I believe that there would be very few people who would oppose same-sex couples having a range of legal rights in relation to things such as superannuation. And there are a string of other amendments that have been planned federally, as there are within this bill. There should not be discrimination of same-sex couples—I have no tolerance of that, or anybody—based on their sexual preference.

I will support this bill, but I have some criticisms of the way in which this matter has been managed. I understand the Chief Minister's absolute frustration with his federal colleague. I will give them at least credit that the venom that they—and you, Mr Speaker—directed against former Prime Minister Howard seems to be fairly equally matched now in relation to Mr Rudd, who is perceived to be going to deliver various outcomes. That is where I will leave my remarks. I will be voting for the bill.

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) (2.19 am): I do not wish to delay the Assembly and my colleagues unnecessarily. I support the comments that have been made by my colleagues within the government in relation to this issue.

I see and have always perceived what it is that we have sought to achieve in relation to the removal of discriminations against the gay and lesbian people within the ACT as an issue of fundamental human rights and the right to equality under the law of all peoples within the Australian Capital Territory. That is what I and my government have sought to achieve in government in relation to this particular issue and other issues of discrimination.

We have, over the last five or six years, embarked on a process or project of removing all legislative discrimination within the Australian Capital Territory that previously existed in relation to the lives of gay and lesbian people and couples within the territory. It was our hope that, through this bill in its original construction, we would remove the last vestige of legislative discrimination against gay and lesbian couples in

the laws of the Australian Capital Territory that existed until the development of this bill, and that was the non-recognition under the law of gay and lesbian relationships.

I share the frustration that is inherent in the contributions by my colleagues. The civil union act which we passed two years ago was overturned. It was overturned by executive fiat; it was not overturned as a result of a clash between the constitutional rights or roles of the commonwealth vis-a-vis the territory. My earlier comments which Dr Foskey referred to in relation to a determination or a desire of having that tested in the High Court could have been achieved only if the commonwealth purported to use its constitutional powers to assert that the ACT's civil union legislation was in conflict with the Marriage Act.

In both instances—under the Howard government and the threat of the Rudd government—the commonwealth was not to use a purported conflict between the Marriage Act and the civil partnerships act; it was to use the plenary powers inherent in section 122 which prevented the matter being agitated in the High Court. That is at the heart of our concern in relation to the affront to the democratic rights of the people of the ACT which the position of both the Howard and Rudd governments presents—as well as being an equally deeply and disturbing affront to the human rights of citizens within the Australian Capital Territory.

Mr Berry is right. We could have sought to call the bluff of this government. At the end of the day we chose not to. At the end of the day, I and, particularly, Mr Corbell, who was involved most deeply in negotiations with the commonwealth over the last six months, took a decision that the commonwealth was genuine in its threats and its determination to prevent us legislating in the form and the style that we had intended and wanted.

It has to be said that the legislation which we will pass tonight is not the legislation that we had hoped to pass. As Mr Barr has said, it is a small step. It is a step; it is a significant step. It is a step that we would have preferred to have been able to celebrate a little more than we will perhaps celebrate it. But we should not lose sight of the fact that it is a significant step in the context of the law—the formal recognition of gay and lesbian relationships and the capacity that the ACT government has constructed, through work that Mr Corbell has done, to ensure that the state, through the ACT government, is involved in celebrations that may, at the behest of a gay and lesbian couple, give the opportunity to register their relationship as provided by this law.

I will summarise briefly so as not to repeat the arguments that have been put. This is not the outcome that the ACT government wanted. It does not deliver the equality under the law that the ACT government had wished to deliver. It is a matter of significant embarrassment to me, as Mr Berry has also expressed. It is a matter of embarrassment to me that my party, the Australian Labor Party, through the federal government, the federal caucus, did not stand up for this fundamental principle. It is a matter of shame that my party must bear. I am embarrassed at the position that my federal colleagues have taken. I am embarrassed that I have been unable to meet the commitment that I have made repeatedly that I would seek to remove this last vestige of legislative discrimination against gays and lesbians in this community.

We went to an election promising to achieve legal equality for gay and lesbian relationships and we have been prevented from keeping that promise. We have not been able to carry through with the mandate that we have from the people of the ACT. We tried our best; we tried hard. At the end of the day, we took a judgement that we should salvage what we could—that we should take this significant step forward in relation to recognising gay and lesbian relationships, allowing the celebration: extending it symbolically for the state, represented by the ACT government, for gay and lesbian relationships.

We have done our best. To the extent that we have fallen short, I regret that enormously. I do again express my enormous regret and some anger—indeed, deep frustration—that the current commonwealth government, as did its predecessor, has shown no respect for the democratic rights of the people of the ACT. They treat and regard us as second-class citizens in their attitude to this particular matter. There was no need for the commonwealth to intervene. We have constitutional authority under the self-government act to legislate in relation to all relationships other than marriage; that is clear. We have a constitutional right and power to legislate in relation to these relationships.

Secondly, it remains a matter of continuing concern to me and to my colleagues within the government that, through the diminished status of the Civil Partnership Bill which we will pass today, we have not allowed the fundamental human rights of a group within our community to be fully recognised. That is a matter which I and my colleagues will continue to agitate, to address.

We will not stop here. I think we have been thwarted. I must say, as Mr Berry has indicated, that a second chance or another chance to now achieve the removal of that last level of discrimination perhaps will be hard to grasp. I am not quite sure how and when it will come. It perhaps may come only when a state or a leader in a state or a government in one of the states finds the gumption to legislate a genuine civil partnership or civil union regime. And then, of course, the dam will break. I regret that it will not happen here today in this jurisdiction, but I believe that it will happen.

Mr Stefaniak earlier mentioned that the test of any legislation or good legislation is whether it will survive the test of time. I know that this legislation will not survive the test of time. I do not want it to. I want it to be amended. I want it to be amended to achieve the full level of legal equality that we all wish for here within this territory. So I hope this legislation fails, and I hope it fails sooner rather than later. But the decision that we have taken is a pragmatic decision. We have achieved what we could. We have taken all that we believe it was open for us to achieve in the face of the opposition now of two successive commonwealth governments.

MS MacDONALD (Brindabella) (2.28 am): I do not intend to delay the Assembly by speaking for long. I had not intended speaking at all, but after listening to Dr Foskey and Mr Mulcahy I feel that it is important to stand and make these comments.

I have to say that I do not agree in the least with the position that Dr Foskey put. I, too, am disappointed with the outcome tonight because I think we should have been able

to proceed with the original bill. But I think Dr Foskey is living in an alternate paradigm if she thinks that we could have achieved what she is suggesting, and I think she fails—deliberately fails—to understand the realities of the situation.

I also object on the part of the many good people I know who consider themselves to be Christians, Catholics, whatever, and fundamentally do not believe in the right of two people of the same sex to actually form a civil union. I do not agree with them and they know that I do not agree with them, but I do respect that that is their position. Dr Foskey is suggesting that it is just about power and trying to hold political power over women and the sexual preference minority. I do not agree with that.

I want to make a couple of responses to Mr Mulcahy's comments, from my perspective. I suggest that just because the majority are happy to take the easy path does not make it the right path. The majority are not opposed to getting rid basically of discrimination but are not necessarily prepared to take that extra step and acknowledge the people who have been living in long-term same-sex relationships who cannot form a civil union. That does not make it the right path. I have many friends in same-sex relationships who I know would love to be able to enter into a civil union. I also have a brother-in-law who has been in a long-term relationship and I am sure that they would love to be able to enter into a civil union.

What you fail to acknowledge in your speech, Mr Mulcahy, is the differential treatment by the commonwealth of the ACT compared with the other states—the discriminatory treatment of the residents of the ACT who have elected their own people to determine their own path. In the last 20 years the commonwealth and many people in this territory have been dragged kicking and screaming towards the right of this town to self-determination. It was easy in the first instance to hand over self-government to the ACT. They thought it would be less of a thorn in their side.

But people in this town have continuously opposed self-government. The fact is that we have an elected parliament, Assembly—call it what you will—but it is a parliament of sorts even if it does not actually fit into the formal definition. We have to take that seriously. We cannot say that on the one hand we will be a parliament, but on the other hand, if things are a little bit too dodgy, then we are not going to agree to it; we actually hope that the commonwealth government will step in and say, "No, you cannot do this." I just wanted to make those points.

Finally, I would like to thank Mr Corbell, the current Attorney-General, and Mr Stanhope, the former Attorney-General, and I understand Ms Gallagher as well, for their work in the last week in their negotiations with the commonwealth government. While it is not what we actually wanted to achieve in the long run, I accept that it is what we could get at the end of the day.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (2.34 am), in reply: I would like to thank all members who have contributed to this debate and I would especially like to acknowledge the very heartfelt and passionate views of my Labor colleagues on this very important piece of legislation.

Tonight, in closing the debate, I would like to speak about three groups of people who I think have all contributed to the outcome that we see tonight. The outcome tonight is

both a positive and a negative one, and I am going to close my speech by talking about what is being achieved and the significance of it. But tonight I want to speak firstly of three groups: the hypocrites, the deniers and the apologists.

First, the hypocrites. These are those people, including, I regret to say, our Labor colleagues who, in opposition, said one thing and in government said another—who, in opposition, stood up for this territory and its right to legislate as it saw fit but who in government turned their backs on those same principles that they espoused so strongly. They should stand condemned for the approach they have adopted.

Then, of course, there are the deniers. These are the people who refuse to accept that people in same-sex relationships should be accepted as equal and should be given equal status before the law. We have seen them in all their glory in recent days with absurd and ludicrous suggestions about where legislation such as this will lead. They are the people who fail to understand that all humans are indeed created equal and are entitled to equality under the law.

But the ones for whom I have perhaps greatest scorn of all are the apologists—those who say, "We support removal of discrimination," but do not stand up for this place to make laws to do just that—the apologists, the people who are not true democrats, who say it is important for this place to make laws but it is all right for some of them to be overturned. They are apologists because they confuse the policy with the principle. They think that the policy disagreement is more important and the intervention is warranted. They do not believe in the principle that this place is entitled to make laws to govern its affairs. Those are the people that I perhaps have the most scorn for, because they are us—some of us in this place.

It has never been suggested by the commonwealth government that there is any constitutional question at play. It has never been suggested. And I would put it to anyone who does make that point that the way to resolve the constitutional question is with the constitutional umpire—the High Court. Any commonwealth government that was confident of its position on this question would not be afraid to have such questions considered by that umpire. Regrettably, the hypocrites knew that they did not have the strength of that position.

The changes that are being proposed by the government are the result of significant compromise on the part of the territory. They are also the result of a complete refusal by the commonwealth to accept any.

I will respond briefly to one issue raised by Mr Mulcahy. He said that we have been deliberately provocative and he raised the question of 16-year-olds being able to enter into same-sex civil partnerships. Of course, Mr Mulcahy should perhaps reflect on the fact that the commonwealth Marriage Act provides for 16-year-olds to marry. Is that immoral? Is that deliberately provocative? He should question his arguments in that regard.

But tonight I want to turn to what is being achieved because my Labor colleagues and those in this place who will vote for this legislation should still celebrate an achievement. The achievement is that same-sex couples will now be recognised under

territory law. No longer will they have to rely on proving some sort of de facto status. No longer will the power bill and the bank accounts have to come out to demonstrate that you are actually in a committed and caring relationship with someone and dependent on each other financially as well as emotionally, as well as in a whole range of other ways. That is a step forward and we should be proud of that achievement. We should be proud of the steps we take to recognise those relationships and give them a greater level of equality under the law.

Finally, what I would say in relation to this legislation is that it is not the big step we wanted to take, but it is a step. It is, as the Chief Minister said, a significant step. Today we take that step resolutely. We take it with confidence and we say that this is not the end of the debate. We say that this debate will continue and the hypocrites and the deniers and the apologists will see us again. They will see us in this parliament or they will see us in another parliament somewhere in this country, but it is inevitable that one day full equality will be granted same-sex couples in our community and around the country. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (2.42 am): Mr Speaker, I seek leave to move amendments 1 to 15 circulated in my name together.

Leave granted.

MR CORBELL: I move my amendments 1 to 15 together *[see schedule 6 at page 1784]*. I table a supplementary explanatory statement to the amendments.

For the sake of the record, I would like to clarify that where the amendments indicate that the clause is to be opposed, the intention is that the clause is omitted from the bill. If I can speak to these amendments for the record, the matters addressed in these amendments are as follows.

First of all, in relation to creation of the relationship, this substantive amendment is to clause 6 of the bill to make it clear that a civil partnership is not created by this legislation but registered under it. Two adults who are in a relationship as a couple may apply to have their relationship recognised by registration as a civil partnership.

Secondly, in relation to eligibility, clause 7 is replaced by a new provision setting out the eligibility requirements for entering into a civil partnership. A person may only enter into a civil partnership if the person is not married or in another civil partnership; the person does not have a prohibited relationship, that is, an ancestor, descendant, sibling or half-sibling, with their proposed civil partner, and at least one other party to the declaration of a civil partnership is normally resident in the ACT.

In relation to registration, new provisions in division 2.3 will permit any two adults, regardless of their sex, to apply to the Registrar-General for registration of their relationship as a civil partnership. They must each submit a statutory declaration setting out information that establishes their eligibility. There is an additional power for the Registrar-General to require applicants to provide further information.

Amendments to clause 14 improve the operation of the provisions for termination. It will be possible to stay the otherwise automatic termination of a partnership 12 months after a termination notice is given if there is an application before the court in relation to the effectiveness of the notice.

In relation to ceremonies, regrettably, and as members would be aware, it has been necessary to remove all mention of ceremony from the bill. Because of that the provisions relating to civil partnerships notaries have also been removed.

In relation to partnerships in other jurisdictions, at this stage equivalents to civil partnerships in foreign countries will not be recognised in the ACT. Where both parties to a proposed civil partnership are not ACT residents, they will not be able to avail themselves of our laws and vice versa if two ACT residents go interstate. This amendment is again in response to commonwealth concerns.

What we have left open, however, is our ability in the ACT to recognise as civil partnerships relationships under corresponding Australian laws such as those providing for registered deeds of relationship in Tasmania and registerable relationships in Victoria.

Finally, we are introducing consequential amendments to a range of other acts and regulations. For the most part the amendments are technical in nature, ensuring that people in civil partnerships are treated in the same way as those in a marriage or another kind of domestic partnership. Schedule 1 to the bill is replaced by a much more comprehensive schedule, picking up the majority of the consequential provisions that were previously incorporated in the ACT's Civil Unions Act 2006.

Many of the amendments ensure that legislation making reference to a marriage or to a spouse also refers to a civil partnership or a person in a civil partnership. Of course, the Births, Deaths and Marriages Registration Act 1997 and its regulations are amended to include substantive provisions about the particulars of registration and termination of a civil partnership to be included in the register. I commend the amendments to the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** agreed to:

That the Assembly do now adjourn.

The Assembly adjourned at 2.49 am (Friday) until Tuesday, 17 June 2008, at 10.30am.

Schedules of amendments

Schedule 1

Electoral Legislation Amendment Bill 2007

Amendments moved by the Attorney-General

1
Proposed new clause 6A
Page 3, line 6—

insert

6A Entitlement
New section 72 (1A)

insert

(1A) A person is also entitled to be enrolled for an electorate if—

(a) the person is not entitled to be enrolled on the Commonwealth roll only because the person is serving a sentence of imprisonment; and

(b) the person's address is in the electorate.

3
Clause 35
Page 14, line 7—

omit clause 35, substitute

35 Section 198, definition of *gift*, paragraph (d)

omit

or non-party group

6
Clause 50
Page 17, line 13—

omit clause 50, substitute

50 Disclosure of gifts
Section 217 (3)

omit

$1 500

substitute

$1 000

7
Proposed new clause 52A
Page 18, line 21—

insert

52A Section 218A (1)

omit

$1 500

substitute

$1 000

8
Clause 56
Page 19, line 10—

omit clause 56, substitute

56 Nil returns
Section 219

omit

or 218

9
Clause 57
Page 19, line 13—

omit clause 57, substitute

57 Section 221 heading

substitute

221 Disclosure of gifts made to candidates

10
Proposed new clauses 57A and 57B
Page 22, line 9—

insert

57A Section 221 (1)

omit

$1 500

substitute

$1 000

57B Section 221 (1)

omit

non-party group or

12
Clause 59
Page 22, line 13—

omit clause 59, substitute

59 Section 221A (1)

omit

$1 500

substitute

$1 000

14
Clause 61
Page 23, line 1—

omit clause 61, substitute

61 Section 221A (2) (b)

omit

$1 500

substitute

$1 000

15
Clause 62
Page 23, line 6—

omit clause 62, substitute

62 Section 221A (6), definition of *gift*, paragraph (b)

omit

member of a non-party group,

16
Clause 64
Page 24, line 1—

omit clause 64, substitute

64 Section 221B (1)

omit

$1 500

substitute

$1 000

17
Clause 65
Page 24, line 6—

omit clause 65, substitute

65 Anonymous gifts
Section 222 (1)

omit

non-party group,

20
Clause 71
Page 25, line 18—

omit clause 71, substitute

71 Section 222 (7), definition of *prescribed amount*

omit

, candidate or non-party group

substitute

or candidate

21
Proposed new clause 71A
Page 25, line 19—

insert

71A Section 222 (7), definition of *prescribed amount*

omit

$1 500

substitute

$1 000

25
Proposed new clause 80A
Page 27, line 13—

insert

80A Section 224 (5)

omit

$1 500

substitute

$1 000

27
Clause 84
Page 28, line 6—

omit clause 84, substitute

84 Meaning of *defined particulars* for div 14.6
Section 228, definition of *defined particulars*

after

sum

insert

or amount

28
Clause 87
Page 29, line 1—

omit clause 87, substitute

87 New section 230 (6A)

insert

(6A) However, subsection (4) (b) or (c) does not require disclosure of any amount paid, or to be paid, by or on behalf of an MLA using funds provided by the Legislative Assembly to assist the MLA in exercising his or her functions as an MLA.

29
Clause 88
Page 29, line 6—

omit clause 88, substitute

88 Returns by parties under Commonwealth Electoral Act
Section 231A

omit

30
Proposed new clause 88A
Page 29, line 16—

insert

88A Annual returns by associated entities
Section 231B (2) (a)

omit

section 232 (1)

substitute

section 232 (3)

31
Clause 89
Page 29, line 17—

omit clause 89, substitute

89 Returns by associated entities under Commonwealth Electoral Act
Section 231C

omit

32
Clause 90
Page 30, line 3—

omit clause 90, substitute

90 Section 232

substitute

232 Amounts received

(1) If the sum of all amounts received by, or on behalf of, a party or MLA from a particular person or organisation during a financial year is $1 000 or more, the return by the party or MLA under section 230 (Annual returns by parties and MLAs) must state—

(a) the amount of the sum; and

(b) the defined particulars.

(2) In working out the sum for subsection (1), an amount received of less than $1 000 need not be counted.

(3) If an associated entity receives 1 or more amounts from a particular person or organisation during a financial year, the return by the entity under section 231B (Annual returns by associated entities) must state—

(a) the sum of the amounts; and

(b) the defined particulars.

(4) Subsection (3) does not apply to any of the following amounts:

(a) for an associated entity licensed under the *Liquor Act 1975*—an amount received that—

(i) is for the supply of liquor or food in accordance with the licence; and

(ii) is not more than reasonable consideration for the supply;

(b) for an associated entity licensed under the *Gaming Machine Act 2004*—an amount received for the playing of gaming machines in accordance with the licence;

(c) an amount prescribed by regulation.

(5) For subsections (1) and (3), if the sum or amount was received as a loan, the return must state the information required by section 218A (2) (Certain loans not to be received).

33
Proposed new clause 90A
Page 30, line 23—

insert

90A **Outstanding amounts**
Section 234

omit

$1 500

substitute

$1 000

39
Clause 100
Proposed new section 294 (1) (g)
Page 35, line 24—

omit

40
Clause 100
Proposed new section 294 (1) (l)
Page 36, line 2—

omit

42
Clause 104
Proposed new section 500
Page 38, line 14—

omit proposed new section 500, substitute

500 **Transitional—disclosure by candidates**

(1) This section applies to a return under section 217 (Disclosure of gifts) if the *Electoral Legislation Amendment Act 2007* commences in the disclosure period to which the return relates.

(2) The candidate's reporting agent is required to state the matters mentioned in section 217 (2) (c) to (e) for a gift by a person received in the disclosure period if—

(a) the total of all gifts made to the candidate by the person before 1 July 2008 is $1 500 or more; or

(b) the person made a gift to the candidate on or after 1 July 2008 and the total of all gifts made to the candidate by the person in the disclosure period is $1 000 or more.

500A **Transitional—disclosure by donors**

(1) This section applies to a return under section 221 (Disclosure of gifts made to candidates) if the *Electoral Legislation Amendment Act 2007* commences in the disclosure period to which the return relates.

(2) A person is required to give a return under that section in relation to gifts to a candidate or body in the disclosure period if—

(a) the total of all gifts made to the candidate or body by the person before 1 July 2008 is $1 500 or more; or

(b) the person made a gift to the candidate or body on or after 1 July 2008 and the total of all gifts made to the candidate or body by the person in the disclosure period is $1 000 or more.

500B Transitional—certain other disclosure thresholds

(1) This section applies to amendments of provisions mentioned in subsections (2) to (5) made by the *Electoral Legislation Amendment Act 2007*, that change the amount of $1 500 to the amount of $1 000.

(2) The amendment of section 218A (Certain loans not to be received) applies in relation to loans received on or after 1 July 2008.

(3) The amendments of section 221A (1) and (2) (Annual returns of donations) applies in relation to gifts made on or after 1 July 2008.

(4) The amendment of section 221B (1) (Advice about obligations to make returns) applies in relation to gifts received on or after 1 July 2008.

(5) The amendment of section 222 (7) (Anonymous gifts) applies in relation to gifts accepted on or after 1 July 2008.

500C Transitional—annual returns by parties, MLAs and associated entities

(1) This section applies to a return under—

(a) section 230 (Annual returns by parties and MLAs); or

(b) section 231B (Annual returns by associated entities).

(2) The amendments made by the *Electoral Legislation Amendment Act 2007* in relation to the returns apply to a return for—

(a) the 2008-09 financial year; and

(b) later financial years.

45
Schedule 3
Amendment 3.2
Page 50, line 7—

omit

46
Schedule 3
Amendment 3.3
Page 50, line 12—

omit

47
Schedule 3
Amendment 3.4
Page 50, line 20—

omit

48
Schedule 3
Amendment 3.5
Page 51, line 7—

omit

Schedule 2

Electoral Legislation Amendment Bill 2007

Amendments moved by Dr Foskey

2
Clause 17
Proposed new section 136A (1), definition of *eligible elector*, paragraph (a) (ii)
Page 7, line 20—

omit

25
Proposed new clause 64A
Page 24, line 5—

insert

64A New sections 221C and 221D

insert

221C Public disclosure of gifts—weekly reports

(1) A reporting agent for a candidate, party, or non-party group must publish at least once each week, or part of a week, during a weekly reporting period a report about gifts received by the candidate, party, or non-party group during the previous 7 days.

(2) A weekly report must state the following:

(a) the amount of each gift of $1 500 or more;

(b) if a gift, and any other gift or gifts received from the same person during the 12 months before the publication of the report, total $1 500 or more—the total amount;

(c) for gifts mentioned in paragraph (a) or (b) received during the previous 7 days—

(i) the number of gifts received; and

(ii) the date of each gift; and

(iii) the defined details for each gift.

(3) In this section:

weekly reporting period means—

(a) for an ordinary election—the period starting on 30 June in the year the election is to be held and ending at the end of the 30th day after polling day; and

(b) for an extraordinary election—the period starting on the notification day of the determination under section 101 and ending at the end of the 30th day after polling day.

publish, for a weekly report, means make available—

(a) on a website that is open for public viewing during the weekly reporting period; or

(b) in a newspaper.

221D Public disclosure of gifts—additional report for extraordinary election

(1) For an extraordinary election a reporting agent for a candidate, party, or non-party group must publish an additional report within 21 days after the notification day of the determination under section 101 for the election.

(2) An additional report must state the following:

(a) the amount of each gift of $1 500 or more received in the additional reporting period;

(b) if a gift, and any other gift or gifts received from the same person during the additional reporting period, total $1 500 or more—the total amount;

(c) for gifts mentioned in paragraph (a) or (b)—

(i) the number of gifts received; and

(ii) the date of each gift; and

(iii) the defined details for each gift.

(3) However, an additional report need not include information about a gift to which a report under section 221C applies.

(4) In this section:

additional reporting period—means the period starting on 30 June immediately before the notification day of the determination under section 101 and ending on that notification day.

publish, for an additional report, means make available—

(a) on a website that is open for public viewing during the weekly reporting period; or

(b) in a newspaper.

31
Proposed new clause 72A
Page 25, line 22—

insert

72A New section 222A

in division 14.4, insert

222A Disclosure of gifts made by person making development application

(1) A person who makes a development application must give the commissioner a return if, in the 12 months before making the development application, the person gave a gift of $1 500 or more, or gifts totalling $1 500 or more, to—

(a) the Minister responsible for planning; or

(b) if the Minister responsible for planning is a member of a political party—the party.

Note 1 If a form is approved under s 340A (Approved forms) for a return, the form must be used.

Note 2 For how a return may be given, see the Legislation Act, pt 19.5.

(2) The return must state, for each gift—

(a) the amount of the gift; and

(b) the date when it was made; and

(c) to whom the gift was made; and

(d) the defined details.

(3) If a person makes a gift to any person or body with the intention of benefiting the Minister responsible for planning, or the party (if any) of which the Minister is a member, the person is taken, for this section, to have made the gift to the Minister or party.

(4) The return must be given to the commissioner within 2 weeks after the day the development application is made.

(5) In this section:

development application means—

(a) an application under the *Land (Planning and Environment) Act 1991*, part 6; or

(b) a development application under the *Planning and Development Act 2007*.

Minister responsible for planning means the Minister responsible for the *Land (Planning and Environment) Act 1991 or the Planning and Development Act 2007*.

42
Clause 100
Proposed new section 292 (2)
Page 34, line 1

omit proposed new section 292 (2), substitute

(2) In this section:

statement means a statement that is—

(a) in a form in which the matter is disseminated; and

(b) for matter disseminated in written form—easily legible; and

(c) for matter disseminated in spoken form—clear and distinct.

Example—par (a)

Electoral matter disseminated in sound and video form could state the authoriser's name in sound or on-screen printed form.

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).

46
Proposed new clause 101A
Page 37, line 7—

insert

101A Section 303, heading

substitute

303 Canvassing within 6m of polling place

48
Proposed new clause 103A
Page 38, line 9—

insert

103A New section 325A

in division 18.2, insert

325A Report on investigation of complaints

(1) Within 6 weeks after the end of a calendar year the commissioner must give the Minister a report on—

(a) investigations and referrals under section 325 in the calendar year; and

(b) decisions not to pursue complaints received under section 325 in the calendar year, and the reasons for the decisions.

(2) The Minister must present the report to the Legislative Assembly within 6 sitting days of receiving the report, or by 31 March, whichever is earlier.

Schedule 3

Electoral Legislation Amendment Bill 2007

Amendments moved by Mr Stefaniak

1
Clause 14
Page 6, line 1—

[oppose the clause]

Schedule 4

Electoral Legislation Amendment Bill 2007

Amendments moved by Mr Mulcahy

1
Clause 100
Proposed new section 292 (1) (b) (iv)
Page 33, line 20—

insert

(iv) if the matter is printed or photocopied—the name of the person who printed or photocopied the matter and the address where it was printed or photocopied.

Schedule 6

Civil Partnerships Bill 2006

Amendments moved by the Attorney-General

1
Clause 5
Page 3, line 5—

[oppose the clause]

2
Clause 6 (1)

Page 4, line 4—

omit clause 6 (1), substitute

(1) This Act provides a way for 2 adults who are in a relationship as a couple, regardless of their sex, to have their relationship legally recognised by registration as a civil partnership.

3
Division 2.2
Page 4, line 12—

omit division 2.2, substitute

Division 2.2 Eligibility

7 Eligibility criteria

A person may enter into a civil partnership only if—

(c) the person is not married or in a civil partnership; and

(d) the person does not have any of the following relationships (a ***prohibited relationship***) with the person's proposed civil partner:

(i) lineal ancestor;

(ii) lineal descendent;

(iii) sister;

(iv) half-sister;

(v) brother;

(vi) half-brother; and

(e) the person or the person's proposed civil partner, or both of them, live in the ACT.

4
Division 2.3
Page 6, line 9—

omit division 2.3, substitute

Division 2.3 Registration

11 Application for registration

(1) Two adults who are in a relationship as a couple, regardless of their sex, and who meet the eligibility criteria in section 7, may apply to the registrar-general for registration of their relationship as a civil partnership.

Note If a form is approved under s 28 for an application, the form must be used.

(2) The application must be accompanied by—

(a) a statutory declaration made by each person stating—

(i) that the person wishes to enter into a civil partnership with the other person; and

(ii) that the person is not married or in a civil partnership; and

(iii) that the person believes the person and the other person do not have a prohibited relationship; and

(iv) where the person lives; and

(b) the evidence required by section 23 of each person's identity and age; and

(c) anything else prescribed by regulation.

(3) The registrar-general may require the applicants to give the registrar-general additional information or documents the registrar-general reasonably needs to decide the application.

(4) If a requirement under subsection (3) is not complied with, the registrar-general may refuse to consider the application further.

12 Decision on application

(1) On application in accordance with section 11, the registrar general must—

(a) register the relationship as a civil partnership by making an endorsement to that effect on the application; or

(b) refuse to register the relationship as a civil partnership.

(2) The registrar-general must register the relationship as a civil partnership unless satisfied that 1 or both of the parties do not meet the eligibility criteria in section 7.

Note The registrar-general must enter particulars of a civil partnership in the register under the Births, Deaths and Marriages Act 1997, pt 5A.

5
Division 2.4 heading
Page 8, line 1—

omit division 2.4 heading, substitute

Division 2.4 Termination

6
Clause 14 (1)
Page 8, line 10—

omit

If a party (or both parties) to a civil partnership wish

substitute

If a party to a civil partnership wishes, or both parties to a civil partnership wish,

7
Proposed new clause 14 (5) (ba)
Page 9, line 29—

insert

(ba) the operation of the termination notice is stayed under subsection (6A); or

8
Proposed new clause 14 (6A)
Page 10, line 7—

insert

(6A) If an application mentioned in subsection (6) has been made but not decided before the end of 12 months after the day the termination notice is given, the application stays the operation of the termination notice until the application is decided.

9
Part 3
Page 11, line 1—

omit

10
Clause 21 (a)
Page 14, line 4—

omit clause 21 (a), substitute

(a) either party did not meet the eligibility criteria in section 7 when the relationship was registered as a civil partnership; or

11
Clause 22
Page 14, line 14—

[oppose the clause]

12
Clause 25 (2)
Page 16, line 26—

omit

, another Territory or a foreign country

substitute

or another Territory

13
Clause 26
Page 17, line 1—

omit clause 26, substitute

26 Review of decision

Application may be made to the administrative appeals tribunal for review of a decision of the registrar-general under section 12 (1) (b) to refuse to register a relationship as a civil partnership.

26A Notice of reviewable decision

(1) If the registrar-general makes a decision mentioned in section 26, the registrar-general must give written notice of the decision to each person affected by the decision.

(2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

14
Schedule 1
Page 20—

omit schedule 1, substitute

Schedule 1 Consequential amendments

(see s 25)

Part 1.1 Administration and Probate Act 1929

[1.1] Section 49BA (4) (c) (i)

after

spouse

insert

or civil partner

[1.2] Dictionary, note 2, new dot point

insert

- civil partner

Part 1.2 Adoption Regulation 1993

[1.3] Section 11 (b) (ix)

substitute

(ix) if not married—whether in another domestic partnership or single;

Part 1.3 Births, Deaths and Marriages Registration Act 1997

[1.4] Title

after

marriages

insert

, civil partnerships

[1.5] Section 16 (3) (b)

after

marriage

insert

or civil partnership

[1.6] Section 24 (1) (d)

omit

[1.7] New part 5A

insert

Part 5A Civil partnerships

32A Civil partnership—particulars of relationship

If the registrar-general registers a relationship as a civil partnership under the *Civil Partnerships Act 2006*, the registrar general must include in the register the particulars of the civil partnership prescribed by regulation.

32B Civil partnership—particulars of termination

(1) This section applies if a civil partnership is terminated—

(a) under the *Civil Partnerships Act 2006*, section 14 (Termination by parties); or

(b) under that Act, section 15 (Termination by court order).

(2) The registrar-general must include in the register the particulars of the termination prescribed by regulation.

(3) Also, for a civil partnership terminated as mentioned in subsection (1) (a), the registrar-general must give each party to the civil partnership written notice that the civil partnership terminated on the date stated in the notice.

Note If a form is approved under s 69 for this provision, the form must be used.

(4) For subsection (3), it is sufficient if the registrar-general sends the notice to the address for each party that is last known to the registrar.

[1.8] Dictionary, note 2, new dot point

insert

- civil partnership

[1.9] Dictionary, definition of *registrable event*

after

marriage,

insert

civil partnership,

Part 1.4 Births, Deaths and Marriages Registration Regulation 1998

[1.10] Section 5 (k)

substitute

(k) if the parents of the child are married or in a civil partnership—the date and place of the marriage or civil partnership;

[1.11] Section 6 (1) (e)

omit

[1.12] Section 7 (b)

substitute

(b) a spouse or civil partner, or former spouse or civil partner, of the transsexual person;

[1.13] New sections 8A and 8B

insert

8A Civil partnership—prescribed particulars

(1) For the Act, section 32A, the following particulars are prescribed:

(a) the date the relationship was registered as a civil partnership under the *Civil Partnerships Act 2006*;

(b) the following particulars for each person who is a party to the civil partnership:

(i) the person's full name;

(ii) the person's home address;

(iii) the person's date and place of birth;

(iv) the person's relationship status before entering into the civil partnership;

(v) the person's occupation;

(vi) the full name of each of the person's parents.

(2) In this section:

relationship status means the status or condition of being—

(a) single; or

(b) divorced; or

(c) widowed; or

(d) the domestic partner (other than the spouse or civil partner) of someone else.

Note For the meaning of ***domestic partner***, see the Legislation Act, s 169.

8B Termination of civil partnership—prescribed particulars

For the Act, section 32B (2), the following particulars are prescribed:

(a) for a civil partnership terminated under the *Civil Partnerships Act 2006*, section 14 (Termination by parties)—

(i) the date the termination notice was given to the registrar-general under that Act, section 14 (1); and

(ii) the date of effect of the termination;

(b) for a civil partnership terminated under the *Civil Partnerships Act 2006*, section 15 (Termination by court order)—

(i) the date the order was made; and

(ii) the date of effect of the termination.

[1.14] Section 9 (h) (i)

substitute

(i) if the deceased had been married or in a civil partnership—the date and place of each marriage and civil partnership; and

Part 1.5 Civil Law (Wrongs) Act 2002

[1.15] Section 23, definition of *member*, paragraph (g)

after

spouse

insert

or civil partner

[1.16] Dictionary, note 2, new dot point

insert

• civil partner

Part 1.6 Corrections Management Act 2007

[1.17] Section 87 (2) (b)

after

marriage

insert

or civil partnership

[1.18] Dictionary, note 2, new dot point

insert

• civil partnership

Part 1.7 Crimes Act 1900

[1.19] Section 395 (2) (a)

after

marriage

insert

, civil partnership

[1.20] Dictionary, note 2, new dot point

insert

- civil partnership

[1.21] Dictionary, definition of *relative*

omit

Part 1.8 Discrimination Act 1991

[1.22] Dictionary, note 2, new dot points

insert

- civil partner
- civil partnership

[1.23] Dictionary, definition of *relationship status*, new paragraphs (ca) and (cb)

insert

(ca) in a civil partnership; or

(cb) in a civil partnership but living separately and apart from one's civil partner; or

[1.24] Dictionary, definition of *relationship status*, paragraph (f)

after

spouse

insert

or civil partner

Part 1.9 Domestic Relationships Act 1994

[1.25] Section 3 (1), definition of *domestic relationship*, note

substitute

Note For the meaning of ***domestic partnership***, see the Legislation Act, s 169. It includes a civil partnership.

[1.26] Section 12 (1)

substitute

(1) A court must not make an order under this part in relation to a domestic relationship (other than a civil partnership) unless satisfied that the domestic relationship has existed between the applicant and respondent for not less than 2 years.

[1.27] Section 12 (2)

omit

If

substitute

However, if

[1.28] Dictionary, note 2, new dot point

insert

- civil partnership

Part 1.10 Duties Act 1999

[1.29] Section 74B (5)

substitute

(5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—

(a) the relationship has ended; or

(b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

[1.30] Section 115H (5)

substitute(5) For subsection (3) (c), in deciding whether a transaction under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—

(a) the relationship has ended; or

(b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

[1.31] Section 213 (5)

substitute

(5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—

(a) the relationship has ended; or

(b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

[1.32] Dictionary, note 2, new dot point

insert

- civil partnership

[1.33] Dictionary, note 2

omit

- domestic relationship (see s 169 (2))

Part 1.11 Evidence Act 1971

[1.34] Section 13

omit

Part 1.12 Family Provision Act 1969

[1.35] Section 7 (9), definition of *partner*, paragraph (b) (i)

after

spouse

insert

or civil partner

Part 1.13 First Home Owner Grant Act 2000

[1.36] Section 6 (2)

omit

the person to whom an applicant is legally married

substitute

if the applicant is married or in a civil partnership, the applicant's spouse or civil partner

[1.37] Dictionary, note 2, new dot points

insert

- civil partner
- civil partnership

Part 1.14 Instruments Act 1933

[1.38] Section 8, definition of *bill of sale*

after

marriage

insert

or civil partnership

Part 1.15 Land Titles Act 1925

[1.39] Dictionary, definition of *transmission*

omit

or marriage

substitute

, marriage or civil partnership

[1.40] Dictionary, note 2, new dot point

insert

- civil partnership

Part 1.16 Legal Aid Act 1977

[1.41] Section 10 (1) (i)

omit

marriage counsellors

substitute

relationship counsellors

Part 1.17 Legislation Act 2001

[1.42] Section 169 (1)

after

spouse

insert

or civil partner

[1.43] New section 169 (3)

after the example, insert

(3) In an Act or statutory instrument, a reference to a ***domestic partnershi***p includes a reference to a marriage and a civil partnership.

[1.44] Dictionary, part 1, new definitions

insert

civil partner—a person who is in a civil partnership with someone else is the ***civil partner*** of the other person.

civil partnership means a civil partnership under the *Civil Partnerships Act 2006*.

Part 1.18 Married Persons Property Act 1986

[1.45] Title

omit

married persons

substitute

people who are married or in a civil partnership

[1.46] Section 9 heading

substitute

9 Transfer of property to spouse, civil partner or child

[1.47] Section 9 (2)

substitute

(2) If—

(a) a person and the person's spouse or civil partner both contribute to the purchase of property or an interest in property; and

(b) the property or interest is vested in or transferred to 1 spouse or civil partner (the ***transferee***);

the transferee is taken (unless the contrary intention appears) to hold the property or interest in trust for the transferee and the transferee's spouse or civil partner as joint tenants.

[1.48] Section 10 heading

substitute

10 Purchase or transfer of property before marriage or civil partnership

[1.49] Section 10 (1)

after

marriage to

insert

, or civil partnership with,

[1.50] Section 10 (1) (a)

after

marriage

insert

or civil partnership

[1.51] Section 10 (1) (b)

omit

marriage of the transferor to the transferee

substitute

marriage or civil partnership

[1.52] Section 10 (2)

after

marriage to

insert

, or civil partnership with,

[1.53] Section 10 (2) (a)

after

marriage

insert

or civil partnership

[1.54] Section 10 (2) (b)

omit

marriage of the transferor to the transferee

insert

marriage or civil partnership

[1.55] Section 10 (3) (a)

after

marriage to

insert

, or civil partnership with,

[1.56] Section 10 (3) (c)

after

marriage

insert

or civil partnership

[1.57] Section 10 (3) (d)

omit

marriage of those persons

insert

marriage or civil partnership

[1.58] Section 11

omit

married person

substitute

person who is married or in a civil partnership

[1.59] Section 11

after

spouse

insert

or civil partner

[1.60] Section 12 heading

substitute

12 Beneficiaries who are married or in civil partnership

[1.61] Section 12

omit

husband and his wife

substitute

person and his or her spouse or civil partner

[1.62] Section 13

substitute

13 Applications to decide property disputes

(1) This section applies if any question arises between a person and his or her spouse or civil partner in relation to the title to, or possession or disposition of, any property (including any question in relation to the investment by one of them of money of the other without the consent of the other).

(2) The person, or a third party on whom conflicting claims are being or are expected to be made by the person and his or her spouse or civil partner in relation to any property, may apply to the court to hear and decide the question.

[1.63] Section 15 (5)

substitute

(5) If an application under section 13 relates to money of the spouse or civil partner of a person that was invested by the person without the consent of the spouse or civil partner, the court may order that the amount of the money and any interest, dividend or other profit derived from the money be paid to the spouse or civil partner.

[1.64] Dictionary, note 2, new dot points

insert

- civil partner
- civil partnership

Part 1.19 Parentage Act 2004

[1.65] Section 7 heading

substitute

7 Presumptions arising from marriage or civil partnership

[1.66] Section 7 (1)

substitute

(1) A child born to a woman while she is married or in a civil partnership is presumed to be a child of the woman and her spouse or civil partner.

[1.67] Section 7 (2)

omit

husband

substitute

spouse or civil partner

[1.68] Section 7 (3)

omit

husband

substitute

spouse

[1.69] Section 7 (4)

substitute

(4) A child born to a woman after the end of her marriage or civil partnership, but within 44 weeks after she last separated from her spouse or partner in that marriage or civil partnership, is presumed to be the child of the woman and her spouse or partner in that marriage or civil partnership.

[1.70] Section 38 (2)

after

married to

insert

, or in a civil partnership with,

[1.71] Dictionary, note 2, new dot points

insert

- civil partner
- civil partnership

Part 1.20 Perpetuities and Accumulations Act 1985

[1.72] Section 14 (1) (c)

omit

spouses, de facto spouses,

Part 1.21 Powers of Attorney Act 2006

[1.73] Section 58 heading

substitute

58 Enduring power of attorney sometimes revoked by marriage or civil partnership

[1.74] Section 58 (1) (b) and (c)

substitute

(b) after the appointment, the principal marries or enters into a civil partnership with a person other than the attorney.

[1.75] Section 59 heading

substitute

59 Enduring power of attorney sometimes revoked by end of marriage or civil partnership

[1.76] Section 59 (1) (b) and (c)

substitute

(b) at that time or later, the person is married to, or in a civil partnership with, the attorney; and

(c) the marriage or civil partnership ends.

[1.77] Dictionary, note 2, new dot point

insert

- civil partnership

Part 1.22 Rates Act 2004

[1.78] Section 45, definition of *partner*, paragraph (a)

substitute

(a) the person's spouse or civil partner;

[1.79] Section 45, definition of *pensioner*, note for par (d), (e) and (f)

after

spouses

insert

and civil partners

[1.80] Dictionary, note 2, new dot point

insert

- civil partner

Part 1.23 Sale of Motor Vehicles Act 1977

[1.81] Section 11A (2) (e)

omit

or marriage

substitute

, marriage or civil partnership

[1.82] Dictionary, note 2, new dot point

insert

- civil partnership

Part 1.24 Testamentary Guardianship Act 1984

[1.83] Section 4, definition of *parent*, paragraph (a)

omit

[1.84] Dictionary, definition of *exnuptial* child

omit

Part 1.25 Wills Act 1968

[1.85] Section 15 heading

substitute

15 Will attested by beneficiary or domestic partner of beneficiary

[1.86] Section 15

after

spouse

insert

or domestic partner

[1.87] Section 18

omit

spouse

substitute

domestic partner

[1.88] Section 20 heading

substitute

20 Revocation of will by testator's marriage or civil partnership

[1.89] Section 20 (1) and (2)

substitute

(1) Subject to subsections (2) and (3), if a person marries or enters into a civil partnership after having made a will, the will is revoked by the marriage or civil partnership unless the will was expressed to have been made in contemplation of that marriage or civil partnership.

(2) If a testator marries or enters into a civil partnership after having made a will by which he or she has exercised a power of appointing real property or personal property by will, the marriage or civil partnership does not revoke the will so far as it constitutes an exercise of that power if the property so appointed would not, in default of the testator exercising that power, pass to an executor under any other will of the testator or to an administrator of any estate of the testator.

[1.90] Section 20 (3)

omit

the marriage of the testator to

substitute

the testator marrying, or entering into a civil partnership with,

[1.91] Section 20 (3) (a) and (b)

after

marriage

insert

or civil partnership

[1.92] Section 20A heading

substitute

20A Effect of termination of marriage or civil partnership

[1.93] Section 20A (1)

after

marriage

insert

or civil partnership

[1.94] Section 20A (1)

after

former spouse

insert

or civil partner

[1.95] Section 20A (2)

after

marriage

insert

or civil partnership

[1.96] Section 20A (3)

after

former spouse

insert

or civil partner

[1.97] New section 20A (4A)

insert

(4A) For this section, a civil partnership is taken to be ***terminated*** if the civil partnership is terminated under the *Civil Partnerships Act 2006*, division 2.4 (otherwise than on the death of a party to the civil partnership).

[1.98] Section 20A (5), definition of *former spouse*

substitute

former spouse or civil partner, in relation to a testator, means the person who, immediately before the termination of the testator's marriage or civil partnership, was the testator's spouse or civil partner, or, for a purported marriage or civil partnership of the testator that is void, was the other party to the purported marriage or civil partnership.

[1.99] Dictionary, note 2, new dot points

insert

- civil partner
- civil partnership
- domestic partner (see s 169 (1))

Part 1.26 Witness Protection Act 1996

[1.100] Section 10 (c)

after

marriage

insert

or civil partnership

[1.101] Dictionary, note 2, new dot point

insert

- civil partnership

15
Dictionary
Definition of *civil partnership notary*
Page 22, line 11—

omit

Answers to questions

Drugs—statistics
(Question No 1825)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 12 February 2008:

(1) In relation to the ACT Criminal Justice Statistical Profile, September 2007 Quarter, for what purpose are each of these statistics compiled;

(2) Are the statistics used as a (a) performance measure and (b) police workload indicator for Australian Federal Police contract payment purposes;

(3) If the statistics are used as police performance measures, (a) how are they applied and (b) what is the performance that is being measured;

(4) Who decides the detail of the statistics included in this profile and what criteria are used;

(5) In relation to the drug-related statistics on drug summary information in Tables 6 and 36 on pages 3 and 30, (a) can the Minister clarify the amounts of "Separate Drugs Seized", for example is this the number of pills or packets in any seizure, or is it the number of different types of drugs in any seizure, (b) is this statistic related in any way to arrests and summonses; if so, how and (c) with the number of "Arrests and Summons" is it possible to clarify if the arrests are new or repeat offenders; if not, why not;

(6) In relation to the drug-related statistics on drug type seized in Tables 7 and 37 on pages 3 and 30, can the Minister provide details on whether the drugs were seized in one arrest or over multiple arrests, and how many separate seizures and arrests were involved;

(7) Can the Minister provide drug-related statistics on (a) what was the weight of drugs seized, (b) what was the impact on the ACT drug market, (c) whether the statistics indicate an increased quantity and weight of drugs seized, and, if so, does this indicate an increase in (i) police activity in respect of drug issues and (ii) drugs availability;

(8) What percentage, by drug type, were the drug seizures of the total quantity that was sold on the street and can the Minister provide an estimate if exact figures are not known;

(9) What was the cost of making those seizures/arrests/summonses outlined in part (8);

(10) If these statistics outlined in part (8) are not available, why not.

Mr Corbell: The answer to the member's question is as follows:

(1) The ACT Criminal Justice Statistical Profile contains ACT Police, ACT Corrective Services and ACT Courts data for the preceding three months. The data provides an indication of the varying levels of crime in the ACT to government, relevant ACT Government agencies and the public.

(2) (a) No. ACT Policing report separately to me on the ACT Police Agreement and performance indicators every three months. (b) No.

(3) N/a. See response above in (2).

(4) The ACT Criminal Justice Statistical Profile is a historical series that the Department of Justice and Community Safety prepared for the then minister in the early 1990's.

(5) (a) The number of 'Separate Drugs Seized' relates to the total number of drugs seized, by type, for all drug incidents during the reporting period. (b) The number of arrests and summons are related to the drugs seized for the reporting period, although a small percentage may relate to drugs seized in earlier reporting periods, depending on timings. Some drugs seized may also result in Simple Cannabis Offence Notices. (c) Yes, but this is not required for the purposes of the publication.

(6) The seizures reported will most certainly relate to more than one arrest, however determining the exact ratio or arrests to seizures is resource intensive due to system limitations.

(7) (a) 12816.29 grams. (b) The impact on the ACT drug market is that these drugs are no longer in circulation for sale or use. (c)(i) (ii) Drug data on ACT databases is refreshed as more information comes to light, while the quarterly data published in the ACT Criminal Justice Statistical Profile reflects known information at the time of publication. It is therefore not possible to accurately assess drug trends using this data.

(8) These percentages are not available.

(9) It is not possible to quantify the costs of making drug-related seizures/arrests/summonses separately from other policing activity.

(10) Percentages cannot be calculated as there is no way of quantifying the total quantity of drugs sold on the street that have not come to police attention.

Crime statistics are, of themselves, not reliable indicators of drug use. The National Drug and Alcohol Research Centre (NDARC) regularly surveys illicit drug use in states and territories and I refer you to NDARC's technical reports Numbers 276 and 269 for the most recent ACT research. The publications are available on the NDARC website.

Housing—children (Question No 1829)

Dr Foskey asked the Minister for Housing, upon notice, on 12 February 2008:

(1) Does Housing ACT liaise with the Office for Children, Youth and Family Support when placing clients to ensure that children's access according to court orders is possible?

(2) How does Housing ACT and the Office for Children, Youth and Family Support ensure that the needs of children are taken into account in decisions related to housing.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Housing ACT is not made aware of all court orders relating to access. For example, families may not disclose orders made under the Family Law Act 1975 by the Family Court.

There is no duty on Housing ACT to obtain these details. Rather, it is a matter for the parties to the proceedings to arrange compliance with the Court's orders.

Where the ACT Children's Court makes a contact order under the *Children and Young People Act 1999*, the Care and Protection Services (CPS) liaises with all relevant parties, including Housing ACT where appropriate, to enable contacts that are in the child's best interests.

(2) Housing ACT works closely with the Office for Children, Youth and Family Support in an effort to assist families to sustain their tenancies and resolve housing difficulties. Housing ACT and the Office for Children, Youth and Family Support have an agreed communication process where a family facing possible eviction and children or young people are involved.

Public service—consulting services (Question No 1896)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 14 February 2008:

(1) How much was spent on consulting services for your department in the 2007-08 financial year to date;

(2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Mr Corbell: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question. I note that information on the use of consultants is routinely provided in agencies' annual reports.

Youth—refuges (Question No 1907)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 14 February 2008 *(redirected to the Minister for Disability and Community Services)*:

(1) How many youth dedicated refuges and refuges that accept youth are there in the ACT;

(2) Where are the youth dedicated refuges and refuges which accept youth located in the ACT;

(3) How many young people can each refuge cater for, and, as a whole, how many young people can the refuge system in the ACT cater for;

(4) Is there a current waiting list for places in youth dedicated refuges and refuges that accept youth; if so, how (a) long is the wait and (b) many young people are currently waiting;

(5) What ages are catered for in each youth refuge located in the ACT.

Ms Gallagher: The answer to the member's question is as follows:

(1) There are six youth specific refuges which provide accommodation and support for young people aged between 15-25. There are a further six services which provide accommodation and support for people at risk of or experiencing homelessness, including for youth aged 18-25.

(2) The exact locations of these refuges cannot be disclosed, however they are situated throughout the ACT.

(3) I have attached for your information a list of homelessness services in the ACT. The list includes a brief service description, target groups and regional location.

(4) There is no waiting list. Accommodation and support are provided on a needs basis. Homelessness services operate on a philosophy of "any door is the right door", which means that a person at risk of, or experiencing homelessness, will be referred to the service appropriate to their needs, whichever part of the service system they present to.

(5) Youth specific refuges in the ACT cater for youth in the age range of 15 to 25.

(A copy of the attachment is available at the Chamber Support Office).

Housing—Stuart flats (Question No 1927)

Mr Mulcahy asked the Minister for Police and Emergency Services, upon notice, on 4 March 2008:

(1) On how many occasions in February has the ACT (a) police, (b) ambulance service and (c) fire brigade been called out to attend incidents at the Stuart Flats complex in Griffith;

(2) Was force required to subdue individuals during any of the call outs outlined in part (1);

(3) What was the nature of the force used;

(4) Were any fires lit at the Stuart Flats in February; if so, how many.

Mr Corbell: The answer to the member's question is as follows:

(1) (a) Forty Two;
(b) Three;
(c) Five.

(2) Yes.

(3) ACT Policing has advised that, for operational reasons and to protect the privacy of those involved in these incidents, some of which may still be before the Courts, it is not appropriate to provide details of the nature of the force used.

(4) Yes, three fires were lit in February 2008.

Housing—Stuart flats (Question No 1928)

Mr Mulcahy asked the Minister for Housing, upon notice, on 4 March 2008:

(1) Do any organisations outside of ACT Government agencies have any responsibility for the management or operation of any units within Stuart Flats;

(2) How many public housing properties are owned by the ACT Government in the suburbs of (a) Griffith, (b) Red Hill, (c) Narrabundah, (d) Kingston and (e) Garran;

(3) How many of those properties listed in part (2) are currently vacant;

(4) What is the market value of the Fraser Court public housing complex in Kingston;

(5) Have any unauthorised developments, including converting garages into living space, been undertaken in the public housing complex in Chartersville Avenue, Conder.

Mr Hargreaves: The answer to the member's question is as follows:

(1) The Havelock Housing Association is responsible for the management of six units within the complex; and the Canberra Mens Centre is responsible for the management of six units.

(2) At 5 March 2008 the number of housing properties owned by the ACT Government was:

In Griffith – 309
In Red Hill – 173
In Narrabundah – 445

(3) At 5 March 2008 the number of vacant properties in those suburbs was:

Griffith – 9
Red Hill – 13
Narrabundah – 9

(4) The market value of Fraser Court will be determined when the property is sold. The market value of the housing complex in Garran is "commercial-in-confidence" and therefore cannot be provided.

(5) None known to Housing ACT.

Footpaths
(Question No 1941)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 5 March 2008:

(1) Does the Government have any plans to build footpaths in any older suburbs where none now exist;

(2) Does the Government recognise that the lack of footpaths in older suburbs negatively impacts on the mobility of older people.

Mr Hargreaves: The answer to the member's question is as follows:

1. Government has an ongoing program for the construction of new footpaths in older suburbs, which are requested by members of the public. These works are implemented under the annual Capital Works Upgrade Program.

2. Government recognises that the provision of footpaths in these suburbs benefit the community as a whole, including the elderly. All requests are prioritised and ranked in accordance with defined criteria, which also recognise the need of people with mobility aids, wheelchairs, walking frames and canes.

Health—malpractice reports
(Question No 1943)

Mrs Burke asked the Minister for Health, upon notice, on 5 March 2008:

How many malpractice reports has ACT Health received since June 2007.

Ms Gallagher: The answer to the member's question is as follows:

Since June 2007, ACT Health has received 1,070 malpractice incident reports. 806 incidents were closed during the triaging process, undertaken by ACTIA and ACT Health officers, that takes place within a week of the incident being reported. As previously advised, triaging is the assessment of incident reports to determine whether incidents should be fast-tracked to the ACT Government Solicitors Office (GSO), monitored or sufficiently minor that no action is required and the file is closed.

The remaining 264 new open claims are either awaiting further information in relation to the incident or have been forwarded to GSO for investigation. Please note that the numbers provided do not differentiate between actual claims and potential claims. The definition of a claim is used as an umbrella term to include claims that have materialized and potential claims following from incidents reported through the public health system.

You should note that since the introduction of RiskMan in September 2006, an online reporting tool for reporting adverse clinical incidents or near misses, ACT Health has seen significant increases in reporting of all incidents. RiskMan defines an incident as an event or circumstance that could have, or did lead to unintended and/or unnecessary harm to a person, and/or a complaint, loss or damage. This level of reporting ensures that potential claims are reported through to the insurers in the mandatory timeframes (within the financial year) and ensures that adverse events are insured if a claim eventuates.

Hospitals—pay parking (Question No 1944)

Mrs Burke asked the Minister for Health, upon notice, on 5 March 2008:

How many consumer complaints were received regarding the Government's proposal to implement paid parking at The Canberra Hospital.

Ms Gallagher: The answer to the member's question is as follows:

During the time that pay parking was introduced at the Canberra Hospital on 14 August 2006 and at Calvary Hospital on 4 September 2006, ACT Health received 278 letters, including approximately 30 offering suggestions or compliments to ACT Health. This figure includes a number of individuals and organisations/associations that contacted ACT Health on more than one occasion.

Hospitals—discharge plans (Question No 1945)

Mrs Burke asked the Minister for Health, upon notice, on 5 March 2008:

(1) How many patients have not been provided with a discharge plan since June 2007 from (a) Calvary and (b) Canberra public hospitals and what was the reason for this;

(2) How many patients have been provided with a discharge plan since June 2007 from those hospitals listed in part (1).

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorised the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question. This would involve an exhaustive manual search of over 50,000 records.

However, ACT Health currently reports some discharging planning data in relation to specific services through its public reporting, including:

- The proportion of aged care clients under the management of the Aged Care and Rehabilitation Service discharged with a comprehensive discharge plan
- The proportion of clients discharged from certain wards of The Canberra Hospital to programs operated by Community Health

- The proportion of Mental Health ACT clients seen at a mental health community facility during the seven days following discharge from an inpatient service
- The percentage of mental health clients discharged with a completed outcome measure

These specific indicators are chosen for reporting as they represent areas of highest priority for detailed discharge planning processes and documentation.

This information is available through the Government's biannual report to the Assembly on performance against budget paper targets and through the quarterly report on the performance of the ACT's public health system.

ACT government and business taxi forum (Question No 1974)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 6 March 2008:

(1) Where was the ACT Government and Business Taxi Forum held on Friday, 22 February 2008;

(2) Who paid for hire of this venue;

(3) What was the cost of hosting the Forum;

(4) Did this cost also include the provision of food and beverage or were individual attendees required to purchase these items at their own expense;

(5) Were alternative venues identified; if so, what were they and how much would they have cost; if not, why not;

(6) How did the Minister ultimately decide on this particular venue.

Mr Hargreaves: The answer to the member's question is as follows:

1. The Taxi Forum was held at the Boat House.

2. The Forum was managed by the Canberra Business Council which shared the cost with the Department of Territory and Municipal Services.

3. Approximately $1700.00

4. Buffet lunch, juice, water, tea and coffee were provided.

5. The Forum was managed by the Canberra Business Council, not the Minister or his department.

6. See answer to Q5.

Public service—advertising (Question No 1982)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 1 April 2008:

(1) In relation to promotion activities of the relevant departments/Government units under the Minister's responsibility, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/Government unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/Government unit or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/Government unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/Government unit;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/Government unit, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/Government unit on behalf of the Minister or the department/agency/Government unit;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department/agency/Government unit for these activities in the 2007-08 financial year to date.

Mr Barr: The answer to the member's question is as follows:

> I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—advertising (Question No 1991)

Ms Seselja asked the Chief Minister, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—consulting services (Question No 1992)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 1 April 2008:

(1) How much was spent on consulting services for the Office of Aboriginal and Torres Strait Islander Affairs in the 2007-08 financial year to date;

(2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Mr Stanhope: The answer to the member's question is as follows:

(1) Nil

(2) As above

Public service—advertising (Question No 1993)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion for the relevant administrative units pertaining to the Minister's portfolio, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency or administrative units, (c) another agency/department/administrative unit or Minister's office on behalf of the Minister or the department/agency/administrative unit;

(3) Did the Minister or the Minister's office approve the publication in each case.

Mr Stanhope: The answer to the member's question is as follows:

(1) The only document relevant to Question 1 above is a brochure being prepared by the Office of Aboriginal and Torres Strait Islander Affairs to promote the ACT Aboriginal and Torres Strait Islander Elected Body. This document will contain a message by the Minister for Indigenous Affairs and will cost approximately $8,000 to design, print and distribute.

(2) In the context of the ACT Aboriginal and Torres Strait Islander Elected Body, please see the answer to Question 1 above.

(3) Yes – the Minister for Indigenous Affairs will be asked to approve the brochure should the Aboriginal and Torres Strait Islander Elected Body legislation be passed by the Assembly in the May sittings.

Public service—advertising (Question No 1994)

Mr Seselja asked the Minister for Education and Training, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case.

Mr Barr: The answer to the member's question is as follows:

(1), (2) and (3) I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—focus groups (Question No 1995)

Mr Seselja asked the Minister for Planning, upon notice, on 1 April 2008:

(1) How many focus groups were conducted through the area of planning in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Barr: The answer to the member's question is as follows:

(1) I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

(2) See above

(3) See above

(4) See above

(5) See above

Public service—advertising (Question No 1996)

Mr Seselja asked the Minister for Planning, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion by his Department, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case.

Mr Barr: The answer to the member's question is as follows:

(1) I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

(2) See above

(3) See above

Downer business centre (Question No 1998)

Dr Foskey asked the Minister for Business and Economic Development, upon notice, on 1 April 2008:

Is the ACT Government planning to resume management of the Downer Business Centre; if so, will the Government institute a community rate for community organisations leasing in the centre.

Mr Stanhope: The answer to the member's question is as follows:

The ACT Government is in discussions with the Provisional Liquidator - who is managing the three CREEDA incubators including the Downer facility - as to its future.

The ACT Government and Provisional Liquidator are working towards a solution to resolve long standing issues across the three sites. One option being discussed is that the ACT Government takes over direct management of the sites. While discussions are still progressing regarding this option, the decision will ultimately require the agreement of the Provisional Liquidator who is managing CREEDA's interests.

Until agreement is reached, it is not possible to provide definitive advice on future rental rates for individual tenants. However, if the ACT Government was to take over direct management it is expected that community organisations currently in the three CREEDA sites will be offered rental arrangements consistent with those of community organisations in other ACT Government owned and operated facilities.

Children—care database (Question No 1999)

Dr Foskey asked the Minister for Children and Young People, upon notice, on 1 April 2008:

(1) Does the Office of Children, Youth and Family Support have access to the "Looking after Children" database utilised by non-government care agencies; if not, is the office planning to utilise this system in their department in future.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Office for Children, Youth and Family Support (OCYFS) utilises the Looking After Children (LAC) forms to record information about children in care. Non-government Out of Home Care agencies funded by the OCYFS use the electronic version of the LAC forms known as LACES. This system allows the agencies to record their information about children and young people electronically and send an electronic version to OCYFS caseworkers, who are then able to import the forms onto the OCYFS Care and Protection data base. The forms are also received in paper form and then placed on the appropriate child or young person's record.

There are no plans at this time to use the electronic version of the forms within the Office. LAC is only one component of the recording, reporting and case management requirements for children and young people in care.

Alexander Maconochie Centre (Question No 2000)

Dr Foskey asked the Attorney-General, upon notice, on 1 April 2008:

Will mothers with children be able to parent them at the Alexander Maconochie Centre; if so, (a) to what age and (b) what arrangements will be put in place for them to be with their children after this time.

Mr Corbell: The answer to the member's question is as follows:

a) ACT Corrective Services is currently in the draft stage of developing an ACT specific Caregiver Policy. This Caregiver Policy is aimed at addressing the possibility of primary caregivers being allowed to maintain their child/children with them at the Alexander Maconochie Centre, where determined by appropriate agencies to be in the best interests of the child. The draft policy allows for children up to preschool age but not older than kindergarten age.

b) Following the child/children reaching preschool age, visits will be arranged in accordance with the AMC visits policy. Visits will be conducted six days per week at the AMC. The visits area has been designed to be family friendly and there is the option for prisoners to apply to have visits within the family visits rooms.

Planning and development—Kerrigan Street, Dunlop (Question No 2001)

Dr Foskey asked the Minister for Planning, upon notice, on 1 April 2008:

(1) Was any community consultation undertaken regarding the new development on Section 193, Kerrigan Street, Dunlop; if so, was the community consulted about the impact that this development would have on traffic and safety in Kerrigan Street.

Mr Barr: The answer to the member's question is as follows:

(1) No Consultation was undertaken as part of the Concept Plan in 2003/04. The Estate Development Plan Development Application was not publicly notified as it is specifically exempt under the Land Act regulations.

The allowance of direct vehicular access off Kerrigan Street was implemented to provide an improved urban design outcome by reducing the amount of rear and side fencing along the Kerrigan Street frontage. There was also a desire to improve passive surveillance and therefore public safety in the area. These outcomes were considered in conjunction with the suggested traffic calming measures to further improve public safety.

Arts and letters—grants (Question No 2002)

Dr Foskey asked the Minister for the Arts, upon notice, on 2 April 2008 *(redirected to the Minister for Education and Training)*:

(1) In regard to the additional funding for arts in education provided through the 2007-2008 supplementary appropriation, was the contract with Kulture Break of $25 000 per annum for four years to teach contemporary dance in schools (a) awarded through open tender, (b) awarded by the ACT Department of Education and Training or by artsACT, (c) an arms length decision made by an independent arts or education panel, (d) made by the Minister personally, or by ministerial staff or (e) informed by a professional appraisal of the company's dance education expertise;

(2) Was the contract with The Bell Shakespeare Company of $20 000 per annum for three years (a) awarded through open tender, (b) awarded by the ACT Department of

Education and Training or by artsACT, (c) an arms length decision made by an independent arts or education panel, (d) made by the Minister personally, or by ministerial staff or (e) entirely in addition to other education programs provided by theatre companies to schools and teachers;

(3) Was the contract with Ausdance ACT for an additional $20 000 per annum for three years (a) awarded through open tender or in response to a direct application, (b) awarded by the ACT Department of Education or by artsACT, (c) an arms length decision made by an independent arts or education panel, (d) made by the Minister personally, or by ministerial staff or (e) entirely in addition to other education programs provided by Ausdance;

(4) Is the Minister still committed to arms length funding for professional arts projects and practice;

(5) Is it the responsibility for the Department of Education and Training to ensure programs of arts education in ACT schools are high quality and offer good value for money; if not, whose responsibility is it;

(6) Given all the measures above are targeted at high schools, what is the Minister or the Department of Education and Training doing to support ACT primary teachers address the ACT curriculum framework with regard to the arts.

Mr Barr: The answer to the member's question is as follows:

(1,2,3) The 2007-08 Second Appropriation provided additional funding for the teaching of dance and drama in ACT public high schools and colleges. This included services provided by KultureBreak, the Bell Shakespeare Company and Ausdance. The decision to fund this initiative was an outcome of Executive deliberations. The Department of Education and Training is in the process of finalising the contracts.

(4) As Minister for Education and Training I am committed to ensuring quality education services and professional learning for teaching staff.

(5) Yes. The Department is responsible for evaluating the effectiveness of funded partnerships.

(6) The Department of Education and Training is supporting primary schools in the implementation of the curriculum framework *Every chance to learn* in all learning areas. Specifically in the arts the support mechanisms in place are as follows:

- professional learning sessions are held for primary teachers of the arts each term
- partnerships have been formed between the Department of Education and Training and cultural institutions in the ACT. These organisations are offering professional learning around the implementation of the curriculum framework. A recent example is a visual arts workshop for primary teachers that was run at the National Gallery of Australia (NGA). The education officer at NGA in consultation with DET is planning further workshops specifically for primary school teachers. There is also a partnership between the University of Canberra and the Department with practical workshops being planned for primary school teachers.
- curriculum officers have been and are available on request to visit schools and support them in the implementation process.

- a resource kit is currently being developed that will enable primary school teachers to connect with deliverers of arts programs and to be able to access support in the specific areas where they need it.

Public service—websites (Question No 2004)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Territory and Municipal Services in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2005)

Mr Pratt asked the Minister for Multicultural Affairs, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Office of Multicultural Affairs in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Environment—rangers (Question No 2006)

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 2 April 2008:

(1) How many rangers are employed in the Minister's department (a) as general rangers and inspectors and (b) in forests, conservation areas, nature parks and nature reserves;

(2) What special qualifications (a) are required to carry out ranger duties and (b) do rangers actually have in (i) general and (ii) forests, conservation areas, nature parks and nature reserves;

(3) What is the job classification, for example Administrative Service Officers / Public Service Officers, for rangers in (a) general and (b) forests, conservation areas, nature parks and nature reserves;

(4) When were ranger qualification requirements, job classifications and pay rates last reviewed;

(5) How do qualification requirements, job classifications and pay rates for rangers who work in forests, conservation areas, nature parks and nature reserves compare with other jurisdictions;

(6) How many rangers are expected to be members of the Parks fire brigade.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Territory and Municipal Services (TAMS) currently employs:

(a) 27 general rangers and environment protection officers; and

(b) 40 rangers in forests, conservation areas, nature parks and nature reserves.

(2) (a) Requirements for special qualifications are dependent on the nature of the position.

(b)(i) General Rangers and environment protection officers have a wide range of qualifications, training and experience to the level required for them to carry out their regulatory functions.

(b)(ii) The majority of rangers working in forests, conservation areas, nature parks and nature reserves possess a tertiary qualification in a relevant discipline.

(3) (a) General rangers and environment protection officers are classified as Administrative Service Officers; Technical Officers and Professional Officers.

(b) Rangers working in forests, conservation areas, nature parks and nature reserves are classified as Ranger Grade 1; Ranger Grade 2, Ranger Grade 3 or Ranger in Charge (Technical Officer Grade 4).

(4) Qualification and classifications for Ranger Grade 1, 2 and 3 was last reviewed in 2000. Pay rates for all staff were last reviewed in the 2007 as part of the TAMS Collective Workplace Agreement.

(5) There are difficulties in comparing job classifications and pay rates for rangers in the ACT against rangers in other jurisdictions due to the disparity in duties and responsibilities.

Notwithstanding this, classification and pay rate comparison with other jurisdictions will be undertaken as part of a planned ranger classification review agreed to in the TAMS Collective Agreement 2007-2010.

(6) All rangers working in forests, conservation areas, nature parks and nature reserves are expected to be members of the Parks fire brigade.

Environment—rangers (Question No 2007)

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 2 April 2008:

(1) How many rangers are employed in the Minister's department (a) as general rangers and inspectors and (b) in forests, conservation areas, nature parks and nature reserves;

(2) What special qualifications (a) are required to carry out ranger duties and (b) do rangers actually have in (i) general and (ii) forests, conservation areas, nature parks and nature reserves;

(3) What is the job classification, for example Administrative Service Officers / Public Service Officers, for rangers in (a) general and (b) forests, conservation areas, nature parks and nature reserves;

(4) When were ranger qualification requirements, job classifications and pay rates last reviewed;

(5) How do qualification requirements, job classifications and pay rates for rangers who work in forests, conservation areas, nature parks and nature reserves compare with other jurisdictions;

(6) How many rangers are expected to be members of the Parks fire brigade.

Mr Hargreaves: The answer to the member's question is as follows:

A response to this question is being provided to you by the Minister for the Environment, Water and Climate Change, therefore I have nothing further to add.

Public service—websites (Question No 2008)

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the administrative unit(s) responsible for environment, water and climate change in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—websites (Question No 2009)

Mrs Dunne asked the Minister for Women, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the administrative unit responsible for women in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2010)

Mr Stefaniak asked the Minister for the Arts, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the administrative unit responsible for the Arts in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2011)

Mr Stefaniak asked the Attorney-General, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Justice and Community Safety in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Corbell: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2012)

Mr Stefaniak asked the Minister for Industrial Relations, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the administrative unit responsible for industrial relations in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2014)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the (a) business and (b) economic development functions in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005, (b) 2005-2006 and (c) 2006-2007 financial years.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2015)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the administrative unit/s responsible for (a) police and (b) emergency services in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005, (b) 2005-2006 and (c) 2006-2007 financial years.

Mr Corbell: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2016)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the (a) tourism, (b) sport and (c) recreation functions in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005, (b) 2005-2006 and (c) 2006-2007 financial years.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—websites (Question No 2017)

Mr Seselja asked the Chief Minister, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Chief Minister's Department in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2018)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Indigenous Affairs in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Stanhope: The answer to the member's question is as follows:

(1) No funds have been spent on web design, development and maintenance for the Office of Aboriginal and Torres Strait Islander Affairs for the 2007–08 financial year.

(2) (a) Nil
(b) Nil

Public service—websites (Question No 2019)

Mr Seselja asked the Minister for Education and Training, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Education and Training in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—websites (Question No 2020)

Mr Seselja asked the Minister for Planning, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the ACT Planning and Land Authority in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Barr: The answer to the member's question is as follows:

(1) I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

(2) See above

Health—eating disorders program (Question No 2022)

Mrs Burke asked the Minister for Health, upon notice, on 3 April 2008:

(1) What will the ACT Government spend in 2007-08 on the eating disorders program (EDP) and how is this funding broken down, for example building and staff etc;

(2) What was spent on EDP in (a) 2004-05 and (b) 2005-06;

(3) How many staff are currently employed at EDP;

(4) Are there any other education programs in the ACT besides "Any Body's Cool";

(5) What is the success rate for clients admitted to EDP and how is this determined;

(6) Is the dietician at EDP only part-time; if so, why;

(7) Does the psychiatrist only work once a fortnight for half a day at EDP; if so, why;

(8) If a client is deemed to be "chronic" or not "ill enough" by the program, where is he/she referred to;

(9) What programs are available for chronic older patients;

(10) How many clients are (a) currently in the Anorexia Day program at EDP and (b) in individual therapy;

(11) Are there any statistics on how the EDP compares with similar EDPs nationally;

(12) Does the EDP fit into the "Worldwide Charter for Action";

(13) How many hours a week is the trial teaching position and how does this person liaise with schools;

(14) Has the trial outlined in part (13) been effective; if so, how is this determined;

(15) What data is available for "Any Body's Cool" and how has this been found to result in good outcomes for young people, particularly in boosting self-esteem and body image.

Ms Gallagher: The answer to the member's question is as follows:

(1) The full year budget for the Eating Disorders Program (EDP) for 2007-08 is $411,271. Breakdown as follows: Employee expenses $374,126. Non employee expenses $37,145.

(2) The full year budget for the EDP in 2004-05 was $390,227 and in 2005-06 was $396,947.

(3) Staffing at the EDP comprises 4.67 FTE, spread over 8 staff members.

(4) Yes. The University of Canberra currently provides body image workshops based on international and Australian research on promoting positive body image. There are four courses tailored to different groups; Adult males, Adult females, Older adolescents (aged 16 and over) and for parents who are concerned about developing positive body image in their children of any age. The courses are of six weeks duration and are run by a team of postgraduate clinical psychology students together with Dr Vivienne Lewis.

In addition, MindMatters ACT provides professional development workshops for teachers and parents. MindMatters is a national mental health initiative for secondary schools funded by the Commonwealth Department of Health and Ageing. It is implemented by the Australian Principals Associations Professional Development Council (APAPDC) and Curriculum Corporation.

MindMatters uses a whole school approach to mental health promotion, based on the principles of the World Health Organisation (WHO), Global School Health Initiative and the Australian National Health Promoting Schools framework. MindMatters considers a range of mental health and wellbeing determinants, including the significance of cultural context. Positive mental health and wellbeing have been strongly linked to improving schooling outcomes for young people.

(5) The success rate for clients admitted to the EDP is determined as follows:
For clients attending the Anorexia Nervosa Day Program the generally recognised determinant of success is weight gain in at least 70% of those attending the Day Program. Percentage weight gain for the EDP Anorexia Nervosa Day Program clients are as follows: 2004-05 (82.4%), 2005-06 (66.6%), 2006-07 (77.7%).

For clients receiving therapy for bulimia nervosa and binge eating disorder the generally recognised determinant of success is a reduction in binge eating and purging. In 2005 a review of admission and discharge data indicated on average a reduction in bingeing and purging for all clients tested on admission and discharge.

On admission and discharge from the EDP all clients are required to undertake a range of outcome measures and the psychological assessment instrument the "Eating Disorders Inventory – 3". These, together with anecdotal information from clients and carers enable the EDP to obtain a reasonable determination of success.

(6) Yes. The dietician at the EDP is part-time for 10 hours per week for participants in the Day Program. Clients can also be referred to other specialist services if required.

(7) Yes. The psychiatrist attends the EDP for half a day every week. As all clients who attend the EDP are required to have a GP, psychiatric support at half a day per week is considered sufficient. The EDP maintains active contact with the treating GP.

(8) Clients deemed to be "chronic" are treated by the EDP unless they indicate no motivation to attend for therapy and/or refuse to eat the meals in the Day Program. If they are medically compromised then discussions with the client's GP and carers is initiated. If it is deemed necessary, an "Emergency Action" for assessment at the ACT Mental Health Psychiatric Unit or the Emergency Department of a public hospital will be undertaken. All clients with an identified eating disorder are treated by the EDP.

(9) Chronic older clients are offered either individual therapy or a place in the Day Program. Once again, the client must be motivated to attend therapy and/or eat the meals in the Day Program.

(10) There are currently two active clients in the Day Program and two clients who have been admitted to hospital and expect to return to the Day Program once discharged. There are 20 clients currently receiving individual therapy with a further two to commence shortly.

(11) No. The National Mental Health Data Set does not gather eating disorder specific outcome data, this means that there is no published, validated statistics for national comparison.

(12) Yes. The EDP meets the six requirements of the "Worldwide Charter for Action" on Eating Disorders.

(13) Two hours. The teacher/tutor attends the EDP for one hour on Wednesday and Friday afternoons. Following consultation and the permission of clients, parents/guardians, the teacher/tutor makes telephone contact with the client's School.

(14) The teacher/tutor trial commenced in February 2008 and will be evaluated at the end of this first school semester. Discussions with parents, clients, the teacher, the teacher's supervisor, Child and Adolescent Mental Health Service (CAMHS) and EDP staff will form the basis of the assessment of the effectiveness of this teacher/tutor trial.

(15) The Mental Illness Education ACT (MIEACT) "Any Body's Cool" program was delivered 32 times to a combined audience of approximately 1275 students, teachers and parents in 2006-07. Qualitative evaluations are conducted at the end of each program. The evaluations consist of three components: written feedback from the students, written evaluation sheets from teachers, counsellors and youth workers and interviews with members of the cast and theatre director. Feedback received from students is reported as being "overwhelmingly positive". Examples of comment provided include "I learnt that is doesn't matter how you look, how big you are and how pretty you are. It's what is on the inside that counts". MIEACT have scheduled an external evaluation to commence later this year.

Disability services (Question No 2023)

Mrs Burke asked the Minister for Health, upon notice, on 3 April 2008 *(redirected to the Minister of Disability and Community Services)*:

(1) How many individual disability support packages were funded in (a) 2005-06, (b) 2006-07 and 2007-08 to date;

(2) How many of the packages outlined in part (1) were for (a) males and (b) females;

(3) What was the total cost of these individual packages in (a) 2005-06, (b) 2006-07 and 2007-08 to date.

Ms Gallagher: The answer to the member's question is as follows:

(1)
2005-06: 161
2006-07: 169
2007-08: 194

(2)
2005-06: not collated at this time.
2006-07: not collated at this time.
2007-08: not collated at this time. Note: 39% of people allocated funding in the 2007-08 allocation process were female and 61% were male

(3)
2005-06: $8.3m
2006-07: $9.7m
2007-08: $10.6m

Public service—websites (Question No 2024)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 3 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Disability and Community Services in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2025)

Mrs Burke asked the Minister for Housing, upon notice, on 3 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for Housing ACT in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

ACTION bus services—Theodore terminus (Question No 2027)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 3 April 2008:

(1) In relation to ACTION bus services and the impending changes to the Network under Network '08, what are the Minister's plans for the Theodore Terminus on Chipendall Circuit, Theodore;

(2) Will the terminus still be used as a layover for bus drivers between shifts or as a bus stop for new routes under the new network.

Mr Hargreaves: The answer to the member's question is as follows:

1. From the commencement of Network08 the Theodore Terminus will be utilised as a bus stop, not a bus layover.

2. No. See above.

Sport—paintball (Question No 2028)

Mr Pratt asked the Minister for Planning, upon notice, on 3 April 2008:

(1) Can you give details of the licenses or leases which permit the two paintball operators that currently operate in the ACT, one of which operates from Fairbairn Pines and the other from Tuggeranong Pines, to use forestry or unleased territory land;

(2) In accordance with the classification of these two areas, as well as conditions attached to their leases, what process do the two lessees have to go through should they plan to undertake construction work on their leased land;

(3) Can the Minister advise of any and all applications to the ACT Planning and Land Authority (ACTPLA) by the two lessees to undertake any development and construction work, or advise where this information can be found;

(4) What relationship exists between the Parks, Conservation and Lands (PCL) unit of the Department of Territory and Municipal Services as land managers and ACTPLA as the body which grants permits, licenses and leases for public land as well as land use;

(5) Can the Minister define what responsibilities are vested in the two organisations, PCL and ACTPLA, in terms of approving development or construction applications in general, as well as those specifically pertaining to the two paintball operators currently operating within the ACT.

Mr Barr: The answer to the member's question is as follows:

(1) At present, there are 2 "paintball" operators in the ACT, one operating from Tuggeranong Pines (on part Block 1568 Tuggeranong) and the other from Fairbairn Pines (on part Block 585 Majura). Both operations are conducted on unleased Territory land. Consequently, only a licence can be granted to each operator and not a Crown lease. At present, a licence has been granted to the operator of the Tuggeranong Pines paintball operator. It is anticipated that a licence agreement will be granted to the operator of the Fairbairn Pines paintball business in April.

(2) The reference to "leases" and "lessees" in your question should be to the "licences" and "licensees". With that in mind, if the paintball operators wish to undertake construction on their licensed land, they would have to lodge a Development Application with the ACT Planning and Land Authority (ACTPLA) and pay the relevant fees. Any such DA must be signed by TAMS as custodian of the unleased Territory land.

(3) Two DA's have been lodged for Block 585 Majura. DA number 200706094 was for an 18 metre by 6 metre "Colorbond" shed and was approved on 12 February 2008. DA number 200801630 was lodged on 28 March 2008 and is for a pergola attached to the approved "Colorbond" shed. This application has not yet been decided.

(4) ACTPLA has the power to grant Crown leases over Territory land. In addition, ACTPLA can grant licences over unleased Territory land including public land. The Department of Territory and Municipal Services (TAMS) has the power to grant permits under the *Roads and Public Places Act 1937* for the temporary placement of an object on a public place. It is possible for ACTPLA to grant a licence to place an object on a public place but this is limited to the permanent placement of such an object and not a temporary placement.

(5) ACTPLA assesses DA's against the applicable planning regime. Part of that process may involve referral of the DA to a number of Territory agencies including TAMS for its comments. Those agency comments are incorporated in the decision on a DA by ACTPLA. In summary, while ACTPLA is the approval agency, custodians such as TAMS must sign the DA's and such agencies have input into the assessment process.

Tharwa bridge
(Question No 2029)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 3 April 2008:

(1) In relation to the response to part 3(b) of question on notice No 1879 regarding the Tharwa Bridge, what was the nature of services or products procured at the cost of $300 000 by December 2007, including an itemised breakdown of these services or products with its corresponding cost to the ACT Government;

(2) Is there any other use that can be derived from the result of any of these listed services rendered besides the construction of a new concrete bridge.

Mr Hargreaves: The answer to the member's question is as follows:

1. $300,000 was spent on procuring the design, documentation and necessary statutory approvals for the construction of a new concrete bridge.

2. The information derived from the previous work will assist the current project covering the conservation of the existing bridge, in particular in relation to the condition of the existing foundations and the cultural heritage issues in the vicinity of the existing bridge.

Housing—complaints about tenants (Question No 2030)

Mrs Burke asked the Minister for Housing, upon notice, on 8 April 2008:

(1) How many complaints have there been about public housing tenants in (a) 2006-07 and (b) 2007-08 to date;

(2) How many evictions of public housing tenants were there in (a) 2004-05, (b) 2005-06, (c) 2006-07 and (d) 2007-08 to date.

Mr Hargreaves: The answer to the member's question is as follows:

(1) (a) 827; (b) 727.

(2)

Financial Year	Number of Evictions
2004-05	12
2005-06	26
2006-07	32
2007 to date	18

Public service—privacy (Question No 2031)

Dr Foskey asked the Chief Minister, upon notice, on 8 April 2008:

(1) Does the ACT Government permit officers, who are subject to a grievance, being able to terminate the employment of an officer who lodged that grievance;

(2) Does the ACT Government permit managers in non-personnel related areas to investigate the work history and background of their superiors.

Mr Stanhope: The answer to the member's question is as follows:

These questions relate to matters that are currently the subject of legal proceedings. These proceedings were addressed in response to Question on Notice No. 1978 of 6 March 2008. Continuing Resolution 10 of the Standing Orders states that cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

It would be inconsistent with the Standing Orders to allow the Assembly to be used as a forum to conduct a forensic investigation in pursuit of a matter that is the subject of legal proceedings. Accordingly, an answer cannot be provided.

Royal Canberra Hospital—implosion (Question No 2032)

Dr Foskey asked the Attorney-General, upon notice, on 8 April 2008:

(1) Is the Attorney aware of the claims that the Royal Canberra Hospital was designed to withstand nuclear attack, and that its surprisingly heavy construction was a consequence of that design;

(2) Are those claims outlined in part (1) correct;

(3) Can the Attorney-General confirm that the issue of the Royal Canberra Hospital's design was raised by a constituent through letters to MLAs and through personal representation outside the Assembly in the week preceding the hospital implosion;

(4) Is the Attorney-General aware if those concerns regarding the construction of the Royal Canberra Hospital, and the difficulty in locating detailed plans of the hospital, were raised through the coroner's inquiry into the death of a young girl at the implosion;

(5) Is the Attorney aware that the same constituent alleged that the Assembly is in breach of *Crimes Act 1900* (ACT) by failing to deal adequately with the hospital implosion, and in failing to heed the warnings raised in the week prior to its occurrence;

(6) Has that allegation been referred to the ACT Government Solicitor.

Mr Corbell: The answer to the member's question is as follows:

(1) I am aware of those claims through correspondence from a particular constituent.

(2) I am not able to confirm that the claims outlined in part 1 are correct, the design was however looked into in detail during the implosion inquest in 1997-98.

(3) No.

(4) The inquest into the tragic death of Katie Bender ran for 118 hearing days during 1997-1998 and Coroner Madden handed down his decision in November 1999. The inquest was open to the public and extensively reported on; the comprehensive report and findings of the Coroner are available on the website of the ACT Magistrates Court.

The issue of the structure of Royal Canberra Hospital was considered in some detail in the inquest. For example, the methodology used including the physical characteristics of the building, the role of structural engineers and the views of an internationally renowned implosion expert were all the subject of extensive evidence. I understand the specific issue of whether the Hospital was designed to withstand nuclear attack was not considered by the inquest: it was not raised and, in any event, was not relevant to the matters that concerned the Coroner.

(5) Yes

(6) Yes. The ACT Government Solicitor is of the opinion that the allegations are completely without legal foundation and suggest a fundamental misunderstanding of

the operation of law in relation to criminal liability and coronial processes, as well as a misunderstanding of the principles of political accountability.

Development—application objections (Question No 2034)

Dr Foskey asked the Minister for Planning, upon notice, on 8 April 2008:

(1) Is there a process for the extension of time for objections to be raised against development applications if the development application information is not available on the website as advertised;

(2) What is the process involved when lessees repeatedly begin construction prior to, or without obtaining, a development application.

Mr Barr: The answer to the member's question is as follows:

(1) No. The provision of information on the ACT Planning and Land Authority (Authority) website with respect to notified Development Applications (DA) is a customer service only. The *Planning and Development Act 2007* does not require that notified DAs be made available on the website.

(2) Conducting a development without the required development approval is a breach of the *Planning and Development Act 2007* (the Act) and constitutes a controlled activity under schedule 2 of the Act. As such these breaches can be subject to a controlled activity order that may require amongst other things, the lessee to submit a DA to seek approval of the unapproved works. In some cases the Authority may deem it necessary to force the demolition of the unapproved works.

If a licensed builder is undertaking work that requires building approval, without an approval, the builder may be investigated by the Construction Occupations Registrar under the *Construction Occupations (Licensing) Act 2004*.
On completion of an investigation, the Construction Occupations Registrar may determine that disciplinary action is warranted.

Rhodium Asset Solutions Ltd (Question No 2035)

Mr Mulcahy asked the Chief Minister, upon notice, on 9 April 2008 *(redirected to the Treasurer)*:

(1) Has Rhodium disclosed any staff information, such as the names, job titles, salaries or bonuses of staff members, to 'Super Group' or any other superannuation fund without the permission of the relevant staff member; if so, is the Minister able to say whether this disclosure has been in accordance with ACT law;

(2) Have any staff at Rhodium been asked or required to pay money as a fine for being late to work; if so, is the Minister able to say whether this is in accordance with ACT law and the relevant employment contracts and instruments;

(3) In the course of contract negotiations with staff at Rhodium, were any of the staff told anything about their legal standing if Rhodium is sold to another buyer; if so, what were they told and was this correct.

Mr Stanhope: The answer to the member's question is as follows:

(1) I am informed that Rhodium has disclosed staff information, as part of the due diligence process, to its preferred buyer in accordance with applicable law. The identity of Rhodium's preferred buyer is commercial-in-confidence and has not been publicly released.

I am further advised that throughout the due diligence process, Rhodium was aware of its obligations under the Privacy Act 1988 (Commonwealth) and conducted itself in accordance with the national privacy principles as evidenced by the controls put in place to maintain confidentiality over the disclosure of information. I understand that Rhodium disclosed the employee information only after the execution of a confidentiality deed and within a secure electronic data control room. I have been assured that at all times this disclosure was made with the intention of securing the best possible terms and conditions of sale which included ensuring the potential continuity of employment of Rhodium employees.

I have been advised that staff information has not been disclosed to any other party.

(2) I have been advised that Rhodium's general policy for staff arriving late for work is consistent with established public service management practices. Actual hours worked are recorded on individual timesheets and, in the event that staff members do not make up for lost time, they are required to submit leave applications.

In addition to the general policy on lateness, staff in one work section in Rhodium self-initiated an informal voluntary "coin donation" scheme. No latecomer was forced to make a coin donation.

(3) I am advised that Rhodium's Chief Executive Officer has conducted regular staff briefings on the sale. These briefings included advice on the legal standing of staff members.

Specific issues raised by staff on the sale have been addressed through Rhodium's Joint Consultative Committee established under Rhodium's Collective Agreement.

I am informed that staff have been advised the following, based on Rhodium's legal advice:

a. As the company is being sold by the Territory, Rhodium's Collective Agreement and Individual Employment Agreements survive the sale to the expiry date of the Agreements if less than 12 months. As such, staff entitlements and conditions of service under these Agreements carry over to the buyer on sale date.

b. Rhodium's Collective Agreement expires in October 2008 and will remain in force until then unless expressly varied by the buyer. Negotiation of a new Collective Agreement would be the buyer's responsibility.

c. Two Rhodium staff have the Right of Return to the ACT Public Service on sale and have received a full briefing on their right of return. They also have the option of staying with Rhodium if offered jobs by the buyer.

d. For all other staff, and in the event that the buyer does not require some or all of them after sale:

i. Rhodium's Collective Agreement provides for the buyer to reduce staff numbers through redundancy action. Any staff made redundant would be entitled to redundancy pay of two weeks for each completed year of service and pro-rata for the final year.

ii. Individual Employment Agreements provide for the buyer to terminate staff under these Agreements for any reason by giving three month's written notice. The buyer may elect to pay staff in lieu of giving them all or part of the notice period on the basis of their notional salary.

iii. Individual Employment Agreements also have a redundancy provision with a severance payment equal to the greater of three month's notional salary or specified weeks for years of service. For all Rhodium staff employed under these Agreements, the greater entitlement would be three months as they have been at Rhodium for a relatively short time.

e. Notwithstanding the provisions of Rhodium's Collective Agreement and Individual Employment Agreements, staff have been advised that the preferred buyer wants all of them to stay at Rhodium for up to six months after sale completion with a retention bonus payable at the end of this period. This offer does not constitute a guarantee of employment by the preferred buyer which has retained the right to terminate staff within the six month period. If terminations did occur, the retention bonus would still be payable.

f. Most staff employed under Rhodium's Collective Agreement are on fixed term contracts in recognition of Rhodium's impending sale. These contracts have broadly been aligned with Rhodium's expected sale date and the six month employment offer by the preferred buyer.

Arts and letters—funding (Question No 2036)

Dr Foskey asked the Minister for the Arts, upon notice, on 9 April 2008 *(redirected to the Minister for Education and Training)*:

(1) In relation to the additional funding for arts in education provided through the 2007-2008 supplementary appropriation and in relation to the contract awarded to Kulture Break of $25 000 per annum for four years to teach contemporary dance in schools (a) was that decision (i) informed by a professional appraisal of the company's qualification or proven record, (ii) made in response to a proposal or request from Kulture Break, (iii) made after considering its potential to conflict with, duplicate or diminish the sustainability of services provided by artsACT multiyear funded organisations or ACT Health sponsored projects and (iv) made in response to a proposal or request from school teachers or providers of curriculum support and (b)

was consideration given to the cost and benefit outcomes that could have been achieved in awarding this special purpose funding to existing multiyear funded organisations and its potential to provide enhanced sustainability for those organisations;

(2) In relation to the contract awarded to The Bell Shakespeare Company of $20 000 per annum for three years, (a) was that decision made (i) in response to a proposal or request from the Company, (ii) after considering its potential to conflict with, duplicate or diminish the sustainability of services provided by artsACT multiyear funded organisations or ACT Health sponsored projects and (iii) in response to a proposal or request from school teachers or providers of curriculum support and (b) was consideration given to the cost and benefit outcomes that could have been achieved in awarding this special purpose funding to existing multiyear funded organisations and its potential to provide enhanced sustainability for those organisations;

(3) In relation to the contract awarded to Ausdance ACT for an additional $20 000 per annum for three years, was that decision made (a) in response to a proposal or request from Ausdance, (b) after considering its potential to conflict with, duplicate or diminish the sustainability of services provided by artsACT multiyear funded organisations or ACT Health sponsored projects and (c) in response to a proposal or request from school teachers or providers of curriculum support.

Mr Barr: The answer to the member's question is as follows:

(1), (2) and (3) I refer Dr Foskey to Question on Notice 2002 asked on 2 April 2008 about Arts funding.

Health—pollen levels (Question No 2037)

Dr Foskey asked the Minister for Health, upon notice, on 9 April 2008:

(1) Are pollen levels in the ACT monitored as in Victoria where pollen levels are monitored and reported daily in the newspaper; if so, at what intervals;

(2) Where is the information available.

Ms Gallagher: The answer to the member's question is as follows:

(1) No. ACT Health is currently developing a pollen monitoring program. Monitoring equipment has been purchased and installed. Monitoring protocols are in the process of being developed and evaluated.

(2) See above.

ACT Territory Crisis Centre (Question No 2038)

Dr Foskey asked the Attorney-General, upon notice, on 9 April 2008 *(redirected to the Minister for Police and Emergency Services)*:

Can the Attorney-General advise why the ACT Territory Crisis Centre is staffed by volunteers and not paid ACT Government employees.

Mr Corbell: The answer to the member's question is as follows:

The function of the Territory Crisis Centre (TCC) is to provide the ACT Government with a facility and focal point for the development of policy advice and the co-ordination of responses for the management of an incident, or a significant threat that affects the ACT. The staff of the Security & Emergency Management Branch, within JACS, maintains the crisis centre.

During a major incident, the TCC comprises four principal elements:

- Security & Emergency Management Executive Committee (SEMEC) and Cabinet (SEMC) comprising relevant senior officials and ministers who determine the Territory's Whole-of-Government strategic response to an incident;
- Public Information Coordination Cell (PICC) coordinating public information and media arrangements;
- Liaison Officers from all ACT Government Departments and relevant Commonwealth agencies including the Commonwealth Attorney-General's Department and the Australian Defence Force (ADF); and
- Crisis Coordination Cell (CCC) providing administrative support

Staff within the TCC are all paid ACT Government employees. TCC staff are only recruited from ACT Government employees and take on the role as a TCC volunteer in addition to their normal duties.

In the event that the TCC is activated, staff would be released from their normal duties to work as staff in the crisis centre. Departmental Chief Executive Officers (CEO's) have agreed that staff, if required, would be released to help activate this capability. If staff are required to work within the TCC due to an incident, then they are not required to report for duty in their normal role. If staff are required to work long or irregular hours due to the nature of an incident they would be given time off from their normal duties as time off in lieu.

Housing—public properties (Question No 2039)

Dr Foskey asked the Minister for Housing, upon notice, on 9 April 2008:

(1) Can the Minister please provide a breakdown of public housing properties by suburb;

(2) Can the Minister provide statistics of public housing residence numbers, since 2000, broken down into free standing properties and other, for example, multi-residential.

Mr Hargreaves: The answer to the member's question is as follows:

(1) See Attachment A

(2) See Attachment B

(Copies of the attachments are available at the Chamber Support Office).

Hospitals—compensation claims (Question No 2040)

Mrs Burke asked the Minister for Health, upon notice, on 9 April 2008:

(1) How many claims of compensation have been made by hospital staff during (a) 2005-06, (b) 2006-07 and (c) 2007-08 to date;

(2) What has been the nature of the claims outlined in part (1);

(3) Can the Minister provide disaggregated information separately outlining the number of claims by gender and age;

(4) What has been the total payout for the workers' compensation claims.

Ms Gallagher: The answer to the member's question is as follows:

(1)
(a) The Canberra Hospital 101; Calvary Hospital 25
(b) The Canberra Hospital 92; Calvary Hospital 35
(c) The Canberra Hospital 42; Calvary Hospital 15

(2) Anxiety/depression combined; anxiety/stress disorder; asthma; back pain, lumbago and sciatica; burns; bursitis; contusion, bruising and superficial crushing; digestive system diseases; disc displacement, prolapse, degeneration or hernia; disease of muscle, tendon and related other soft tissue diseases; diseases of nerve roots, plexuses and single nerves; dislocation; epicondylitis; foreign body in eye, ear/nose/resp, digestive, reproductive tract; fractures; injuries to nerves and spinal cord; intercranial fractures; joint diseases; mental diseases; muscle/tendon strain, non traumatic; musculoskeletal/connective disease; neck pain, cervicalgia; nervous system and sense organ diseases; occupational overuse syndrome; reaction to stressors; residual soft tissue injuries; soft tissue diseases from non- traumatic causes; soft tissue injuries due to trauma or unknown mechanisms; spinal/intervertebral disc diseases; tendinitis; trauma to joints and ligaments; trauma to muscles; trauma to muscles and tendons; traumatic tearing away part muscle/tendon structure, avulsion; wounds lacerations amputations/internal.

(3)

The Canberra Hospital

2005-06	2006-07	2007-08
80 Female, 20 Male	78 Female, 14 Male	32 Female, 10 Male
50 years plus: 26 40 – 49 yrs: 29 30 – 39 yrs: 28 29 yrs and below: 17	50 years plus: 34 40 – 49 yrs: 25 30 – 39 yrs: 14 29 yrs and below: 19	50 years plus: 12 40 – 49 yrs: 10 30 – 39 yrs: 12 29 yrs and below: 8

Calvary Hospital

2005-06	2006-07	2007-08
20 Female, 5 Male	30 Female, 5 Male	14 Female, 1 Male
50 years plus: 8 40 – 49 yrs: 4 30 – 39 yrs: 9 20 – 29 yrs: 3 19 yrs and below: 1	50 years plus: 14 40 – 49 yrs: 12 30 – 39 yrs: 7 20 – 29 yrs: 2	50 years plus: 8 40 – 49 yrs: 6 30 – 39 yrs: 1

(4) $2.914m at The Canberra Hospital. This is the total cost to date for the claims in the period 1/7/05 to 31/3/08. $881,000.58 at Calvary Hospital. This is the total cost of compensation claims for the reporting period requested (as at 11 April 2008).

Canberran of the Year
(Question No 2041)

Mr Smyth asked the Chief Minister, upon notice, on 10 April 2008:

(1) How many people were invited to the announcement of the 2008 Canberran of the Year;

(2) How many of those listed in part (1) accepted the invitation;

(3) How many Members of the Legislative Assembly were invited to the announcement of the 2008 Canberran of the Year;

(4) How many of those listed in part (3) accepted the invitation;

(5) If all Members were not invited, why not;

(6) How many Canberra Gold Chief Minister's Award certificates were awarded this year;

(7) How many Canberra Gold Chief Minister's Award certificate recipients were invited to the announcement of the 2008 Canberran of the Year;

(8) How many of those listed in part (7) accepted the invitation;

(9) If all Canberra Gold Chief Minister's Award certificate recipients were not invited, on what basis were the invitations issued;

(10) If a Canberra Gold Chief Minister's Award certificate recipient was not invited to the ceremony or was unable to attend, how did they receive their certificates.

Mr Stanhope: The answer to the member's question is as follows:

(1) 377

(2) 244

(3) Eight

(4) Seven

(5) This was a departmental oversight

(6) 309

(7) 309

(8) 203

(9) All those that nominated for the 2008 Chief Minister's Canberra Gold Award were invited

(10) Certificates were posted out to those that could not attend.

Earth Hour—participation (Question No 2043)

Mrs Dunne asked the Chief Minister, upon notice, on 10 April 2008:

(1) How many ACT Government agencies participated in the event Earth Hour held on 29 March 2008;

(2) How many of those agencies that participated in the event were registered.

Mr Stanhope: The answer to the member's question is as follows:

1) 12

2) The following agencies were registered for Earth Hour:
- ACT Legislative Assembly
- ACT Chief Minister's Department
- ACT Department of Treasury
- ACT Department of Territory and Municipal Services
- ACT Department of Education and Training
- ACT Department of Justice and Community Safety
- ACT Department of Disability, Housing and Community Services
- ACT Planning and Land Authority
- ACT Gambling and Racing Commission
- ACT Emergency Services Agency
- Canberra Theatre Centre
- National Convention Centre

All agencies listed above appear on the official sign-up data provided to the ACT Earth Hour team.

2020 Summit (Question No 2044)

Mrs Dunne asked the Chief Minister, upon notice, on 10 April 2008:

(1) Where did the idea for the *Canberra 2020 Summit* originate and whose idea was it;

(2) How much did the *Canberra 2020 Summit* cost;

(3) Who paid for the *Canberra 2020 Summit*;

(4) Were the ACT public servants who attended the *Canberra 2020 Summit*, there in a private capacity;

(5) Were there any ACT public servants who attended the *Canberra 2020 Summit* there in a working capacity;

(6) Were any ACT public servants paid for the work they did at the Canberra 2020 Summit.

Mr Stanhope: The answer to the member's question is as follows:

(1) The idea for local 2020 summits originated with the Prime Minister. The Hon. Bob McMullan and Ms Annette Ellis wrote to me with a request for the ACT Government to co-host a local *Canberra 2020 Summit*.

(2) $51,660.93 (GST Inclusive).

(3) Chief Minister's Department.

(4) Yes.

(5) Yes.

(6) Yes.

Housing—seniors (Question No 2045)

Mrs Dunne asked the Minister for Housing, upon notice, on 10 April 2008:

In which suburbs are aged persons flats and older persons units located in the ACT.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Housing ACT has older persons accommodation in the following suburbs,

AINSLIE	FARRER	HIGGINS	MCKELLAR	STIRLING
BANKS	FISHER	HOLT	NARRABUNDAH	TORRENS
BRADDON	FLOREY	HUGHES	O'CONNOR	TURNER
CHARNWOOD	FLYNN	KALEEN	PAGE	WANNIASSA
CHIFLEY	FORREST	KAMBAH	PALMERSTON	WARAMANGA
CHISHOLM	GARRAN	LATHAM	PEARCE	WATSON
COOK	GORDON	LYNEHAM	REID	YARRALUMLA
DEAKIN	GRIFFITH	LYONS	RIVETT	
DOWNER	HACKETT	MACQUARIE	SCULLIN	
DUFFY	HALL	MAWSON	SPENCE	
