

Debates

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Friday, 27 June 2008

MR SPEAKER (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Statement by member

MR MULCAHY (Molonglo): Mr Speaker, I seek leave to make a short personal statement on my change of status.

Leave granted.

MR MULCAHY: I rise directly this morning to inform the Assembly of my changed status. Having joined the crossbenches and independents in December of last year, I now wish to advise the Assembly that I formed my own political party, the Richard Mulcahy Canberra Party, also to be known by the abbreviation “the Canberra Party”.

There were several causative factors behind my decision to form a new political party, not least the electoral law changes forced through this Assembly by the ACT government. These changes of course were intended to make it more difficult for an independent candidate to get elected. However, there were other factors at play long before the changes were brought through the Assembly.

I have met with several prominent people in the non-Labor side of politics from across Australia, and the consensus was that the current direction of the various state Liberal parties across the country was woefully inadequate and that a new force in the non-Labor side of politics was needed, a view that was confirmed in the dinner break last night by Mr Warren Truss, the leader of the National Party. And there is no place where this is more obvious than the ACT. It is clear to many in the community that majority government has failed, and I firmly believe that neither major party should govern alone, with an absolute majority in a single-chamber legislature.

Democracy requires strong opposition and, as poor as some of the ACT government decisions have been, they have been allowed to happen for two reasons: one, the performance of the ACT Liberal Party, which I believe is evident to the entire Canberra community; and the absence of a check on the exercise of their power from a strong crossbench.

It is the Canberra Party’s intention to be a key player in the next Assembly. I will place on the record right now that I do not believe in brinkmanship or holding a gun to the head of whichever party happens to be in power. Just as democracy needs strong opposition, it also needs stable government, and this is something I am committed to helping to provide.

I think my philosophy is well known in this place. The Canberra Party will stand for those same ideals: restraining the growth of government, reducing the tax burden, focusing on providing the core essential services that the people of Canberra need. The Canberra Party’s first priority is the ACT election in October, and I am honoured

that I will be able to lead the party to the election and, with the support of the people of Canberra, look forward to working with some of you in the next Assembly.

Petition Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By **Mr Barr**, Minister for Planning, in response to a petition lodged by Mr Pratt on 8 May 2008 concerning the proposed Canberra Technology City.

The response read as follows:

Gas-fired power station

Response for tabling to petition lodged on 8 May 2008 by Mr Pratt MLA, in relation to DA 200704152, Tuggeranong district.

The applicant for this proposal has lodged alterations to the application to respond to many of the concerns raised by the community. The altered application is being renotified and the subject of assessment.

The evaluation of a PA and the assessment of a DA are the responsibility of the ACT Planning and Land Authority (ACTPLA) and due process needs to be followed.

The Government has only provided “in principle” agreement to the use of the site for the purpose sought, subject to planning approval.

The petition raises concerns that the magnitude of the social and environmental impacts of the proposed Canberra Technology City remains unknown. The very purpose of a PA process is to scope the extent of potential impacts and determine whether higher level environmental assessment is required.

The DA process will determine the suitability of the land for the proposed use after consideration of the requirements of the Territory Plan, relevant legislation, and the outcome of any PA evaluation. As part of its assessment, ACTPLA will also take into consideration submissions from the community. The outcome of the determination by ACTPLA as sought by the petition, should not be pre-empted.

Appropriation Bill 2008-2009

[Cognate papers:

Estimates 2008-2009—Select Committee report

Estimates 2008-2009—Select Committee—report—government response]

Debate resumed from 26 June 2008.

Proposed expenditure, part 1.11—Department of Territory and Municipal Services—\$306,295,000 (net cost of outputs), \$172,297,000 (capital injection), \$1,762,000 (payments on behalf of the territory), totalling \$480,354,000

MR PRATT (Brindabella) (10.34): On this line item particularly but the budget in general, this year's budget fails to adequately address a number of peer areas within the Department of Territory and Municipal Services. It is evident also that a number of indicative targets are not being met by the department. Either it is working to achieve overly ambitious and unrealistic outcomes or the department is simply incapable of delivering services to its own standards.

I have a number of issues that I want to address here, and the first one is this: this year's budget finally acknowledges the need to improve the "look and feel of the city", an unambiguously token gesture by this government in an election year. Having said that, having quoted the government's statement and its so-called intention as expressed through the budget, we have absolutely no faith that the government means what it says about the look of the city when you see the state of the place.

We are talking about the sudden surge of excitement and enthusiasm to start mowing grass in an election year, after years of neglect. We are talking about the rubbish lying around group centres, town centres and suburbs where clearly the department's range of services and cleaning services do not reach. We are talking about the grimy look of the city. We are talking about the increasing instances of graffiti vandalism.

On this last point, I would like to say this: we see the inexorable march of graffiti along property back fences, for example, along Athllon Drive, Isabella Drive, Hindmarsh Drive; we see this in and around Garema Place; we see this on top of the graffiti art along Callam Street; and we see it spreading beyond the Callam Street area allocated for graffiti art. Having already vandalised the so-called graffiti art, we now see the graffiti vandals are vandalising the bridges on Callam Street. And this is what happens when you allocate areas but you do not police them. We see graffiti. We have it reported to us by the Lanyon community committee that the Lanyon markets continue to suffer. We do not see an abatement in the graffiti problem; we see the same old level of graffiti year after year after year.

Why is this? Perhaps we should look at the government's own personal standards in relation to why Canberra is becoming well known as the graffiti capital. Here we are, the national capital of Australia, a city of which we must be proud and in which we must ensure that we exact the best standards, yet we have this situation: the government cannot, even in nine months, clean up graffiti vandalism on their own property or the properties of their own contracted agencies.

I talk in particular of the Hargreaves special, the ex-parks and gardens depot in Braddon. What hope does Canberra have? This territory-owned building in Braddon has been adorned with the same offensive graffiti since at least September 2007 when I first happened to wander past it. And today, nine months later, it is still there, much of it being the same graffiti. I seek leave to table some photographs.

Leave granted.

MR PRATT: You might have seen these, but for the greater benefit of the Assembly, I table the following papers:

Graffiti—Copies of photographs—Various (7).

The photographs, three months apart, show no change and the same graffiti adorning that particular depot. You can have a look at those if you wish. For God's sake, if the government cannot even clean up the ex-Cityscape depot, a depot which still has a responsibility for urban landscape management, then what signal does that send? And what do we see?

As a consequence of their failure to show pride, to demonstrate pride and to maintain their own agencies and their own associated agencies' depots or to demand that standard of their own contracted services, we see, for example, graffiti scattered down 200 metres of Mort Street in Braddon. And it will not surprise you that the same tags that are scattered down Mort Street, Braddon, are the same tags you see on the old gardens depot. Why is that? Because graffiti vandals know that there are no deterrents; there is no will on the part of this government to clean up the graffiti.

In this year's budget we would have hoped to have seen something done to also address the funding that used to be available to assist private property owners. And we do not see that. In fact, I read from a response from the then acting minister, Mr Barr, to a recent letter from me when I asked what was the policy—"What are you doing to help private property owners?" I talked earlier here about the kilometres of graffiti along the back fences overlooking Athllon, Hindmarsh and Isabella drives, and the response was:

The ACT Government will not accept any liability for repairs to fences that are between privately owned properties and unleased territory land that are damaged by acts of vandalism.

That was in a letter from Mr Barr of 20 June.

It is really quite sad that the government has run down the funding that used to be in budgets to at least provide some assistance to some private property owners. In this year's budget we do not see any restoration of that activity, and it is a great shame—even a couple of hundred thousand dollars a year to at least address 10, 15 or 20 per cent of the damage we see to private property, particularly where that private property is overlooking well-used thoroughfares. It is a great shame and it is a pity the government has just ignored that.

I would like to now go on and talk about Tharwa. The people of Tharwa note the inflated future estimates devised by the minister for the refurbishment cost of Tharwa bridge. The dragging of the chain in relation to completing the refurbishment is also well noted. So this government's neglect of Tharwa continues unabated until December 2011.

I would like to also address this particular issue: the people of southern Tuggeranong do now finally appreciate that the government has taken the opportunity granted them by an upcoming election to re-announce the planned upgrade to Tharwa Drive after three years of rollovers, recycling and re-announcements. Were you guys saving this one as an election thriller?

Look at the government's plan to upgrade, finally, the duplication of Tharwa Drive, five years late. They still cannot get it right. At the Mentone View roundabout on the extension, the government is putting in traffic lights. Why the hell are we putting in traffic lights on a duplicated stretch of road where finally we are going to unblock the traffic jams and get the flow of traffic moving! And then we put traffic lights in there. What are you thinking of?

In relation to the funding that has been allocated for roads, we welcome the money that has finally, belatedly, been put in to Tharwa Drive and a number of other projects. We welcome the money that is going into sorting out the Pialligo precinct fiasco. But what we do not see is a coordinated, five or 10-year strategic plan for road upgrades.

What we do not see here is any vision by this government of what they are going to do to improve the ACT's road system. There is no territorial strategic plan for roads. It is money thrown at a couple of projects here and there, after, but only after, quite intensive community pressure. Yes, money is there but, by God, is that money going to be supervised? Is it going to be well spent? On the basis of what we have seen with the failure of the Gungahlin Drive extension, we have to be supremely sceptical.

I want to now move on to the landfill site issue. The government has set aside \$850,000 for a new landfill site within the ACT. This should be seen by all in the ACT as a clear departure by this government from the ACT NOWaste by 2010 strategy. (*Second speaking period taken.*) The government has lost any credibility on the waste issue and lacks the vision needed to take us beyond unsustainable fixes and well into the future.

When we look at the performance graph in the budget papers on the NOWaste landfill strategy, what do we see? Not only has the graph not progressively improved the landfill performance down the years approaching 2010 but in real terms, even when you take into account population growth, the graph has flatlined. Like this government's policy on waste management and like this government's policy and its management of municipal services, the graph has flatlined. We have a flat line which indicates that we are nowhere near. How the hell in the next 18 months are we going to achieve anywhere near the zero landfill strategy!

We see, instead, \$850,000 set aside for more of the same. We see \$850,000 set aside for landfill, landfill and landfill. We do not see anything in the budget which would indicate vision or strategy for other waste management options. We do not even see significant funding set aside for, perhaps, undertaking studies into alternative methods of waste management. And the opposition finds this deplorable. In terms of the problems that we are having in the ACT with the look of the city and the rubbish problems that we do have, we cannot even get the waste management issue fixed.

I now turn briefly to the Gungahlin Drive extension, if I can just pull out one of the elements of our roads issues. The completion of the GDE, overdue and over budget, was a significant milestone for the minister. He has, however, failed to plead the case to build the road that was promised, and the budget does not make any allocation for possible expansion in the next five-year period, subjecting the people of Gungahlin to

only half the road needed—half the road, twice the time to get it completed and more than double the price.

We still have traffic jams, certainly during peak-hour traffic, about the Belconnen Way area. We still have very significant traffic jams. If there had been at least a significant cut to those traffic jams in peak hours, we would probably be a little less churlish. And there we go.

We note the omission of any funding for the expected introduction of roadside drug testing to bring the ACT in line with every other jurisdiction in Australia. While the minister responsible for this area is considering the precious feelings of those who might take drugs and is wringing his hands about the human rights of those who might take drugs and what that might mean to them, ACT Policing is probably very anxious about how the hell it is going to implement this scheme without dedicated funds. There are no dedicated funds.

But again we see a government which is far more concerned about the rights of those who might, by chance, have illegal drugs in their system versus the rights of the other 90 per cent of law-abiding Canberrans who do not drive with drugs in their system but who are at risk from those drivers.

Dr Foskey: You said “by chance”.

MR PRATT: Dr Foskey, I am sure that you are sympathetic with the families of the three or four well-known cases of people who have died in the last 18 months as a direct result of drug-affected drivers. I talk about a T-bar collision which killed an old lady; I talk about a pedestrian in Garema Place; and I talk about an innocent passenger, now in a court case, well known, highlighted in the last six weeks. All the drivers involved were driving with amphetamines in their systems.

Dr Foskey: I do not think that you have—

MR PRATT: If you want to have a look at the facts, Dr Foskey, you will see that, right across this country, studies which have been undertaken of drivers who have died have found that between 30 and 45 per cent—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Pratt, if you would address the chair. Dr Foskey, cease interjecting. You will have an opportunity to speak.

MR PRATT: Indeed, Madam Assistant Speaker. Studies indicate that between 25 and 45 per cent, depending on which jurisdiction you are looking at, of drivers who died in road accidents had drugs in their systems. So we need to do something about protecting drivers from themselves. More importantly, we also need to look after those people who are killed by people who drive recklessly with drugs in their systems. And this government cannot get anywhere near seeing the sense in that, which is a great shame.

I want to talk about green lanes. I see, with the cycle lanes, again the government panders like they are to the civil libertarians in terms of the problems of drug driving, to the cycle lobby and we see this muddle-headed approach to green lanes.

Mr Barr: How are you and the Liberal Party—

MADAM ASSISTANT SPEAKER: Order, Mr Barr! You will have your turn as well.

MR PRATT: I would like to read an email sent to me by a person who received this from the NRMA. The NRMA said in a recent email, dated June this year:

Just thought I would bring your attention to a new green lane that has appeared on Barry Dr.

This is written by the NRMA, ACT branch. It goes on:

This lane is situated at the exit ramp to Frith Rd behind the CSIRO, this section of Barry Dr, and has a posted speed of 80 klms/hr, this section of road is uphill.

The concern is that it is quite feasible for a car to travel at speed up this hill, however attempting to exit they would need to content with a cyclist who would be labouring across the exit, possible struggling to achieve 10 km/hr.

That is a really good point. That is a point that we have constantly made about some of the green lanes in the city. By the way, I should also point out—so much for Mr Hargreaves's assertion in the estimates hearings in recent weeks that the NRMA are entirely supportive of the government's policy on green lanes—that is just bloody bunkum. And this email puts a lie to that.

The point is this: we support on-road cycle lanes but we are deeply concerned about green lanes, particularly on 80 kilometre an hour stretches. We do not believe they are safe for cyclists, and they put drivers in the position of either colliding with other cars to avoid cyclists or possibly killing a cyclist and having to wear the memory of that for a long time. We think it is very poor policy; we think it is very unsafe policy. It needs to be reviewed.

On the ACTION front, the most significant outcome of this year's budget is undoubtedly the introduction of network 08. I note there has been a net increase in peak-time services and an increased frequency for popular routes. However, community feedback has indicated that some routes remain overcrowded and unnecessary route changes have reduced the convenience of, and access to, the public transport network.

Overall, many network 08 services will still operate at less frequent headways than they did prior to the 2006 cuts. Do not forget this program is only repairing the damage rent by the government in 2006 to the bus network. Network 08 is certainly welcome but we are really only going back to what was a reasonable standard in early 2006. There are some new services, which we welcome, but the government has a long way to go. We will watch to see how 2008 rolls out; we reserve our judgement on that.

The government, however, has failed to implement adequate a fleet replacement strategy. I note that expressions of interest were invited in March for the supply of

100 new buses. However, a significant number of our buses are now over 20 years of age, a first in the ACT's history. We also want to see how well this rear-engined program goes and how well that goes to plugging the gap. It could be a good policy but we have some reservations about that, too.

ACTION has failed either to retain or successfully recruit the numbers of drivers required for our bus service. In some cases, buses simply do not operate as scheduled because of the driver shortage, literally leaving people out in the cold whilst waiting for a bus that is never going to come. The government has got some big challenges with its drivers.

I still have not got a satisfactory answer, in terms of ACTION staffing, on whether they have finally got around to staffing the bus interchanges properly. We are deeply concerned still, although we now welcome the announcements by government that the CCTV program will roll out in the interchanges, but it remains to be seen whether they are adequately staffed to ensure passenger safety.

We support the budget but we have some deep concerns and wonder whether the government will spend the money wisely to bring up to scratch the services which have been neglected.

MR MULCAHY (Molonglo) (10.55): In my opinion, this is one of the most important line items in the budget. We are unique in the ACT in our role in this place of combining state and municipal-type services. I fear there are probably many who are not overly bothered with these municipal-type services. Put up against heady, philosophical debates about social issues, I suppose some people might find this a rather boring and mundane subject. However, of all of the thousands of issues that have been raised with me over the past few years, urban service issues are by far the most common.

I believe that municipal services should be one of the highest priorities of the ACT government. Sadly, the appearance of the territory has declined, and to arrest this decline, it is necessary to be more proactive in regularly maintaining municipal infrastructure. I agree with what Mr Pratt said about having a longer term plan. As I have said, municipal issues are raised with me time and time again by constituents. Concerns range from matters as straightforward as cracked footpaths, potholes, poor street lighting and overgrown trees or hedges, through to the need for the expansion of roads like the GDE. Similarly, other parts of this portfolio, notably ACTION buses, are primary concerns for many of our constituents. I will talk in more detail about ACTION shortly.

I do acknowledge at this point, as I did with the health minister, that I am grateful for the diligent approach of the Minister for Territory and Municipal Services to responding to representations that I make on behalf of my constituents. I am sure that my letters on behalf of constituents drive him and his staff mad and the officials that have to draft them.

Mr Hargreaves: I think it is just the volume of them.

MR MULCAHY: I understand the volume. I recently addressed a public service seminar and asked if anyone was involved in the ministerial correspondence units in their departments, and there was a groan of some sorts. They seemed familiar with the amount of paper that, unfortunately, I direct their way. But these are important issues to the people who elected me, and I will, of course, continue to raise them with the minister.

It does surprise me how often people are shocked when something is actually done about their concerns. Often this is because they had probably not previously thought to complain or were not sure where they should go about a particular issue. Equally often, however, it is because they have become accustomed to the crack in the footpath near their house and are starting to take it as a matter of fact. Disappointingly, on occasions it is because their own efforts through the bureaucracy have been unsuccessful. Again, when I have identified that aspect of the complaint, the minister has taken it quite seriously.

Just as I acknowledge Mr Hargreaves's approach to responding to representations, I do acknowledge the speed and efficiency with which his department quite often responds to those complaints. It is not unusual for issues, once they are raised, to be responded to in a timely and efficiently manner. Frequently the letters have indicated that the works are likely to have been completed by the time I receive the letters, and that is not because the postal service is slow. They do move efficiently. I appreciate that, and I know the constituents do when they see these matters resolved.

The concern I would raise at this point—this is somewhat in line with what Mr Pratt raised—is that, too often, these issues are addressed only when someone takes it upon themselves to highlight them. Certainly, I accept that the public has a role to play in identifying problems. However, I am not convinced that the current government is proactive enough in implementing a regular and proactive maintenance program. It is crucial that, rather than adopting a fix-as-it-happens approach, we are proactive in ensuring that the territory's municipal infrastructure is maintained.

There are several levels of this. Obviously, there are existing, established suburbs like Campbell, Red Hill and so on. These suburbs are old by Canberra standards. In many cases they are lacking the infrastructure, like footpaths, that is par for the course in the new areas. They also—this is a relevant point—are rated at a higher level than many other areas. Residents regularly complain to me that they do not receive much for the amount of rates and taxes that they pay. Certainly, I would like to have seen greater attention and resources made available in this budget to maintaining and developing municipal infrastructure in older, established suburbs. I certainly intend to continue to press the government on this issue.

I am not advocating, of course, ignoring other parts of Canberra. Suburbs and areas that were considered new not too many years ago are now reaching a stage where infrastructure is also deteriorating. In these areas as well, a proactive approach is needed to municipal infrastructure like roads, footpaths parks and so forth.

I will also take a small amount of time to address another critical component of the responsibility of the Minister for Territory and Municipal Services—namely,

ACTION buses. We have seen quite recently the implementation of the new bus network. Implementation of the new bus network is, of course, always a time of great trepidation for the section of the Canberra community that relies on buses for mobility. The changes made in 2006, for example, caused significant distress in the community, especially, unfortunately, for our older citizens. The current network seems to have caused less pain and seems to be working relatively well, although there are still some services that have been sacrificed or lost.

I was pleased that the minister and ACTION responded to the concerns of Curtin residents and spared the express route between that suburb and Civic. This was an example of community action ensuring that a good result was achieved. I think I received representations from 132 people in relation to that service, and I know that they were pleased that their concerns were heard. I recognise that ACTION fulfils a vital role for our community. It is a costly burden on the ACT government. However, I am unsure how it would be possible to run it profitably. I recognise that we are losing more than a million dollars a week through ACTION, but it is obviously a viable service to the eight to 10 per cent of people in this territory who use it. I was heartened to hear the acting minister the other day talk about it eclipsing 25,000 passengers.

Obviously, this is still a very car-oriented city. It is a city that was designed when fuel prices were not even a consideration. It was designed by a native of Chicago, a city where freeways and such things were already becoming a fact of life at that stage. I think it is going to be very difficult to achieve an outcome where the overwhelming majority of people use public transport. There are issues of population size that work against getting a high level of patronage of public transport.

Although buses are used by a relatively small percentage of the community, they are a vital service for many, including, as I have already mentioned, elderly people, not to mention our young people and children—my own use them on a daily basis. It is vital that, as people get older, they remain active in the community. It is undeniable that buses play an important role in this regard.

The only other point I wanted to make was to express my disappointment at the apparent refusal of the government to immediately begin work to expand the GDE. I appreciate that the road has only just been completed; however, it is already clear that the GDE is rapidly approaching the point where it will not meet the needs of Gungahlin residents, if, indeed, it currently does already. Certainly, in the peak periods it is most unsatisfactory.

I believe that the government needs to immediately begin the preliminary work to expand the road, and it is not really good enough to say that studies are needed to determine what expansion is needed. By the time we wait for the studies and then for preliminary work to be undertaken and then for actual construction, years will have passed and the problems will have got worse. Mr Seselja, I think, said last night that people were starting to tear back down into Northbourne Avenue. I wish him well on that one.

As I said to Mr Gill at a meeting the other night at Hackett or somewhere, it is probably the worst synchronised road I have ever travelled on. I have been in far

bigger places than Canberra which have much better traffic flow than we get on Northbourne Avenue. Of course, the congestion on Northbourne Avenue is driving people into the back areas of Watson and Hackett, and that is not being well received by the community. There must have been 50 people who turned up the other night to a meeting to discuss that issue.

I think we need to get on with the job in relation to the GDE and recognise that there was not enough forward thinking in the way in which that road was built. I remember hearing the stories of the Bolte government in Victoria when they opened the South Eastern Freeway to great acclaim. On day one it was plainly evident that the road was obsolete in terms of its capacity to carry vehicles. Unfortunately, governments are good at announcing the construction of roads, but sometimes they do not get the capacity issues right. Given that we have now got something in the order of 50,000 living in the Gungahlin area, most in my electorate and some in your electorate, Madam Assistant Speaker, I think they rightfully expect that, if they are going to be paying this money for land, the government should be investing adequate amounts in terms of the arterial links into that area.

I will conclude my remarks at this point. This is one of the most important line items we will debate. It is vital that the appearance of Canberra is maintained, and, whilst I recognise the efficiency of the response to issues that are raised, I would like, as I outlined, a more proactive approach to be undertaken in identifying and maintaining municipal infrastructure.

I will just make two other comments following Mr Pratt's remarks. I do share his view about the need for the legislation to address the matter of drug driving. I am aware that there are potential anomalies. There were anomalies when random breath testing came in, and there were a number of occasions when people were able to avoid conviction because of loopholes or other bizarre circumstances that might have led to their being apprehended. (*Second speaking period taken.*)

I took up this issue publicly in 1995 or 1996, when it really was not on the agenda. The fact of the matter is that studies in South Australia indicated across the accident and emergency departments in a range of hospitals that a very high percentage of people admitted had illicit substances in their systems. Those drugs were identified and, in fact, 30 per cent of the people in the mid-90s who were admitted to hospital in South Australia's accident emergency departments had unlawful drugs in their systems.

It is all well and good to say, "Well, how do we know that caused the accident?" Maybe there are people who have been involved in car accidents who have been drunk but that has not been the reason for the accident. I am sure there are many people who have been in motor vehicle accidents who are intoxicated where, in fact, some other factor may have led to it. But the fact is that there are laws, and the overwhelming majority respect those laws and they do not drink and drive.

If we had laws to prohibit the use of illegal substances while driving, there may still be some who continue to defy the law, just as there has been with alcohol. There may be some who, through some strange set of circumstances because of the half life of

certain drugs, may feel they are unfairly apprehended. I am aware that there is a long half life in relation to cannabis. But the fact of the matter is that I share the view that the thought of innocent people being killed because of a drug-affected motorist provides a compelling case for action to be taken.

I do believe in civil liberties, despite what Mr Pratt said about his thoughts on civil liberties. That is a philosophy I am committed to, but you can have your civil liberties, if you subscribe to the Mill's interpretation of liberalism, and, provided you are not injuring the position of others, then your rights can be assured. If you are driving a vehicle when you are affected by drugs, you are potentially seriously adversely affecting the rights of other people.

Lastly, as to cycle paths, I think they are a great thing for Canberra. I am glad there was clarification, because I often hear Mr Pratt and wonder whether he is just against cycle paths and cyclists. There are anomalies with the green areas on roadways. I am not sure what the solution is to that, frankly, but I do not see them elsewhere in Australia. Even though I am told it is a national standard, I do not see the green areas in other states that we have here.

I have twice been in situations where I have come off Commonwealth Avenue and there has been a cyclist travelling at fairly low speed through that area. I have had vehicles travelling behind me at least at the speed limit and sometimes approaching at higher speeds. You are put into a situation of having to work out what kind of evasive action you can take to avoid hitting the cyclist or having a rear-end collision. How you solve that, I do not know. It is an issue, but I would hate to see any kind of policies that erode the importance of cycle lanes. Many young people I know, including members of my own family, do use the cycle paths. They are great for fitness. They are good for health; they help keep people out of hospitals, if they do not get hit by somebody. Therefore, I think, the overall investment in cycle paths is something that we ought to be supporting.

MR GENTLEMAN (Brindabella) (11.09): I want to take this opportunity to speak to this budget line but also to the two reports—the appropriation report from the committee and the dissenting report as well. I should say that I stand here today with an immense amount of pride in the budget that this government is handing down. It is a budget that will ensure a continued benefit to the ACT community. Of course, in that community are working families, the aged, students, young people, business and the environment, all of who have never been better off than under this Stanhope Labor government, the government that continues to deliver outstanding service to the people of this nation's capital.

It is an important part of our democracy that dissenting opinions are recognised, especially when those opinions are over matters affecting all Canberrans. It is for this reason that I am a little disheartened. The opposition, I think, have been misguided in their approach to the issues affecting this region, and they have spent valuable time compiling a report barely relative to the budget that it tries to discuss. Those opposite had a chance to actively participate in constructive debate for the progression of the ACT. Instead, they chose to use the estimates committee as a launching pad for a poorly executed political stunt.

I do want to make some comparisons, Madam Assistant Speaker. The opposition claim in their report to deal with what they consider to be major issues affecting our community. Let us look at a couple of the more interesting issues raised in the dissenting report. As I turn the pages, I am confronted with the clause on ministers' behaviour during the estimates committee hearings. What I find confusing is that, of the 2½ pages devoted to this particular dissenting comment, over a page of the *Hansard* extract was an exchange between you, Madam Assistant Speaker, and departmental officials. As evidence, the opposition in this report have extracted from *Hansard* one page where not a minister was mentioned. It is difficult to support the claim that ministers did not act appropriately when there is no minister in the transcript of the conversation.

Speaking of ministers and the comments made by those opposite in relation to answering questions, I should say—the Assembly may not be aware of this—that some 2,000 oral questions were asked in the committee process and a further 2,000-odd questions were put on notice. The evidence provided in the dissenting report quotes three questions put to ministers where the opposition has said that they were not answered appropriately. That is three questions amongst 4,000 questions in total. In my view, the evidence provided in this dissenting report is very slim. I listened to Mr Smyth's bleatings, but let us look at the evidence. Of course, in the budget I think there are some 1,064 pages of data and facts compared with 48 pages of falsehoods and little argument in the dissenting report.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Gentleman. Withdraw the word "falsehoods".

MR GENTLEMAN: I withdraw the word "falsehoods," Madam Assistant Speaker. I will say it again: 1,064 pages of data and facts compared with 48 pages that I do not believe are correct. If you look at that sort of comparison and the fact that, of the 4,000 questions answered by ministers, the opposition cited only three that they were not happy with, it reminds a little bit of PJK's famous words: "All tip and no iceberg." Look at the amount of expenditure in this budget that is not mentioned at all in the dissenting report. The dissenting report is a little argument from a little group—only a tip, if you like, soon to melt into an ocean of political oblivion, according to Mr Mulcahy's comments on the opposition's polling.

I do want to go back to some of the more important aspects of this line item. A sustainable future is something that all governments worldwide should aim to achieve. As a government, we should be actively working with the community, relevant stakeholders, business, industry and other state and territory governments to ensure that we provide a sustainable future for our children, our grandchildren and future generations after that.

Governments are required to provide the right leadership that ensures that measures are taken to reduce our carbon and ecological footprint while insulating the community from any unnecessary negative economic impact. How is that achieved? Madam Assistant Speaker, you will find the answer within the 2008-09 budget. You will find a range of effective measures and well thought out initiatives located within

this particular part of the appropriation bill that the Stanhope Labor government has provided to ensure that mentioned goals are achieved.

Dr Foskey has already alluded to the Stern report and Professor Ross Garnaut's climate change review when talking about what the countries of this world can expect when effectively dealing with this issue of climate change. I too have spoken at length in the chamber about such issues. It is not the most pleasing projection of where our planet is heading, and it is clear that the world is going to experience some difficult times ahead if we are to deal effectively with this problem.

I want to emphasise the phrase "effectively dealing with the issue". Two nights ago we heard from Mr Mulcahy, who, while providing an interesting alternative view to the feed-in bill, defiantly stood behind his longstanding view that a no-regrets policy is the way forward to effectively deal with the issue of climate change. This prehistoric view is not what the people of the ACT require when looking at leadership on one of the toughest challenges facing the planet.

What we require is a government with a serious view on the issue; a government with a serious policy that provides a blueprint to ensure the future of our planet and that the species that inhabit it remain sustainable. This government has provided that view. The Labor government has provided that policy through the climate change strategy, *Weathering the Change*. The Stanhope Labor government, through the 2008-09 budget, is delivering on that policy.

We have a government that is well awake on the issue of climate change, and we have a government that will actively address the issue while ensuring that those less fortunate will be most protected by its impact. Members are well aware of my longstanding interest in sustainable development and climate change initiatives. As we spent some time two nights ago debating the feed-in law, I will not revisit that ground today. However, I do want to talk about other initiatives that this government has provided to ensure the future of our city and that we move towards a sustainable future.

There are quite a few achievements already put forward in our budget this year: continuing to invest in major festivals and events; getting ready for the future, we are looking at transport, including the ACTION bus fleet, about which Mr Pratt talked earlier; arts, including public art, libraries and sporting facilities; \$110 million over four years for a better bus transport system, including the replacement of the Belconnen bus interchange and the duplication of Athllon Drive, Tharwa Drive and Flemington Road; \$50 million over four years for the purchase of 100 new, efficient, wheelchair-accessible buses; \$13 million over four years for the new ACTION network; and \$22.2 million over four years to support sport in the ACT. There are quite a lot of new initiatives there.

I do want to talk about my electorate, of course, and I want to talk about Tharwa Drive and the duplication that the government has committed to—\$11 million. The people of Tuggeranong are excited about the substantial investment that is being provided for the project—a project that is most welcomed by the constituency that I represent. It is a clear sign that the Stanhope Labor government is delivering vital

infrastructure where it is needed most. The people of Tuggeranong are excited about the significant investment by the government for the duplication of Athllon Drive. (*Second speaking period taken.*) There is a lot of pent-up anxiety when people are trying to get through to their workplaces at Centrelink and those government offices around the back of Tuggeranong. We have seen the government provide a significant investment for the upgrade of airport roads—\$10 million. Again, that is an initiative welcomed by the ACT community.

What did those opposite have to say in their dissenting report about those projects? They said the government has not set out a clear strategic road upgrade plan. That claim shows again how misguided those opposite are. What about the buses that use those roads? I am pleased to see the government has provided a significant investment in this area as well, and I read out the figures earlier on.

In closing, I applaud the Stanhope Labor government for taking on head-on the challenge of ensuring a sustainable future for the city when those opposite are happy to sit back and say or do nothing. I applaud the government for its continued commitment to addressing the climate change challenge. I applaud the Stanhope Labor government for doing its job and delivering for the people of Canberra.

DR FOSKEY (Molonglo) (11.20): Given that I too am probably going to attract a litany of criticism, I want to remark upon the speed with which any constituent's concerns that I pass on to the minister are dealt with. I would say that Mr Hargreaves is one of the most responsive ministers. There are other ministers where one is not even sure that one's email has not fallen into a big, dark, black hole. But Mr Hargreaves, fortunately, is not one of those.

In the ACT more than \$100 million of the \$242 million in government expenditure purportedly aimed at climate change will, in reality, be spent on keeping large—and largely empty, except at peak travel times—buses on the road. Are we meant to believe that without climate change Canberra would not have a public transport system? You would think so from the spin the government put upon it in the budget.

It is ironic that the latest ACTION network plan fails to identify where park and ride and bike locker facilities are located, as these are initiatives which could genuinely be booked as climate change expenditure. A half-hearted attempt was even made to portray road building as a climate change measure on the basis that better roads reduce congestion and, hence, emissions. In reality, building roads encourages private car use and increases total emissions.

Unfortunately, there were a number of issues that were raised in the estimates hearing on TAMS which were taken on notice. Alas, and this is where TAMS has fallen down, there have been absolutely no—I repeat no—answers to anyone's questions on notice to TAMS. This makes the estimates process with respect to TAMS quite questionable.

Tree planting programs, such as the million trees program, which were originally promoted as water catchment, tourism or beautification measures—let us go back to Thomas Weston, who planted many of the trees that are now ageing and need replacing; he did not know anything about climate change but thank goodness he did

it—have been repackaged in this budget as carbon sequestration initiatives, without any acknowledgement of the emissions involved in planting and maintaining them. For instance, the arboretum requires massive earthworks, chemical inputs and pumping of water. Will it even offset the emissions that it causes? Carbon capture figures reported in the media only apply to mature trees and many species are, in any case, inappropriate for carbon sequestration purposes.

Recently even Senator Heffernan joined the Greens in the Senate. He is aware that all the plantations that have been planted, supposedly as carbon emission offsets, make no difference at all if they are going to be harvested within 15 to 20 years. It is not just enough to plant a tree. You actually have to make sure that it is the right tree. You have to be careful how you plant it and make sure that it is in the ground for long enough to actually reach credit on emissions. Then you have to make sure that it is not used for some carbon emitting process when it is pulled up, as such a tree used for pulp production is.

When trees die from disease, drought or fires, the carbon contained in their bodies will be released, negating any long-term carbon offsets. In some ways carbon offsets are the modern equivalent of religious indulgences as individuals and governments continue their high ecological and greenhouse footprint lifestyle and practices while doing penance by funding tree planting projects. I am not suggesting that a more effective public transport system, urban tree planting and more efficient watering systems are not desirable responses to climate change—they are—but they should primarily appear on the books as urban services and infrastructure expenditure.

Most greenhouse gas emissions in the ACT come from our heavy and increasing demand for electricity and gas to heat, cool and light buildings and our transport system. There is a big difference between adaptation measures like efficient watering systems, mitigation measures like planting trees and reduction measures like retrofitting existing buildings with better insulation, solar hot water and intelligent urban design which maximises solar access, minimises energy demand and reduces reliance on private vehicles.

This is the low-hanging fruit that the Greens have been urging governments to pick. These initiatives could be funded by long-term bond issues repaid out of savings from reduced energy expenditures. This could be one debt that future generations would actually thank us for. As it is, rising energy demand for air conditioners alone, which compensate for foolish and inefficient urban design and building codes, threatens to swamp the meagre emission reductions we have achieved to date.

Despite British economist Nicolas Stern warning that climate change may be the greatest case of market failure in human history, government superannuation and investment portfolios are still determined solely by risk-return calculations. Coal, oil and uranium investments eclipse holdings in solar, geothermal or wind power, and we still profit from the destruction of native forests and the sale of cigarettes and cluster bombs. The climate change benefits of buying slightly more efficient buses pale to insignificance beside the impact of investing billions of dollars without considering any consequences other than financial returns. The impacts of global warming are accelerating. If governments continue making unprincipled and ultimately irrational

investment decisions, no amount of green wash will hide the consequences of their failures.

In regard to transport I am pleased that there has been consistent growth in cycling numbers, including the use of bikes on buses. I note that the sale of bicycles has outstripped the sale of cars for the first time ever. However, I am surprised by the lack of financial commitment to real growth in our cycling facilities in Canberra. I am glad to hear that every bus that the government buys will have a bike rack on it, as well as wheelchair accessibility. There is only one new park and ride—at Mawson—planned for the next four years and just one bus priority lane.

It is particularly in the bus priority lanes where I think this government has fallen short. Some of them have lost that status. I think it is absolutely essential not only that we have buses running on most of our routes, but that we have them doing it at least as fast as a car can do it. That is the trick. I have raised transport issues so often here in the Assembly and, despite what the minister says, so little is happening in innovation and even basic options facilitation.

To truly test out Canberra's transport options I challenge each member here to try out the following options: one, drive here and park in a free Assembly spot. Yes, I think we are all able to do that without a problem. Two, drive to Civic at 9.30 am and try to find a long-stay car park. Good luck with that. Three, catch a bus from home to work in an acceptable amount of time. This might work for those of you who do not have to drop off kids on the way. Four, ride a bike in. Good luck finding suitable cycle paths and lanes which allow you to get to work without swearing about the path suddenly stopping.

I am concerned that park and rides in Civic have been abolished—apparently due to potential terrorist risks. Instead, Mr Hargreaves suggests that people should park their bike at home and then catch a bus into Civic. Good idea. Has it occurred to the minister that perhaps some people who probably live in the inner north or the inner south would ride into Civic and then catch a bus to Belconnen or Tuggeranong? If not, I suggest that the decision to remove those lockers be revisited. Perhaps the lockers do not need to be in the centre of the interchange, given that this is where people gather in their masses. I am glad that Mr Hargreaves has seen bike parking at bus transit stations in the suburbs of New Zealand, and I hope he has plans for more of these than just at Mawson.

I do not understand why ACTION and the government do not think that park and ride and bike and ride are part of the ACTION network. They are certainly part of an integrated transport system. But I do take heart from Mr Hargreaves's promise that the next ACTION bus network map will have the park and ride and cycle locker facilities on it. This again is part of integrated transport planning. (*Second speaking period taken.*) I hope that my constant questioning on this will influence the way transport planning occurs in the ACT.

I also hope to see better and further coordination between NightLink, the seniors transport services, the community bus service, wheelchair accessible taxis, taxis in general and ACTION. I know the government thinks that this is not possible, as some

services are government owned and some are not, but that is exactly what integrated transport planning is. It is about planning and making agreements.

The government understands what a public-private partnership is, but it does not seem to be able to extrapolate that beyond simple business. It could just be a series of agreements between the various stakeholders on which parts will deliver people to which places and where the hubs would be. Transport is big business, with many owners, but coordination is possible; indeed, it is necessary. Integrated transport planning is certainly not simple but, if well done, can bring about excellent results which could please most Canberrans. NightLink is certainly one such step. Let us keep going.

Light rail is one area where we are starting to see interesting partnerships forming. The Canberra Business Council and the Conservation Council are forming a task force to make the case for light rail. We know that the Canberra Airport is also interested in such a project. But where is the government with this planning? Left behind again! There will be one bus priority lane on Flemington Road for the next four years, at a cost of \$3 million. It makes you wonder how far that would go in terms of a light rail system. I believe that in 2002 a light rail from Gungahlin to Civic was costed at \$80 million to \$90 million. It is interesting, is it not, when you think about how much the GDE cost and also when you think about what it would do for land values along Flemington Road?

In estimates the minister for transport advised me that the territory's various transport initiatives are not coordinated. When talking about ACTION buses the minister was most enthusiastic about how committed ACTION is to delivering a good service to its customers. But it was clear that there is no overarching strategy in place to make it easy for people to live in Canberra without a car. All the good innovations taking place on our buses in terms of fares and bikes and scheduling are happening in isolation.

The excuse is always made that Canberra is a small city spread over a large area. Canberra is not unique in that respect. But, sadly there is absolutely no evidence that the government is looking at innovative transport solutions being developed by other cities of a similar type. It is another sign of a government that appears to recognise the challenges of building a low carbon, low oil consumption society but has no commitment to taking them on. One of the key components of Canberra's carbon footprint is our dependence on cars. Progress on an integrated rapid transit system so that we can be free of that dependence has been far too slow.

Waste is an issue of continual concern for the ACT. Only recently we saw on the front page of the *Canberra Times* that the ACT is one of the more wasteful places in Australia. That is not surprising. We earn on average more and we consume more. Of course we produce more discarded packaging, worn out appliances and, simply and more shockingly, I believe, things that people buy thinking they want them, find they do not and then have got to get rid of. People spend something like \$1,000 per capita per year on stuff they do not even use, so they just chuck it away. They make that impulse buy—that pair of shoes or that new appliance—and it is just a great waste.

What is of concern is the government's seeming lack of concern about this, in combination with a slow response. For example, a trial of recycling bins has been going on in Glebe Park since February 2006. Why does it need more than two years to establish whether or not this is a successful initiative? Why not say, "We have got recycling in Glebe Park; it is great so we are going to roll it out"? It works there and we know that at every multicultural festival the recycling bins go into Civic. I have been in Third World cities in Brazil and on every street there were three bins. If there was one bin, there were three. There was a green waste bin, a recycling bin and a landfill bin. If they can do it where many of the population are not even literate, they could do it in Canberra, which has the highest levels of education in Australia. I hope that the minister or one of his staff reads the transcript, given that he did not hear a word I just said.

We hear that there is a review of the no waste by 2010 strategy. I am hoping we will see that before the election. This is one of those things that really mattered. I was one of the Canberra citizens who went to those consultations back in the early nineties. We felt that we had a pretty damn good strategy. Now 2010 is coming up and—by goodness!—we hear from Mr Hargreaves that no waste actually meant 20 per cent waste to landfill.

Mr Hargreaves: No, I did not.

DR FOSKEY: He may have said five per cent. At the moment 25 per cent is going to landfill. We want to see a ratcheting up. We will not quibble about the figures, Mr Hargreaves. No waste means zero. It does not sound quite as good to say five per cent waste to landfill, but if that is what it is, let us be honest about it.

We can only hope that, given our growing population and the no waste strategy targets being on a per capita basis, the review will recommend measures to improve things faster and better. The community is calling for organic waste bins—a third bin. The government needs to be creative here. It does not necessarily have to run a collection service for these bins. Perhaps they could provide a subsidy for garden compost bins or worm farms. They should also assist multi-residential unit building to develop their own composting system and encourage green waste entrepreneurs to work with multi-residential flats. We all know that it all goes in together in those kitchens. It is just waste and it putrefies our landfill, and that is part of the problem.

Anyway, I am a little concerned that Mr Hargreaves has said the no waste review will be going to cabinet. This is a worry. We have seen time and time again how often documents go to cabinet and either they do not come out or, when they do, are very different from the way they go in. The minister himself has pointed to the retail and commercial sectors as the biggest challenge to waste minimisation. I do not think an awards process is enough here. We need the government to make it easier. Maybe it is time to introduce a centralised recycling system that is available to the commercial sector. Maybe it is time to introduce regulations which prevent the commercial sector from not separating out their waste. This is a big area and such initiatives would make a big impact on Canberra's waste stream.

You only have to look at the hopper at the back of any commercial building to see that they are full of all kinds of mixed-up waste. The government will need to do more than provide a commercial sector liaison person. This is about more than education. The minister himself said in estimates, "These other folks out there, though, in the retail and the commercial area are not picking it up as quickly as they could." What does he expect? This person could help more if there was something more tangible being suggested to businesses. Let us look forward also to the *State of the environment* report. This is an output under TAMS. Let us hold the government to ensuring the state of the environment report is out well before the election. (*Time expired.*)

MR STEFANIAK (Ginninderra) (11.41): I want to take three minutes to deal with one minor part of this budget, and that is the dragway. This government has betrayed the motor sport fraternity, especially the dragway fraternity. For the last two elections they have promised a dragway. On 18 October 2004 they said it would be built in 18 months on block 51 at Majura. Of course, they have used every conceivable excuse not to do so, including a very flawed assessment which even members of the committee that was established to oversee that were quite aware of. Indeed, some members complained about it. Of course, the government was never serious about doing it. So what has happened to the money? Page 84 of the estimates report states:

The Committee discussed an allocation of \$8 million in project funds originally earmarked for a Dragway, a project which had been unable to proceed.

That is absolute nonsense. The government simply never intended to do it in the first place. The report continues:

The budget provides funding of \$8 million in 2008-09 for the ACT Motorsports Fund; however, there are no details setting out the purpose for this funding. The Minister for Tourism, Sport and Recreation provided no detail in the Estimates Committee hearings, except that this Fund replaces the previous budget allocations for the now defunct dragway project.

I asked the minister a number of questions about that. I do not know who he has consulted because a few people I have spoken to certainly have not heard of any great consultation in relation to that money, and they would be absolutely fascinated to have some consultation and see what he intends to do. The Chief Minister refused to even look at or consider the dissenting report, which is typical of the arrogance of this government and the way it is completely out of touch. The dissenting report made some sensible suggestions. At page 35 it said:

The budget provides funding of \$8 million in 2008-09 for the ACT motor sports fund. However, there are no details setting out the purpose for this funding.

The dissenting report recommends:

We recommend that the Government table in the Assembly, at or before the last sitting for the 6th Assembly, a report indicating:

- a) the purpose for the ACT Motorsports Fund;
- b) the projects that the Fund will finance;
- c) the timeline for each project.

I would not hold my breath. I doubt very much if we will ever actually see that. The Chief Minister has summarily and arrogantly dismissed all the recommendations made in the dissenting report, most of which were fairly sensible. Just looking at the budget as a whole I see that some fairly innocuous recommendations in the main report have been dismissed out of hand by this government. That is just typical of its arrogance.

The motor sport fraternity, especially the dragway fraternity, are rightly concerned about this. At this stage they simply do not believe anything the government says and certainly do not believe anything in relation to the supposed motor sports fund. The government stands condemned for the way it has treated motor sport enthusiasts in the ACT. Of course, should we be re-elected in October this year, our party will build a dragway on that site.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (11.44): The Stanhope Labor government has provided a budget that will deliver a sound foundation for the future of this great city. Through the budget, the government is focusing on investing in our transport system and our infrastructure to meet Canberra's current and future needs and aspirations.

Let us examine this investment. On behalf of the people of Canberra, the government has made a major commitment to road projects in the 2008-09 budget. The government will spend a total of \$11 million in its capital works budget over the next three years to upgrade Tharwa Drive between Johnson Drive and Box Hill Avenue in Banks, while completing the duplication of Athllon Drive with an investment of \$2 million. Those investments will deliver important road and traffic improvements for the good folk residing in the beautiful Tuggeranong Valley.

Further rehabilitation work will also be undertaken on Majura Road and the Cotter Road, with an investment of nearly \$3 million. Further, the government is providing \$20.4 million for capital upgrades aimed squarely at extending the productive life of the territory's assets and improving the look and the amenity of the city. Improvements will be made not only to roads infrastructure but also sports facilities, libraries, bus stops, urban open spaces, cycle paths and footpaths, local shopping precincts and, more importantly in a way, stormwater infrastructure.

The government has an integrated approach to enhancing the transport system with the objectives of providing net benefits for the economy by improving the efficiency of the whole transport system, addressing traffic congestion, improving social outcomes for the community, minimising the level of transport emissions and providing the community with better transport options.

Unlike the opposition, the government is focused on delivering tangible and sustainable transport outcomes. It is not in the business of grasping at straws or

peddling pie-in-the-sky pipedreams like that motley crew opposite. The building the future infrastructure investment program supports the Stanhope government's transport objectives with the allocation of \$250 million over five years for integrated transport system initiatives spanning roads, car parks, efficient and disability standard compliant buses, public transport services and cycle paths.

The government will spend a total of \$10 million in its capital works budget over the next three years to duplicate and widen a number of existing roads around the airport precinct—Fairbairn Avenue, the section between Majura Road and Beltana Road and Pialligo Avenue from Beltana Road to the Monaro Highway.

Some \$20 million dollars will be spent over the next two years to duplicate Flemington Road from the town centre to Wells Station Drive. This work is associated with the continued residential development in Gungahlin and, in particular, Franklin and Harrison. Some \$5 million dollars will be spent over the next year to extend Horse Park Drive to Burramarra Avenue to assist with the development of Casey. A total of \$3.5 million will be spent over the next two years to provide on-road cycle lanes on Cotter Road from Streeton Drive to Stromlo Park, as well as to construct a cycle path connection around Jerrabomberra Wetlands.

A total of \$2.4 million will be spent over the next four years to install safety fencing on bridges over busy roads to increase the safety of the travelling public. Access to Burgmann Anglican school in Gungahlin will also be improved with \$500,000 allocated in this budget to provide alternative access from Warwick Street to the school's main car park. This will supplement the existing access points to the school from The Valley Avenue and cater for half the vehicle movements to and from the school, assisting to reduce congestion on The Valley Avenue along the school frontage, as well as providing improved safety for pedestrians, vehicle occupants and buses.

These are some of the projects the government is undertaking. However, the government, contrary to Mrs Dunne's and Mr Smyth's comments in their dissenting report, does have a clear strategic five to 10-year major road program, which I provided to the estimates committee for their information.

I also raise the issue of the Gungahlin Drive extension. The final stages of the Gungahlin Drive extension were formally opened on Monday, 7 April 2008, some two months ahead of time. The road is well used, carrying in excess of 20,000 vehicles a day. While it is busy during peak periods, it provides an excellent service outside these times.

The Stanhope Labor government has committed \$14 million to augment stormwater infrastructure in numerous locations throughout the ACT. Many of these locations have been impacted by the storm damage of December 2006 and March 2007 when many private properties were flooded and considerable damage resulted from stormwater systems with limited capacity to deal with large storm events. Work will be undertaken in more than 30 different locations throughout Canberra over the next four years with some construction and some forward design completed in the initial year—2008-09.

As the city moves through an important development stage, the government is implementing measures to assist the provision of additional parking. Due to developments in the north-west sector of the city, including sites in the ANU exchange area south of Barry Drive and west of Marcus Clarke Street, we will see a significant increase in demand for long-stay parking in or near that sector of the city. The government has, therefore, identified locations for the construction of additional surface car parking spaces to service rapidly growing areas of the city.

Some \$1 million dollars has been allocated for the construction of a temporary service car park at Watson Street in Turner. The project will involve construction of an access point, probably from Masson Street; construction of surface parking areas; installation of treated pine barriers to define the car park edges and to prevent vehicles accessing other open space areas adjacent to the site; lighting, footpaths and landscaping. Existing mature trees on the site will be retained. The yield is expected to be between 200 and 250 parking spaces.

While one of the goals of the sustainable transport plan is to shift the balance of travel from the private car towards greater use of public transport, cycling and walking, in the intervening period, it is necessary to provide for additional parking to support recent large increases and near-term future increases in employment in City West. The proposed site is zoned as road reserve in the National Capital Plan. The area is currently seen as open space with a mown grass surface. Environmental factors are unlikely to be a significant constraint, with the only minor impacts being on trees located on the site.

The feasibility study will investigate the suitability of areas from a technical perspective in the Commonwealth Avenue western loops or ramps for surface car parking, including existing services, geotechnical and hydraulic issues. The yield is expected to be around 400 paid parking spaces for the combined loop areas.

The \$530,000 funding provided for a new park-and-ride facility at Mawson will also contribute to addressing parking demand in two ways: firstly, it will reduce pressure on parking in the city by providing some commuters with the alternative of parking at Mawson and continuing their journey to work via bus; secondly, it will enable the conversion of 60 of the current park-and-ride spaces within the Woden town centre to paid parking spaces, alleviating some of the parking pressure being experienced at Woden. The project will deliver a new surface parking area with a capacity of 70 cars, bike storage for 15 bikes and promotion of these facilities.

We have allocated \$2 million to improve the amenity of Canberra suburbs and shopping centres, which will increase the frequency of cleaning and sweeping of shopping centres, playgrounds, toilets, bus shelters, underpasses and car parks. It will also allow for an increase in the frequency of mowing and edging of arterial roads, maintenance of shrub beds and weed control. Additional funding of \$5 million over four years will provide for maintenance of new and expanding infrastructure due to the growth of the city and road infrastructure assets and urban open space assets.

The government manages a significant asset base, including a diverse range of living and built assets. The asset inventory includes: 42 hectares of sports grounds;

245 hectares of lakes; 2,411 hectares of road verges, medians and shopping centres; 4,157 hectares of parkland and urban open space; 625,000 street and park trees; playgrounds, public toilets, barbecues, and numerous other assets distributed across the ACT; and 5,900 lane kilometres, or 20 million square metres, of road network. These assets are long-lived, typically 50 to 100 years, and consist of a group of network-related assets—that is, kerbs, pavements and road services, car parks, stormwater, bridges, retaining walls, urban trees, parks and urban open spaces with associated infrastructure.

Each year TAMS receives developed infrastructure assets following greenfields or suburban redevelopment from the Land Development Agency and new assets created by the department through the capital works program. Continuing developments with significant but as yet unquantified growth impacts include Forde, Harrison, The Meadows in Dunlop, Flemington Road estates, Yerrabi Estate, Wells Station in Gungahlin and Horse Park Estate. Infrastructure assets are highly visible and intensively used, and, while new assets require low maintenance in the formative years, a cyclical maintenance program extends asset lives and prevents their decline.

Within the heart of the city, we are upgrading the older section of Bunda Street with \$3.65 million to be spent on lighting, street furniture and paving from Northbourne Avenue to Akuna Street, improving public safety and providing continuity of design along the street. The budget also includes funding of \$3 million to provide new infrastructure in the City West precinct to deliver improved safety, presentation and functionality of the area. There is more.

Mrs Dunne: Can you make it more interesting, Johnno?

MR HARGREAVES: I am going to try to.

Mrs Dunne: Can you sing it?

MR HARGREAVES: Well, there is more. The final stage of the Belconnen lakeshore refurbishment at the Eastern Valley Way Inlet will also be completed with \$2.8 million of kerbage in this project, integrating the recently completed promenade with a lake edge with boardwalks and piers over Lake Ginninderra.

The government is also planning for the future and the growth of our city with a feasibility study funded in the 2008-09 budget to access areas of need and suitable locations for additional recycling and drop-off facilities. The study will also investigate opportunities for designing and constructing additional facilities in key business areas to augment the free recycling services available to the ACT community.

A feasibility study has also been funded to assist options for a new landfill site in the ACT, aiming to be ready by 2013, by which time current waste management facilities will be nearing capacity. An additional \$2.8 million will fund a project to establish a dedicated clean-fill disposal site at the west Belconnen landfill facility and to facilitate rehabilitation of the old borrow pit area, as required by the Environment Protection Authority. Mrs Dunne knows what a borrow pit area is, because we explained it in the estimates committee.

This government continues to develop effective and efficient waste management programs. This is for the benefit of Dr Foskey, who thought I was not listening. Of course, she was right. The 2008-09 budget will provide funding to improve operations at waste facilities, including a new household fluorescent light recycling scheme, a television recycling trial and a permanent household chemical and hazardous waste drop-off facility at Mugga Lane. These initiatives will not only reduce the volume of waste to landfill but, importantly, reduce the toxicity of material being deposited at landfill.

All old tyres from the ACT will soon be diverted to recycling, with many tyre retailers directly taking up available recycling alternatives. Any remaining tyres being deposited at Mugga Lane will also be sent for recycling rather than being disposed of at landfill. Now, you did not know that, did you?

Mrs Dunne: Well, good on you.

MR HARGREAVES: You didn't know that.

Mrs Dunne: No, I did not know that.

MR HARGREAVES: There you go; you learn something new every day of your life, don't you? Additional budget initiatives include the development of the "Growing, the resource recovery industry and waste-derived products market development" report to assist in further increasing the resource recovery performance of the ACT and ensure that materials recovered have sustainable markets. Increased planning and maintenance funding for waste facilities are also being provided to ensure that facilities continue to meet community expectations.

Another issue raised by Mrs Dunne and Mr Smyth in their dissenting report is the issue of random roadside drug testing. The opposition wanted an immediate trial. We had one, and they were found guilty! This government believes that this complex issue requires consideration and extensive consultation prior to any trial being undertaken here. On 1 May 2008, I released a public discussion paper as part of a review of the Road Transport (Alcohol and Drugs) Act 1977, which sets the ACT's alcohol and drug-driving laws. The discussion paper addresses the issues relating to drugs and driving, as well as alcohol, interlock devices, blood alcohol concentration levels and other alcohol and drug-driving issues.

There are a number of significant issues that need to be addressed before introducing random roadside drug testing in the ACT. The efficiency of the testing devices, whilst much improved in recent years, would have to be confirmed. The implementation of a drug-driving testing program would need to be consistent with human rights and criminal law principles. In addition to this discussion paper, on 6 June 2008 the University of Canberra hosted a drugs and driving forum to contribute to the review of alcohol and drug-driving laws. The forum provided an opportunity for the public to hear from experts on the impact of drugs on driving, learn about random roadside drug testing practices in other parts of Australia and gain insight into current research into drug driving.

The forum included presentations and general discussions by a panel comprising University of Canberra researchers, a New South Wales police forensic pharmacologist, a member of the Victorian police traffic drug and alcohol unit, the ACT Human Rights Commissioner and an ACT government analytical laboratory and health-focused social researcher.

The government has listened to what the community have been saying about what they want from ACTION, and, as demonstrated through this budget, we are responding to meet their transport needs now and into the future. Nearly \$50 million over four years will be provided to purchase 100 new, efficient, more accessible buses as part of ACTION's bus fleet replacement program. The buses will be wheelchair accessible to better meet accessibility requirements for Canberrans with disabilities. The delivery of the 100 new buses will meet the government's commitment to have 55 per cent of the fleet wheelchair accessible by 2012. Currently, 25 per cent of ACTION buses meet disability standards under the DDA, and this is the targeted level for December 2007 under the act.

Since 2002, the government has provided \$22.84 million towards ACTION's fleet replacement program. Some 54 new wheelchair-accessible compressed natural gas buses and 20 new wheelchair-accessible diesel buses have been introduced into the fleet. In addition, \$8 million has been provided for 16 MAN, low-floor CNG buses, with delivery commencing very, very soon. ACTION will also receive an additional \$12.95 million over four years to implement network 08. This is in addition to the funding provided in the 2007-08 budget second appropriation of \$22 million over four years from 2008-09.

The budget for municipal services and for transport initiatives for 2008-09 and the ensuing three years contains significant funding. It is a provision which will put us in good stead to move forward. Not only have we looked after our existing infrastructure, but we have made provision for infrastructure into the future. I commend this budget to the Assembly.

MRS DUNNE (Ginninderra) (12.03): I would like to echo the point made by Mr Mulcahy that, in many ways, this is a very important aspect of the budget which often goes unnoticed and uncommented on. It is important because it affects every one of our constituents every day in the quality of their roads, the quality of their footpaths and the quality of most of the services that people deal with on a regular basis. Before the minister leaves, I want to issue a couple of bouquets in particular and to echo the comments made by other members in relation to the rapidity with which the minister and the department respond when we take up constituent issues about potholes, the quality of footpaths and things like this.

I had cause during the estimates process to raise specifically with the minister an occasion when I had raised with him a matter of footpaths and it seemed that it had fallen through the cracks. I had written to him some time ago about the state of the footpaths in Boulton Place and Chinner Street around the Melba shops, because it was raised with me on a visit there. I had written to the minister and, for some reason, I was assured that work was going to happen and it did not happen.

I raised this with the minister during estimates and, to the great credit of the minister and the department, within the week, the particularly bad piece of extraordinarily dangerous footpath in Chinner Street was dug up and there was safety fence around the area. Work has begun there. I thank the minister and his department for the promptness with which they dealt with this. This is pretty much the standard that we have come to expect from Mr Hargreaves in this area, and he needs to be commended for it.

The lengthy exposition that Mr Hargreaves just gave on this area shows the breadth of areas that this covers. I will deal with the big ones and I will go through them. But first of all, I would like to touch briefly on Mr Gentleman's comments in relation to the dissenting comments made by Mr Smyth and me. Mr Smyth and the rest of us did have things to say that were dissenting. Mr Gentleman did the usual Labor Party thing about "never mind the quality, feel the length," and said, "Look at the 1,064 pages that are in the budget compared to the 42 pages of dissenting comments."

Mr Gentleman has to remember that those 42 pages of dissenting comments were put together after everything else was done in the estimates process, because that is the way it is done. We take the issues to the estimates process and, those things that we think are worth commenting on, we comment on. We could have spent a lot more time and put together a lot lengthier document if we were not spending hours and hours asking questions. We asked 4,000 questions. I think Mr Smyth just did a calculation, and that works out at a question for every \$840,000 in the budget. I think we should have been doing a lot more questioning than we did.

If we had not spent three weeks or 3½ weeks in estimates asking questions and then doing hand-to-hand comments about the content of the original report, we could have written a much longer and much more detailed report, with many examples. But we basically had to turn that around overnight.

What it was, in many ways, was to take the really important issues, the big issues, and comment on those to some extent. And I would have liked to have had more time to comment and say more. There were other things that could have been commented upon but time did not allow us to write very much more than that. We were being pressured to come up with the material so that they could be printed and distributed for members.

But getting back to the budget itself, there are some important points. I have to start with the GDE. I have to go back and remind members that, in the estimates process in 2004, the then head of urban services told the estimates committee, "We have done the research. We have done the studies. And when the road is built, it will be a great road 22 hours a day." I have to tell you that, as a regular user of that road, that prediction has already been disproved, because there is now a two-hour period of the morning when the choke points—they do move around from time to time—are such that we have Sydney-style traffic jams on the GDE.

The head of the Department of Urban Services at the time said, "Yes, for those two hours, it will not be real good, but we will not actually have the sort of congestion we

find in other cities.” But as the opposition has pointed out a lot recently, we have gone, over the life of the Stanhope government, from a time when it took us 20 minutes to get to work in the morning—it did not matter where you lived in Canberra, pretty much, you could get to work in 20 minutes—to the stage that travelling time has at least doubled. And that is not reasonable for the people of the ACT.

Of course it does not stack up in terms of what people might experience in Sydney, Melbourne, New York or London, but that is nothing to be proud of. We have doubled our commute time to work, for most people in the ACT. The great saviour of this was supposed to be the Gungahlin Drive extension. I said to officials a few weeks ago, “Around Aranda, it is pretty crook, but the Glenloch interchange is pretty good.” Those choke points have moved and now the Glenloch interchange every morning is a disgrace.

I had a conversation with my husband about two weeks ago. He rang me and—

Mr Barr: This is your actual husband?

MRS DUNNE: This is my actual husband, yes, the one I have been married to for 28 years. He rang me to say that there was a bit of a problem. He had undertaken to take our son to school. It was 20 past 9 and he still had not managed to get him to school, although he left home at a quarter past 8. Because the congestion was so bad he eventually had to go into Civic, find a place to turn around on Parkes Way and come back through Lady Denman Drive to have any show of getting him to school on time. And he was still running late. This was a normal Friday morning two weeks ago.

There was a time this week, on Tuesday morning, where you could not move on Parkes Way. I had people waiting. I had made appointments. I had allowed plenty of time to get to the place of my appointment and I was running half an hour late. And it is not reasonable that someone in my position makes a commitment to meet someone, makes a reasonable effort to get there, and gets stuck in these choke points. The choke points are substantial. They are substantial in Aranda, where all the south-bound traffic has, at three places, to converge into one lane, while the north-bound traffic has two and sometimes three lanes. I wonder how we worked that one out.

Then we have, getting onto the Glenloch interchange, the congestion of the GDE itself converging with the traffic from William Hovell Drive, converging with the south-bound traffic on the Tuggeranong Parkway—three choke points where two lanes merge into one, then another two lanes merge into one and then another two lanes merge into one, and the traffic just backs up and backs up. It is a disgrace that we are in this situation. It is a disgrace that, when this road was originally planned seven years ago, it was two lanes in each direction and that there was capacity for all of these things.

Mr Barr: I take issue with you on the choke points. Parkes Way is the problem now.

MRS DUNNE: If there are choke points, you actually have to create the capacity for people to merge at a reasonable speed, and you are not able to do that when you are constantly taking two lanes and squashing them into one, and then you take two lanes

and squash them into one again. And there is no capacity for rapid merging. We have created a situation where, through the mismanagement of the Stanhope government over seven years, the commute time for the average Canberran has doubled.

We talk about work-life balance. Most of my constituents are spending twice as much time in their cars or in the buses as they used to. (*Second speaking period taken.*) To give an example of this, my husband, to whom I have been married for 28 years, the real one, pointed out to me the other day that the Xpresso, the cutely named Xpresso, service from the Belconnen interchange to the Woden interchange in the morning takes the same time as any of the 300 services to go from Belconnen to Woden, that is, 26 minutes. Then, in the afternoon, the return journey is 14 minutes. And that is entirely because of the congestion on the GDE.

ACTION buses have to factor in an extra 12 minutes for a journey to get the Xpresso bus through the GDE. A 14-minute journey becomes a 26-minute journey, depending on the time of the day. And that goes to show that the system does not work, and it is about time that this government did something to fix it. It should never have been like this, but the government needs to admit that they made a mistake and get on and fix it.

There are other issues. The \$850,000 feasibility study for a new landfill site is one. It is of course inevitable that we are going to have to have a look for a new site for landfill, and it is an issue that is facing municipalities and authorities across the country. Mr Gentleman, Ms Porter and I had a discussion with Veolia at the old Woodlawn mine recently and we heard about the pressure on landfills in Sydney and how most of those were coming to the end of their useful life. The Mugga Lane tip will inevitably come to the end of its useful life. I hope that the \$850,000 is used wisely to come up with an alternative that is in the best interests of the ACT.

But while we are doing that, we should be looking at a whole range of things to reduce the amount of stuff that is going to landfill. Mr Hargreaves has pointed out some things about tyre recycling and trying to improve the recycling industries, but the thing is: we have not addressed the waste stream at the beginning. We are still playing footsies at environment protection ministers conferences about packaging covenants and it is about time, as a country, we bit the bullet about packaging covenants. There is still the failure of the Stanhope government to do anything about domestic putrescibles waste, let alone commercial putrescibles waste.

Dr Foskey, I think yesterday, dwelt on the fact that there is no energy policy and, if we had an energy policy, we might not be in the parlous situation we are in in relation to the much moved gas-fired power station. If we had an energy policy, I hope that we would have more success in siting a solar farm than we did with the gas-fired power station.

There are elements of the budget which of course the Chief Minister extolled as greenhouse measures—the where will we play? Suddenly growing grass or actually putting down artificial turf seems to be a measure to cut our greenhouse gas emissions. But the best one—and I liked it; while this is important, let us not call it a greenhouse gas efficiency measure—is new roads as a greenhouse gas efficiency measure. The government says, “If we have more roads, there will probably be less congestion,

there will be less idling, and therefore we will have less greenhouse gases.” It is a pretty long bow. It is a neat argument. It is a good argument. While you have grade-separated roads and things like that, people are not sitting at traffic lights and that is a greenhouse gas efficiency measure. But the idea that every new road is going to fix things up is drawing a long bow.

We have actually got the tree-driven initiatives in relation to the environment. Most of the environment package, as I said in the in-principle stage, relates to trees. There are trees; there is a forest; there is an arboretum; there are replacement trees; and I think there are more trees. All of this is important, but this essentially is an urban beautification process. These trees will die; they will fall down; and, in doing that, they will emit carbon. Just planting trees is not a carbon abatement process. There is much more to carbon abatement through forestation than just planting trees. It is a whole-of-lifecycle matter. The Chief Minister thinks that he can gloss over it by saying, “Look how much money there is for trees.”

In terms of sustainability, there is very little in this budget. There is the rebadging of a few programs and extending them a little bit. There is some new money but it is very small new money. The Chief Minister berated the opposition the other day for spending what he said was a small amount of money in their last budget, in 2001, on greenhouse matters. I pointed out to him that that was new money; there had been money in the past; and that money was accumulated, one on top of the other.

No-one says that that was enough. In hindsight, it was not enough. But the Chief Minister comes in here and says, “We have spent \$240 million”—or a large sum of money—“on greenhouse gas reductions since we have come into this place.” Most of it is not that; it is the sort of thing that you can cobble together and say, “Can I in some way justify this as a sustainability measure and then count that towards my greenhouse gas reduction?” But it is not a coherent policy; it does not address the issues that we need to address; it does not seriously look at the problem and come up with solutions.

The only person in the government, it seems to me, who has seriously looked at the problem is Mr Gentleman. He came up with a part of a solution and it was an all right part of a solution, but a hell of a lot more work needs to be done on what Mr Gentleman tried to achieve the other day with the introduction of his feed-in tariff. It is a good start, but keep working on it, Mr Gentleman, because there is a lot more to do.

Mr Pratt touched on ACTION. Yes, the new network is better but it has still a long way to go. Yes, it is aimed at commuters, and a lot of people, vulnerable people who do not have access to other transport, have missed out. People who travel in the middle of the day are still having long waits between buses. There are improvements but there is still a long way to go. And until we have a much better process of bus priority and eventually a much more streamlined and seamless approach to public transport we will not make serious inroads into (a) providing the people of the ACT with a good service and (b) addressing our greenhouse gas emissions.

I cannot let the budget discussion of urban services close without some mention of the Albert Hall. I welcome the funding that has eventually materialised and had been

promised. Mr Hargreaves kept saying that there was money but it had never actually been appropriated, and I am glad to see it appropriated. I want to see sound work at the Albert Hall to ensure the long-term survival of the fabric of the building. In addition, it is not just about the building and the building fabric. We have to also address how the Albert Hall fits into the community, how the community will be able to use the Albert Hall into the future as an important public building and how it will continue to be value for the important public building that it is.

As always, the TAMS budget is a bit of a curate's egg. There are some good bits; there is a long way to go in a lot of areas. There is a fair amount of gloss in the sustainability areas, and I think that the Stanhope government has a lot to do before it can really build up its sustainability credentials.

MR SMYTH (Brindabella) (12.23): It is a pleasure to speak to this line item because it contains two of my favourite portfolios, tourism and sport and recreation. But before I get to them, I think it is important to put on the record what I describe as Mr Hargreaves's litany of failure in the territory and municipal services part of the budget.

I would just like to recite a few words and people can draw their own conclusions: Tharwa bridge, road funding, Gungahlin Drive extension, Griffith library, the busway, ACTION timetables, security at bus interchanges, rock throwing at buses, the Grassby statue, insult to Vietnam veterans, FireLink, the ESA headquarters move to Fairbairn, housing, the Revolve kerfuffle, graffiti, taxis, NOWaste by 2010 and shopfront closures. One could probably give an all-day speech on those failures that the Minister for Territory and Municipal Services has presided over, but I will concentrate on Mr Barr instead.

Contained in this budget line because of the administrative arrangements that the Chief Minister has put in place are two very important items: the tourism and sport and recreation budgets. And both need to be addressed. Given that we are approaching 12.30, I will do as best I can before lunch. In relation to the tourism budget, when you go to the press releases, it is actually very hard to find. It is No 24, I think, out of 25 press releases before we get to tourism. To find any description of what is happening in the tourism budget, there are three small paragraphs at the end of the press release. I think it is an indication of the importance that the government puts on tourism that it is hidden and it really is not a budget that addresses the needs of the tourism community today and into the future.

Tourism is looking more and more like a major disaster area for the ACT and for this government. We only saw the statistics last week and the reaction this week from the community that showed quite clearly things are not well. Firstly, we had the savage and unnecessary cuts by the Stanhope government in 2006, presided over by this minister. And the logic was: it was because the national institutions have their own marketing and promotions budget; there is duplication; and she'll be right.

We know all about the rationale for that decision. That was apparent from the quotes that were released from the Costello report that found that marketing constituted 29 per cent of the expenditure by Australian Capital Tourism. It is on page 31 of the

document. What a ridiculous statement! That is what a tourism firm is there for; it is there to market. What is that organisation meant to do? It is meant to do the marketing for the ACT. In addition to the activities of the commonwealth government and the national institutions that are located in the ACT, we need to promote the ACT itself beyond the boundaries of the ACT and, indeed, beyond the boundaries of Australia.

To this you then add the cuts by the Rudd government in the 2008 budget to those same national institutions. They have statutory obligations; they have to look after collections; they have to provide services to the public. What will suffer the most? Clearly, the marketing areas will. As if those two adverse impacts are not bad enough, the ACT tourist industry now, along with the rest of Australia, is having to cope with the relatively high value of the Australian dollar compared to the US dollar, and that is causing them problems. We saw extra taxes put on the industry through the Rudd budget as well, and that is compounded then by the rising cost of fuel, which affects airfares.

But more importantly for our market, given that almost 70 per cent of tourists arrive in Canberra by car, the rising cost of fuel and the inability of the Rudd government to do anything about that particular issue will compound things for the tourist industry, and that is why we have seen people like David Marshall and other leaders in the tourist community say it is a difficult time. It is further compounded by the fact that the spending today has benefits 12, 18, 24, 36 months from now. As expenditure is cut and then ramped back up, it does take time for that funding to have its impact.

So I think the prognosis for the industry is not necessarily good. It is compounded now by the fact that the government is going to put some money back into the industry. We see some initiatives. The list is quite interesting. There is an enhanced stall for the Tourism Exchange; the science festival gets some money. We have got things like bringing a World Rugby League cup match to Canberra; we have got some additional money for a portable tourist information booth; and of course there is now \$250,000 to look at the issue of the new convention centre.

I remember being at a Tourism Industry Council awards night back in December 2001 when the then tourism minister, Mr Quinlan, said, "By this time next year"—that is, December 2002—"there will be a decision on the new convention centre." Unfortunately, that has not happened. Given the time that will be required to actually get a new convention centre off the ground, which is a minimum of three or four years, it is still some time away.

The problem now is that, with the cuts of the Rudd government to the Burley Griffin legacy, I think you would have to agree, Mr Speaker, that any activity in the West Basin is unlikely. In fact, until we resolve what will happen on Constitution Avenue, it is going to be difficult on that site as well. And it is a shame that the Rudd government has reneged on a deal where the territory handed over property in exchange for expenditure on works and those works are not going ahead. I wish the government well in getting the Rudd government to acknowledge they have a moral obligation as well as, I believe, a legal obligation to honour the commitment of the former government.

The problem for us, though, is that it does make life difficult. I would still put it to the minister that the pool site is the best site for it. Everything I have learnt in the last couple of years since we announced our option in February 2006 leads me to be more and more convinced that the best place for the new convention centre for the ACT is, indeed, on Constitution Avenue.

Tourism is a very important industry for the ACT, and we certainly need to make sure that we have adequate funding so that we can respond to things like the downturn that is occurring, where money is tightening for people, where the cost of fuel is making it more difficult to travel, where new taxes from the federal government are making it more difficult for people to get here. Australia may well, from all the surveys, be at the top of people's aspiration list of places they would love to go to but, in terms of when they actually come and how they get here, it is often at the bottom of that list.

It is about 12.30 and I am about to have to stop. I will take this up after the break, but I do need to bring to the attention of Mr Gentleman, who spoke earlier about the report and how outrageous it seemed to be that committee members and other members asked almost 4,000 questions of the government over the budget—almost 4,000 questions, how outrageous; members doing their job—in a \$3.3 billion budget, if you divide that by 4,000 questions, it is about one question for every \$825,000. I do not know what the go with that is.

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 12.30 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I wish to advise that the Minister for Territory and Municipal Services, Mr Hargreaves, is not available to participate in question time today. I regret that, as does he. I stand ready to render what assistance I am able to in relation to any questions that may have been directed to Mr Hargreaves.

Questions without notice

Children—protection

MR SESELJA: My question is to the Minister for Children and Young People. Minister, yesterday in question time you gave a brief update to the Assembly on the issues surrounding the family in Ainslie. Given the reports we have seen in the national and local media, is there any further information you can give the Assembly?

MS GALLAGHER: I do not believe so. I am constrained a little around the privacy and confidentiality requirements of the Children and Young People Act. Also, the matter is currently before the court. I do not believe there is anything further I can say

at this stage. I note that the opposition is having a briefing on this on Monday—that has been organised.

Planning—Gungahlin

DR FOSKEY: My question is to the Minister for Planning and it relates to the relationship between integrated public transport, particularly light rail, and property values in new developments. I have been told that, if Gungahlin had had light rail, the government would have reaped an extra \$8 million from the sale of just the first tranche of land in the suburb of Harrison. Does the minister agree that integrated public transport infrastructure has to be in place before the land is sold in order for the government to reap this transport related dividend from selling the land?

Mr Corbell: I raise a point of order, Mr Speaker. This is really asking for an expression of opinion. It is not about any government program or service. I think it really is much more a subjective question that really is not appropriate for question time.

MR SPEAKER: Can you repeat the question, or rephrase it, Dr Foskey?

DR FOSKEY: Has the minister been informed that integrated public transport infrastructure has to be in place before the land is sold in order for the government to reap this transport related dividend from selling the land?

MR BARR: I thank Dr Foskey for the question. Have I been informed? I have been lobbied by some, including representatives from ACT light rail; I think that is the name of the association that Mr Reynolds, who is also from the Gungahlin Community Council, heads up. Mr Alan Kerlin from the Gungahlin Community Council has also taken the time in our regular meetings to advocate this particular case. But, in terms of there being a definitive answer to that question, I do not believe there is. It is a matter of some conjecture.

People can speculate one way or the other as to whether land values would be raised initially by such infrastructure. I suppose the question ultimately would be whether light rail would raise values any more than would any other form of public transport, be it a dedicated intertown public transport route such as the government has made provision for, for example, on Flemington Road that we are investing in in this budget. Whether it necessarily flows that it is one particular form of public transport that may well raise property values is a question that is really unresolvable at this time.

MR SPEAKER: A supplementary question, Dr Foskey.

DR FOSKEY: Thank you. My supplementary leads on from that. Given the lack of what the minister feels is hard information, has the minister commissioned or will he commission a study to determine to what extent the cost of building public transport infrastructure like light rail or a dedicated bus lane in Molonglo Valley would be recouped from increased land sale revenues which would be lost to the government if that infrastructure is not in place from the start?

MR BARR: In responding to that question, I would refer Dr Foskey to a study I believe Mr Corbell, when he was in the planning portfolio, commissioned in 2002. The public transport futures feasibility study, I am informed, is the title of that study. That might be worth reading. I understand that that report is publicly available.

I would draw Dr Foskey's attention to the draft variation for Molonglo and north Weston. There is a very strong indication from the government, through that variation, of the importance of public transport provision, most particularly the need to ensure that our existing public transport system is able to integrate very effectively into the new Molonglo development.

I know, from numerous briefings by the Planning and Land Authority, most particularly the team working on the Molonglo project, public transport provision and its integration into the existing ACT public transport network have been at the forefront of their thinking in the development of the Molonglo variation.

Children—protection

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, with regard to the Ainslie family that we referred to earlier, the *Canberra Times* states today:

In mid-November, the department was granted a six-month supervision order, which expired on May 15.

Could you explain to the Assembly the reasons behind the department's decision not to seek an extension of the powers of supervision?

MS GALLAGHER: I am happy to answer that in a general sense around the processes involved. I should say that I have had lengthy discussions today with the case workers who are making the decisions around this. In a general sense, supervision orders are in place. When they expire, there needs to be a body of evidence that would support a continuation of court-ordered supervision or some sort of order in relation to protection of children. If those lapse or expire, and there is not a body of evidence that would support further court-ordered involvement, that is a reason why further orders do not come into effect. But that does not mean that care and protection finish their involvement with a family. In fact, that involvement can continue, does continue, and in this case did continue. The result of that may have been the building up of evidence that would have required further court-ordered care, but at that point in time that evidence was not available.

MR SPEAKER: Is there a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, in the case of this family in Ainslie, what monitoring occurred since 15 May? Can you expand on the nature of that monitoring?

MS GALLAGHER: I am getting a bit uncomfortable about how much detail of the information I can go into. With respect to the information that is already public

around this—and Mrs Dunne can test this and ask further questions in the briefing on Monday—there was contact with the family by phone. There were also visits to the house from the time of the supervision orders lapsing to the events on Sunday evening.

Gungahlin Drive extension

MR MULCAHY: My question is to the minister representing the Minister for Territory and Municipal Services and relates to the Gungahlin Drive extension. Minister, during a recent estimates committee hearing the Minister for Territory and Municipal Services indicated that the government would not commence work on expanding the Gungahlin Drive extension for at least 12 months. What work has been done to commence traffic studies on the usage of the road?

MR STANHOPE: I regret that I will have to take the question on notice. It may be a level of detail that the minister has; I regret it is a level of detail that I do not have. I am certainly more than willing to seek the information and provide it to Mr Mulcahy and to the Assembly.

What I can say—it is not a response to the specific question—is that Roads ACT is aware of some of the merging issues, including merging lanes and adequacy of the capacity to merge, I think most particularly south of Belconnen Way and Ginninderra Drive. I am aware that Roads ACT, or at least Territory and Municipal Services, is looking at the prospect of early additional amelioration or work to assist in dealing with issues around merging.

Over and above that, what I am able to say is that the budget that we are debating today—indeed, we are still on the Territory and Municipal Services line—contains a provision of \$250 million in infrastructure and capital directly aimed at ensuring that we can meet the public transport and road needs of the ACT now and into the future. It is the single largest injection of capital funding for transport in the history of the ACT.

We have given some clear indication of how some of that record level of expenditure for transport and roads will be utilised. There is a significant uncommitted level of funding in the infrastructure fund for roads. I have earlier indicated that the ACT government has identified the three priority roads for major investment in the ACT as a potential Majura Parkway, expansion of the Gungahlin Drive extension and an upgrade to Parkes Way. They are the three roads of significant priority that will require significant investment, with each of them requiring an investment of more than \$100 million.

There is significant capacity already identified within the budget, and that capacity will be utilised to progress those three major road upgrades. They are very much part and parcel of the government's thinking and forward planning. We are aware and working towards and ensuring that we have the resourcing capacity to meet emerging needs for the upgrades of three major roads. They cannot all be done at once. They will have to be scheduled.

The possibility of this jurisdiction, with the size of our budget, even accepting that we have provision for the largest ever injection of infrastructure in the history of self-government still needs to be accepted and digested in the face of the overall cost of those three major looming priority investments—Majura, Parkes Way and the GDE. They cannot all be done at once.

The government gets representations constantly for the Majura Parkway to be upgraded, for the parkway to be built now. We get similar representations in relation to the GDE. We get similar representations in relation to Parkes Way. These major infrastructure works need to be scheduled. They need to be planned, and that is precisely what the government is doing. We are planning for them and we are ensuring that we have a budget, a balance sheet and an economy that has the capacity to fund that level of infrastructure.

MR SPEAKER: A supplementary question, Mr Mulcahy.

MR MULCAHY: You may need to take this on notice, too, Chief Minister. Can you inform the Assembly whether the minister has received advice as to the likely time it would take to expand the GDE?

MR STANHOPE: I would have to take that question on notice. Not being a portfolio of mine, that is not a level of detail that I am aware of. I am more than happy to take the question on notice, Mr Mulcahy. Then again, I would need to understand whether that was assuming the decision was taken on studies that have been done previously in relation to traffic movements on Gungahlin Drive. These are the sorts of issues that need to be taken into account in relation to the Majura Parkway vis a vis GDE in terms of priority and program. I guess that is at the heart of the question. Those are the sorts of considerations that the government will take into account.

As I said, the government has a \$250 million infrastructure program devoted entirely to transport and roads over and above our standing and usual capital works program, which has also been enhanced to the tune of \$200 million over this budget period. That is the level of provision and foresight and capacity that the government is dealing with. Even with that level of capacity, a level of capacity which is only realised as a result of decisions this government has taken in recent years to secure—

Mr Pratt: An election-year five-year delay catch up.

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: It is only with that level of capacity that we are able to even contemplate these works. This is the great irony in this huffing and puffing that we see from the Liberal Party in relation to roads, the GDE and the Majura Parkway. Without the work that this government, my government, has done to secure the budget and the balance sheet, we would not even be having this debate. We would be back in the days of the previous Liberal government—

Mr Pratt: Which had a five-year plan.

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: The largest annual capital budget under the previous Liberal government was \$89 million, of which they delivered about \$60 million. That is where we were. That was the mindset. That was the thinking under the previous government. The largest single capital budget that they budgeted for, I understand, was \$89 million. In the last financial year, this government delivered a capital spend of \$340 million on the ground in a capital program of over \$400 million. The previous government, in their biggest ever year delivered \$60 million, I think.

We would not even be having this conversation but for the work that this government has done to secure our balance sheet and to provide the capacity to debate what we will invest in now with the enormous capacity that we have—that is, the capacity to actually deliver a billion-dollar infrastructure program over the next five years. We have a \$1.5 billion infrastructure capital program.

Children—protection

MR STEFANIAK: My question is to the Minister for Children and Young People. Minister, the *Canberra Times* reported that an assessment of the Ainslie house was done by your department four days before the police intervened. Minister, could you inform the Assembly what this assessment was and how it differed from the police assessment?

MR SPEAKER: I am a little troubled that, if we start delving into an assessment of what the police assessment meant, we could fall foul of the sub judice rule, because this will be evidence which is going to be led in the courts. Mr Stefaniak, I just caution you about the line that you are taking with the questioning, particularly in trying to have a comparison with the police assessment, which I think invites the minister to tell you what the police assessment was.

MR STEFANIAK: She can certainly answer the first part, even on your ruling, in terms of what was the assessment that was made four days before the police assessment. I leave it to the minister to answer in relation to the police assessment. She can perhaps—

Ms Gallagher: I can't.

MR STEFANIAK: She cannot touch it or she can say something more generally.

MR SPEAKER: You should not ask it either.

MR STEFANIAK: I think we get a bit precious about the sub judice rule. Certainly I would like her to tell us what the assessment that her department made was. There is nothing wrong with that.

MR SPEAKER: Mr Stefaniak, you accuse me of being a little precious.

MR STEFANIAK: No, I am not accusing you at all.

MR SPEAKER: I think you did. Would you just sit down for a minute and I will refer to the continuing resolution on sub judice. It says:

- (1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

By reference to police evidence, I think you draw the connection, and I do not think you should.

MR STEFANIAK: I understand that, Mr Speaker. Minister, can you inform the Assembly what was this assessment made by your department four days before the police intervened?

MS GALLAGHER: Mr Speaker, I thank you for your guidance on matters that are currently before the court. The advice to me about the visit that was made on 18 June was that, based on the professional decision making of the child protection workers who visited the house at that time, there were no grounds for emergency action or removal of children but that the department formed the view that they would keep an ongoing role in monitoring of the family.

If I can just use this opportunity, I want to put on the record my sincere appreciation of the work that child protection workers do, and my thanks. I met with many of the staff involved at lunch today. They of course are quite upset at the reports in the *Canberra Times* that move directly to blame them and their decision making. As an Assembly, as people who are involved in these matters, I think that we do not understand and do not have any appreciation of the issues that care and protection workers face every day as they visit families across the territory.

Care and protection workers are involved with over 1,250 children as of today. Some of those are on court-ordered care, whether it be a supervision order, a protection order or in the care of the territory in a formal sense, having been removed from care. Several hundred of those are working with the department, and their families are in a voluntary capacity. With stories such as the one in the *Canberra Times*, which move to blame care and protection workers and question their decision making, we need to understand the impact that has on an already extremely stressed workforce.

The advice to me, supported by information that I have received directly from the staff today, is that their professional opinion—and these are decisions that are taken every day by professionals—was that as of 18 May they did not feel that any further action in terms of removing children or any sort of emergency action was warranted. But they maintained their ongoing supervision role, which they had had in place for some time.

MR SPEAKER: Supplementary question?

MR STEFANIAK: Thanks. Minister, how many workers from child protection attended the premises on the Wednesday?

MS GALLAGHER: I believe it was two. I will check that and get back to you, but I am pretty confident that it was two.

Budget—capital works programs

MS MacDONALD: My question is to the Chief Minister. Can the Chief Minister advise the Assembly about the government's achievements and plans for infrastructure development that are getting the territory ready for the future?

MR STANHOPE: I am very happy to do that. I thank Ms MacDonald for the question. The government's record on capital works delivery far eclipses that of the previous government. It is reasonable to say at the outset that we have a proven track record in consistently delivering the annual capital works program for the ACT. The 2008-09 budget papers forecast that the capital works program budget for 2007-08 will deliver record levels of expenditure at around \$314 million; that is, \$314 million of capital programs delivered on the ground over the last financial year.

Under this government the territory's economy continues to flourish. It is difficult to envisage this level of confidence and investment in the territory's economy if the government had not been prudent in managing its finances. The point which I just made in response to the previous question is moot—without the level of prudence, without the level of devotion to the detail of the budget, the determination of securing our financial position, we would not be having a debate about our capacity to build the infrastructure currently on the drawing board.

Good financial management has placed the government in a position where it can not only keep up this significant investment in infrastructure but also make additional investment in priority service areas. The government is certainly making the territory ready for the future.

The government has achieved hard-won gains by pursuing its reform agenda. It has achieved a budget surplus one year ahead of schedule, giving it the capacity to now focus on continuing to invest in services and infrastructure, and to invest at a level never potentially been achieved.

Significantly, this unprecedented level of investment will be surpassed by the \$1 billion building the future infrastructure investment program and the annual capital works program. This adds to the existing forecast program, taking the government's commitment to infrastructure and capital in this budget to \$1.5 billion over the budget and forward estimates. This is a new record level of investment in the ACT community to ensure that we can deal with the challenges of the future.

The investment program will further increase the productive capacity of our economy, reduce future costs, and provide for the continued growth of the economy to give Canberra a competitive edge against any city.

The 2008-09 budget includes \$300 million through a first tranche investment to establish a health system for the future. That \$300 million is—the government admits,

and admits quite freely and with some pride—only the first tranche of a billion dollar investment over the next decade. There is \$250 million to the territory’s transport system to increase its efficiency and to meet the needs of a growing economy—\$250 million in infrastructure over and above our continuing capital works program.

There is \$100 million for improvement to urban amenities; \$100 million for adaptation to climate change initiatives; \$50 million for cutting edge information and communications technology; a \$200 million boost to the existing capital works program to support growth, particularly in the land supply program; and over \$31 million in feasibility studies to plan for future ACT infrastructure needs.

The government’s investment record is already second to none. The billion-dollar building the future infrastructure investment program ensures we are ready for the future. We are planning for the future of our city and the needs of our people. We will ensure that Canberra remains a great place to live—indeed, the best place in the world in which to live.

MR SPEAKER: A supplementary question, Ms MacDonald.

MS MacDONALD: Thank you, Mr Speaker, and I thank the Chief Minister for that answer. Chief Minister, can you advise how the government’s plans contrast with the approach taken by previous administrations?

MR STANHOPE: I can make that contrast because the contrast is chalk and cheese. Ours has been an approach of a government committed to the growth of the territory, committed to making the city world class, committed to improving the look and the feel of the city. We have done it in a planned and strategic manner and we have done it by ensuring that we have a budget that is sustainable, that we have a balance sheet that is strong, that we have the capacity to make the sorts of investments in infrastructure that have been sorely missing in the past.

It is interesting that expenditure on the capital works program has tripled since 2001-02 when we came to government. In our first year in government, the capital program was \$111 million, which exceeded any capital budget ever produced by the previous government in its time in government, to a forecast \$314 million in the last financial year. We started with \$111 million in our first year in government; we have built it to \$314 million in the last financial year.

The previous government, in comparison, invested almost nothing—certainly in comparison to those numbers, very little. And the numbers speak for themselves. It is sobering to go back to the capital budgets of the Liberal Party in government, as they huff and puff here and puff out their chests about the party that has a record of achievement in relation to infrastructure and the delivery of capital projects.

In 1998-99, at the height of the Liberal Party’s power in the place, what did they deliver? You can feel it coming, can’t you? What did the Liberal Party deliver in 1998-99 in capital on the ground? \$64 million. It was actually their year of achievement. The Liberal Party in 1998-99 delivered a capital works budget of \$64 million. What did we deliver in the last financial year? \$314 million.

The Liberal Party stands and huffs and puffs about our capacity to deliver major projects and to deliver capital. Compare the record: a decade ago, the Liberal Party in government, \$64 million; last financial year, \$314 million. Of course, they did improve. In 1998-99, they delivered \$64 million. In 1999-2000, in their last year in government, they delivered \$76 million. It really was quite significant; they improved by \$12 million between 1998-99 and 1999-2000, from a massive \$64 million to a massive \$76 million.

What did we deliver in the last financial year? \$314 million. What have we budgeted for in this budget? \$1.5 billion over the next five years. That is not actually counting our rolling capital works budget. That is over and above that.

Not only should we dwell on that disparity, that comparison, that chalk-and-cheese analysis of the Liberal Party's capacity not just to budget for capital but to invest in the infrastructure that the city needs but we do need to reflect on how well did they deliver that \$64 million worth of capital; how well did they deliver that \$76 million worth of capital projects.

Mr Barr: They were good with green paint, apparently.

MR STANHOPE: That is right. As we said—most particularly Mr Gentleman and I, as we brainstormed furiously last night trying to conjure up those capital projects that are the legacy of 6½ years of Liberal government, of course that legacy, that \$64 million—what springs to mind? Immediately what springs to mind, of course, always is Bruce Stadium, promised at \$12 million, delivered at \$84 million four years later, after breaching all sorts of laws and with all sorts of irregularities, breaking the Financial Management Act, bringing the territory into disrepute. Bruce Stadium springs to mind.

Other aspects of their capital program—

A member interjecting—

MR STANHOPE: Of course, the hospital implosion. That was a capital project. They actually imploded the hospital. And we will not go too far into exactly how that was received, how that particular project was carried out.

There was, of course, as Mr Gentleman and I, in our brainstorming session identified, feel the power. Mr Gentleman did actually provide me with some quotes from Mr Kaine, Mr Mulcahy's predecessor in that particular position of expelled member of the Liberal Party. There is something of a history here of the intellectual force of the Liberal Party actually being forced to the crossbench.

But of course, it is the futsal slab, it is feel the power, it is the Impulse Airlines hanger that was never occupied because the airline went broke; it is all of the other things that they did; it is the 114 beds that they closed at the Canberra Hospital; it is the 700 units of public housing that they actually sent to the never-never; the things that they did; the swimming pool that they promised but could not build—

MR SPEAKER: The minister's time has expired.

MR STANHOPE:—the convention centre that they said they were interested in but they could not actually deliver.

MR SPEAKER: Order, Chief Minister, resume your seat!

MR STANHOPE: That is the Liberal Party's record on capital.

MR SPEAKER: Resume your seat.

Gas-fired power station

MR SMYTH: My question is to the Chief Minister. Chief Minister, I refer to a letter that you sent to Mr Mackay and the chief executive of ActewAGL on 19 July 2007 in relation to the proposal for the data centre and gas-fired power station. The letter states that advice would be provided to you on the respective merits of the three sites identified in the letter. Chief Minister, did you receive that advice and what did it say about each of the three sites?

MR STANHOPE: I did receive advice of course in the context of a decision that was taken by me to cabinet and of course that particular document has a degree of confidentiality attaching to it. Whether or not advice outside of the cabinet submission was received by the government which analysed each of these sites side by side of course is something that I do not recall. I will take some advice on that. But certainly I am most pleased now that the Liberal Party acknowledges the existence of the letter that debunks every one of the outrageous claims it made in relation to this particular matter.

It is interesting that here at the end of the day, after all the fury and the force, we have the Liberal Party—I think it is the first time, in fact, that a member of the Liberal Party has acknowledged the existence of the piece of correspondence that debunks every single one of the claims and the nonsense that they have parroted in relation to this particular issue.

MR SESELJA: You can't answer the question, can you, Jon?

MR STANHOPE: I am answering the question. It is the letter of 19 July which explains explicitly that the government had in place a process for assessing the relative merits of all of the blocks, and they were all under consideration, and that when that particular exercise had been concluded then of course decisions would be taken.

In relation to the nonsense propagated about actually moving away from a particular so-called preferred site on the basis of potential economic advantage to the territory, even the brief accompanying the letter, which Mr Smyth for the first time on behalf of the Liberal Party now acknowledges exists and which does debunk their entire case, covers it. I will read what the brief covering the particular letter says:

From the point of view of releasing Industrial land onto the market in the near future, the LDA and CMD prefer the site at part Block 18 Section 23 because it is not immediately earmarked for release. By way of contrast, Block 7 section 21 is currently being prepared for sale in the near future by the LDA—

something that was always admitted and indeed it was the LDA's initial position—

to meet the current high demand for industrial estates in Hume;

That is a most reasonable and logical position for the departments and the agencies to take. The brief then goes on to say—and this really is the conclusion and the advice and the briefing that I received that completely debunks the nonsense that has been propagated by the Liberal Party and dispersed by others:

therefore, if this site—

namely, the so-called preferred Hume site—

becomes the final one offered to ActewAGL, there would be an urgent need to identify other replacement land for release. The broadacre site has the merit that it would not utilise Industrial land at all (a power station/major utility installation is a permissible use on the Broadacre zoning).

So there we have it, in the brief to me covering the letter of 9 July, officials advising me that all blocks were to be considered, all blocks were available; if the Hume block were to become the site ultimately selected by ActewAGL then in this briefing explicitly to me, “Well, we’ll have to go back to taws. We’ll have to go back to first base. We’ll have to redo the work that we’ve done to get that industrial land ready for release to the market on another site.” There it is for all the world to see in black and white. You had it, you ignored it, you never related to it, because of course you wanted to be selective in your treatment of documents, so your entire case relied on documents that predated the brief and the letter that we refer to here in this particular discussion—because this letter blew every one of your allegations and your puerile claims out of the water, completely out of the water. That is why you have never admitted the existence of this letter or brief—because it debunked every one of your idle accusations.

In relation to the final decision, the final decision was a decision of cabinet, based on advice, of course, in relation to most particularly the desire of ActewAGL for the site which they ultimately chose and selected; the decision of the consortium of this very significant multinational company that I hope most sincerely has not been frightened out of the ACT by the antics of the Liberal Party, the party that pretends it is interested in broadening the economic base but the party that has done everything through an outrageous scare campaign to ensure that this major \$2 billion project is not successful here within the territory.

MR SPEAKER: Is there a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Chief Minister, will you table that advice in the Assembly by close of business this afternoon? If not, why not?

MR STANHOPE: I have absolutely no intention of tabling that cabinet submission now or at any time, in relation to this or any other matter. Just to explore the continuing relevance of this issue and the game which the Liberal Party is playing, it is interesting to go back to claims which Mrs Dunne has made on the record, both within and outside the Assembly, so subject to parliamentary privilege and otherwise. Indeed, it is consistent with the position that she took last night, when she came into the Assembly and admitted that she had just misled it, and then said, “How silly of me, I just made a mistake; I’ll just correct the record now.” She did not apologise or take the attitude that public servants such as David Dawes have taken, when he realised that he had made an error, that he had made a mistake, that he had misread a document or misunderstood a question, and that he had made a mistake in his evidence to an estimates committee.

It is interesting, isn’t it? We had the example last night of Mrs Dunne, in the debate on the budget, making outrageous, unsubstantiated claims about sites and the location of sites. Interestingly, it was on the same subject—sites, pieces of land—but in that particular instance in relation to a possible solar power farm. We heard Mrs Dunne, in the Assembly, as recorded in *Hansard*, gaily misleading the Assembly in relation to that, and coming back an hour or so later, after somebody had drawn to her attention—

Mr Smyth: On a point of order, Mr Speaker: he has to withdraw that.

MR SPEAKER: Order! Withdraw that.

Mr Gentleman: She admitted it last night.

MR STANHOPE: She admitted she had misled. She came back to correct—

MR SPEAKER: Well, you can’t accuse—

MR STANHOPE: I withdraw the suggestion I made that she misled, and I will rephrase it: Mrs Dunne came into this place, admitted that she had misled the Assembly in her enthusiasm and then said, “I’d like to correct the record.” That is what David Dawes did. David Dawes made a mistake—

MR SPEAKER: You’re going to have to come back to the subject matter of the question.

MR STANHOPE: The subject matter is site selection and misleading statements.

MR SPEAKER: No, it is not.

MR STANHOPE: It is important and relevant.

MR SPEAKER: Order! The subject matter of the supplementary question was about whether you would provide the advice and, if not, why not.

MR STANHOPE: Thank you, Mr Speaker. I am not going to table cabinet submissions. But I think, on this issue of the letter of the 7th or whenever it was—I think the brief was on the 17th—it is interesting, in relation to the Liberal Party's access to these documents—and I will conclude on this point—that despite the protestations of Mrs Dunne in relation to this matter, this is what Mrs Dunne told estimates:

... Chief Minister, is a draft of the submission that you received on 17 July and signed off on on 18 July. The opposition did not receive the final version of this. It is not on the schedule of documents which are subject to the Freedom of Information Act. I have actually asked our staff to double check, but, at this stage, my advice is that the final version of this document and the attachments do not appear to be on the final version of the FOI request that was provided to the members of the opposition.

She then goes on to say, and this is all that I have ever asserted—

MR SPEAKER: Order! I have ordered you to come back to the subject matter.

MR STANHOPE: I will just finish by saying this. She then goes on to say:

We do actually have a copy of it, Chief Minister, and it looks like that—it actually has nothing blacked out.

MR SPEAKER: Chief Minister, if you're not going to attempt to answer the question, you might as well resume your seat.

MR STANHOPE: I have answered it fully. I am just providing some additional information.

MR SPEAKER: Well, they didn't ask you—

MR STANHOPE: I will table this document, and I will conclude on that basis, because it actually reveals exactly what Mrs Dunne did say, and the fact that she admits on the record that she did have the documents. I table the following paper:

Proposed gas-fired power station and data centre—Select Committee on Estimates 2008-2009—Extract from Proof Transcript of Evidence, 16 June 2008, pages 1239 and 1240.

Gas-fired power station

MRS BURKE: Mr Speaker, my question is to the Deputy Chief Minister—

Mr Seselja: So you're hiding the document. You're hiding the document that will prove your case. You know exactly what's in it.

MR SPEAKER: Mr Seselja, I warn you. I have called you to order several times, and you have refused to accept my rulings on these matters. If you interject again, I will name you.

MRS BURKE: I will start the question, again, Mr Speaker. My question is to the Deputy Chief Minister, Ms Gallagher. On what date did you receive your first official briefing from your department in relation to the health implications of the Tuggeranong gas-fired power station and data centre?

MS GALLAGHER: The question was on what date did I receive what?

Mrs Burke: Your first official briefing from your department in relation to the health implications of the Tuggeranong gas-fired power station and data centre.

MS GALLAGHER: I would have to check in terms of my oral weekly briefings, if we have that date recorded. In terms of the first formal written advice on the proposal, I received that on 28 May.

Mrs Burke: Will you take it on notice and clarify?

MS GALLAGHER: That is correct—28 May was my first written advice.

MR SPEAKER: A supplementary question, Mrs Burke.

MRS BURKE: Minister, why did it take you until two weeks ago, then, to begin a health impact assessment of this project?

MS GALLAGHER: On 28 May ACT Health briefed me around the original proposal. That was the proposal that was originally on the table about a much larger facility. In that advice, they recommended to me that further work needed to be done around potential health impacts of that proposal. I received that on 28 May. I think it was on 27 May that the proponents revised the project, and in fact I noted that on the brief and asked that Health provide me with advice on the new proposal, which they did. They provided with me with that advice on 16 June. On 17 June we announced a health impact assessment.

Gas-fired power station

MR PRATT: My question is to the Chief Minister. Chief Minister, on 25 June 2008 you stated, “I make no apology whatsoever for authorising the release to the media of materials” related to the Tuggeranong power station. Chief Minister, will you release to all members of the Assembly all of the relevant government documents related to the Canberra Technology Centre and Tuggeranong power station?

MR STANHOPE: Thank you, Mr Speaker. The release of documents that fit the description that Mr Pratt has just given is the subject of an ongoing FOI request. All of the documents that fit that description will, of course, be released consistent with the Freedom of Information Act, and I think that is quite appropriate.

MR PRATT: Will they be the same as what you released to the media, though? That will be the question, won't it? My supplementary question is this: if you have got nothing to hide, why will you not table in the Assembly the documents that you withheld from the opposition?

MR STANHOPE: Thank you, Mr Speaker. I have not withheld any documents from the opposition—none. It is a fiction, of course, that the Liberal Party continues to run in ignorance of the operation of the Freedom of Information Act, the legislation.

The Freedom of Information Act has been fairly consistent in its operation over recent years. It has been administered, as always, by designated freedom of information officers acting consistently with their statutory obligations and responsibilities and distant from executive influence. It has always been that way. At least I hope it has. It has since this government came to office, and I assumed and hoped that it was the situation under the previous government.

When, as Leader of the Opposition, I made a request for documents relevant to the Bruce Stadium, this is just one of the thousands of documents that were released to me that looked like this. This is a Bruce Stadium document which the previous government released to me under the Freedom of Information Act.

Opposition members interjecting—

MR STANHOPE: This is a Bruce Stadium document released to me by the previous government, by the Liberal Party, under the Freedom of Information Act. This is what it looks like. It looks like this. This is the status of documents released to me in relation to Bruce Stadium by the Liberal Party when they were in government. I assume that that decision to release the documents about Bruce Stadium in this condition was made by a freedom of information officer acting consistently with his obligations under the Freedom of Information Act.

I assume—and always have assumed—that it was not a minister, that it was not Bill Stefaniak or Brendan Smyth that was involved in the decision to release documents relating to the Bruce Stadium in this form. I have never assumed, but the Liberal Party in its questioning to me seems to assume that I, as a minister, have some role or involvement. If that is the case, am I to assume that Brendan Smyth or Bill Stefaniak or whoever it was that handled this particular request involved themselves in the decision to do this to the documents in relation to the Bruce Stadium that I received? Is that what I am to assume?

If this is the standard they expect of me or they assume applies to this government, is that the standard that they applied in government—that when I made requests under the Freedom of Information Act for documents and when they came back like this to me, it actually was a decision of the minister? Is that what the Liberal Party is saying, that Liberal Party ministers believed ministers should be involved in decisions about whether or not documents should be released?

This is a document released to me as Leader of the Opposition by the Liberal Party when in government. Is the Liberal Party now telling me that they would not have hesitated as a minister to instruct a freedom of information officer that they were to deliver documents in this form to me? Is that what they are saying? I never assumed that that is what they were saying, but this line of questioning, of course, leads me to no other possible conclusion than that when I was delivered documents like this

completely blacked out in relation to Bruce Stadium there was an executive involvement in the decision to release documents to me that were completely blacked out.

If they put the position to me: why don't you intervene in the freedom of information process, then I assume that they believe that that was appropriate behaviour and that that was the sort of behaviour which they engaged in in government and will engage in in the future.

Education and training

MS PORTER: My question is to the Minister for Education and Training. Would the minister advise the steps the Stanhope government is taking through education to tackle local impacts of the national skill shortage. Is the minister aware of any alternative policies?

MR SPEAKER: The minister is not responsible for alternative policies.

Mrs Dunne: He can be aware of them.

MS PORTER: I asked him if he was aware.

MR SPEAKER: You can only ask him questions about areas of responsibility within his area of administration. The minister can respond to the question.

MR BARR: Again I thank Ms Porter for her question and for her ongoing interest in matters of education and training. Members may be aware of an article in today's *Canberra Times* entitled "So many jobs ACT can't fill them". This article describes the ACT as the only state or territory where there are more jobs on offer than people available to fill them.

On one level, this is a very good thing. It is an indication of confidence in our local economy, an indication of confidence in the economic management of this government. But, as economically literate members would be aware—I exclude the Liberal Party from this as they expelled the only economically literate member they had—this represents a significant challenge for ACT businesses. To grow, a business needs skilled people, and we do not have enough of them in the ACT at the moment.

Why is this so, as Professor Sumner Miller was known to ask? It is because the Liberals, at both the federal and the local level, simply do not believe in investing in skills.

Members interjecting—

MR SPEAKER: Order, members! There are several conversations going on in the chamber and it is making it impossible for the Assembly to hear the answer from the minister.

MR BARR: Thank you, Mr Speaker. I would like to go on and remind those opposite that the federal Liberal Party, their brothers and sisters up on the hill, under-invested

in skills for their entire term of government. Their legacy—the legacy of the Liberal Party—is a national skills crisis.

Since coming to office, the new federal government has indicated a significant desire to invest in skills. This desire is matched by the Stanhope government as we continue to invest in skills and skills training, most particularly through the CIT. A little later today, we will be debating a range of important budget initiatives for the CIT.

It is worth contrasting the different levels of investment in the CIT—the performance of this government as compared with that of those opposite. Over the life of the Stanhope Labor government, CIT funding has increased in real terms by 15.5 per cent. This massive increase has seen thousands of Canberrans acquire the skills that both they and ACT employees need. I am pleased—

Mr Stefaniak: It is over seven years. It is two per cent a year.

MR BARR: In real terms, Mr Stefaniak. I am pleased that you raised this point. Mr Seselja asked this question in estimates, perhaps in ignorance of the history of his own party and certainly in ignorance of investment in the CIT in the last decade. He asked the government to provide figures for real changes in recurrent CIT funding from 1998-99 to 2008-09.

Whilst, as always, I was happy to provide the answer to Mr Seselja, I am not quite so sure that he was happy to receive it. It told him that, compared to the Stanhope government's real increase in CIT funding of 15.5 per cent—a real increase, Mr Stefaniak, so over and above inflation—the Liberals when last in power slashed the CIT's funding by more than a quarter: a massive 25.7 per cent reduction in funding for the CIT. That is the contrast: a real increase of 15.5 per cent under the Labor government, a 25.7 per cent real reduction in CIT funding under the Liberals. That is their form. They have slashed funding to the CIT.

Because building up skills takes time, their policy of slashing CIT funding, coupled with the neglect of the federal government during that same period, has led to a skill shortage in our local community.

We know that the Liberals have pledged to forgo nearly \$50 million in revenue. They have a number of fairly ill-conceived schemes in the education and training portfolio—the only policies they have announced. But it is a question of how they will pay for them, most particularly the pledge to reopen schools. It is interesting to note that whenever they are in trouble, whenever they are looking to find money, the area they go to to slash funding, based on their previous form in government, is the CIT.

That would be an unacceptable outcome for ACT business, for the ACT economy and for skills development in the territory. At some point between now and 18 October, the Leader of the Opposition is going to have to come clean on what his position is on CIT funding and whether again the Liberal Party will turn to the CIT to try and eke money out of that organisation to meet their other election commitments.

Land rent scheme

MR GENTLEMAN: My question is to the Chief Minister. Can the minister advise how the land rent scheme will assist housing affordability in the territory?

MR STANHOPE: I thank Mr Gentleman for his question.

Mrs Dunne: I rise on a point of order, Mr Speaker. I think that this question was asked yesterday or the day before, perhaps by Ms MacDonald. If it has already been answered, it therefore cannot be asked again.

MR Gentleman: On the point of order Mr Speaker. It was not a question I asked yesterday. I asked a general question about housing affordability programs, not this particular land rent scheme.

MR SPEAKER: Chief Minister, proceed.

MR STANHOPE: I understand the Liberal Party's embarrassment and the Liberal Party's determination to stop any information on this new, innovative and Australian-leading program in relation to land rent being discussed in the Assembly. We understand their embarrassment. Their embarrassment flows from the fact that they have this single housing affordability initiative: the stamp duty exemption—un-means tested—on a first home purchase of up to half a million dollars. This proposal advantages most the people who have incomes of about \$160,000—people who are really not in that tranche of residents of the ACT who are in genuine housing stress.

When it comes to a genuine housing affordability strategy such as the land rent scheme—one of 62 initiatives being actively pursued by the government—they are embarrassed. Their one and only election policy at this stage—namely, a stamp duty exemption; un-means tested for first home buyers—is seen for what it is. There is the paucity of ideas, policy or vision that is the Liberal Party today, contrasted with the ACT government's broad ranging, targeted and well thought out policies in relation to this. That is why they are embarrassed. That is why they do not want this particular debate. That is why they tried to close down this question.

The land rent scheme will be a significant addition to the suite of policies that will benefit households through reducing entry costs most particularly and mortgage repayments. It will directly help those people within this community struggling to enter the housing market: young working families, young families with children and young families on gross incomes of under \$75,000.

As I say, by way of comparison—and one needs to make this comparison—the Liberal Party's no stamp duty, one and only policy, one size fits all policy, will most benefit those on incomes above \$160,000 entering the housing market for the first time.

As we know, an excellent paper produced by Westpac banking has described the Liberal Party policy as a bandaid solution which will drive up house prices. It is

counterintuitive and counterproductive, and it will do nothing for housing affordability. It is a simple bandaid; it will drive up prices; it will push demand; it will achieve nothing; and it will be counter-productive.

By way of contrast, let me indicate how the land rent scheme will directly benefit those households on low to moderate incomes. Households purchasing a \$280,000 house and land package would pay an estimated \$518 a week in mortgage repayments. However, those costs would reduce to \$313 a week under the land rent scheme, reducing the weekly housing cost by \$200 per week—a massive reduction of over \$10,000 a year in housing costs just in that particular scenario.

To put that into perspective, there would be something like an almost \$9,000 increase in house prices from the opposition's one and only policy—the stamp duty exemption policy. The government's policy reduces the size of the mortgage—the debt—that households need to have to get a crown lease in perpetuity. The opposition's one and only policy will actually increase the size of the mortgage for all those succeeding Canberrans—the ones that come after the first stamp duty exemption round.

As I said, this scheme is only one of a range of measures—one of 62—which we are actively implementing to improve housing affordability. It provides another choice—a very significant choice—for some families.

It is just stunning to me that the Liberal Party would seek to deny those people on incomes of less than \$75,000 dreaming of owning their own home. In the words of Mr Seselja last night in the debate on the budget, he thinks that anybody in this particular circumstance should not have their own home; they should just rent. That is what he said last night: they should do the safe thing and rent; they should be renters for life. That is the view of Mr Seselja about young families with incomes under \$75,000. His interpretation—his discussion; his final position—is that young Canberra families on incomes of under \$75,000 should just content themselves with the rental market.

MR SPEAKER: A supplementary question.

MR GENTLEMAN: Thank you, Mr Speaker. Can the minister advise the Assembly about the interest shown so far in the government's land rent scheme?

MR STANHOPE: There has been enormous interest in the scheme in the ACT community. The Land Development Agency had 20 inquiries yesterday. In the first day after the passage of the bill, there were 100 hits on the web page. That was on the first day, and the scheme has not yet been advertised. Those hits were pursued by people who simply saw media reports. They went to the web and they chased it down—100 hits. Without any advertising, any information about whom to contact, over 100 hits have already been made. Within the first day, there have been 20 direct inquiries of the LDA and an additional 100 people.

The first information session at the CIT was a resounding success; it was booked out—once again, without any real active advertising. There are people on the waiting list for the next information session which will be held next Wednesday. As I said, it

has not even been advertised yet. The first information session was booked out and there are already people on the waiting list for the information session which will be held next Wednesday.

This is a fantastic new initiative, exciting great interest within the community—those young Canberra families who want to own their own homes, those young Canberra families whom Mr Seselja described in the budget debate last night as young families that would be better off just renting.

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

Answer to question on notice

Question No 2003

DR FOSKEY: Mr Speaker, I seek an explanation as to why we have not yet received an answer to question on notice No 2003 to the Attorney-General regarding low-doc and no-doc loans, which was submitted on 2 April.

MR CORBELL: Yes, I am aware that that answer is outstanding and I apologise to Dr Foskey. However, that question is requiring a significant level of detail to be provided and it will be provided as soon as possible.

Supplementary answers to questions without notice

Question on notice No 1987

MR CORBELL: In relation also to the question Mr Stefaniak asked me yesterday about his outstanding question on notice No 1987, this requires advice from the following departments: TAMS; Health, including both hospitals; Treasury; ACT Policing; ESA; the courts; and the coroner's office. This is taking some time to compile and requires a significant level of data analysis. I will seek to have the question answered as soon as possible, but it is a very complex question.

Children—protection

MS GALLAGHER: Mr Speaker, in answer to a question from Mr Stefaniak today, I can confirm that two workers visited the house on 18 June.

Papers

Mr Corbell presented the following papers:

Administration of Justice—ACT Criminal Justice—Statistical Profile—March quarter 2008.

Independent Competition and Regulatory Commission—Report 1 of 2008—Water and Wastewater Price Review—Final Report and Price Determination, dated April 2008.

Firearms Amendment Bill 2008—Revised explanatory statement.

Appropriation Bill 2008-2009

[Cognate papers:

Estimates 2008-2009—Select Committee report

Estimates 2008-2009—Select Committee—report—government response]

Debate resumed.

Detail stage

Schedule 1—Appropriations

Proposed expenditure—part 1.11—Department of Territory and Municipal Services—\$306,295,000 (net cost of outputs), \$172,297,000 (capital injection), \$1,762,000 (payments on behalf of the territory), totalling \$480,354,000

MR SMYTH (Brindabella) (3.37): I have just two more points on tourism. Recommendation 45 of the committee is that the relevant minister provide details of car parking arrangements prior to Floriade commencing. I notice the government response is that it is agreed and that a strategy to help and manage car parking arrangements for Floriade 2008 is being developed and will be provided when finalised. I think that needs to be out fairly quickly. Floriade is not far away, and certainly the space that is currently being sealed is used by regular commuters and there will be some argy-bargy, I suspect, on who uses those places.

The last point I want to make is about the balloon fiasco that the Chief Minister and the minister for tourism have presided over. I made some comments about this yesterday, about the minister's failure to be open and accountable by allowing public servants to answer for what they had written. I think it is most unfortunate that this has occurred. Surely when particularly a senior public servant puts something in an email, they have reasons for what they have written. To have a senior public servant write, "My minister's going out on a limb; he has nothing in writing," I think says that there was a very poor process—something we have seen so often when you recount Tharwa bridge, the power station debacle, the balloon fiasco and the move to Fairburn by the emergency services headquarters. All of these are process fiascos from this government that we can see have almost become training episodes in the *Yes, Minister* series.

It is unfortunate that the minister refused to allow public servants to inform the committee of why they were worried about these events. We still do not know why the minister was out on a limb. We still do not know why there was nothing in writing at that time, the day before the minister switched ponies at the very last minute. *(Second speaking period taken.)*

In my second 10 minutes, I will move to sport and recreation, where again this year we see the backflip—money reeled out of sport and rec two years ago is restored, and some of it quite quietly. It is quite interesting that most of the press releases about sport, rec and tourism are in fact about sport and rec. There are a couple of long lists and then there are some lovely paragraphs, but most of the paragraphs talk about

things that have been done—things like Canberra stadium, the grandstand at Manuka oval, new Gungahlin college and a sanctuary at Tidbinbilla are all in the sport, tourism and recreation for the future press release. But there are a few things that it fails to mention. For instance, I will go through a few parts of the sport and rec budget.

This year's appropriation for sport and rec still fails to take into account the real need for a response to the impact of drought on our playing fields. We have seen the minister's *Where will we play?* document. It has become something of a joke, because it really still has no answers about where we will play. The first round of funding for the where will we play program, while directed at worthy causes, does not seem to have much impact on his statement that no sportsground will be entirely reliant on potable water by 2012.

He does not look as old and as craggy as Bob Hawke did when he said that no child would live in poverty by 2001—or 1991, it must have been. What we have got is this grand statement, but what we do not see are the resources and the wherewithal to back it up. The minister's promise of more than one synthetic playing surface has resulted in a synthetic grass runway for the Belconnen model aero club, artificial area surfaces at the ACT Equestrian Association and just seed funding for the installation of a synthetic grass surface. While these projects are worthy, they are not nearly what Mr Barr promised on ABC radio, which was two new large-scale synthetic surfaces.

Further, this year's appropriation includes just \$500,000 for where will we play. This much flaunted initiative from the minister is worth just \$500,000 of funding this year. Yes, there is money in the outyears—indeed \$1.53 million and \$3 million—but it is not happening this year because they are not sure, the minister is not sure, about how to put this in place. The minister has set himself up to fail on this strategy. It is clear that there is no real intention of drought proofing our sporting fields. This is just really about the short-term electoral future of this government.

This year we have seen the minister execute a backflip with a triple pike on several of the so-called necessary cuts from the 2006 slash and burn budget, particularly with the reinstatement of the sports loan subsidy scheme and the money going back into some other targeted programs. We have still yet to see the Costello review, we still need to see the full justification, and yet two short years after this seeming necessity to cut, to slash and burn, it is being slowly undone. Of course, what was fully taken has not been restored, and the bigger question is: what money has not been announced?

On radio a few weeks ago the minister announced that he was talking with Tennis ACT about upgrading their facilities, yet this number does not show up in the budget. The minister discussed more investment in the Bruce Stadium, yet this is nowhere in the budget. There is no money for Molonglo pool in the budget either and yet there he was talking to Tim Gavel about it. I just wonder how much more money will be found for sporting facilities between now and the election.

Sport and rec is a very important part of Canberra. There was a very strong foundation during the rapid expansion of the ACT in the sixties, where particularly sporting clubs and sporting facilities were built in response to a growing community. Unfortunately, what we have not got from this government, particularly from this minister, is the

wherewithal to make sure that the facilities that are required, and the support that is required to keep the facilities in place as well as expand their space and look at future needs, are provided.

There was talk of a strategic study, the results of which are yet to be seen. So much of what we hear from this minister is always the same. There is a lot of talk about it, but there is very little early response. There is lots of money in a typically Labor way, saying, "We have put money into the solution." But the reality is that the solution is not there because the minister does not know what to do with sport and recreation.

MR SESELJA (Molonglo—Leader of the Opposition) (3.44): I think it is worth, before I start into some of the more substantive issues in this portfolio, putting on record, firstly, obviously, the importance of this portfolio to all Canberrans. I think that has been touched on by some other speakers. There are few areas that I would get more correspondence about than the areas covered by the Department of Territory and Municipal Services. The roads, rates and rubbish, the long grass at the end of the street, the broken footpath, the damaged bus shelter and all of the other things that go in this portfolio are what I get a lot of correspondence about.

It is fair to say that the minister's office, on these types of issues, is quite responsive in terms of getting back to us when we take up issues on behalf of our constituents. I am sure it is not the minister doing all the work himself, so on that I would pay credit to those public servants, in particular, who are preparing those responses, and preparing them quickly. I know that there are many hardworking men and women in Territory and Municipal Services who do endeavour to provide very good services to the people of the territory.

It is worth looking at some of the specific issues. Gungahlin Drive is worth reflecting on, because we heard the Chief Minister in question time saying, "Well, you know, we will need to look at how we stage; whether we duplicate Gungahlin Drive or focus on Majura Road or other places, and which we would do first." But it goes back to the central principle, and it goes back to the real lack of vision that we have seen from this government when it comes to infrastructure delivery. Everyone knew that we were going to need a two-lane Gungahlin Drive; everyone knew that. There was no secret about the fact that we were going to be facing exactly the kind of traffic jams that we are seeing at the moment.

It comes as a surprise to absolutely no-one that the moment this road was finished we had the people of Gungahlin asking why it was only one lane and when it is going to be duplicated. When the Chief Minister says, "Well, we can only stage it and we need to do this and that," that is because they did not get it right in the first place. That is because they did not do what they should have done in the first place, which was duplicate it at once. We asked questions about this years ago. In fact, there were questions from the Liberal Party back in estimates of, I think, 2002 and 2003, asking about this road and one lane, and we got the answer: "This will be a great road for 22 hours a day."

As Mrs Dunne mentioned today, that is actually not quite right; it is probably one or two fewer hours a day that it is a good road. Nonetheless, we knew that at peak hour

this was never going to be adequate for a growing Gungahlin community. It is not adequate now; it certainly will not be adequate in five or 10 years time. If we were going to face the extra disruption at some stage in the future of duplicating this road—and we do need to duplicate it; it will have to happen—it should have happened at once. It simply sums up this government's attitude to the delivery of infrastructure. It particularly sums up this government's attitude to the residents of Gungahlin, who continue to be underserved.

Whilst we can look back with some fondness at how things were done prior to self-government when there was a lot more money—we look at how Tuggeranong was developed at that time—we cannot replicate that because the fiscal circumstances are different. There needs to be some vision. We do not just do stopgaps when we build infrastructure. That is what governments should not be doing. They should be putting in place infrastructure which allows communities to grow and allows people to have confidence—confidence to invest, confidence to establish their businesses and confidence to buy a home in a particular area knowing that there will be reasonable services there.

Instead, at the moment people buying in Gungahlin do not really have a choice. If you wanted a greenfield site in Canberra over the last few years, that has been the only choice. Yet they buy and then they have to beg the government to try and play catch-up on the services. We know that some of those problems go right back, but one would have thought that in these times, particularly when there are such massive amounts of revenue coming in from land sales, much of that obviously in Gungahlin, and taxation revenue that is coming from a lot of those transactions as well, we would see a commitment to deliver the kind of infrastructure that will actually allow Gungahlin to grow and that will actually improve the amenity of the residents of not just Gungahlin but also parts of Belconnen.

Yet this government simply could not see it. It took the short-sighted decision to build a one-lane road that it was always known was going to be inadequate. It took that decision, and it is a demonstration of where this government is in terms of vision and in terms of its capacity to deliver for the people of the ACT, and particularly in this case for the people of Gungahlin. We have heard—Mr Smyth touched on it—the promises for Gungahlin pool; the people are still waiting. If this mob manages to somehow get itself out of trouble and get re-elected, those people will be waiting a long time, because we have heard the promises from this government. It promised it would build the pool before the election but it simply has not happened.

Now we are going to hear them talk about it again, and no doubt they will come out on it prior to the election. Here is a prediction: there will be a promise, prior to the election, from this government that there will be a pool in Gungahlin. You heard it first here. It will happen. But do not believe it, because we have heard it before—just like we heard promises before the last election. What else did we hear before the last election? I think you can take it from the minister's response that you heard it first here—newsflash—there will be an announcement. The question will be whether you can believe the announcement.

Can you believe any promises that this government makes? What other promises did we have before the last election? Can you think of any? I think of Gungahlin Drive,

on time, on budget. But we did have another one that was a significant one. I think the minister sitting opposite may have had to pick up the pieces for this one. I think that was the promise not to close any schools: “We will not close any schools in the next term of government.” That was the promise. They promised not to close schools—they closed 23. They promised to build a pool—they did not deliver. They promised to deliver to the people of Gungahlin a road, on time, on budget—they delivered half the road for twice the cost.

This is a government that cannot be trusted in the delivery of infrastructure. They cannot be trusted to deliver on their core promises. The people of the ACT will have a very clear choice. They will look not to what this government say, not to the promises they make in the lead-up to this election, because they will be making promises left, right, and centre—you can guarantee it. Left, right and centre we will be hearing about all the wonderful things that they are going to deliver. But they have not been able to deliver. They have not kept their word. They have not kept their promises.

Nowhere is that more evident than when you drive along the Gungahlin Drive extension, particularly at peak hours, and you see the traffic jams. You see the people of Gungahlin once again being taken for granted. They have not had the kind of service delivery that they deserve. They have not had the kind of infrastructure delivery that they deserve. They are a portion of the community that is in many ways doing it tough. These are young families. These are people who have paid a lot to live in their homes. These are people who are servicing very large mortgages, balancing work and family, and they are forced to sit in traffic jams for longer than they should—because this government could not get it done. They are forced to spend more time away from their families—because this government could not get it done.

When we review the time of the Stanhope government, Gungahlin Drive and the failure to deliver properly will go down as one in the long list of failures, one in the long list of broken promises, from this government. They are a government that have shown themselves incapable of having the vision to deliver for the people. They are constantly involved in the stopgap. Their infrastructure plan is one of patching up and catching up, and the people of the ACT have woken up to them—and the people of Gungahlin, who have been severely let down by this government, have woken up to them. They have woken up to their promises and their broken promises, and they will not believe them when the promises start coming thick and fast in the months leading up to the next election.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (3.54): I thank members who have contributed to the debate on this particular section of the budget. We have heard and now know the Liberal Party’s views on a range of these matters. I thank the Greens and the Canberra Party for their views.

Mr Speaker, I thought that it would be interesting to share with the Assembly some of the views of some of the other stakeholders, most particularly in tourism and sport and recreation, and their observations of the budget. The first group is ACTSport, the peak industry body for sport and recreation in the ACT. What was their view on the ACT budget? They said:

The sport and recreation industry has done well from the budget, and ACTSport congratulates both the government and Sport and Recreation Services for the work done to achieve the outcomes for the industry. ACTSport welcomes the investments announced for sport and recreation in the budget, in particular, the ... investments for Gungahlin Oval, Phillip Oval, Harrison Fields, Throsby Fields and the Gungahlin Pool.

Organisations like Pedal Power have welcomed funding in the budget, which they say will go a long way to making Canberra the cycling capital of Australia. Netball Australia have acknowledged the significant contribution from the ACT government to ensure that Canberra has a world-class netball facility in keeping with other major cities. Netball Australia says:

This development is a welcome addition to our national network of international standard netball facilities. It ensures Australia remains a world leader in delivering netball events, and offers players world-class playing conditions.

Mr Speaker, they are just a sample of views from some of the key stakeholders in the sport and recreation area.

In speaking to the tourism and sport and recreation budget, I would like to particularly focus on the investment in Gungahlin. As we know, Gungahlin's growing population means that further investment in high quality sporting facilities is needed. This budget allocates \$400,000 for the forward design work to be undertaken on the enclosed oval near the town centre as part of the overall wellbeing precinct to be built alongside the new secondary college and the indoor leisure centre. This oval will cater to a variety of sports and feature a grandstand with at least 600 undercover and 300 uncovered seats. The facility will provide team change rooms, two officials change rooms, public toilets, canteens, first-aid rooms, storage space and, importantly, a car park.

To further progress this wellbeing precinct, the budget allocates \$100,000 for the feasibility design for the Gungahlin leisure centre, most particularly, looking at a 50-metre pool along with associated court and gym areas as well as a range of other facilities such as a cafe and a creche.

The 2008-09 budget also allocates a further \$600,000 for the design of the Throsby sports precinct, which lies northeast of the Gungahlin town centre on the northern side of Horse Park Drive. Part of this precinct will include playing fields, complemented by change rooms, public toilets, a canteen, storerooms and parking. The government will explore the possibility of accommodating other sport and recreation facilities on this Throsby site.

Another feature of the budget is \$1 million in supplementary funding for the construction of the Harrison district playing fields to be used by senior grade cricket in summer and junior soccer in winter. This complex is expected to begin construction in the next month or so and be completed early in 2009. I am very pleased to advise the Assembly that I understand ACT Cricket has recently received confirmation of the success of their bid for a grant from Cricket NSW of \$400,000, which will fund a second-turf wicket and the extension of the pavilion to include a meeting and function

room. There is no doubt that this investment will greatly enhance the centre's value for local sport, both in summer and winter.

Another important investment and feature of this year's budget in the electorate of Molonglo is the further development of the Lyons sports precinct. The government has set aside \$8.6 million for the first stage of this precinct. Funding for this first stage of works will focus on the eastern or Northbourne Avenue side of the precinct, and it includes the commitment of \$3 million to assist in the expansion of the ACT Netball Centre. It is proposed that the redevelopment of the ACT Netball Centre will add three international standard courts to the current facility, with a central show court capable of hosting up to 3,000 spectators and meeting media, broadcast and corporate requirements. The centre will be able to be reconfigured to host an array of activities, and the increased court space in the facility will allow the ACT Netball Association to provide space for numerous other sporting groups. A steering committee of various government agencies will oversee the individual project components.

In parallel with the redevelopment of the netball centre, the government will provide \$5.6 million to work on the infrastructure needed to support this facility in the wider precinct, particularly in regard to traffic management and parking. This will include building a new access road into the precinct and additional car parking. This \$8.6 million investment reflects the commitment of the government to the first stage of the Lyneham sports precinct concept, and it is expected that subsequent stages of the concept will focus on improving the western entry point and creating a connection road from east to west, the naturalisation of Sullivans Creek and broader improvement to open spaces within the precinct. We continue our negotiations and close collaboration with Tennis ACT and with One Basketball Canberra around opportunities for them within this sporting precinct. Those discussions are progressing very well.

The budget also provides for significant expansion in facilities for Stromlo Forest Park. The government has already provided the \$7.5 million initial capital investment to establish world-class facilities at Stromlo Forest Park. As part of this year's budget, the government provides an additional \$2.78 million. A key feature of this is \$1.7 million over two years for a range of essential infrastructure upgrades. This will include access and safety improvements, as well as event management and multipurpose landscape areas. This will allow for additional parking, event villages, team set-up areas and event camping and spectator viewing areas.

To build on the potential of Stromlo Forest Park, the government has also provided \$100,000 for a feasibility study to access the scope for additional facilities to promote commercial growth at the site. These commercial opportunities could include bike hire, cafes and sporting club and function space, and the facilities would also include recreational activities for children, including a baby BMX and sealed cycle track for learning basic bike skills and road safety.

The budget also allocates \$300,000 over two years to undertake a feasibility study to the establishment of a capital investment fund to support a range of commercial partnerships. This study will scope options, for example, on the possibility of a chairlift and, most importantly I believe, low-cost accommodation on the site, which

could house travelling school groups, event patrons and other visitors to Canberra. The budget also allocates \$450,000 for road access for the bushfire memorial off Uriarra Road, which will include car parking facilities and pedestrian access to the memorial and across Stromlo Forest Park.

Another key initiative—and I am pleased that Mr Smyth drew attention to this—is that, following the review of the sports grants and the particular schemes that we have in place, in consultation with the sporting industry, the government has reopened the sports loan subsidy scheme for new applicants. This scheme has been funded for \$781,000 over four years, and that fits in very neatly with the “where will we play” vision, which I am again pleased Mr Smyth has drawn attention to. Had he been listening in the last couple of days and perhaps focused on some issues in his portfolio, he would have noted that I announced on Wednesday up to \$1.2 million for Capital Football for a synthetic surface at Hawker enclosed oval.

At yesterday’s major industry seminar in the next stage of the “where will we play” vision, where we pulled together more than 100 sport and recreation industry representatives to discuss the next stage, I outlined the government’s commitment over the next four years with a \$16 million provision towards the goal that we have outlined that no sports ground in the ACT will rely solely on the use of potable water by 2013. Mr Smyth asked directly in his response to the budget where the government’s financial commitment was in this area. On top of the \$3 million we have provided this year, there is another \$16 million, so that takes the total to \$19 million to support this initiative. That, of course, is in addition to the reopening of the sports loan subsidy scheme, which will enable the government to provide assistance to some of the sports and to applicants around a range of other projects that can assist towards achieving that overall goal.

It is again worth reminding Mr Smyth, now that he is paying attention, that ACTSport, the peak industry association, has welcomed these initiatives. I am sure that Mr Smyth, when he is in contact with ACTSPORT from time to time, will be aware of their support for these initiatives. I was very pleased to see more than 100 representatives from the sport and recreation industry at yesterday’s seminar that was chaired by Tim Gable from the ABC as master of ceremonies. It brought together a range of experts in terms of the next phase of delivery of these important commitments. We did provide \$3 million in funding this year, including a range of grants to a range of organisations. They are all important in delivering on our outcome.

In turning to the tourism side of the portfolio, I am very pleased with the range of initiatives that we have been able to fund in this year’s budget; most particularly, additional funding for the Australian Science Festival, the Australian Tourism Exchange, the Canberra festival of running, the e-strategy and rebuild of the visitcanberra.com website, the important event assistance program, the Rugby League World Cup match and the international mountain bike events—I know Mr Smyth has not been a particularly strong supporter of that.

Mr Smyth: You show me one point where I have been against the expenditure.

MR BARR: You have been a critic of that all the way through, Mr Smyth. On the capital side, there is the portable tourism visitor information booth and the additional funding for Floriade.

At the risk of paraphrasing Mr Smyth's comments last night in relation to mental health—Mr Smyth can correct me if I am wrong here—I did find it interesting that the essence of his argument last night was that it was not how much money you spent; it was that you delivered effective outcomes and programs. His argument in the health portfolio is that the measure that you should use is not how much money is allocated in a particular area but the quality of the programs and the quality of the outcomes. It is interesting, then, that in the tourism portfolio he assumes the exact opposite position; he does not seem to care at all about the quality of the investment. The only measure of success in the tourism industry according to Mr Smyth seems to be the level of government subsidy that the industry attracts.

You are on the record, most recently, Mr Smyth, as indicating that the tourism industry has been performing well. We note—and no-one is denying this—that the industry across Australia faces significant challenges in the years ahead. There is no doubting that. That is why the government is making a series of strategic investments, like we have in this year's budget—

Mr Smyth: They're strategic!

MR BARR: Well, would you prefer just a bucketload of money without any strategy, Mr Smyth? That is why, Mr Speaker, the government has been engaging—

Mr Seselja: You need to demonstrate it is strategic. Just calling it strategic doesn't make it strategic.

MR BARR: Well, okay, fine. You can make whatever assessment you want, but these particular initiatives were recommended by the ministerial advisory council and endorsed by that council. That particular advisory council recommended a focus in a range of areas.

Mr Smyth: The chair was on TV the other night saying there's got to be more money.

MR BARR: Yes, Mr Smyth, he was on television requesting more money.

Mr Smyth: I rest my case.

MR BARR: Every tourism industry representative in every jurisdiction in Australia is always requesting more money.

Mr Smyth: It is the industry's fault!

MR BARR: No, it is not the industry's fault. I am simply indicating that in every jurisdiction every tourism representative is always requesting more money. That is their job; they are out there lobbying for more money. It is hardly a surprise that

Mr Marshall, as chair of the Canberra Business Council's tourism, arts and sport task force, would be lobbying for more money.

I suppose then the question one would pose in this area is: do you measure the success of the tourism industry off the back of the level of government subsidy that industry receives? The answer to that is no. If the tourism industry is to survive in the long term—I particularly note the views of the Tourism and Transport Forum—the industry itself has to look at reform and has to look at its own investment and its own economic future. Reliance on government funding alone is not a solution for the tourism industry in the long term. In fact, it is detrimental. As Mr Mulcahy very eloquently outlined in a debate on another but similar topic last night, sole reliance on government funding is bad for industry.

Whilst we acknowledge that, for the purposes of tourism, there is a level of market failure and that there is a level whereby we recognise that individual tourism businesses will be concerned about a free ride for their competitors if they invest in promotion of another jurisdiction and they then look to government, perhaps there are a range of other solutions that can be looked at to pool resources across industry. Other jurisdictions, for example, have bed taxes, and that is the way that industry contributes.

I am not suggesting at this point in time that that is a particular approach that the ACT government is considering, but, if industry wants to have a look at ways that it can contribute to the development of tourism in the ACT, it might want to consider some avenues for collective action, most particularly around looking at the structure of the various industry associations. I think there are at least three or four that claim to represent the tourism industry. Perhaps a consolidation and a pooling of resources across those disparate groups for a single industry view, given the size of this jurisdiction, would be a constructive way forward.

I will signal again, as I have said to the industry time and time again, a sole reliance on ACT government funding for industry initiatives is not a healthy future for the industry. Collaborative exercises such as the partnerships that we have in place, most particularly through initiatives with the airline industry, through our e-strategy, through the development of the five-year tourism strategy that I will be releasing shortly, through the five-year strategy for Floriade and through the event acquisition strategy that we funded last year as part of the reallocation of funding from the Rally of Canberra, will set forth an agreed and shared vision between government and industry for the future of tourism in the ACT.

That is the path that the government is progressing down. I welcome and certainly encourage further input from industry. I would like to acknowledge the already important contribution that has been made in a number of areas and look forward to being able to make some substantive policy announcements to conclude those pieces of work in the months ahead.

Just before I close on these matters, it is interesting to note, most particularly in the context of Mr Pratt's contribution on this line item, that it appears that the ACT Liberal Party is a fraud. They are no longer Liberals; having "liberal" in their

title is clearly misleading in terms of the policy positions that are being put forward. It would appear that the Liberal Party that is led by Zed Seselja is the most conservative of all of the state and territory branches of the Liberal Party in Australia.

The range of views put forward by Mr Pratt, even on matters of municipal services, show an alarming conservative bent. That is mirrored in so many areas of social policy. I suppose there are a range of questions that the Leader of the Opposition must answer on a range of social policy issues. It would be interesting to see whether the first three or four pieces of legislation that a Seselja government would bring into this place would include the recriminalisation of abortion, winding back all the important social policy reforms that this government has put in place—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Barr, you are talking to the line item in relation to your responsibilities in urban services. I would suggest that you keep to the subject matter.

MR BARR: I am simply responding—

MADAM ASSISTANT SPEAKER: No, you can do that in the adjournment debate, if you like. The line item is about the appropriation for municipal services and your responsibilities there, so stick to the subject.

MR BARR: I was observing, Madam Assistant Speaker, that some of the policy decisions put by—

MADAM ASSISTANT SPEAKER: If you do not comply with my ruling, I will sit you down. Stick to the subject matter or sit down.

MR BARR: Thank you, Madam Assistant Speaker. As I was indicating, some of the positions put forward by Mr Pratt—

MADAM ASSISTANT SPEAKER: Mr Barr, sit down.

MR BARR: On this line item, Madam Assistant Speaker, in relation to Territory and Municipal Services, most particularly the policy positions he put forward in his contributions, Mr Pratt showed an alarming conservative bent that the people of Canberra need to be concerned about.

MADAM ASSISTANT SPEAKER: In calling you, Mr Seselja, I point out that we are talking about the appropriation for municipal services.

MR SESELJA (Molonglo—Leader of the Opposition) (4.15): Yes, I will try and stick to that subject matter, Madam Assistant Speaker. I would like to come back to the issue of roads that I was touching on before. I think that is in Territory and Municipal Services.

MADAM ASSISTANT SPEAKER: Yes, it is, Mr Seselja.

MR SESELJA: Access to the airport is the other real area of bottleneck on our roads and is another failure by this government. We are now seeing a belated move by this

government to do some of the work that is needed in relation to those bottlenecks. It has been no secret to anyone who has lived in Canberra over the past few years that this was work that was urgently needed. It has been no secret that we were seeing real delays around the airport.

As with the GDE, where they have put out one lane and then some years down the track they will look to duplicate it, we see the same approach to the roads around the airport—we wait until the bottleneck has been with us a for long time before we start actually working to get rid of it. It is a ridiculous way of doing things. It shows absolutely no vision; it shows a complete lack of vision in terms of service delivery and infrastructure delivery by this government.

It is apparent to anyone in Canberra who has been driving in the last few years—you touched on this yourself, Madam Assistant Speaker, in your speech—whereas a few years ago a 40-minute journey to work in Canberra would have been a very, very rare thing indeed, we now see that anyone who has to go along roads near the airport or anyone who is subject to some of the other bottlenecks around Northbourne Avenue, for instance, would find that a 40-minute journey or a 30-minute journey to work is now a very common occurrence for tens of thousands of Canberrans.

Recently I had the situation where I was on the Barton Highway at the Mix 106 radio studios and I had to get to Fyshwick. I left at 8.20, and it took me 45 minutes to get to Fyshwick. That is not an uncommon thing. If you have to go through that central part or if you have to go near the airport roads, you are faced with serious delays. These are delays that we have seen coming and that the government should have seen coming. This government is always playing catch-up. They play catch-up with all of their infrastructure policy, as we have seen in other areas of infrastructure, most notably water. We are still waiting for construction to commence on a new dam. After all these years of drought, we are still waiting.

This government claims to have some sort of foresight. How long have we been in drought now? We have been in drought now for several years, and for several years we have had water shortages and been subject to water restrictions. Canberrans have been unable to plan for the future in terms of establishing their gardens, in terms of laying turf or having a patch of lawn for their kids to run around on. That has become something that people do not bother with any more because they just do not know if they are going to be able to water their grass.

Thousands of Canberrans have had to outlay significant funds to try and keep some sort of water storage in their own backyards just so they can keep their gardens alive through the imposition of severe water restrictions. That has been because this government simply refuses to have that foresight to look to the future and actually make decisions before there is a crisis. Under this government, we constantly have to wait several years—whether it is road delays or lack of water—before it will act and actually take the decisions to improve the situation for Canberrans. We see that in so many areas.

It would be remiss of me if I did not touch on one of the initiatives in this line item, and that is the \$2 million initiative to improve maintenance of Canberra's suburban

shopping centres, which is on page 95 of budget paper 3. Now that is a good thing; there is absolutely nothing wrong with that. We welcome improving the amenity of our suburban shopping centres, many of which are run down and many of which have all sorts of issues that need improvement. The budget talks about more maintenance, more mowing and more sweeping of suburban shopping centres. We see \$2 million in the first year, the election year, and we see nothing after that. This is a government that tells us about having a budget for the future, yet all we see in these cynical line items is—

Mr Gentleman: A cynical budget!

MR SESELJA: Well, it is cynical. We always welcome Mr Gentleman's interjections.

MADAM ASSISTANT SPEAKER: No, we do not, Mr Seselja.

MR SESELJA: We do, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: We do not welcome your responding to them.

MR SESELJA: They are always so helpful to the debate. He says it is cynical budgeting. It is cynical budgeting. Will the grass not grow at these suburban shopping centres after the election year? Will they no longer need to be swept and maintained? It is ridiculous and cynical to only be spending the money in the first year for things like maintenance and pretend that in the second, third and fourth years you will not need the maintenance any more and that suddenly the place will maintain itself. It is ridiculous and it is cynical. I will not respond to Mr Gentleman's interjections, of course, because I am sure I am not meant to do that—

MADAM ASSISTANT SPEAKER: No, you are not, Mr Seselja.

MR SESELJA: If you are serious about it, if you are serious about improving the amenity of shopping centres and you have only got \$2 million to spend, then spread it out over the four years. Do not just spend money on maintenance and other issues like this in an election year. Everyone can see that for what it is: "We'll make the place look a little bit better ahead of the election, try and squeeze our way back into government, and then we'll put it all off for another couple of years before the next election." That is their attitude.

It goes back to my original point about short-sightedness—this is a government that actually does not look to the long term. It plays catch-up on major infrastructure. The people of Gungahlin know that. If they did not know it before, they know it now when they drive on the Gungahlin Drive extension in the morning and see how inadequate that is at peak hour already. Gungahlin will continue to grow at a rapid rate, but even with Gungahlin at its current size the extension is completely inadequate. Once again it reflects this government's attitude towards the people of Gungahlin, towards service delivery and towards the provision of infrastructure. It has no vision; it has no foresight and seems to look only to the election. Its policies and its budget seem to be about simply getting re-elected rather than being about real policies and real structural reforms which would actually improve the lives of ordinary Canberrans.

Proposed expenditure agreed to.

Proposed expenditure—part 1.12—ACT Planning and Land Authority—\$36,835,000 (net cost of outputs), \$9,386,000 (capital injection), totalling \$46,221,000

MR SESELJA (Molonglo—Leader of the Opposition) (4.23): Madam Assistant Speaker, it is a pleasure, as always, to speak about the planning system in the ACT. One of the really disappointing things in recent times has been the implementation of the planning system reform process. At this time, during this line item, it is worth reflecting on that a little bit. When this was first announced by the former planning minister, Simon Corbell, we took a very constructive approach to it. Reforms are difficult; reforms in the planning system are difficult, and they are necessary. It is necessary to reform our planning system because it has been in a very bad state for a number of years.

We could have chosen to play politics; we could have criticised the planning minister throughout that process of decision making, but in fact we did not. If you look at my statements throughout the media and in the chamber on that issue, you will see that we have been very broadly supportive of that process. We have been supportive of the need and we have been supportive of a number of the aims. We gave the government the benefit of the doubt as they were implementing these changes. In fact, they got the first iteration of the territory plan so wrong that nine industry groups, in an unprecedented fashion, had to come together and blast them, and essentially say, “You’ve got it wrong, and you’ve got it wrong badly.” We said: “Yes, take the extra time. This is important; let’s get this right. It would have been better if you’d got it right in the first place, but it’s better that we don’t push ahead with the wrong plan for the sake of six or 12 months.” So we worked constructively in opposition. We did not carp; we did not criticise. We said, “Yes, let’s get this right.”

Throughout the debate, we put forward some constructive changes. We had a very lengthy debate on the legislative changes that underpinned this. I put forward a number of amendments, most importantly to fix one of the real problems that I think is evident in the new planning regime and that will undermine confidence—there is absolutely no doubt about that—and that is this concept of uses development. I will not go back into that.

Mr Barr: You wouldn’t be reflecting on the vote of the Assembly, would you?

MR SESELJA: I am not reflecting on the vote of the Assembly. I am reflecting on what I put forward, and I do continue to have concerns about those legislative changes. But we put forward constructive changes which I believe would have been good. At the same time, we supported the broad principles behind the legislation. It is unfortunate—and we raised this in estimates—that these “simpler, faster, better” principles behind these changes are not being implemented and that we are seeing massive delays and an amazing complexity in terms of the administration of the new planning regime.

It is something that we put very strongly to the minister and officials. There were some answers that gave me some comfort that they recognised the problem. Certainly,

we got some comfort that they recognised that there was a problem, when you have these ridiculously long forms. Industry professionals—people who have been involved in planning in the ACT for many years and have seen various different types of planning law in that time, going back to pre self-government days—are finding it almost impossible to understand some of these forms and are having real difficulty in completing these forms. Yet we were told that it would be simpler, faster and better. I think that has been one of the great disappointments.

They got it significantly wrong, and then they brought back a territory plan which was far from perfect but which was accepted by industry, in particular because they just wanted the change to go ahead. I think they just got so exasperated after the problems with the first one that they said, “Well, this is significantly better than the first version.” So, even though there were still problems with it, they said, “We need to get this through.”

It has been a great disappointment to industry, and it has been a great disappointment to us. I do not think the minister could refute this: we certainly did not play politics with this reform. We actually got behind the government and said, “We will not carp and criticise you for these reforms, but we want you to get them right.” It is a particular disappointment to me that I am still getting feedback, on a regular basis, that there are still serious issues. We saw the concerns of industry. In fact, on the reports that I was getting, at the end of March, before the new planning system came in, many applications were being rushed through because there was not the confidence in the new system, and some of those fears are being realised.

I am hopeful that we can get over some of those problems, but it is incumbent upon this minister now to ensure that that gets done, and that it gets done very quickly. These kinds of bottlenecks in the planning system can have all sorts of flow-on effects. We do not want to see a situation where the simplest developments are being held up as a result of poor administration because of the complexity of forms and the planning guidelines being too difficult to understand. I put very strongly on the record our disappointment at where we have got to. We still want to see it work. It is critical that it does work. It is critical to our territory moving forward that we do see it work, and see it work well.

It is worth touching on the cutbacks to the NCA and how that might affect things here. We have seen significant cutbacks to the NCA by the incoming Labor federal government, egged on, of course, by their ACT Labor colleagues. Most prominently leading the charge has been Senator Kate Lundy, who seems to have some sort of visceral hatred of the NCA, which I have never quite understood. It is all well and good to have differences of opinion with various government agencies and with various decisions that are made by those agencies. But there seems to be a real personal disdain on the part of Senator Lundy for the NCA and for many officials within the NCA. I think it is unfortunate that that has driven the slashing of the NCA by the incoming Labor government. It has absolutely not been based on any sort of review. We know that it was not based on a review because the review happened after the announcement of the job cuts. So it is quite a ridiculous process that has been broadly supported by ACT Labor.

ACT Labor supports a process whereby the National Capital Authority is slashed significantly, by around 40 per cent in terms of job numbers. Forty per cent of NCA jobs have been slashed without the review happening. It is said that it is because of overlap, whereas everyone who has any idea about how the NCA operates and how planning in the ACT operates knows that overlap would account for a tiny number of positions. The only way to get to the bottom of that would be to do the review first and to look at where the NCA's authority should end and where the ACT government should take over.

I am certainly on the record as saying that I think we can look at changes to how that operates. I think the NCA have a very important role in looking after the national aspects of Canberra. I think that occasionally in the past they have overreached. But we should not use the odd overlap or the odd area where the NCA did not need to be involved and was involved as an excuse to slash an agency which provides a wonderful service to the people of Canberra in a number of ways. It provides a wonderful service to the nation. When we look even at things like events management and some of the promotions of Canberra, it provides real benefits in tourism and even just to the fabric of our community. I, along with thousands of other Canberrans, have on numerous occasions attended events hosted by the NCA, and many of these events will go as a result of these cutbacks.

In terms of the planning system in the ACT, the minister at some stage is going to have to outline to us how he is going to pick up the slack—how the ACT government will pick up the slack with respect to the cutbacks. We have heard how they are going to take on some of the jobs. We need to know how much that will cost us and what extra functions we will be taking on as a result of the NCA cutting back its functions, or whether a number of these things will just be lost. I will come back to this, but I will speak again after I have heard from the minister.

DR FOSKEY (Molonglo) (4.33): There are a few key projects which are good indicators of the directions that ACTPLA and the ACT government are taking, and in this context I will inevitably focus on areas of concern. First, ACTPLA appears committed to putting another dam or lake on the Lower Molonglo. I know that decision has not been made, but in my most recent briefing it was obvious it was still ACTPLA's preferred option.

While such an approach would be supported by some engineers looking at stormwater management, and presumably by the LDA and Treasury, given the increased property value that is expected to come with waterfront and water view properties, it is not consistent with any thoughtful environmental impact assessment. The Molonglo River is the second largest river system in the ACT. It is already severely compromised by Scrivener Dam, the establishment—and later destruction by fire—of pine plantations and many decades of grazing activity. The addition of another dam downstream cannot be justified environmentally and its enhancement of property values may be overrated in the light of current knowledge of biodiversity impacts and climate change considerations.

I am sure that many Canberra people are unaware of the potential loss of the areas that they enjoy above and below Coppins Crossing. BIOSIS Research, in its 2006

Molonglo Valley ecological impact review quotes a 1998 report by Adair and Groves which describes the area downstream of Coppins Crossing as “one of the important wildlife corridors linking the river system and mountain ranges to the urban bush and waterways of Canberra”.

It is the habitat for plant and animal species considered threatened under ACT and commonwealth legislation. While it is already known that it provides nesting sites and home territories for the wedge-tailed eagle, the brown gosling and brown falcon, O’Sullivan and Beitzel advise that further work is needed on the impacts of river adaptation on the survival of the pink-tailed worm lizard.

The proposed lake option affects 6.8 kilometres of river length, including a corridor nature reserve. There are many impacts of the construction of a dam which have been left out of ACTPLA’s considerations, including: the construction itself and the development of urban centres nearby, meaning greater sediment and nutrient loads entering the river and contributing to blue-green algae attacks in warm weather. We all know this is becoming a recurrent problem for Canberra’s other lakes. As well, invasion by non-native species will be made easier by the more conducive habitat of relatively still, cold and deep water. It is just what carp love!

Any benefits that ACTPLA and the lake supporters can claim for the lake in terms of water quality may be outweighed by the negative consequences, including increased sedimentation and disturbances caused by the dam’s destruction. The building of Tuggeranong town centre and lake was observed to reduce platypus and macro invertebrate communities. The only way this can be prevented is by ensuring that all water that enters the lake is as clean as is possible. This is an outcome yet to be achieved for stormwater entering any of the other lakes.

Three main options were considered for managing stormwater in the Molonglo Valley: a lake and a Weston Creek pond, a lake and a number of ponds and a chain of cascading ponds. All the environmental studies commissioned to look into these options found that the environmentally preferred option would be the chain of ponds. By the way, nobody looked at the option of leaving the river as a river with rehabilitated wetlands and protected river verges. I think that rivers certainly can have a place in cities.

The *Molonglo River corridor boundary study* of 2007 recommended against the lake because it would be incompatible with the environmental criteria—ecological, environmental, water quality, flood levels, landscape, cultural and recreational—of the national capital plan. Yet this work has been entirely dismissed, and instead ACTPLA and the NCA are championing a lake. By contrast all the ecologists that I have made contact with strongly oppose this approach. I could go into much more detail here, but I trust that ACTPLA has read the submission I made to them and that the NCA has read the submission I made to them on their proposed plan variations.

I would also like to point out my disappointment on discovering that public transport appears to be an afterthought in this planning regime. I am concerned that the new town in Molonglo will end up with the same public transport deficit as Gungahlin unless planners’ attitudes change. I was shocked to find that, although much of

Molonglo will be high and medium density from the very start, the main road into the town will be two lanes, instead of incorporating a bus or light rail capacity, forcing people in this 21st century town to rely on their cars to get to work. On questioning I was told that when the required density is there, that is, after the first suburbs are built and residents have adapted to the need for constant car travel, the government might find the money to widen the road for rapid transit buses or light rail.

Since the government is seeking a premium on land sales it makes sense to harvest the extra revenue that is gained by blocks that are well serviced by rapid bus transit or by rail. There is plenty of evidence that suburban homes and blocks of land with good access to public transport sell for higher prices. Imagine Molonglo with light rail or rapid bus transit systems along Cotter Road to the new town centre, with buses taking people to their homes from those transport hubs. I would have thought it was a no-brainer for any new town, but unfortunately the ACT government has not applied a futuristic lens and is stuck in a traffic jam of old ideas.

In this context, then, despite the good work that is being done by ACTPLA in other areas it is hard to see how the authority is contributing to the government's climate change response or, if it is, how meaningful that response really is. While ACTPLA may argue that it is supporting the ACT government's action plan on affordable housing, there is simply not yet enough affordable housing in new developments in central areas where a social mix, life and diversity in our streets is desired and where there is easy access of transport and services. I need only to mention Kingston and City West as places where government has promised there would be a percentage of affordable or social housing and there is none.

We now have a new planning system. Members would be well aware that the Greens opposed the introduction of this system, both for what it does in some cases and for what it fails to do in others. While we are not opposed to many features of this new system, it is deeply flawed in the way in which it takes power away from communities and delivers it to developers and planning authorities. I note that one of the features of the new regime is a shift away from regulation at a local level to compliance with national codes.

According to Energy Partners, the 2008 Building Code of Australia requirements for energy efficiency ratings which we adopted in May this year has meant:

Canberra's energy efficiency standards have fallen to equal the worst in Australia. For the past decade all new apartments had to achieve an Energy Efficiency Rating (EER) of 4 stars or above. However the new code only requires an average EER of 4 stars in an apartment block, meaning that new apartments could have energy efficiency ratings as low as 3 stars. In effect, the ACT has reverted to our energy efficiency standards of 1995, more than a decade ago.

Nor are homes in the ACT guaranteed solar access. As long as living areas are exposed to a minimum of three hours of sunlight, then residents have no recourse if any other part of their property, including the roof, is overshadowed. While, on the one hand, we are proceeding with a feed-in tariff law, on the other we are happy to put that opportunity out of the reach of residents or, presumably, interfere with their

sunlight even after they have had photovoltaic cells installed. I am confident that the people of Canberra are ready to move much faster on sustainable design, but either the government or ACTPLA is not prepared to make that happen.

I should like to stick up for ACTPLA on another matter to do with its regulatory systems. ACTPLA always cops a lot of flak when unwelcome development applications are proposed and on almost every occasion ACTPLA officers can justifiably argue that they are following the statutory processes—(*Second speaking period taken.*)—and that they are not making the proposal themselves but merely assessing it, including asking for expert and community feedback. I am not saying that I always agree with their assessments and proposals and I am certainly not saying that I believe that the statutory consultation and assessment requirements are appropriate because they are often patently inappropriate. However, I acknowledge that ACTPLA probably follows its rules quite well.

The caveat I would add to that is that ACTPLA does not need to be limited to the statutory minimum notification requirements. If they were to put drawings on their yellow notices and wrote street addresses and put maps in the newspaper advertisements and notices at suburban shopping centres, people would not be so surprised and angered when they learn about proposed developments by the arrival of bulldozers and the crash of falling trees and buildings.

I recall when there was some distress over a proposed eight-storey expansion of Goodwin Homes in Ainslie. ACTPLA and the then planning minister argued that they had done the statutory minimum and how could they know that they had not done enough? Funnily enough, a few months earlier the new chief executive of Goodwin Homes had advised an Assembly committee that his proposed expansion plans were likely to be controversial. So they should have guessed and then gone the extra yards.

This raises another issue that seems to be awry in ACTPLA. It has some strange opinions on the extent of its own and its minister's statutory powers. How can ACTPLA seriously argue that its responsibility to ensure adequate community notification for an eight-storey development is legally complied with when houses that were actually going to be overshadowed were not notified because their street frontage did not abut the road next to the development site.

It was interesting to see an internal ACTPLA document raising questions about ActewAGL's proposed power station and data centre, and we are talking about the big one here. It was reassuring to me that the questions coming out of my office were being asked by others who hopefully have more influence than a cross-bencher in majority government. They were asking, "Why is this site the best one when there must be many others? What are the greenhouse implications? What are the transport facilities? How does the gas-fired peaking station fit into more wide-reaching energy and planning policies?"

It seems clear to me, however, that that dialogue was coming too late. It showed us that the expertise in ACTPLA would not be drawn on until a preliminary assessment process was well under way. The project would have been better served if the

proponent had engaged with ACTPLA or some other qualified source on those issues that the ACTPLA staff had raised about the suitability of the Mugga Lane site. In short, my assessment of ACTPLA's performance is that it "shows promise; a few runs on the board; shines by comparison, but try harder".

I want to conclude with a rebuttal. On Tuesday, the planning minister took me to task for suggesting that he had the power to direct a proponent to undertake an EIS before ACTPLA had completed its preliminary assessment process. He said:

Once the Planning and Land Authority has assessed the preliminary assessment, it then makes a recommendation to the environment minister. It is at that point that a decision is made—and a decision can be made at a ministerial level—as to whether a higher level of environmental assessment is required. To do so before that would be in breach of the act. For those opposite and Dr Foskey to be calling for that to occur before the planning authority has made that assessment would be asking us to breach the act.

Well, that is a remarkable proposition and it is apparently based on a legal opinion given to the minister by ACTPLA. ACTPLA has tried to convince the minister that its advice is required in all circumstances before a court could find that the minister's consideration of a preliminary assessment was reasonable. In many instances it will be apparent to anyone with even a modicum of understanding, which a court will presume that a planning or environment minister possesses, that an environmental impact statement is needed after reading a particularly deficient PA for a particularly sensitive development proposal. Alternatively, it could be the case that time is of the essence in a particular circumstance, that the PA is incomplete and that the EIS process should start immediately.

The case that I was referring to was the original gas-fired power plant proposal. In this case it seems that the proponent might have thought that they could get away with submitting a defective and misleading PA on the basis that the project partners would walk if an EIS was to be called, and they were gambling that the government could ensure an EIS would not be required. The act clearly gives the minister the power to calm public fears and assure people that developers would never get away with that kind of behaviour in this jurisdiction by calling for an EIS as soon as he had considered and was satisfied that the PA was defective.

He does not need ACTPLA to tell him that he should consider that an EIS was necessary or not, particularly given that the PA's projected emissions of nitrous oxide of 245 micrograms per cubic metre was claimed by the proponents as "comfortably" meeting emissions standards, given that 245 micrograms per cubic metre is 45 micrograms per cubic metre over the World Health Organisation's safe pollutant levels before taking into account background gas levels and the fact that every deficiency in the model pointed to higher concentrations than the model predicted.

These issues have not had sufficient airing and the government has not acknowledged that the first iteration of the development was being seriously misrepresented by the proponents. It is informative that the proponents have now gone to the more stringent and responsible World Health Organisation standards when it seems clear that the two turbine generator proposal will comfortably meet those lower standards.

ACTPLA is not mentioned in the wording of section 21 of the old planning act, which gives the minister the power to require an EIS. Regulations provide that the minister has only 42 days after the PA has been lodged to exercise his power under section 121. What if ACTPLA took longer than 42 days to get its submission to the minister? Is he seriously suggesting this would remove his power under section 121 unless he directed that further time was necessary?

It is disturbing that ACTPLA has convinced the minister that their involvement is implied in section 121 of the act. In this instance and many others I cannot see any court reading into the act a requirement that ACTPLA, which is not mentioned in the enabling legislative provisions, must give its opinion to the minister before his power under section 121 is triggered. I stand by what I said on Tuesday, and I suggest that Mr Barr get back to ACTPLA or an independent source of legal advice to clarify his understanding of his own powers because he would look pretty foolish running that particular line in a court or tribunal. If the minister still disagrees I invite him to table the full legal advice supporting his position.

I should say that I think the minister should usually obtain ACTPLA's comments before exercising his power and, of course, it would be prudent for him to do so.

Mr Barr: Yes, it would.

DR FOSKEY: But there is nothing in the wording of the old act to suggest that this is an automatic constraint on his discretion. In some circumstances, and not these—

Mr Barr: Imagine if you just made a unilateral decision.

DR FOSKEY: I am talking about the legislation, Mr Barr. Obviously we do not have new legislation for no reason at all, but this is the legislation under which that PA was lodged. In some circumstances, not these ones, a court could imply a requirement to obtain advice from ACTPLA or, alternatively, from some other expert source of advice into the act, but it is by no means inherent, as the minister has asserted.

MRS DUNNE (Ginninderra) (4.53): It is really impossible for a budget debate to go by without some reference to the planning authorities. I would like to start where Mr Seselja did, about the planning system, because, in my time in the Legislative Assembly, the opposition has been calling for a long time for a review of the planning system. It was a long time coming and now that it has arrived I think the problems that we are seeing with the simpler, faster, better planning system are quite unsatisfactory.

This was highlighted during the estimates process by the problems that developers are having with the new forms. I will give one example that someone gave to me over a dinner recently. This person—it was not he; it was somebody in his family—had lodged a development application. The development application had gone in and it had been rejected. It had been rejected because not all the boxes on the form were filled out.

In a faster, simpler, better system, I would have thought that it was not a sufficient ground to reject a development application because all the boxes were not ticked and that, if we had a system of faster, simpler, better planning application processes, there could be somebody who exercised a little bit of initiative, rang somebody up or sent them an email, or sent them a letter that said, "In reference to your development application, there appears to be some information missing. Can you provide it to us? If we do not hear from you within a certain amount of time," et cetera, "then if it is not forthcoming there might be reasonable grounds to knock it back." But on this occasion, the whole thing was knocked back and they had to start again.

This is not how bureaucrats in a reasonable system should work. There should be some leeway and, if there is not leeway, it is time that the bureaucrats went back and revised their forms and their systems so that we do not have people who automatically get their applications rejected because there may be some deficiency or something missing from the information.

We had a lengthy discussion in the estimates about the problems with the new forms and it really boiled down to the fact that ACTPLA had decided that, quite rightly, in the new e-age, there could be electronic lodgement of forms. Even though the introduction of the new planning system was delayed, they were not ready to go on line at the time and the forms were not tested. So they had to cobble together a hard copy version of what was supposed to be the electronic forms.

As a result, people had a cumbersome system, with a whole lot of boxes that they probably did not have to fill out and they would not have had to fill out if it was in electronic form because that would automatically take them from place to place. Then people were being penalised for not filling out all the boxes. It is unacceptable that an organisation that is supposed to be as professional as ACTPLA would put out into the public domain forms as important as this that had not been tested. And it is reprehensible that we got to this situation.

The minister has to ensure, and has to work very hard first of all to ensure, that the forms work, that they are efficient and that they are tested. And this needs to be done quickly to ensure that you do actually have a reasonable process for lodging.

It is an expensive process to lodge a DA. Then to have it rejected, so you have to go back and do it all again and have another lodgement fee, is an unacceptable impost on people who are trying to build houses and develop land for the economic benefit of themselves and other people in the ACT.

The failure of systems in ACTPLA has been one of those ongoing sagas. When I first became a member of this place and we debated the first tranche of Labor Party amendments, the so-called reforms to the planning system, I and my colleagues took a lot of effort to try to slow down that process so that it became a better process. We also argued that the process was more important than the structure and whether ACTPLA was called PALM or ACTPLA or whether it was an authority or whatever. The thing that was much more important was the reform of the development application process and the reform of the territory plan.

It is my recollection that, in the Fifth Assembly, on at least two separate occasions, the opposition attempted to slow down the process of Mr Corbell's reforms and speed up the process of the reform of the Land Act and the reform of the territory plan. Mr Corbell said, "No, no, we have to do it my way," which was the wrong way, quite frankly. After all the reforms that Mr Corbell brought in in 2002, I asked the question, which I was able to ask again last year during the passage of this legislation, "After the passage of this, after it is all bedded down, will the system be any better?" The answer has been a resounding no. I asked the same question last year, with the passage of the new planning system, the new territory plan: "After all this has bedded down, will the system be any better?" So far it has not been.

I normally give such extensive legislation at least a year. So the authority has to lift its game and I hope that next year, when we are on the government benches and we are talking about the budget, we will be able to say that, as a result of the work done and the stringencies put in place, the planning system is simpler, faster, better.

Mr Barr: And more effective.

MRS DUNNE: And more effective. If it is simpler, faster, better and more effective, it will be because of the work of people like Mr Seselja and people in the industry who have been trying to keep this system operating well.

The breakdown of the system that we see in ACTPLA is characterised in a couple of places. One may not necessarily be originally ACTPLA's fault, that is, the occupation of territory land out in what used to be the Cotter forest, the caretaker's cottage, which, until the day after the minister appeared before estimates, had been occupied by the Farrell family for some 26 years. There was obviously a mistake. Somewhere along the line the paperwork was lost. There is an unexplained chain of events. At the end of the day the people doing the evicting were ACTPLA.

It is simply not good enough to say, "We got ourselves in an invidious situation and we will now claim that these people had been squatting." The minister implied it. Although I had raised the issue, he raised the implication that these people were squatting. Other members, including, I think, Mr Mulcahy, also made the implication that these people were squatters.

I do not think people who receive the keys to the front door are squatters. They may have had an irregular arrangement but they entered that arrangement with the compliance of the territory authorities, perhaps a long time ago. But they were given the keys to the front door and they maintained the property in a way that it would not have been maintained. We would not be now questioning whether or not this property should be entered on the Heritage Register if it had not been for the stewardship of the Farrell family over a very long period of time.

This is an appalling situation. The Farrell family came to the realisation that eventually they would have to vacate this place. But the mean-spiritedness of kicking these people out and then putting in a security guard and putting a security fence around it, because you had to maintain the security of the place, is a little bit hard to

swallow. And there are a large number of people in the community who actually asked themselves, “These people had stewardship of this property for 26 years. Could they have not stayed there for another two, four, six months, however long it was, and save the territory the money and the eyesore of suddenly having a security guard and a security fence around the area that otherwise could have been maintained?” (*Second speaking period taken.*)

The other failure of process was the approval that we dwelt upon, the approval of three separate developments on Wentworth Avenue and in the Kingston Foreshore area that do not comply with the territory plan. This was an interesting journey of discovery, shall we say. We had the usual response from ministers for planning and officials who, when they are put under pressure, say, “This is extraordinarily sensitive. We need to go in camera.”

We left that discussion for a while and members of the committee had a lengthy discussion about whether or not it was necessary to go in camera. Then we explored the matter a little further with the minister and officials and it became perfectly clear that it was not necessary to go in camera about this issue. This, quite simply, was a stuff-up. That is a technical term; they use it in ACTPLA a lot. This was a stuff-up.

The ministers always say, “There are thousands of applications that go through ACTPLA every year; no-one objects to them,” et cetera, et cetera. But the ones that fail are standout startlers. And this has to be one—three developments of five storeys, when only four are allowed. Yes, they come in under the height rules but this came about, it seems, as far as we can tell, because one single officer made some decisions that were not peer-reviewed, despite the practices, and because we have a system where one single officer can make an irrevocable decision which is against the law and we cannot do anything about it.

We are going to build buildings on Wentworth Avenue which do not comply with the law, and the people of the ACT can do nothing about it. What about all the other people who want to build on Wentworth Avenue and who would like to build five storeys when only four are allowed? What does it say about the fairness of the system?

There are still a lot of questions to be answered about this. And it may be that we just have to chalk this one up for experience. But we had better learn from our experience because we cannot allow this sort of thing to happen again. This is an abuse of the system. And it is at least an abuse of the system in that an official—and I do not know who this person is, and I do not ever want to know who this person is—approved something; he got it wrong, I hope mistakenly; there was no peer review, despite the procedures in the department. The chief planning executive for years has been extolling to estimates committees and annual reports committees the benefits of the peer review system. On this occasion there was no peer review. And there is no recourse for a decision that was wrongly made.

There are strong recommendations in the dissenting comments in relation to electronic controls to ensure that we avoid the situations of the past. I think it was passing strange that the majority of Labor members of the estimates committee could not

bring themselves to have, in the majority report, simple recommendations such as: that electronic controls be put in place to ensure that one ACTPLA officer alone cannot issue a development application approval on a major commercial development without checks or clearances by another officer. That is a pretty straightforward process but Mr Gentleman looked at it in his usual way and said, “No, I do not like that one,” or, “That is tricky. That is mean and tricky. No, we are not having that one in there.” And the girls went along with him.

There is one other issue which Mr Seselja touched on, the relationship between the National Capital Authority and ACTPLA. I think the points that he made are very telling indeed—points about the collusion of ACT Labor in its falling over itself to make cuts to the National Capital Authority which can only be described as cut first and ask questions later. We have a situation where we are not quite sure what the future of the National Capital Authority will be but, if ACT Labor has anything to do with it, it will be constrained; it will have one hand tied behind its back; and this may not be for the planning benefit of the rest of the territory.

MR MULCAHY (Molonglo) (5.08): Planning is obviously an interesting topic to discuss, and to some extent it seems like we have been discussing little else but planning issues in the last month, throughout question time and in many aspects of this budget debate. I am not sure what I can add that has not already been said. But there are a few things that have come out of the budget and the discussions in the last few weeks that I would like to speak about.

Before I do, I caught some of Mrs Dunne’s remarks about the events at Weston Creek, and I will say just two things on that. I actually made representations at the request of constituents in relation to that particular saga. I also have significant issues about people who are occupying government land without lawful authority. It is worth putting it on the record because I did raise in estimates the difficulty experienced by people who settle on public land or government facilities and make that their home. The chief of staff of a senior federal Liberal minister, in fact, approached me about addressing the issue in Ainslie. The minister said that there was a belief that there were up to 40 people now living in public areas in Ainslie, and he asked me to take that issue up. I am not sure what the Liberal Party policy is in relation to people taking this approach, but it is certainly not a cohesive one.

I am glad to see that this budget includes a new performance indicator on the level of satisfaction with the services provided by ACTPLA. However, the targeted figure of 80 per cent satisfaction seems to me to be an unambitious one. I would have hoped that fewer than one in five people would be dissatisfied with the services provided by ACTPLA, but this is the margin of error that they are giving themselves. Based on anecdotal evidence there appears to me to be a great deal of frustration with ACTPLA, particularly over failures to assess applications within statutory time frames. This is backed up to some degree by performance indicators, which show that 85 per cent of single dwelling applications and 75 per cent of other applications are assessed within statutory time frames.

It always seems strange to me that we so casually allow ourselves such leeway in complying with the letter of the law. The fact that the government’s targets in this

area allow for a substantial number of applications to exceed the time frame set by statute seems to me to be something that should register great alarm.

There was a caller on the radio the other day—I cannot remember the program; I think it was on the 666 Alex Sloan program—who joked that his development application had been delayed so much that it was being pursued as an exhibit by the Canberra museum. I mention this because without clear performance indicators on these issues one is often forced to rely on anecdotal evidence from constituents, and it still seems to be forthcoming in substantial amounts.

I am not one who likes to rely on anecdotal evidence, so I am glad to see that we will soon have some quantitative estimate of the level of satisfaction with ACTPLA. These kinds of indicators are often fairly subjective since they rely on subjective notions of satisfaction. Nevertheless, I think it is preferable to have some quantitative assessment of satisfaction to avoid having to rely on radio anecdotes.

Since the gas-fired power station proposed for development near Macarthur has been such a controversial topic, I will take this opportunity to reiterate my view that the government should—indeed, it is obligated—to allow the normal statutory processes to proceed with regard to this development, as it has now been amended. There has been a lot of controversy in the past few past weeks, culminating in the motion of no confidence and in-depth arguments surrounding this particular project. I hope that members in this place are able to appreciate that this project is currently being assessed under the planning laws passed in the Assembly and that this assessment will involve assessment of environmental issues, including issues of potential noise pollution.

I have stated several times that I believe this project should be approved only if it meets the noise and pollution requirements of the territory to ensure that Macarthur residents and other ACT residents are not disturbed by the plant. If this is the case I have no in-principle problem with the development. However, if it is not compliant then it must be rejected by ACTPLA. I do not have any view on whether or not the proposed project is compliant with noise and pollution requirements. I have been assured by ActewAGL that it is, but I have no expertise to assess these claims myself. Like others, I rely on the claims of experts and I think that any competing claims about noise and pollution issues need to be tested in the assessment of the development application.

Whilst I agree with the opposition on some aspects of their criticism over this issue, I am certainly uncomfortable with the opposition's approach to the assessment of the development, which seems to me to encourage greater political interference in assessments of development projects and seems to fuel an anti-business sentiment, and I think Dr Foskey's pleadings for intervention are very much down the same road.

If we have a situation where every time somebody sets foot into this territory with a business development and says, "We want ministers stepping in, rearranging and reordering the process," we will very quickly find ourselves moving into the scenario that New South Wales now faces. We have seen where that has led, with corruption at local government level and investigations by the Independent Commission Against

Corruption, and I hear there is more on that front to come closer to our town. I certainly believe that is something we should be resisting.

There are processes in place, and once you go down the road of having political determination in every developmental project you will reach a situation, as frequently now occurs in my original home state of Tasmania, where every time somebody puts up the slightest idea for a new development, there is a hue and cry and a minister is pushed into a corner and backs down. People then pack up and move on, to the point where industry in that state is now largely a branch office affair.

If we are ever going to diversify this economy, heaven help Canberra if, every time someone wants to develop something, there is this yell that it should be stopped; it is interfering with someone's space. I would not like a power station on my back doorstep. I acknowledge that, and I have said that openly. I also openly tell people here where I live, but I think the fact of life is—

Mrs Burke: Yes.

MR MULCAHY: Mrs Burke waves in a rather patronising tone, but the fact of the matter is that this was concealed. It was revealed by the media and it was a significant issue. I think that if one is in a situation where they have a very personal interest in a matter before this place, it is incumbent on them to clear any doubt in terms of the position they occupy.

Nevertheless, the fundamental issue here is: do you believe that government ought to step in and start reacting each time there is a political hue and cry on a development? If that is the system we are going to have, then there are significant downsides and we could go down the road to where the previous Liberal government found itself over some of these matters with some of the consequences that had for former members of that government and officials. But we will leave that for another occasion.

I did raise in estimates the issue of staff shortages in ACTPLA. I asked Mr Barr, and Mr Savery responded, about the number of vacant jobs. At that point, he said between 15 and 20 out of a workforce of 250—not quite 10 per cent, but getting towards it—of his workforce, and that is troubling. That may be an issue related to the nationwide problem of shortage of planners—I know there are enormous opportunities now for planners in the private sector—or because we are not competitive with the commonwealth. I am not too sure. But the end effect of that is that it must impact on the efficiencies of ACTPLA.

I think I heard a comment earlier on, but there is an inconsistency, I think, in bringing in greater penalties in terms of people developing blocks but at the same time frustrating them with the development application process. They cannot win on both fronts if they cannot get a DA through in a reasonable time frame. I have not heard any great cries of satisfaction about the new system. Mr Seselja said a number of people had raised matters with him and expressed frustration. I have heard the same sentiment from developers at events in recent weeks. They continue to tell me that life goes on in this frustrating fashion. All manner of them can quote me stories of difficulties with development applications.

Something clearly is not right in the system. The delays are costing people money. They cost them holding costs in terms of interest payments on funds, and this is something that has plagued the territory for too many years. It was an issue when I ran in 2004. In my area of O'Malley, the east O'Malley development was held up for endless periods of time for a variety of reasons at substantial cost to the developers. I think we have to tackle this and ensure that, whilst proper processes are observed, we certainly do not have undue delays that are going to make development in this territory too costly and uneconomic.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (5.18): I thank members for their contributions on this line item. I will briefly mention some of the highlights in the budget and some of the independent commentary on some of those initiatives and respond to Mr Seselja's issues and those raised by Mrs Dunne and, of course, Dr Foskey. I apologise, Dr Foskey; I will seek to respond to the issues you have raised as well.

First up, the key initiatives for the Planning and Land Authority in the budget this year are around commercial industrial land supply, sustainable communities, energy efficient housing and enhanced service delivery to small business, most particularly through the work we are doing in the Planning and Land Authority around getting more information, more building files et cetera available online and accessible to industry 24/7.

During the estimates hearings we discussed some issues that have arisen in the implementation of the new planning system, but I think it is worth observing that, after four years of extensive consultation, four months into the new planning system the government and the Planning and Land Authority are still listening to industry and the community and responding to those who work with and in the planning system.

The Planning and Land Authority has been holding a number of discussions with industry groups who have identified a range of technical concerns with the introduction of the new planning system. The Planning and Land Authority acknowledges those issues and has indicated a willingness to address them. It is worth observing, of course, that new statutory systems will always have imperfections that need to be ironed out. I acknowledge that even Mrs Dunne is prepared to accept that point. The government—in fact everyone in this place—acknowledged at the time that this legislation was being debated that that would be the case. Likewise, it was recognised that there was another phase required to the policy review of the territory plan post the commencement of the Planning and Development Act.

I can advise the Assembly that a number of measures will be taken to address some of the concerns that have been raised. From 1 July the fees for the amendment of a DA will be changed from 25 per cent of the DA to a sliding scale relevant to the complexity of the DA. The length and complexity of DA forms have been looked at. I am pleased to advise the Assembly that only a matter of days ago the DA forms were amended and shortened, with input from industry, and are now in place.

Some sectors have expressed concern about the difficulty in complying with rules for exemption of development, in some cases due to inconsistency in rules for similar structures, inconsistency with contemporary industry practice and a lack of clarity on interrelationship of the rules. This is being addressed. We are revisiting the regulations, amendments and amendments to regulations on DA exemption, and transitional matters are being drafted with possible commencement in August of this year.

Mr Mulcahy raised the issue of staff positions and some vacancies within ACTPLA. I can advise that an extra recruitment round is underway and that ACTPLA staff are working very hard to deal with the backlog of development applications. Many of the previous land, planning and environment act applications are now complete.

The difficulties experienced by some in complying with some territory plan provisions due to the wording of the provisions have largely been addressed through technical amendment No 1 to the territory plan. This has recently been out for public comment and proposes a range of minor amendments to a range of codes.

A range of other code variations to the territory plan to correct a number of technical issues in the short term is being prepared. ACTPLA is also establishing a policy review process to identify priorities for more substantive territory plan issues. These will be discussed with government as they would constitute a policy change to the territory plan and would, of course, require appropriate levels of public consultation.

The Planning and Land Authority is conducting ongoing discussions with industry groups on the five times fee for extension of development covenants which implement an initiative of the government's affordable housing strategy. I can advise the Assembly that building certifiers have also been in talks with ACTPLA about understanding their role in assessment of exempt single residential development in new estate areas, and further education and training and discussions have been occurring.

I understand from my meetings with the MBA and the HIA, amongst others, that some applicants have been frustrated at not being able to lodge in the code track of the territory plan because they have found it too difficult or time consuming to obtain the necessary pre-lodgement endorsement from a referral agency. The Planning and Land Authority has taken this up with the relevant referral agencies, who themselves have been dealing with and bedding down the changes brought about by the new system.

A comprehensive training plan for both staff and industry has been delivered from February through to the end of this month. Sessions have been held for introductory matters, as well as lodging residential DAs in both the code and merit tracks and lodging non-residential DAs in the merit and impact tracks. I can advise the Assembly that participants have provided very positive feedback on the quality and thoroughness of this program. ACTPLA's customer service centre and DA staff have also noticed a difference in the quality and accuracy of applications lodged by those who have completed this training.

A new integrated electronic development assessment platform is being developed which will cover all key components of the DA processes, from the lodgement of applications to the licensing of construction industry practitioners to the issuing of final certificates of occupancy and use. The first stage of the system was made available to staff on the day the new planning system began, enabling the tracking of new applications and work flow to assist in the entire decision-making process involved in assessing an application. Staff are providing feedback on the further refinement of the system before it is available to customers.

The external interface of the new system will be available to customers to enable the full electronic lodgement of applications and access to information on the status of applications from the convenience of office or home. This is the 24/7 possibilities that the internet provides. Tenders for the next stage of the implementation of the e-development platform are being assessed and it is expected that the external interface for electronic lodgement will be available later this year.

The Planning and Land Authority has not rested on its laurels since the introduction of the new planning system. It has been determinedly working to make sure that its system is simpler, faster and more effective. ACTPLA has a strategic implementation plan that addresses all the key procedural process and information requirements of the new system, as well as dealing with the post-implementation issues that have been raised by various interest groups.

One of those interest groups is the Planning Institute of Australia, who wrote to me post the budget indicating that they applauded the emphasis in the budget on building infrastructure for the future. They also applauded the funding for environmental sustainability, including the \$1.72 million for the further planning of the Eastlake project and the \$976,000 over three years for the sustainable communities planning program. They are looking forward to participating in these initiatives. It is pleasing to see that the planning institute are willing to engage with government on these key issues, and I look forward to a constructive involvement with them.

In her contribution Mrs Dunne raised the issue of the caretaker's cottage. It is worth reminding the Assembly that following the outcome of the Molonglo Valley structure plan proceedings commenced to vacate block 1168 to allow for land preparation in accordance with the government's anticipated land release program. In April of 2007 each of the occupants of the cottage in the valley were served with a notice to quit advising that they were required to vacate that block by 28 September 2007.

As a result of the occupants not vacating that block within the required time frame legal proceedings were instigated to terminate the occupancy of the block. ACTPLA, on behalf of the territory, commenced recovery action in the Magistrates Court. Consent orders were signed for and on behalf of the occupants and filed in the Magistrates Court. The consent orders contained, amongst other things, an undertaking from the occupants that they would vacate the land on or before 5 pm on 31 May 2008 and not seek through any means any further extensions of time.

I can advise the Assembly that the Heritage Council has now advised the Planning and Land Authority that they have received and accepted a nomination for

the cottage to be considered for entry to the ACT Heritage Register. The planning services branch of the Planning and Land Authority is arranging for a heritage report on the cottage to be prepared. Upon receipt of this report the Planning and Land Authority will make an application to the Heritage Council for an urgent assessment of this report.

As the Assembly would be aware, the Farrells were asked to leave the cottage on 31 May and at this time the property was handed over to the property group of Territory and Municipal Services, who are now responsible for the management and security of the building. The government has undertaken to ensure that the cottage will be preserved as a community facility. That could take many forms—a public gallery, museum, tea rooms, cafe or community space. In the interim the property group will be seeking a community tenancy.

Mrs Dunne sought to suggest in her comments that I had defamed the former occupants of that block by suggesting that they were squatters. I have in front of me and I will table for the benefit of members a letter dated 29 August 1983 from the Farrells to Tom Uren, who would have been the relevant federal minister at that time. I table the following paper:

Caretaker's Cottage, Weston—Letter to Tom Uren from Jenni Farrell, dated 29 August 1983.

The relevant sections state that they were privately renting a three-bedroom house, the husband had become unemployed and things had become increasing difficult. The letter states:

It was then we heard of an abandoned derelict house on the edge of the Stromlo pine forest.

We then made a number of phone-calls to different government departments regarding ownership of said house. No-one was willing to claim responsibility for the house so after replacing broken windows, doors and roof tiles and removing piles of rubbish we then moved in.

Since then we have been maintaining the house ourselves, ie clearing blocked drains ...

That letter is in the handwriting of the former occupants to the federal minister at the time indicating that they simply moved into the property. It is dated 29 August 1983 and was received by the relevant minister on 30 August 1983. I have tabled that letter for the information of members. I think that letter in their handwriting will finally put to bed the basis of the occupancy of that property.

Mrs Burke: No, it does not. They handed back the key to your people. Where did they get that from? Would they lie? According to you, they would.

MR BARR: Well, it is their letter in their handwriting advocating their position. I note further that the letter states—it is available for members—that they were asked to leave at that time. In fact, they were given four weeks to vacate the premises at that

time. They made their case to Mr Uren, who was the minister in 1983, prior to self-government. That, in their handwriting, was the basis of the occupancy of that particular block.

It is not a particularly pleasant situation, and I understand the distress it would undoubtedly have caused, but we have legal processes and the government was simply following those processes. In the case of the Molonglo Valley, the occupants of that particular cottage were not the only people who were asked to vacate the land to make it available for the future needs of our city. That is a fact of life under our leasehold system, but in this particular instance, in the absence of any legal basis for occupancy of the property—and the letter itself indicates how the Farrells came to be in the house in the first instance—I think it really does clarify the matter for everyone's benefit.

Finally, I need to respond to the claims that Dr Foskey has made in relation to the former land act, most particularly the question of whether a minister can call for an EIS and actually direct that one occur. Dr Foskey and I have discussed this at some length. It would appear that there is a clear disagreement over interpretation, but it is worth noting that the act does suggest that the relevant minister may direct that an assessment be made of a proposal if, in the opinion of the relevant minister, based on reasonable grounds, an environmental impact of the proposal would be of sufficient significance. It goes on to say that, in making a decision under that subsection, the relevant minister must consider the preliminary assessment and have reasonable grounds. To do so in advance of an assessment of a preliminary assessment I think in any other context would have those opposite and Dr Foskey howling that the minister of the day, regardless of whether it is me or someone else, had not sought the views of experts in relation to the preliminary assessment.

The situation remains as I have indicated throughout this process. The appropriate time to make a determination on that matter is following an assessment of the preliminary assessment. That would then potentially give the minister of the day the reasonable grounds on which to ask for a full environmental impact statement. To do so in advance of that would, in my view, expose the minister of the day to the charge of being in breach of the act.

We can agree to disagree on interpretations, and ultimately lawyers will argue this in courts, but my view—and it remains my view as the relevant minister—is that I will not be calling for an environmental impact statement in advance of the Planning and Land Authority's assessment of the preliminary assessment. Dr Foskey is welcome to make an assertion that she believes that assessment is sufficient, but that would not be reasonable grounds that the minister of the day would need under the act to call for an EIS.

A view from the Greens, a view from Dr Foskey, as learned as it might be, that the PA is deficient is not reasonable grounds. With the greatest respect to the Greens and to the Liberal opposition, I do not think anyone would seriously argue that the view of another political party would constitute reasonable grounds. I repeat the position that I have put consistently through this debate—that the appropriate time to consider this matter of an EIS is once the Planning and Land Authority has completed its assessment of the preliminary assessment.

Again I thank members for their contributions to the debate and look forward to continuing with Mr Seselja in this spirit of bipartisanship to ensure that we have an effective planning system for the territory. I do acknowledge that probably 99 per cent of the time, apart from the odd jibe that I will just put down to politics, Mr Seselja has played a constructive role in this process, and that is important. I simply make the observation that in many of these debates on planning Dr Foskey attacks the government from the left and Mr Seselja and the Liberals attack the government from the right. That probably means that we have got the balance about right.

MRS BURKE (Molonglo) (5.37): I would like to add to some of the things that have been said this evening in regard to Peter and Jenni Farrell, the former occupants of the caretaker's cottage on Cotter Road, Weston Creek. I became involved in this case, very sceptically at the beginning. I, too, perhaps like many members—and I have discussed this openly with the Farrells—had the opinion, “You have had this so good for so long.” Mr Mulcahy would probably be cheering from the rafters now as I am saying it. However, all is not as it seems.

I actually did send around to all members the chronology of events from 1982 in terms of what had happened in relation to Peter and Jenni Farrell. These people are decent human beings and they have been portrayed as no more than second-class citizens by Mr Barr and Mr Mulcahy. There are a few things that I will touch on.

How can somebody be a squatter when, firstly, they are given the keys? Mr Barr can argue the point on that all he wants. If that was what was contained in that letter, I accept that but that is an omission by the Farrells, I am sure. Why? On the day that they were ceremoniously evicted, they, with great grace and dignity, I might add—and I was in the room and watched it; they held their dignity and did it with great grace—handed over the original key that they were given in 1982 by a forestry worker. They did not need the key because, as Mr Barr rightly says, all the windows were smashed.

I am talking to these people more and more; they have got reams of information about the history of the place. And their driving passion has actually been to make sure that over 80 years of history does not get bulldozed into the ground. I applaud them for that. I think the community have also come out, and we have seen petitions tabled in this place, and supported them wholeheartedly—people from all walks of life, from everywhere in Canberra. Once people know the truth, the facts and the full story of how Peter and Jenni Farrell, over successive governments, tried to get a proper, established tenancy, people will need to think twice about what they have said detrimentally about Peter and Jenni Farrell.

Also how can people be squatters when utilities are made available on the property? The electricity was turned on; the water was turned on. There was sewerage. In fact, they were very near, as people will know, to the old sewerage works there anyway, to the sewerage lines.

I think the picture that has been portrayed is very disingenuous, just being able to say, “They are just scum; we can get rid of them. They have squatted. They have done this.

They just do not deserve to be there.” These people lovingly maintained and cared for that property. It did not cost the government anything. No, they did not pay rent; they are the first to admit that. But what they did do was preserve 80 years of history.

I suppose people would say, “There are plenty of houses like that in North Canberra.” But the very fact is—and I am surprised at the Labor Party’s position on this—that this is a classic example of working-class history of the area. I do not know whether you have seen the wonderful old photographs, Mr Barr. You may want to because you will be really pleased at the end of the day that you can crow about how you, as in the government, helped to save this place.

We hope that the heritage assessment is passed. I do hope that too much of the uniqueness of that place is not destroyed if it is handed over for community use. I further hope that the establishment of the friends of the caretaker’s cottage means you will engage with that group. They are historians. There are very notable historians who are part of that group. I will be writing to Mr Hargreaves about it and will give him the names of the people. I will send a copy to you as well so that you can be fully across it and fully informed that there are people in our community who want our heritage preserved.

Why am I interested in that? The town I came from in the UK celebrated its octa-centenary. The church is 900 years old. If we continue to knock down buildings here in Canberra, that is our history gone.

There was no great rush. What was the rush? We never got to the bottom of why we had to have this huge rush. Was it the embarrassment? Was it “we will do it now before the election and get it out of the way and then we can announce something”?

But I say well done to the community. Some 1,500 people put their names to a petition that we tabled in this place. There were actually more who came to see the place and were quite sold on the fact that we got it wrong, we thought, like everybody else, because the message had been spun so cruelly by those opposite about two decent human beings who actually are not on the dole or anything, no. Do you know what they do? They both have jobs at Galilee caring for young people, disadvantaged people. They are the gentlest, kindest, most giving people you could wish to meet.

What do we do? We cruel them with awful comments in the media. We drag down these excellent human beings, people who have contributed to this community probably more than you and I have, Mr Barr, or Mr Hargreaves when you get to read this. And we have cruelled these people mercilessly. Nobody knows what they have been through. I know in part what they have been through because I have been on the walk with them. And I applaud them for their efforts.

As for signing that they would leave, I will provide Mr Barr and Mr Hargreaves with the gut-wrenching story of why they signed that. They signed it under duress. They had no other option. They had no money to fight in the courts at that time. You heard the story. I thought you people stood up for the battlers. How wrong can I be? I am absolutely appalled at you, of all people, Mr Barr. I thought you would be the caring person who would say, “Show some humanity.” We have a human rights act in the

ACT. What worth is that? Absolutely nothing, because these people could not depend on the human rights act. You could not show humanity.

I think it has been a disgraceful display of arrogance. You have done wrong by the community and you will pay for it come October. I can tell you now, you have done wrong. In fact, a lot of those people came from Queanbeyan. We are soon to have Frank Pangello standing in the ACT, and he will be well aware, too. To Canberra, Queanbeyan is a small place. You have disaffected so many of your base. You do not know what you have done, but come October you will.

The Farrells would never, ever have stopped trying to find a way with successive governments to come up with security of tenure. In fact, they tried; it is on the record that they tried. When Mr Smyth was minister for housing, he tried to work out a resolution for them. We came to the election and it fell over and it was never picked up again.

So I remind members to be very careful when they say things about people, without knowing the full facts, without knowing the truth. I will leave that there now, but I would urge Mr Barr, when he gets the information I have sent him, to read it, to consider it and, for one moment, put yourself in the place of the Farrells who almost died because of bushfires that they were not warned about in 2003.

MR DEPUTY SPEAKER: Order, both sides of the chamber! Keep the chat down. I want to hear Mrs Burke.

MRS BURKE: They fought to save the house, the heritage of that area. What thanks did they get? None. They withstood a tornado against the house as well. I can go on. In the 2001 bushfires, they protected the home. I just think you need to have a think about what you have done and what you have said. I hope the heritage assessment goes through. I hope you will, in anything that you do, engage the friends of the caretaker's cottage. There are a lot of things there that we can use as history; it would be a good tourist attraction. I am offering to work with you. I can give you the information. I am asking you and Mr Hargreaves to engage with these people who want to be involved, to make sure that we can carry on the good work that Peter and Jenni Farrell started all those years ago.

MR SESELJA (Molonglo—Leader of the Opposition) (5.47): Before I get into some of the other issues that were dealt with at estimates, I neglected to say before—and I certainly put it on the record with TAMS—in terms of ACTPLA staff, I have had a lot of dealings over the past few years with a number of ACTPLA staff and I have found the majority that I have dealt with to be extremely professional. In fact, when I have asked for briefings, they have normally given very detailed briefings on a number of issues, particularly going back to the planning reform legislation which was quite complex, and they took the time to take us through very detailed briefings. I just put that on the record.

I have said before in this place as well, even though we certainly have our differences sometimes with the decisions of ACTPLA and sometimes the performance of ACTPLA, I think Neil Savery has, broadly, done a reasonable job. I think Neil Savery

is a professional and I think he is quite honest in his dealings. I have always found him to be that. I think we occasionally just need to put that on the record. I do have a healthy respect for a number of the senior officials in ACTPLA even if I do not always agree with all of the directions that they are going in or all the decisions that they take.

It is worth reflecting on one on those decisions, and this is the Kingston development which was approved for five stories instead of four, in breach of the territory plan. Obviously, we put some concerns on the record during estimates. It is a concern that that was able to happen. And we did hear from officials as to how they went through the process of, firstly, identifying that; and, secondly, investigating that. It was quite a lengthy investigation. I suppose the time, the energy and the costs that would have gone into that investigation are a great lesson or perhaps something that will impose significant disciplines going forward because I am sure that ACTPLA staff would not want to go through that process again. I am sure that would have been an uncomfortable time and it would have been something that they would prefer not to have been investigated. Nonetheless, I appreciated Mr Savery's remarks and the detail that he took us through in estimates.

There were other concerns raised as part of that, though, it must be said, and in relation to various allegations made. Some of that is dealt with in the dissenting report which Mrs Dunne and Mr Smyth have put forward. I think there was a feeling that we never were quite able to fully examine that. There was talk of going in camera and then the committee obviously made the decision not to go in camera. I certainly had the feeling and I think my colleagues would have had the feeling that we were not properly able to pursue that issue.

One of the recommendations in the dissenting report is that the papers of the Chief Minister's Department relating to the development of Kingston be made available to the Assembly. I think that would certainly shed some light on the situation for us. There were allegations made as a part of that process, separate from the actual mistake which was made by the ACTPLA officer in question, and in order for us to properly resolve that it would be useful if the Chief Minister's Department were able to put those documents on the table. Given what we have seen, unfortunately, from the Chief Minister's attitude to the disclosure of documents in recent times, we, of course, will not be holding our breath. But we do call on the Chief Minister to release those documents so that we can properly examine them. I certainly came out of that hearing feeling that we were not able to get to the bottom of it. And that was disappointing.

In relation to the QEII site, which was an issue that I raised, obviously it is more an LDA issue and we certainly raised that with the LDA. But in the context of the broader planning system, I understand that this has now been split. It has been split between ministers in relation to the land release versus planning functions. Looking through the FOI documents that we got in relation to the Macarthur power station certainly suggests to us that that split did cause some confusion amongst agencies. In fact, we saw what ACTPLA had to say on the issue in some of the FOI documents where they did raise some of the concerns which, if they had been all under the one minister, maybe we would not have had the outcome that we did in the end.

I will not go into the detail of the QEII development, except to say by way of digression that that whole process certainly was a concern to me. There was a lack of advertising of that site in particular, a prime commercial space, and then it emerged later that we had this condition whereby the developer got to occupy the land without having paid for it. It is obviously quite a significant advantage when you do not have to fork out the significant amount of money for the purchase of land; you are able to start building; and so you do not have all of the holding costs that a developer, a builder or, indeed, a first homebuyer, if they buy a block of land, has to bear. I certainly put those issues on the record.

In regard to the Kingston development, I just reiterate that we would have preferred to have had all the information and been able to properly examine that.

In summary, on planning, I note the minister's comments in relation to planning system reform. We certainly believe that we are hopefully moving in the right direction in terms of some of the changes. And that is why I personally have been supportive in the broad, but we do maintain those concerns. The minister and the planning authority will really have to demonstrate to us and demonstrate to the industry that the changes that they say they are making now, belatedly, post-March, in terms of a lot of the administration are actually being made and are actually going to improve the situation. I put that on the record once again and we look forward very much to hearing in the next month or two from the minister about improvements that have been made. I look forward, hopefully, if that actually is the case, to industry supporting that and to the industry groups telling us that, in fact, improvements have been made.

MR PRATT (Brindabella) (5.54): I rise for a couple of minutes only, to express my deep disappointment at ACTPLA's handling of the gas-fired power station and data centre project. The influence that they have exerted in this has been underwhelming, and I stand up to represent my constituents in expressing this concern.

I bring to the minister's attention, who again finds this particularly humorous, the plight of Jane and Richard Hedges who run the horse agistment down in the Macarthur paddocks. I express my amazement at the note that they received in early April that they would have to quit the place. That seems to have been about the first indication to that community in general about what was coming their way in terms of this particular project.

Of course we now know—and it is quite legendary—that the Hedges and other people went and found the small yellow sign on the front fence, adjacent to the T-junction on Long Gully Road, which indicated that there were intentions to look at the siting of the 210-megawatt gas-fired power station and data centre in that area, a couple of kilometres from a very solid population in northern Tuggeranong and, particularly, 600 metres from Macarthur. I expressed my dismay at the nine-odd notifications received between October 2007 and January 2008 about the intention to look at locating this particular project in that Macarthur area—notifications from government agencies, including ACTPLA, but of course not all from ACTPLA.

Clearly there was a story in the *Canberra Times* of 20 December 2007 which did quite specifically talk about the intention to locate this project quite close to Macarthur. That was about the only one. Perhaps there was a bald hint in one of the other eight known notifications that this project was intended to be located much closer to Tuggeranong residents than what was generally thought. The other notifications, including the ACTPLA notification dated early April, still referred to a project to be located “in Hume”.

Is it any wonder that people then turned up on 28 April to the community meeting and were quite surprised? Many of those people—in fact, the vast majority of those people—for the very first time realised the actual site of the project, the actual size of the project, the actual output of the intended power station, both in terms of its 210-megawatt generation and the actual output of the nitrous oxide emissions. It was only then, as we have now heard a thousand times in this place—and the opposition will not stop banging this drum—after months and months of consideration, planning by the government, its agencies and its associates, did the community begin to get an idea of what was in store.

You have, therefore, got to question—and perhaps it is correct in terms of what the minister states are the limitations on the planning processes—whether ACTPLA, I suppose strictly by the book, might not have done much more. But you just wonder why ministers did not have a look at that, given that this was a \$2,000 million project, with such large implications. Perhaps they could have exercised a damn sight more leadership—I am talking both in terms of the minister and then, of course, the head of ACTPLA—and said, “This is a bit odd. Perhaps we should really go and have a talk to the community well in advance of when the normal processes will start.” We do have flexibility in government to make those sorts of decisions, if necessary. There we go.

I do congratulate the Greens for the strong position that they have taken on this. I do also then express my disappointment at Mr Mulcahy’s position on this. Let the record show that Mr Mulcahy, again in his speech today, seems to straddle the fence. He is having a bob each way; he does not seem to know what to do. The residents of southern Woden ought to take a note of that. They should take note of that. I might return to that later.

At 6.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Sitting suspended from 6.00 to 7.30 pm.

MR PRATT: Before the dinner break I was talking about Mr Mulcahy’s contribution to this debate on the power station, as an element of ACTPLA dropping the ball. Mr Mulcahy’s position was very disappointing. I thought he had some brains, but clearly he is sitting on his brains. There he is, thrashing around, siding only with business, siding with Labor, patronising Labor, and putting them before the community. He does not particularly give a damn even about his own community. He does not really care about the government’s failed planning processes at all. All he

can do is to engage in the sort of gutless, snide personal attacks that we have seen here today, for which he is famous. Mark my words, Mr Speaker: the people of south Woden will see the record of Mr Mulcahy's contributions to the debate in this place in the last couple of weeks about the power station, through the no-confidence motion, through the estimates and through the Appropriation Bill debate. They will be very clear about it and they will give him the boot.

More importantly, I will go back to the matter of ACTPLA. Minister, as I was saying earlier, you might argue, although you will not convince us, that, due to the constraints of the rules, there are only so many exercises that ACTPLA can undertake in terms of prior consultation. But as we have said in this place, when you have got a \$2 billion project—one of the few projects that we have seen in the territory that is worth more than half a billion dollars in value—when you have got something of that magnitude, why does ACTPLA simply put up, on the fence line adjacent to the Mugga Lane tip, a yellow sign about the size of half of this desk? In Bugden Avenue, when roadworks are undertaken, municipal services put up signs three times the size. So for roadworks and road adjustments in Bugden Avenue, Gowrie, there are yellow signs, some metres square, to alert the residents to works, yet, hanging on the fence adjacent to Mugga Lane tip in the lead-up to the decision-making process about the siting of the gas-fired power station and data centre, there was a very small, yellow sign.

ACTPLA needs to have a good look at its communication with the community. It needs to have a good look at what “prior community consultation” means. When the government and its agencies have spent some months thinking about these concepts, looking at a number of options for land sitings, if they really want to sell such a valuable project to the community—and this is a very valuable project, Mr Speaker—they need to bring the community along with them.

The government has failed; the buck stops with the Chief Minister. It is the Chief Minister and his mates who have tried very hard to ram this whole project beneath the radar. All they have done is to bruise the community of the Tuggeranong Valley. The Tuggeranong Valley and southern Woden Valley communities are bruised. Whether they have trust in this government anymore to properly exercise these concepts remains to be seen. That is the challenge that you have, Mr Barr—whether you can now sell the data centre, the 18-hectare data centre, in—

Mr Corbell: Do you think it is a good idea, Steve?

MR PRATT: I think it is a lovely idea, Simon.

Mr Corbell: Do you think it is a good spot?

MR PRATT: But I have got more brains than you, mate; I would see it in a better place. You celebrate the fact—

Mr Corbell: Where would you put it, Steve?

MR PRATT: Your brains indicate that you would celebrate the placing. The residents of the southern Woden Valley ought to know that Mr Corbell is quite happy to see

projects of this magnitude put cheek by jowl next to residences. I wonder what the residents of Isaacs and O'Malley will think of your attitude, Mr Corbell.

Mr Corbell: Where would you put it, Steve?

MR PRATT: You have got a challenge now. You have lost the trust of the people of the southern Woden and northern Tuggeranong valleys. You have got a very large project—one which is very valuable to this territory. You need to make a very smart decision as to where you go from here. Mr Speaker, we hope to see some sensibility come into play on the part of this government.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (7.36): At the risk of embarrassing Mr Pratt further, I would draw his attention to the provisions within the new planning system, most particularly the different tracks of DA assessment, and that a project such as the gas-fired power station and data centre would fall into the impact track under the new system and would, of course, under the new system, attract a considerable amount of publicity, promotion and public consultation under the requirements of the new act.

We did debate this matter. Again, I acknowledge that Dr Foskey raised this in the substantive debate on the planning and development legislation when we were here late at night earlier this year. We have made the changes and the new planning system does address many of the issues that Mr Pratt has raised around different levels of notification for different-size projects—

Mr Pratt: Well, you have shot the confidence in the community, mate, so it begs to be seen.

MR BARR: Well, that is only—

Mr Pratt: It begs the question.

MR BARR: Mr Pratt, you need to understand, and at least pay some heed to, the piece of legislation that you voted for in this place that addresses the issues that you have just raised. I think that is the only point that needs to be made. I will not hold up this matter.

MR SMYTH (Brindabella) (7.38): I say to the minister that it is not the only point that needs to be made. The government have a consultation protocol on major initiatives, projects and policies, and they have ignored it. The minister stands here and says, “Well, you voted for the current policy.” We vote for many things.

Mr Barr: It is not a government project.

Ms Porter: No, it is not. It is not the government's project.

MR SMYTH: It is not the government's project? Now it is the proponent's fault? This story has shifted continually. There was the Chief Minister—there was not going

to be daylight between him and the proponent because the government was 100 per cent behind this project. The proponent has come to this government and said: “We want to do something good in the ACT. How do we go about it?” The government have waltzed them through a minefield. That is what they have done. They have not got the site that they wanted. The community has not got the consultation that it deserved.

The ACT will not get the economic benefit from this project if it falters because the government has let the proponent down. At the same time the Assembly has not got the answers that it deserves to questions. Quite clearly, the Chief Minister is willing to give them to the press but he is not willing to give them to the Assembly. And that is what is wrong. It is the level of arrogance that this Chief Minister wears as he goes about trying to subvert what is going on in the ACT. The great shame of this is that the Chief Minister has had seven years in which to diversify the economic base of the ACT and, but for this project, he has failed. He has absolutely failed. To have the minister sit there and preach to other members of this place about their responsibilities is just appalling.

Minister, will you now rise and guarantee that you will not use the call-in power? Will you do it? Will you rise and tell the community, that is asking you not to use the call-in power, whether you will do it? Will you do it?

Mr Barr: No, the community has not made any such call.

MR SMYTH: “The community is not making such a call,” the minister says. If he comes down to Chisholm shops, to Kambah shops, to Calwell shops, to Fadden shops or to Gowrie shops in the morning, I will introduce him to people who would like to ask him the question: will you not use your call-in power? I am happy to arrange for as many people as you want to be there in the morning so that you can tell them how this wonderful new process of yours works, and how the wonderful old process works—indeed, how the process that your government has lorded over for seven years works. The people are simply saying that they want a fair go and they want to be heard. They are not; and they do not feel like they are.

I have letters from constituents who have said they moved to Macarthur for specific reasons—because of its location, because of the way it has been designed, the attributes of the suburb and the closeness to the horse paddocks. They told me that they rang ACTPLA, minister, to find out what was intended for that block and they were told that nothing was going on in that block. It is no wonder they are gun-shy of this government, because they get one piece of advice from one arm of the government and they get different advice from a different arm of the government.

There are numerous blocks in Hume that are zoned “industrial” where this facility could go, but they were never offered. It is not just 7 of 21; there are a number of blocks there where this could go, which used to be horse paddocks, but which the government has now resumed. There is no doubt that one can only conclude that the government is after the money. It is willing and prepared to put profits before the long-term health benefits and lifestyle of the people of that part of Canberra. It is as simple as that, and that is how people feel. They have felt neglected and ignored over

the last five years, under both planning ministers, and certainly under the Chief Minister for the last seven years. In particular, with respect to the people of Macarthur and Fadden, on that block the government has tried to foist a prison, a dragway and now a power station and a data centre.

At the same time, we had the enormous debacle involving the Karralika refurbishment. The former planning minister put seven letters into letterboxes between the Christmas and new year break. That is the level of consultation from this government. You have learnt nothing from 2004. And that is the shame of this, because it should be easy. The government should follow their own consultation program, their own process, which they have ignored. They ignored it on Tharwa; they ignored it on the Griffith library; and they have ignored it on this wonderful project that should be going ahead, that could go ahead, in Hume, but for the arrogance of the Chief Minister, who refuses to admit that he got it wrong. That is the problem, Mr Speaker: the Chief Minister simply refuses to say that he got it wrong. And the problem—

Mr Corbell: Where is your preferred site?

MR SMYTH: Well, go with—

MR SPEAKER: Order!

MR SMYTH: You have got access to it; we don't.

Mr Corbell: Where is your preferred site?

MR SPEAKER: Order! Mr Corbell, cease interjecting.

Mr Seselja: You said there was an abundance of sites.

MR SPEAKER: Mr Seselja!

MR SMYTH: This is the problem with the process that the government has adopted, and this is why no-one in Tuggeranong or south Woden has any confidence. This is why people in west Belconnen are sceptical. This is why people across the territory are scratching their heads as to why such an important project has been jeopardised by the action of the Chief Minister.

The brief from one of the Chief Minister's officials in July said, "You are the decision maker." So it is a matter of telling TAMS and Mr Hargreaves to put aside the cemetery cab sub that is coming; and telling TAMS to ignore the direction that Mr Corbell rightly made in August 2005 that there be a five-year moratorium on this block. Tell them to ignore the work that we have done with GHD in the consultation process on developing a number of options for the development of Hume, which includes a power station site identified on block 7 of 21. Ignore that. Throw all that work out. Waste all of the taxpayers' money that has been spent, because "I've got a different process".

The brief to the Chief Minister says: "You are the decision maker. You, Chief Minister, will offer the proponent a block that you, Chief Minister, think is

appropriate for this site.” The Chief Minister made a decision and this block was offered to Actew. They were never offered 7 of 21. We can have all the semantic arguments about site identification and site selection, but in the end a block had to be offered that was consistent with the cabinet decision and the letter that he wrote to Mr Mackay, and only one block was offered: 1610 of the district of Tuggeranong.

Mr Corbell: Not true and you know it.

MR SMYTH: So it is not true, Mr Corbell? Well, disprove it. Show us the documents. This is what the Deputy Chief Minister said: “If anybody read the document they would know nothing had gone wrong.” Well, show us the documents. All we are saying is: show us the documents. All that the public can do is go by what is in the public arena that has been put there through FOI. All they can go on is what they have got access to. Table the advice. If we are wrong, table the advice.

The problem is that it undermines the LDA processes, it undermines you, Minister Barr, and the ACTPLA process, and it leads to doubt about the process of this government. All that people are asking for is a fair go. People did their due diligence; they checked with ACTPLA about the future of this block, and they made the single most important financial decision of their lives when they bought the home of their dreams. I know that people in Bracker Place, Goldsbrough Close and at the top of Jackie Howe Crescent bought there in order to be close to the horse paddocks for their family, for their kids in the main. They bought there for a specific purpose and they feel misled and betrayed. That is how they feel, and if you do not understand that then you misunderstand at your own peril.

The problem here is that we get interjections from those opposite saying, “It’s not true.” Well, prove us wrong, because the limited documents that have been delivered to us lead to one conclusion: the proponents were dragged, shovelled, pushed and herded from pillar to post, from one site. They were excluded from certain sites that were never offered to them that are entirely adequate for the purpose of this facility. There was a site they wanted. Have no doubt about it: Philip Mitchell said in the estimates that there was a substantial opportunity cost. I asked what that meant. I was told that what it meant was that there was money involved. So we took the profits before the people of Tuggeranong and the people of south Woden; we took the profits and we pushed them to a block where it should never have gone to. They wanted—

Mr Corbell: Nonsense!

MR SMYTH: “Nonsense,” interjects Mr Corbell. Well, prove me wrong. Table the documents that prove me wrong. They were shunted to another site that is inadequate because the work had not been done properly to discover that there were Aboriginal artefacts on that site. So they were then pushed to another site. This is what people cannot understand, and this is the problem that the Chief Minister has created. (*Second speaking period taken.*) This is the problem, and it is the actions of the Chief Minister that are eroding confidence—his arrogant approach to this. His refusal to answer questions, his refusal to table documents and his refusal to come clean are not only tarnishing his own reputation and highlighting his arrogance but also undermining the processes which LDA and ACTPLA go through, and which all

business proponents who want to come to this city will have to go through. It is the doubt that these factors have created that seriously jeopardises projects like this and projects in the future.

You can see the type of process that was followed. Initially, this project could not go ahead without the peaking station. "This peaking station will go ahead." We all heard the rhetoric from the Chief Minister. There was no doubt in his mind that this was appropriate. Yet, before the backflip announcement was made, it had been discovered that it was not economically viable on that site, and that it was not even needed on that site. We have another quick-fix process underway, where we suddenly find a block of land in the very south of the ACT that is suitable for a station 2½ times as big. In the time from when we withdrew the peaking station until a couple of days ago—fortuitously, before the Chief Minister's no-confidence motion began—lo and behold, we have got a different solution.

People are incredibly cynical about that. They feel that their fears were confirmed, and that putting the peaking station there at 210 megawatts was the thin edge of the wedge. They are even more determined to fight because they do not trust this government, and it is all through the actions of the Chief Minister. It has left you exposed, Mr Barr, because people are now watching you and they are watching this process. They are saying to us that they want an EIS on that site and they do not want you to call this in. They want a guarantee from you, Minister for Planning, that you will not use your power and call this in because they want some certainty in their lives.

They are quite happy for the project to proceed. They are happy for it to proceed in Hume; they are happy to have a proper-sized power station to the south. Again, I note that the Chief Minister got all cranky and upset when we discussed Treasury last night. He said, "Nobody's talking about the centrepiece of the budget, the billion-dollar infrastructure plan." We had all talked about it, but he had not listened. He refuses to listen. He does not listen; he does not hear what people are saying. For five years, the people of Canberra have not had a second source of power in the ACT. Something that was identified very rapidly after the bushfire emergency of 2003 was that we needed another secure line of power. TransGrid is bringing it to the border, but what is the Chief Minister doing? We have waited five years for this, and for the peaking station which would give us that security—five years.

In the space of three or four weeks—on 27 May, a month ago today—we discovered that we did not need a peaking station on this site and that we could shift the whole project to Williamsdale. It is a miracle; there is a God after all! It is blessed. Power will be delivered through this farm that we found at Williamsdale, which we are about to process and go ahead with. It is another half-formed idea which, I have to say, I think has considerable merit. Mr Barr and I had this conversation about Williamsdale. I warned him about Williamsdale and about who he should talk to. Is that not true, Mr Barr? We had this conversation that, logically, that is where it would go.

It is great that it will produce 500 megawatts, if that is what is required. In my briefings from ActewAGL I was told that, on an average day two or three years ago, we were using something like 380 megawatts. So a 500-megawatt power station sounds like the right amount that would supply the ACT into the future and certainly

cover us for emergencies. But isn't it amazing that we suddenly find that it is not necessary for 1610 Tuggeranong, and that it is actually not viable at 1610 Tuggeranong? In an amazingly quick process, we can find, identify, start planning and start the purchase process on a site in Williamsdale, the evening before—

Mr Seselja: Exclusively; my goodness!

MR SMYTH: Exclusively delivered to wind, the day before the Chief—

Mr Seselja: What are the odds?

MR SMYTH: What are the odds? That is a good question, Mr Seselja: what are the odds? And this is the problem with planning in the ACT. Your position, Mr Barr, has been undermined by the arrogance of the Chief Minister, and you will wear the backlash, not the Chief Minister, in your electorate. Part of this is in your electorate. The people of south Woden, in Farrer, are very interested in this.

Mr Barr: I think my electorate is more worried about your motor sports facility in the Majura Valley.

MR SMYTH: I am worried about motor sports as well. If you want to go to that, we could go back to your planning process on motor sports, because again it will not cover you in glory. You are left with picking up all the trash that the Chief Minister discards from his portfolio when he has well and truly stuffed it. You can see project after project where the Chief Minister says: "I need to make an important announcement. I'll take this one. Let me do this. I can fix this; I've got a special projects unit." There is Jon, the Chief Minister, making announcements and it is just great—until it goes pear-shaped. Suddenly, Mr Barr is there, picking it up. He picked it up on schools, the cuts to tourism and the cuts to sport and rec. He has got the dragway now. He is going to have delivered to himself shortly the mess that is the Chief Minister's process, and there will be expectations there.

This whole thing is a debacle that has cast no credit on anyone in the government. We had some proponents with a fabulous proposal for the ACT. It is the sort of thing that should be in the ACT. It is the sort of thing that can be accommodated in several sections of the ACT. It does not have to be next to a residential community. I suspect it is not even compliant with broadacre. Yes, you can put a utility and a communications centre in broadacre, but it cannot affect the environmental or the visual amenity. It cannot affect the rural look. Even in the government's documents—the few pages that we have got out of the 3,000—there are references to the fact that Mugga Lane is a country road and that the country road aspect must be maintained.

Mr Corbell: Have you seen what is on the other side of the road?

MR SMYTH: Yes, it is called a tip.

Mr Corbell: The landfill, and it is massive.

MR SMYTH: It is being nicely covered over, it is being grassed and it will be treed.

Members interjecting—

MR SPEAKER: Order, members!

MR SMYTH: Mr Corbell raises the tip. I am glad you raised the tip because there is \$850,000—

MR SPEAKER: Mr Smyth, direct your comments through the chair.

MR SMYTH: Mr Speaker, you are right; I should ignore them. Mr Speaker, are you aware that there is \$850,000 in this budget to search for a site for a new tip? The Minister for Territory and Municipal Services, Mr Hargreaves, has set some parameters—that it cannot be seen anywhere and, oddly enough, it cannot be within a couple of kilometres of residences. So we are going to put a power station 660 metres from the Symonston respite facility and 900 metres from the people of Macarthur, but when it comes to the tip, it is a matter of saying, “No, we’re going to put that kilometres away.” This is the double standard of this government. Firstly, they do not talk to each other. Secondly, they ignored the advice of the great planning minister that they used to have, who set aside this block for five years because he knew that the appropriate use for this was something more similar to a broadacre. And a cemetery is quite fine; I think a cemetery gardens there would be lovely. A lot of other people think the same way.

People are not against development on this block. But Mr Hargreaves, in his wisdom—and I know that I have not said that often in this place—realised that, in this day and age, you are not going to site things like a tip too close to residential development. But that does not extend to the Chief Minister. He does not get that. In his desire to prove that he has broadened the economic base after seven years of neglect, he is willing to put the amenity of the people of south Woden and east Tuggeranong, and greater Tuggeranong and Woden, at great risk, as well as whatever will occur at Holt.

MR SPEAKER: I acknowledge the presence in the gallery of Mr Moore, a former MLA. Welcome, Mr Moore.

Mr Corbell interjecting—

MR SPEAKER: Mr Corbell, direct your comments through the chair, please, and point your finger at me, please.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (7.57): Indeed, Mr Speaker. I rise tonight to respond to a number of the issues that opposition members have raised in this debate. What I find most remarkable about the position of Liberal Party members on this matter is that they are the most amazing bunch of hypocrites that I have ever heard in this place, Mr Speaker.

Mrs Dunne: On a point of order, Mr Speaker: the phrase “amazing bunch of hypocrites” is unparliamentary.

MR SPEAKER: Order! Name calling is just not acceptable, so withdraw it, Mr Corbell.

MR CORBELL: I withdraw. They have adopted the most amazingly hypocritical position, Mr Speaker, on this matter. This is the party that tries to have it both ways. Three months ago, Mr Smyth was out there belting away saying the government must do more to support projects that help diversify the ACT economy—“It must be done, it is very, very important. Stop relying on land revenue, stop relying on the existing sources of revenue.” Of course, when a project comes along, what is the first thing members of the Liberal Party do? They say they are going to chain themselves to the bulldozers if this thing goes ahead. I mean, that is the position of the Liberal Party on this matter.

Their hypocrisy knows no ends, because, even today, we have heard members of the Liberal Party talk about how they believe this is a very, very, very important project, that must go ahead. But they are doing absolutely everything they can to prevent the project from going ahead. Their hypocrisy on this matter is being seen for what it is right across this community. You talk to people in the business community, you talk to people who are interested in investing in this city, and what do you hear from them? They say, “This mob can’t surely want to be the alternative government, can they?” For heaven’s sake, everything that they do, everything that they say, they profess support for the project, but then at every step they criticise, undermine, and seek to completely destabilise the statutory processes that these sorts of projects must go through.

What is particularly remarkable is that the shadow minister for planning—whoever that is now, I think it is still Mr Seselja—does not seem to have any understanding of how the statutory process works when it comes to dealing with assessing projects of this nature. This man has been the shadow minister for planning for the last two to three years. He has been on numerous Assembly inquiries; he has been through the planning reform process, and he still does not seem to understand the triggers and the mechanisms for activating an environmental impact assessment and other assessments that relate to projects of this scale. The question has to be asked: why does he not understand that? Is it because he is genuinely ignorant and has no idea, or is it the case that perhaps he sees some political gain to be achieved by feigning a complete lack of knowledge of the process. Either he is simply ignorant or he is duplicitous in that regard.

Mrs Dunne: Point of order, Mr Speaker, I think accusing a member of being duplicitous is also unparliamentary.

MR SPEAKER: Withdraw that, Mr Corbell.

MR CORBELL: I withdraw that, Mr Speaker. I note that Mrs Dunne does not think that he is ignorant. I will let that stand.

Mrs Dunne: On the point of order, Mr Speaker—

MR SPEAKER: He has withdrawn it.

Mrs Dunne: I consider that the usual cut and thrust we expect from Mr Corbell.

MR SPEAKER: That is not a point of order. Mr Corbell.

MR CORBELL: I know you had to get that in there, Vicki. It was very important to clarify that in the eyes of your leader.

MR SPEAKER: Never mind that. Direct your comments through the chair, Mr Corbell.

MR CORBELL: Mr Speaker, he is clearly exploiting—

Mr Seselja: Mr Four Per Cent!

MR CORBELL: I have seen my polling, Mr Seselja, and I have seen yours, too! The issue at stake here is the contradictory and hypocritical approach adopted by the Liberal opposition. Even tonight, we heard Mr Smyth saying, “Well, yes, we think an alternative power supply for the city is a good thing, but we don’t believe you. We don’t believe it is going to happen at this alternative location.” What is most interesting I find is that if they do truly believe that the Long Gully Road site is inappropriate, then where do they believe is appropriate? Where have they suggested that it should go?

I heard Mr Smyth talk about a site at Hume, which, of course, is about the same distance to the suburb of Gilmore as the other site is to other suburbs that are concerned. They seem to think it is all right to have it close to some suburbs, but it is not all right to have it close to other suburbs. What an incredibly hypocritical position. The Liberal Party’s position on this seems to be, “Well, we are very happy to have it close to one bunch of suburbs, but not close to this other bunch of suburbs.” Perhaps it has something to do with where the Leader of the Opposition lives, Mr Speaker. Perhaps he is quite happy to have it close to a suburb where he does not live, but he is not so happy to have it close to a suburb where he does live. They really have not been capable of reconciling their position in that regard.

These are the issues that the Liberal Party will eventually be held to account for. Out there in the investment community and the broader Canberra business community, we know that the many, many who are employed in that sector, the private sector in particular, are asking, “Why on earth is a party that professes itself to be the party of business, the party that supports private sector investment, coming out against this project?” That is the challenge then, Mr Speaker. Mr Seselja may feel that he has got some short-term political gain from this, but what he and his colleagues are putting at stake is an incredibly valuable level of investment. But, more importantly, they are putting at stake confidence of business to invest in this city. They have done nothing to reassure the community that they will be a party that has any interest in providing a stable environment in which proposals can be properly assessed, properly investigated, and then decisions made about whether or not they should proceed.

This government stands by the statutory planning process. This government stands by a process that we know is a robust one and which takes into account whether or not

projects should proceed. Community interest is central to that. That is why planning systems exist—to balance the impact of uses against other land uses and, most importantly in the context of the human environment, human health and human amenity. Those are the issues that will all be brought to play through the statutory planning process.

I find it remarkable that someone like Mr Pratt would believe that he understands the potential impacts or otherwise of projects ahead of the assessment process. He does not seem to understand that there are people with a great deal more knowledge, understanding and expertise in the assessment of impacts than he has. Perhaps, if he has any confidence in and any respect for a statutory planning process where impacts are properly assessed and considered, he should take a second look at his actions. But, no, instead we hear: “We will chain ourselves to the bulldozers.” That is the Liberal Party’s position on this matter—chain yourself to the bulldozer; do not think about the issues; do not think about the analysis that has to occur; do not think about the investigations; do not think about the fact that it is assessed by an independent statutory authority; do not think about any of those things, just get some short-term political gain. Their position is hypocritical, and they will stand condemned for it.

MR PRATT (Brindabella) (8.07): Mr Speaker, we have just heard from the ex-Minister for Planning. His full arrogance was exercised, and that reflects the arrogant steamrolling of the community by the Stanhope government. They just shunt things over the community entirely. I remind Mr Corbell and his colleagues of a couple of fundamental points. The fundamental question is this: did ACTPLA and the LDA not get the idea that a 210 megawatt power station 600 metres from Macarthur would have a hell of an environmental impact? Did they blindly accept the much-flawed plume study undertaken by the proponents? By the way, I understand—please disprove me if I am wrong—that the plume study undertaken by a South Australian company, which may have an interest in the outcome of this project in any case, was undertaken against 255 microparts per metric tonne of nitrous oxide, which is one half of one per cent beneath the national standard for a nitrous oxide emission output. It was undertaken against one hour of air samples and was tested at the airport and not at Macarthur.

Mrs Dunne: Using Wagga temperatures.

MR PRATT: That is right, Mrs Dunne. It used Wagga Wagga temperatures, and it was not cycle tested with samples taken over 24 hours. Not only that, but there was not even a series of 24-hour cycles tested over the seasonal profiles that impact in this area. Mr Corbell, do not damn well talk to me about what I may or may not know about environmental impacts. If you knew more than I did, you might have talked about these particular issues, but I have not heard a peep out of you.

Mr Speaker, the fact of the matter is that the proponents were allowed to bring a flawed plume study to the table for consideration when the LDA and ACTPLA offered sites to ActewAGL, the consortium, CTC, CBRE and all the other players. If anybody had been on their toes and on their game, they would have understood that that particular study was far from adequate. There was never an intention to run an EIS on this particular project, unless, of course, the government had been pushed to

the point by the community demanding one. The government just rolled over and allowed the proponents to call the shots on this.

As for the question that Mr Corbell raised about one of the sites that Mr Smyth referred to at Hume, Mr Smyth has not said that that is our preferred site. He was simply talking about a site that would certainly be superior to the site in Macarthur. Mr Corbell, you are not right—the site in Hume is not as close to suburbs as is the Macarthur site. The site that Mr Smyth was referring to, which is just a hypothetical identification and certainly not a preferred site, is close to two kilometres from Gilmore. It is a damn sight further away than what the other site is from Macarthur.

The last point that I make now is that Mr Corbell crowed about what he mythically puts forward as being the attitude of business to the opposition. I will tell you what the business community think, and I will tell you what people who are part of the family that makes up the proponents think: they reckon you guys led them up the garden path. You sold them a pup. You gave them an untenable site. You gave them a piece of land which was untenable. You gave the proponents a land site which was clearly untenable. If it was not untenable, Mr Corbell, why the hell did you have to scale it down? If it was not untenable, if your magnificent decision, ex-planning minister, was so wonderful, why did you have to scale it down? Because you stuffed it. You made a stupid decision where you loaded upon the proponents an untenable site, which created the God almighty, mother of all responses from the community. You want to know what the business community thinks about that? They reckon you cannot be trusted.

The business community really think that the government led the proponents up the garden path, that the proponents were placed in an untenable position which caused an incredible response from the community and which has now made this matter commercially, politically, socially and environmentally untenable. That is why the Chief Minister had to come riding out of the sunset, instead of riding into it, to rescue this venture by saying, “Oh, we’ll scale it down from a 210 megawatt peaking station to supposedly 28 only for the reserve.”

By the way, I’ve got a question for you: if the original policy was a maximum total of 210 megawatts, with 28 megawatts allocated to the data centre and the balance to the peaking station, where were the other 300 megawatts going? Come on, you mob of transparent governors. Where were the other 300 megawatts going to? I am talking about the 300 megawatts that have now been added to the 200 to make up a 500 megawatt project to go down to Williamsdale? Are the residents of northern Tuggeranong correct when they say that the whole thing in the first place was a damned Trojan horse? That is why the community will not trust this government in relation to this current series of projects.

The business community thinks very, very lowly of you, Mr Stanhope, and your colleagues because a very valuable asset, a project which should be so important to assisting the diversification of the ACT economy, has been stuffed by you. Nobody over there had the brains to have a closer look at a \$2 billion project. It got about the same treatment as the construction of a medium-size building somewhere. That is what the business community thinks about the government. Given the opportunity to

give government support for a significant project, the government tripped over themselves in their haste to punch something through. The government allowed themselves to be put under pressure, and they made a wrong decision. They allocated an untenable piece of dirt to the proponents, forcing the Chief Minister to intervene, do a backflip and scale the whole thing down. All they have done is leave a mess in their wake. So much for this government's planning; so much for this government's nous; so much for this government's capability. What a sham.

Proposed expenditure agreed to.

Proposed expenditure—part 1.13—Department of Disability, Housing and Community Services—\$188,517,000 (net cost of outputs), \$15,223,000 (capital injection), \$32,554,000 (payments on behalf of the territory), totalling \$236,294,000.

MRS BURKE (Molonglo) (8.17): In this budget the Stanhope government has failed people with a disability. At this point I would just like to say that, whilst the government in its response to the estimates committee report makes no mention of the dissenting report, I hope it does act on some of the recommendations in that report because to not do so would be quite churlish. Even if it does not want to tell the opposition that it is acting upon them, if it starts to make moves to act upon them it certainly would be appreciated by those people out in the community.

There really is no substantial money allocated to new disability initiatives like assisted technologies or improvements in waiting times. There is that word again: waiting times. But this time it is for wheelchair assessments, which have ballooned out from around 12 to 18 months. One can only imagine the pain and discomfort that people, already incapacitated for life, are enduring from having to sit in wheelchairs that are often out of balance. That does not do their posture, such as it is, any favours at all. I hope that the government can look at that area as a matter of urgency.

We know that there is an ageing population, and those with a disability, mental or physical, should be front and centre of any plan to prepare for a massive increase in the uptake of public health care—and that is what we are going to have; the health minister talks about a tsunami. We are going to see a lot of that happening in the disability and care sector. As ageing parents pass on, higher levels of support and services will be required to cater for those people with disabilities that they leave behind.

Where is the provision? We do not see that. Unless the government can point that out to me, there is nothing clearly articulated in anything that I have been reading as to the forward planning for and allocations of moneys to cater for these issues and matters as they arise—and they will certainly arise.

In this area, too, there is a problem with lack of accountability and transparency. I am told that the consumers believe that in the last two individual support package funding rounds the government converted individuals who were funded within the ISS or government group home system to ISPs, individual support packages, even though they continued to live in group homes under government care. By doing this the government did not actually spend more money; what effectively happened was just a

cost shifting. People who are talking to me on this say that the minister is well aware of this, but they also say that she just closed her eyes to it. So perhaps when she or her professionals read this they could look into that. That would be greatly appreciated.

The government claim, however, that they have funded more ISPs without actually funding as many new individuals. That is the crux there. While on the one hand there are many people with ISPs who are underfunded, on the other side of this there is a terrible wastage in the public hospital system. When people are hospitalised through an accident and traumatised, leaving them with permanent or temporary disability, it can cost anywhere up to \$500,000 in unnecessary hospital time, and that is due to delays in funding for housing and then the following appropriate support post hospitalisation. That is a real issue that we should be looking at, to make sure that for people who experience a trauma and then experience a disability as a result of that trauma we have a much better succession plan to move them through the hospital system and back into the community or into their home as quickly as possible.

There is a real problem also for people who need a topping up of their care and an increase in funding between funding rounds. The process for approving individual support packages is unnecessarily slow, complicated, cumbersome and inept. We only have to look at the appalling treatment of an individual by the name of Mrs Anita Gordon, who has been quite vocal and quite public about this—and not so much for herself but really for her family and for other people in her situation.

This was the lady that staged the sit-in outside the Assembly, you may recall. She had come from Queensland, had given the government 10 months notice that she would be coming and explained that her husband had taken a job with the AFP so that they could look after their 18-year-old autistic son and have the ability to pay for care for him when Mrs Gordon dies. Members may not know this so I will give you an update: she had a very serious stroke about three weeks ago and is now further incapacitated.

The way we treat people here in our system does nothing to help them, relieve stress for them or get them on track to get well. If places in Queensland can get it right, why can't we follow and look at some of the best practice? The operation in Queensland was running smoothly. There was a commitment that a recurrent individual support package would be given, and the communication between Queensland and the ACT, I am told, was absolutely horrendous. We need to look at our cross-border relationships, cross-jurisdictional relationships and interstate relationships.

How can we expect to attract people to Canberra if we cannot get the basics right? We make people who are vulnerable, who need our support and our help, jump through hoops and hurdles unnecessarily. To say to somebody who is terminally ill, "We will have to make you tick the boxes every two years to get \$75,000" seems ridiculous. This particular case may be a single case, but how many more cases would there be? I take it not that many would be in Mrs Gordon's position—her condition will not improve—but there would be many people who do not want to scrounge off governments.

What would happen if Mrs Gordon does not get this funding? I understand that she is being considered for a further funding round after the two years, which is good, but

that puts more pressure on her: she now feels that she is going to have to fill in more forms—more red tape. The uncertainty of that causes extreme pressure for families and for the people themselves. This woman's husband is trying to maintain a full-time job. He is in his 50s and he wants to stay with the AFP and be assured of a good pension scheme afterwards so that when Mrs Gordon passes on he can look after his son.

We need to be able to give people like that some humanity. We need to be able to say, "Yes, we can give you that recurrent funding." The idiocy of all of this is that I was told by the department that they would not leave people high and dry when the funding runs out. So why don't they just say that it will be provided for the length of their life. With all the doctors' reports, with everything that we have got, we should be able to plan better. But in this budget we do not see more clarity for individual support packages or the way in which the funding is managed and handed out.

The government needs to speed up and streamline the process. It needs to make it transparent and/or communicate better with applicants. What we see now is not so much a comedy of errors but a real tragedy of ineptitude in the assessments and in basic information about the extent of a disability—details get recorded wrongly or simple things like a wrong current address. The home care service provided in the ACT compares very unfavourably with that provided elsewhere in Australia, and the commonwealth raised this issue of quality with the minister last year.

The budget also failed to address the very poor ACT disability equipment scheme, which I am told is the worst in the country in terms of both funding and the number of items available through the scheme for people with a disability. In the ACT there are very few aids available. I am told by the consumers that the list only covers a third of a page on the ACT Health website, as opposed to New South Wales, which provides over 70 aids covered very comprehensively in 10 pages. I know we have not got the population of New South Wales, but I think we can certainly do better than a few dot points covering a third of a page.

The situation in the ACT is so bad that people regularly wait, as we have said, 12 to 18 months for wheelchair assessments. We have talked about their bodies deteriorating. I do hope to see an improvement from the government in that area and any adjustment that can be made to funding. We need to really look at the prioritising of funding. We seem to think that throwing money at things is going to resolve the situation. We need to make sure we are talking with the sector, communicating with those people on the front line, who constantly tell us in this place where the needs are, where the unmet need is, where we need to point the money. But often the government go off on a good idea and do not meet that need. (*Second speaking period taken.*) The government needs to urgently improve its disability related equipment scheme to levels similar to those offered interstate, such as New South Wales. I hope the government will seriously look at that.

The estimates process showed that another group forgotten by the Stanhope government are children with autism and their families. I have been very keen to help this area and have worked, lobbied and talked with people for about seven years. The more I see of it, the more I learn about it, the more I understand the little we are doing

in the territory. I have to acknowledge at this point the \$190 million from the Rudd government, and I sincerely hope our minister here is quickly liaising with the commonwealth to see how that money can be best spent here in the territory

When the minister was asked if she could provide a summary of autism services provided to ACT families, notably children under six years of age, a suite of departmental officials and the minister were all unable to answer that most basic question. What was the question? How many children under six years of age are currently diagnosed with autism in the ACT, and how many hours of support are provided to each family? The government is so out of touch. The minister argued that the question would take days to answer, taking up staff time. She said I would “just have to wait”—not a good look but an accurate reflection of what this government is or is not doing.

Another dubious claim to fame for the government is the ACT’s lack of funding for an autism and Asperger’s association. We are the only state or territory in Australia that does not provide government funding for an association. I think that is very mean spirited and I think again it shows how we are lagging behind in a critical area. Sadly, there is only one reference in the ACT budget to autism—as “severe and challenging behaviour”.

The time for excuses has passed. The government must do much better in disability services. It is a sleeping giant. We have a cohort of people who are not grumblers, who are not complainers, particularly the ageing population. But what we do not see in this budget is a demonstration of being able to meet that unmet need when it becomes a real need. The government’s failure to do anything belies its commitment to any projected tsunami of the future, when the number of people with a disability is likely to increase sharply with the ageing of the population.

I said at the beginning that we need to put on the record a very good and comprehensive dissenting report by my colleagues Mrs Dunne and Mr Smyth.

Mrs Dunne: Not as comprehensive as we would have liked it to be, Mrs Burke.

MRS BURKE: That is absolutely right, but then you will only get ticked off for working too hard and asking too many questions, Mrs Dunne.

Paragraph 11.2 at page 37 of that report states:

We recommend that the Government give a higher priority to disability services, particularly with respect to providing assistive technologies.

We have heard the government talk a lot about e-health. The minister has talked a lot about how that is going to improve; it is always “gunna”, “it’s gunna”. Well, we hope to see that particularly people with disabilities are given every opportunity to be included in society. You are the party that talk high and loud about inclusion, human rights. I would hope that we will be able to do much more than we are doing right now in terms of providing assisted technologies to those people in our community who need such equipment. I would at this time applaud the efforts of Sean Fitzgerald

from Hartley LifeCare. He does a wonderful job in that area, and maybe the government might wish to meet with him and discuss such matters.

The recommendation at paragraph 11.4 on individual support packages states:

We recommend that the Government implement action to expedite the process for assessing applications for individual support packages and to ensure the most effective communication of outcomes to applicants.

Finally, on equipment schemes:

We recommend that the Government take urgent action to enhance the ACT's disability equipment scheme along the lines of schemes that are offered in other jurisdictions, such as in NSW.

DR FOSKEY (Molonglo) (8.31): I still have got a voice, so that is good. First up, I want to say that, as with TAMS, we have the problem that none of our estimates questions, I notice, have really been answered yet. I think that is really a great pity. From the Minister for TAMS, we heard that there were just too many of them. But I would have thought that some of them could have been answered. I really hope that we are not seeing here an extension of an attitude that says, "The opposition and the crossbench are asking questions and they are really trying to irritate us." Actually, we wanted to know, and that is why we asked the questions. That does actually mean that we are not really that much wiser than what we learnt in the estimates hearings and what we saw in the budget, and that is a pity.

On the topic of disability, as with most issues, the provision of disability services is not just about money. Integration and a whole-of-government approach are required for the lives of our disabled residents. There are a couple of areas where I think integration may be failing. One of these areas is taxis and transport. I have had quite a few constituents contact my office to discuss transport for people with a disability. Primarily, the concerns have been about the taxi system—not enough taxis, they take too long and not enough vouchers are provided.

We have also had concerns about the safety of bus travel and bus interchanges for people with a disability, particularly the blind. A lot of these issues are not under the department of disability's portfolio and, in order to address them, it is very obvious that we need greater collaboration across government.

In the estimates dissenting report, as Mrs Burke has just read out, there are concerns about the funding of disability services. I am not going to go into these in detail because the opposition has done that but in general I do agree, and I am disappointed that the government has chosen not to respond. However, I just want to add that, in my office, in consultation with groups that act as advocacy organisations for people with a disability, we did find that there was not a lot of concern about this budget; therefore, I want to acknowledge that. I want to acknowledge that there is a lot that is happening in Disability ACT that really is getting it right.

It is probable that we need more—we certainly always need more access to respite care—for carers as well as for people with a disability. It would be wonderful if there

were more ISPs. We need more services so that people get treated quicker but, on the whole, I have got to say that, compared to many other communities, the community around the people with a disability is not unhappy with this budget. I want to acknowledge that. I also agree, though, with the estimates committee report's recommendations regarding the autism and Asperger's peak body and the review of the equipment loans, and I am pleased to see that the government does respond to these recommendations.

In the estimates hearing I expressed concerns that carers were clearly not a priority for additional funding in this budget. The minister advised that there is funding for carers in a number of the other disability services initiatives but that carers do not "necessarily have a separate line in the budget". My concerns echo those of Carers ACT. While I do recognise that the government have ongoing funding to programs and services for carers, I particularly acknowledge the support they give to young carers, those people who should be being children and young people, that find themselves, instead, in the incredibly responsible and grown-up position of caring for a family member with a disability, a mental illness or other issues.

It is important for us to understand that carers are often people who, through families and other connections, will do the work. Even if they are not getting support, they will do the work. And that means that a lot of pressure can be put on them. That is because they will just keep doing that work because they love the person they are caring for or they feel a duty towards the person they are caring for. As I said, I think that is often pushed a little bit too far by governments.

There are welcome initiatives in the budget for ACT residents with disabilities. The funding for students with a disability, as part of the education budget, and the \$94,000 feasibility study into accommodation needs for people with highly challenging behaviours are good news. I am interested in watching their implementation and I hope that \$94,000 is enough and that the actual work on the facility can begin as soon as possible.

In regard to community services, I briefly mentioned the use of school sites as community hubs in my speech on TAMS, in the earlier response to the budget. The proposed community use is a good idea, though, as I noted in my May speech, it comes at the expense of a number of schools. I will be interested to see how these hubs work and whether the aims of sharing services will be beneficial to our struggling sector.

I do note, however, that the government was not encouraging community groups to get together and put in bids. It would make a lot of sense, I believe, for groups with common interests, who can share resources, to be located together in the one community hub. As it was, community groups put in their submissions without knowing what other community groups were asking for. It sets up inevitable competition and it may not lead to the greatest synergies and efficiencies that could be possible in these places.

I attended the consultation about part of the grounds around Weston primary school earlier this week. Weston primary school closed at the beginning of last year as part of

the government's 2020 plan. The room was full of people eager to have a say in the future of this land, which has the potential to provide value to their community. Certainly Weston Creek people are taking seriously the ACT government's assurance that it did not shut the school to sell the land, although questions remain about the future of the oval nearby, which was not part of the consultation.

It was also a real pity, I thought, that this consultation about the school grounds was happening in isolation from the future of the school buildings. It would really make a lot of sense, if we are going to do something on the school grounds, to know what was happening inside the school so that the school grounds could actually extend that, rather than be happening as isolated procedures apart from each other. It just does not make sense.

Save our Schools has released figures which show that over 70 per cent of green space of eight closed school sites is being considered for sale by the ACT government. The implications for the proposed sell-off should be canvassed at public meetings on the future of closed school sites. The extent of the proposed sell-off will come as a shock to many residents. A fundamental task of the public meetings on the future of closed school sites should be to inform communities of the extent of the proposed sell-off and to give them the opportunity to discuss and assess the implications for their suburb.

I am really pleased to see that the portable long service leave scheme, this long-awaited initiative, is finally on the government's funding agenda. It has been talked about since 2004, when I came into this place, and it is a very important step in ensuring the viability of the community sector. But there is still an awful long way to go to address staffing and infrastructure needs, despite the "strengthening the community" provision.

The community sector provides many services for the government more cheaply than it could provide them itself, including but not limited to mental health, drug and alcohol and disability services. And community sector agencies are often the first point of contact for the most socially excluded and disempowered residents of our city.

The ACT government asks our community organisations to do highly intensive and complex work with people who are often in crisis and it asks them to do this work on very narrow budgets. They are generally funded for specific programs only and, if the client does not fit into this designated hole, then either the organisation does what it can to make them fit, at their own expense, or it simply cannot assist. (*Second speaking period taken.*)

In a recent hearing of the inquiry into the early intervention and care of vulnerable infants in the ACT, collaboration was repeatedly discussed as an important factor when working with families at risk. Collaboration should happen between agencies and with government and should include open dialogue about how money is spent and how much is actually needed to provide the services to ensure that the sector can continue with the vital work that they do.

Government reliance on community organisations does not seem to be recognised in funding. The estimates report recognised:

While government, as the funder of many ACT community services, is encouraging services to improve their efficiency in the delivery of their services, these services are struggling to sustain their service, their staff and their morale.

The committee did not, however, make any recommendations about additional funding to address sector viability. And I am worried that just saying “strengthening the community” may not be sufficient; we need to see the resources there. The community sector is suffering from the same staff shortages, skills shortages, as the government is. It cannot offer as high wages as the government; it is often working with really substandard equipment in leaky rooms, dark rooms, cold rooms, hot rooms. Yet those people are there because they care. And that means that they can, just like the parents of people with a disability, get screwed.

Close to finally, I want to talk about SAAP. We keep bringing this up here and we keep being told that there were no beds lost and the agencies are now efficient. But we keep hearing stories that the services can no longer offer the same level of service they used to. The beds are still there, sure, but the time and effort given to families and individuals in crisis are not what they once were because the organisations are not funded to provide them anymore.

One of the questions on notice, to which I am still awaiting a response, was about the community engagement manual and how it is being implemented across government. Given the current government’s track record on consultation, I would be interested to see how the minister’s office responds. And it is a pity the answer did not arrive before this debate.

The budget funding for disability and community services is an example of giving a little to an area that needs a lot. The initiatives and programs which have received ongoing or new funding are good, but more is needed because people cannot keep working on the smell of an oily rag.

MRS DUNNE (Ginninderra) (8.45): As I said yesterday, the Minister for Disability and Community Services gave generously of her time to the estimates committee. I think she was probably the star performer in the process in terms of making herself and officials available and candidly answering questions. It is a shame that there are a large number of questions on notice still outstanding. It makes it difficult for us to make a full summation of the budget initiatives without the answers to those questions. But I must pay tribute to the minister for the work that she did in the estimates process.

I would like to concentrate on some of the areas that cover my responsibilities in relation to children and family services. I would like to start in my electorate, if I may, and talk about the \$845,000 over the life of the budget which is being allocated to UnitingCare Kippax for a range of services to fit in with and supplement the very important role that organisations like UnitingCare have in west Belconnen, which is amongst the most disadvantaged areas in the ACT.

I spoke about west Belconnen’s disadvantage yesterday in the health line item when we talked about the west Belconnen cooperative for a health and wellbeing clinic.

Some of the money that has been forthcoming from the Stanhope government seems to come out of the community care area and the community services area rather than out of the health budget, as the minister made clear yesterday. That is welcomed, but, as I said yesterday, half the amount needed is worthless to the people of west Belconnen. If there is a promise and there is a cheque—the minister said the cheque was signed and ready to go—that will never be posted because if there is not enough other money around to get this service off and running then that is of no use.

The service envisaged by the community cooperative is not simply a doctor service; it is about disability services; it is about dietitians; it is about counselling; it is about providing a range of services as a one-stop shop. I sometimes wonder whether the reluctance of the government to really get behind this project is because it is not their project and that they would like, to some extent, to provide a sort of alternative service.

The government has put forward money in the budget for the provision of another child and family centre in west Belconnen. A location for that has not been definitively identified, but it appears that it is likely that it will be in one of the closed west Belconnen schools of Higgins or Holt. While I do not want to appear churlish, and I think that the work of the child and family centres appears to be good, it is still early days. We have the slick new centre in Gungahlin—that does seem to have been well received in the community—but at this stage there has been no real evaluation of the programs and whether that is the best form of delivery for the programs.

The government seems intent on rolling out more child and family centres without testing the model before they roll out other examples. I do not want to be seen as being negative; I just think that we should be careful when spending this money and ensure that it is actually delivering what the government and the Assembly and the community expect.

I would like to see in the future an assessment, an evaluation, of the programs and the centres to see that they are actually meeting the aims of the government and the community. This should be done before we invest too much money in the west Belconnen model. This is not to say that the government should not build the west Belconnen model; rather, build it in the sure knowledge that it is working. The information gained by evaluating the existing centre should be used before you go and start a new one.

There are a few areas that I want to touch on. Mrs Burke spoke about the need for a territory-wide peak body for the autism and Asperger's group. That is a group in the community that is doing it really tough. I take my hat off to the families who from day to day struggle with a complex and difficult condition in their families. It is a huge insight for us in this Assembly to realise when we move through the community just how tough some people do it. I think about this a lot.

During the so-called school closure consultation back in 2006, I met a lady at Copland college who told the minister and anyone else who cared to listen to her of the difficulties that she was going to experience if her school was to be closed. She had two children with autism who were at school, and the youngest of their children had

just been diagnosed. This is a family of three children, all of whom have autism of some form or other. When I spoke to her, I learned that the children had quite different manifestations of the condition.

Most of us would struggle to raise one child with autism, and we would think that life would be pretty challenging if we had two. But to have three children with autism and try and maintain a family life must be extraordinarily difficult. We do not know we are alive; we all have a little moan and groan about our aches and pains or the illnesses that our children have, but, for the most part, we are a blessed group who do not encounter those huge difficulties.

I suspect that people like this lady would never find the time or the energy to become politicised because she is so busy helping to keep her family on the road and functioning. We should acknowledge the work that parents do and provide them the assistance that comes from some funding of the peak body. It would show that the ACT Assembly and the ACT government actually recognise that this is a huge issue. It is an emerging and growing issue, and I think that more consideration should be given it.

Dr Foskey mentioned the schools consultation, which is now under this portfolio. It is worth noting that there is a degree of cynicism, given this government's record on consultation. Mr Hargreaves oversaw one consultation on the Purdon report, and it seems that the ACT government has said, "Well, thank you, Purdon, for this piece of work; we'll post it on the web page," and that essentially was the end of it. People start to get pretty cynical if they put in the effort and they go to the meetings and they sit around the butcher's paper and they give feedback and they send emails and they think about what has happened, and then the government says, "Thank you very much," pats them on the back of the hand and then says, "We'll just do that all again." I think the community is starting to feel worn down and consulted out over schools and school closures. I think they are very concerned that no-one in the Stanhope government is listening to them.

My principal area of concern is child protection. Again, we do not really comprehend how it is for families who are doing it tough out in the ACT community. We are a privileged community. (*Extension of time granted.*) We are a largely middle-class, largely well-educated, largely well-remunerated community, and that means that from time to time the people who are doing it tough go unnoticed. It should not be instances like this week here in the ACT or last week in South Australia which focus our attention; we should be working to avoid the situation where people so palpably fall through the cracks.

The work being done by the staff of care and protection is mighty work. It is probably a thankless task. I do recall after the bushfires that some of the staff who had worked in care and protection and were co-opted to the bushfire counselling service and things like that found it was a complete breath of fresh air, because when they knocked on people's doors, people were glad to see them, and that was an unusual experience for them.

Over the years there has been a lot of criticism of organisations like care and protection in various states, and there must be huge issues of morale—the difficulty of

the work, the criticism that comes as a result of failed systems and failed operations, the fact that almost every care and protection service in the country has been through a huge upheaval in the past five or so years all must make it hard for people to stick it out.

I have very closely watched the issue of resources. This is not an area that has been under resourced; there have been substantial injections of money into this area over the past few years, and no-one has quibbled about that. But I am concerned that, while last year during estimates it was revealed that there were 21 vacancies in Care and Protection Services and that the minister told us that they were going to do something about because it was a worry, this year, after a year of doing something about it—I am not quite sure what—the service is now 30 staff short.

On the last day that the minister appeared before the estimates committee, there was a swag of officials going off to the UK to undertake another round of recruitment. It has to be said the first round of recruitment undertaken by care and protection seems to have been extraordinarily successful. It is testament to the people involved that they have managed to recruit staff who were so keen to come, and that they managed to pick people who, almost without exception, were happy with the move that they made and were able to stay. There are very few people who have dropped out of the scheme. I gather that the people who did drop out did so not because they thought they had made the wrong choice but because they were forced to return to the UK due to family commitments and things like that. It seems to have been a very successful program, and I hope that the recruitment process, which is probably still going on, is equally successful and that we can fill the vacancies.

Being 30 staff down in an area like this puts extraordinary pressure on people. We cannot afford to have the people who do such important work burnt out by being overburdened. The staff of care and protection are, from their own descriptions, trying very hard to ease the burden on each of their colleagues. It seems to be a very cooperative area in which to work. But we cannot understate just how difficult it is for staff and that we should be doing all that we can to support those staff.

When the Minister for Disability and Community Services and Minister for Children and Young People appeared before us at the estimates committee, she managed to drop the bombshell that the government had seriously considered moving Symonston house because of its proximity to the proposed Tuggeranong gas-fired power station and data centre because it was considered it would be too noisy, there would be too many emissions and it would be too disruptive to the vulnerable people who are the clients of Symonston house. It was done in a pretty matter-of-fact way. The official said, “Yes, well, we heard about it. We read about it in the paper and somebody from CMD came along and knocked on our door and asked whether we would like to move, and we are looking very seriously at these options.” I suppose, in a way, it is a credit to the officials that they just got on with their job. But at the same time I think that it is a shame that CMD and other elements of the government were not so keen to tell the story about the impacts that this facility might have on the other neighbours.

It became clear that the Stanhope government was prepared to tell the Lanyon branch of the Labor Party—Mr Gentleman’s or Mr Hargreaves’s branch; I think it is

Mr Hargreaves's branch—about this project long before it became publicly known, but they could not actually bring themselves to tell the people who voted for them, who put them in this job and who pay their salaries. Mr Gentleman has been strangely quiet about the relocation of Symonston house, and he has been strangely quiet about the plonking of a gas-fired power station very close to his constituency, slap-bang on the edge of Tuggeranong. I know that the Lanyon branch, which I think is Mr Hargreaves's branch, were briefed on this, so perhaps Mr Gentleman can tell the Assembly whether he arranged for a briefing for his Kambah branch as well so that we can see how consultative the Stanhope government was in relation to the comrades as opposed to the mere constituents.

Overall there is some good work and some good initiatives in this budget. I want to pay tribute to the people who work in the Department of Disability and Community Services who I have dealings with. I respect their professionalism; I respect the work that they do; I encourage them because they do important work for some of the most vulnerable people in the ACT. It behoves all members of this place to give them their support as much as possible for the good of all members of the ACT.

Just briefly, I have to comment on the women's budget statement, which is one of my bugbears in a way. It is not that I do not think that we should have a women's budget statement, but it should actually be effective. We manage to debase the currency by saying anything that affects everyone in the community affects women and, therefore, we will put basically everything in the women's budget statement. For example, the gold pass surrender initiative affects everyone, men and women alike, but it is put in the women's budget statement. Another example is community sector portable long service leave, which is a very welcome initiative, but it is actually about men and women who work in the community sector. Perhaps the community sector is more biased towards women, but it is not necessarily solely a women's organisation.

I would rather that the women's budget statement actually addressed women's initiatives rather than this approach of thinking of everything that affects people and, because 50 per cent of people are women, they should be put in the women's budget statement. I think it debases the currency. I think it is a good thing to have, but I think more thought should be put in to how it is presented.

MR PRATT (Brindabella) (9.05): Following up on Mrs Dunne's comments, perhaps we should find out the depth of the government's duplicity on these briefings to Labor branches on the gas-fired power station. Comrades over constituents, hey, boys? Comrades over constituents—it is a new acronym—COC.

I will refer to multicultural affairs as a sub-element of this line item. Firstly, it is certainly noted and certainly welcomed to see the increase from \$313,000 to \$413,000 for the operational expenditure of the running of the multicultural festival. But, on the evidence, I would have to qualify my warmth about this and say that the feeling is that we are still about \$50,000 short per annum for the running of the festival. That is the feeling coming back from leaders in the community. That is because the festival, because of its success, has grown significantly in recent years, as have the donor support opportunities. There is no question about that. However, budgeting for the operational costs has not really kept pace with the growth of the festival. Some of the peak bodies are still struggling to keep up with the costs that they have to bear as well.

The second point is that I must say that the multicultural police liaison program is going pretty well. I am pleased to see that there has been some increase in capacity in the number of police now providing that direct link and the seniority of the people involved.

Going to the question of the advisory councils, when the Chief Minister had responsibility for this area, he had inherited from Kate Carnell the organisation we all knew as MACMA, the Ministerial Advisory Council for Multicultural Affairs. That was disbanded when the responsibility for multicultural affairs was transferred from the Chief Minister to Mr Hargreaves, who picked up that responsibility. I had some sympathy at the time with Mr Hargreaves for why he took the step to disband MACMA, but I think he took the step for the wrong reasons. Because of the internal ructions and the tensions within the advisory council at that stage, it seemed in his view that the best way to resolve the issue—it is still an ongoing issue—was to disband the council entirely.

The view is that that was probably not a good idea. I notice that there is still a clamouring for the reinstatement of the advisory council. I believe that that should be the case. I believe that the minister responsible for multicultural affairs needs to have that council restored and working with him and with the officer responsible in that area.

Perhaps to get over the problems that existed in the past, this is what the opposition would recommend: the advisory council should be made up of four, five or possibly six appointed and elected members from across the spectrum of the multicultural and ethnic groups and communities. Instead of them representing various communities and being appointed by communities, they should simply perform functional positions in that council. For example, the six people selected might head up functional areas such as the organisational aspects of community management, the social aspects of community management, the running of events and the festival itself, perhaps refugee assistance and finally, and most importantly, harmony issues. You would select people who were capable of managing some of those areas on behalf of the broader community and offering advice to the minister and to the CEO. There would be no reason why each of those six members could not run six subcommittees to assist in the planning and running of some of those sorts of affairs. I really think that is missing at the moment in the overall management from a government perspective.

The fourth issue I want to address is the amount of space available in the multicultural centre. I would have preferred to have seen a couple of years ago a multicultural centre which was slightly different in shape and perhaps a stand-alone building with a lot more parking et cetera. However, the building that is currently being used certainly suits the purpose. It is more than adequate, but the problem is that the government has slowly transferred a number of the elements of the Office of Multicultural Affairs into that building.

When I questioned the minister during estimates on that matter, I was advised that this was a good idea because it meant that the Office of Multicultural Affairs would be in closer liaison with the various communities, sitting cheek by jowl with them. I do not

believe that is necessary. It used to work before, and the building has limited space. Whilst the peak bodies within the multicultural arena and the larger associations can quite easily afford to occupy permanent offices in the place, a lot of smaller communities cannot. A lot of smaller communities who also want to run, for example, their own weekend language training courses for migrants settling in to Australia or mother-tongue courses for their own kids—which are very important and should be a priority—find it very, very difficult to find places to be able to undertake that sort of training. They need to be able to use the centre, but at \$36 an hour, it is cost prohibitive. Small associations that do not have very much in the way of funds cannot do it. I would much prefer to see the government give up some of the office space they are occupying with the OMA and make smaller community spaces available which can be used by a variety of smaller associations at a much lower fee so that they can have the opportunities they need to really have.

I know of two community groups that badly need resources and interdepartmental assistance in managing youth-at-risk matters. I will stand to be corrected if somebody in the government can point out that I am wrong—I do not mind being wrong on this—but it seems to me that there is not sufficient funding available for some of those organisations to help in the management of those sorts of matters. I do not see funding in the budget through the Migrant Resource Centre to provide that sort of assistance to some of the smaller community groups. That is a pretty important thing to do at the moment.

There is not too much to criticise in multicultural affairs, but there is a lot of room for improvement. There are a lot of good ideas that people from the community have brought forward. The idea of a ministerial advisory council is a very important issue. It is something that is really needed and wanted by the community, and I would implore the minister to relook at that issue. Thank you, Mr Speaker.

MS MacDONALD (Brindabella) (9.15): I do not intend to speak for long. As we know, Minister Gallagher had to go home because of a sick child. I want to add a few words of my own in regard to this line item. Mrs Burke raised the issue of there not being any substantial additional money allocated to disability services. I am sure Mr Gentleman will correct me if I am wrong, but my recollection is that this issue was raised by Mrs Burke in the estimates committee process and the minister did address it. Part of the response was that there has been additional money in previous years and that she would look at it further. So I just wanted to make that point.

Also, I know that Mrs Burke was talking about some older people but a new specialised children's and young people's equipment loan scheme is being established this year. The budget papers state:

The initiative provides children who have developmental delays and disabilities aged zero to 16 years with access to a variety of equipment for assessment and trial purposes as well as for loan prior to purchase. This equipment will significantly enhance functional outcomes and maximise the independence of these children and young people.

I believe that the minister said at the time that, because it is a significant expense for the families of those young people who are growing and who outgrow the equipment, it is something that the government saw as being an area of need.

I want to add to what Mrs Dunne said and pay tribute to the people who work within DHCS. I also put my thanks on the record for the excellent work that they do. They are very dedicated in the work that they do. I am always impressed, when they appear before the health and disability committee or the estimates committee, by the fantastic work they do, much of it in very difficult areas. Mrs Dunne raised the area of care and protection. It is, unfortunately, in the news a lot, with events that are going on around Australia.

I note Dr Sue Packer's comments this morning on Triple 6. She is the national president of NAPCAN and has a great deal of experience. Last year, I had the good fortune to meet with and hear from Dr Sue Packer. But what she said this morning on the radio was very pertinent—that this is an area which will always cause anxiety for our society. It is not an area that she believes is on the increase but it will always be a difficult area; there will always be some people who will have difficulty with parenting.

I know that is an issue that faces the people who work in the care and protection area on a daily basis. They would have been going through a difficult time in the last week, so I wanted to say that I think they do a fantastic job and we should continue to recognise that. I know that the people who work at the higher managerial levels of DHCS do recognise the work they do and they do everything they can to give them the support they need so that we can keep those workers. We heard at estimates that the strategies to keep those people in there are actually working.

Last year, I had the good fortune to hear Dr Sue Packer, when my husband, Brendan, and I went to an adoption and permanent care seminar in starting our process of looking to adopt; people in this place know that we are looking to do that. She was a very impressive person. Especially in the permanent care area, adoption and permanent care are combined, so the seminar was combined. We listened to the case studies within the permanent care setting, because you need to get an idea of what you are getting into. The case studies are based on real cases but there are no identifying features and they are often an amalgam of cases. But they are heart wrenching. The difficulties that some young parents—not necessarily all young parents—face in our society are very sad and heart wrenching. It is a vexed area and we need to give support to people who work in those areas.

Finally, I note that last night some comments were made by another member of this place about my behaviour in estimates. I am not going to lower myself by responding to those comments except to say that some people should really find better things to do with their time. But I would actually say—

Mrs Burke: You need to tell some on your side as well, because it works both ways.

MS MacDONALD: I did not interrupt you, Mrs Burke. During the estimates process, if I did not pay full attention throughout the entire time, I would point out that when other members of the committee and other members visiting the committee asked questions, even if it was not an area that I was particularly interested in, I did not interrupt by speaking so loudly that members could not hear the answers. And that

happened with a great deal of frequency from members of the opposition. I think that is a very sad reflection on their part.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (9.23): I am speaking on behalf of Minister Gallagher, who is unable to be in the Assembly this evening. This budget sees the government continue to build on the foundations provided in previous years in working with people with disabilities, families, carers and service providers to develop and implement priorities under Challenge 2014 and “Future directions—a policy framework for the ACT 2004-2008”.

Last year, the government allocated \$15.75 million over four years to address known unmet need in the territory. This funding has been fully allocated on a priority basis. In 2007-08, funding has been allocated through a combination of individual allocations advertised through an open round and funding to service providers. Priorities for funding were mature carers, school leavers and people whose individual supports have broken down.

Assistance provided includes 60 people receiving individual support, 20 new accommodation places, 16 community support places, 15,000 hours of community access, 1,100 hours of flexible respite, and an additional 750 respite bed nights. Output targets have also been increased, with accommodation support seeing growth of 14 per cent over the period 2003 to 2009; community access seeing growth of 367 per cent over the same period; centre-based respite seeing growth of 11 per cent over the same period; flexible respite seeing growth of 14 per cent over the period; and community support seeing growth of 55 per cent over the period 2004 to 2009.

The government is also committed to building a continuum of quality services that meet the needs of ACT families, from universal provision to targeted and tertiary interventions.

The Tuggeranong and Gungahlin child and family centres are continuing to build on the range of early intervention and prevention services they operate, with a focus on children aged one to eight years and their families. The success of these centres is demonstrated by their very high utilisation rates, excellent client feedback and many positive stories of families overcoming disadvantage.

The government has also recognised the growing needs of families in the Belconnen area, especially vulnerable families and children, by providing funding in this year’s budget of \$250,000 for forward design work for a third child and family centre. The centres are pivotal to the government’s commitment to early intervention and prevention and are a very effective way of engaging with vulnerable and at-risk families.

Reforms to the care and protection system are also providing better ways to respond to the growing demand for services to support vulnerable families. For example, the integrated family support project is a new model of service delivery which sees families, government and community working together in partnership to improve outcomes for children at risk of harm and neglect by providing an alternative referral pathway to statutory processes.

This year's budget includes additional funding to provide targeted intensive family support services to at-risk Aboriginal and Torres Strait Islander families. There are also significant changes in the way in which care and protection services work with children and families in the ACT. This includes the introduction of the differential response approach, which includes the option for families to be provided with assessment and support to improve the safety of a child and to help to develop parenting skills. The budget also sees an enhanced commitment to support vulnerable families in the Belconnen area through the provision of \$200,000 for non-government programs.

Planning for the provision of out-of-home care services for the next three years is well underway. The out-of-home care redesign project is identifying how to best meet the increasingly complex needs of children and young people coming in to care.

Of course, members would also be aware that the new children and young people legislation has been introduced into the Assembly and will be debated next week. This new legislation will mean that new childcare standards will replace the existing conditions. Draft standards are currently also being considered by the sector.

The government has provided \$182,000 in the budget to develop a regulatory system to screen people who work with vulnerable people, including children, young people and vulnerable adults. The coming year will also see the opening of the new Bimberi Youth Justice Centre. This facility is able to accommodate 40 children and young people on remand or under committal. It will be run under a best practice operating model which is being developed concurrently with the design in order to ensure that residents have the best possible opportunity for rehabilitation, educational and social development.

This budget reiterates the Labor Party's strong commitment to early intervention and support for people with disabilities, people with families, children and young people. I commend it to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—part 1.14—Housing ACT—\$23,395,000 (net cost of outputs), \$14,430,000 (capital injection), totalling \$37,825,000

MRS BURKE (Molonglo) (9.28): The ACT has the largest per capita rate of public housing in Australia, with assets of over \$3 billion in value, representing around 11,600 properties. The sector is still suffering from this government's past misdeeds, however. In the 2006-07 budget, the Stanhope government actually slashed the ACT housing budget by \$33 million over three years.

In that same budget, the government slashed the waiting list of around 2,000 people for public housing by half, by cutting the eligible income threshold for a couple with a child by 37 per cent, from \$1,000 to \$700 per week. This had the effect of keeping the working poor out of public housing, while private rents had become so high that they were not able to rent in the private market.

Where such people are now living is of continuing concern to me. Often, we hear of them sleeping in cars, in caravans or, worse still, on the floor of friends' houses. So it is an area of concern to me. I think more work needs to be done to see where these people who have slipped through the cracks are actually now sleeping. It is concerning, because I know that at the time Mr Hargreaves said, "Well, they're the people who don't need to be on the list anyway." But if we have slashed that eligibility threshold from \$1,000 to \$700, that is of great concern to me.

So what has changed? Even with these questionable reforms, those in the highest need category now wait, on average, for 111 days—44 days higher than last year—with the second highest needs category waiting, on average, 341 days, or 86 days higher than last year.

There continues to be a very slow turnaround time on preparing housing properties for tenants to move into. We have heard cases of places sitting idle for as long as five months. At the moment, there are nearly 371 properties sitting idle and, worse still, we are hearing of an alarming trend of maintenance and thorough cleaning of properties not being carried out until a tenant has actually moved in.

The 2006-07 budget papers indicated that Housing ACT, under the Stanhope Labor government, was only managing 11,272 properties—127 fewer than under the last Liberal government in the ACT. As I said, there are now around 11,600 properties, but that was a very late catch-up.

Antisocial and disruptive behaviour continues to be a major issue in public housing, and the government has generally ignored the problem. There were 592 complaints about disruptive behaviour in the last financial year, and there are 23 suburbs across Canberra affected by the minority of public housing tenants who cause serious social problems, including damaging the property of neighbours, noise, harassment and assault.

I do remember in this place that a previous housing minister, Mr Wood, always used to attack me and say, "You're having a go at public housing tenants." Let the house be assured that this is not a problem about public housing tenants; it is a problem raised many times by public housing tenants about other public housing tenants. And, yes, it does happen in the private sector, but, all too sadly, disadvantage, and the low socioeconomic issues related to people in public housing, tend to foster this particular type of behaviour.

As the St Vincent de Paul chief noted, the government's affordable housing strategy would not help those in need. He said it was disappointing that there were still nil additional works for social housing. This was despite the sector's direct housing support and outreach work increasing by around 25 per cent every six months. Similarly, Ara Cresswell, Director of the ACT Council of Social Service, said it was disappointing that, with a large surplus of over \$80 million, there was no real investment in public or community housing.

This budget has failed to address significant wastage within Housing ACT. For example, the housing maintenance contract is in a shambles, with the principal

contractor, Spotless, refusing to increase the contract rates paid to subcontractors in the 2008-09 period. Representations have been made to me, and I think I may have written to the housing minister to point out this very concerning problem to him.

This has had the effect of sandwiching the tenants in the middle. Pressure is being exerted by Spotless on their subcontractors, who often may then not be able to carry out jobs properly, which then results in less or substandard works being done. Costs are often then shifted on to the tenants in the form of tenant-responsible maintenance. I recall in the estimates hearings that a departmental official was quite concerned about this increasing trend. Hopefully, as was pointed out by me in the estimates, that issue will be looked at.

The government needs to enter into a more realistic contract with the contractor to ensure better standards of cleaning and maintenance of the public housing properties. To shift the costs of routine maintenance on to tenants is irresponsible and shows poor management by the government, and this must be rectified.

This budget has yet again failed to allocate resources to the speedy allocation of vacant Housing ACT properties. Far too many properties still remain vacant for extended periods of time, equating to poor asset utilisation and financial management of the overall housing stock. The government needs to better manage its stock by putting more resources into front-line client managers. We see regular examples of properties that have obviously not been inspected for well over 12 months or more.

The government needs to get tough with the minority of tenants who repeatedly destroy the amenity of their neighbours and who destroy property. Unfortunately, we have seen little to no resources being allocated to the very real and prolonged problem, as I have said, of antisocial behaviour. This will be deeply concerning to public and private residents alike. Without effective management of the issue, the problem will continue to worsen, costing the entire community more than it would cost to rectify the issue.

The government's failure to act causes this subgroup to be bold in their flouting of the law, causing much suffering in their neighbourhood, and sends a message that it is acceptable behaviour for the ACT. The government has also failed to allocate resources to the pulling back of debt owed to the government by Housing ACT tenants. Budget figures show that almost \$1 million is outstanding in terms of the delay in recovering water consumption costs from tenants. Rental debt is at some \$1.245 million, and there is other unexplained debt of some \$900,000.

The government should not allow debt to grow to such high levels before it works with clients to manage that debt. The opposition maintains its position that there needs to be earlier intervention in order to arrest this escalating problem. The minister had put in a scheme involving the figure of \$500. The opposition is saying it needs to be much sooner than that—\$200 or maybe a week's rent. If we know that there are families that are vulnerable, we do not need to be allowing them to be made more vulnerable by spiralling out of control with rent payments.

In closing, despite having the highest number of public housing properties per capita in Australia, this government has demonstrated its overall inability to effectively manage this portfolio area.

DR FOSKEY (Molonglo) (9.37): I would be interested to know what position the ACT government has taken or is taking to the national affordable housing agreement. One of the factors behind the increasing housing unaffordability over the past 20 years, which predates the Howard government's taxation disaster, was the state governments' divestment of public housing.

The housing market is not homogenous, and public housing, where there is sufficient supply, is a buffer to the market in lower cost housing. I am not going to take time now to go over the arguments about the role of a diverse and expanding supply of public housing, which would include a social mix of residents, supported by a proportion of people paying realistic market rents, where there is no stigma attached to being a public housing resident and where there is an adequate supply for people in demonstrable need.

Mrs Burke talked about poor people who cannot access housing at the moment. I must say there is a little bit of a contradiction there, because I do believe that Mrs Burke would be throwing them out the minute they had a large enough income and she deemed that they could be living in the private rental market. I have detected over the years that I have been here many contradictions in Mrs Burke's attitude to public housing.

Unfortunately, the growing perception of government services such as public housing as having the sole purpose as a safety net for people in dire straits—and only the deserving ones at that—has resulted in a diminution in the role of public housing and an increasing marginalisation of public housing tenants. I am interested then to learn if there is going to be any change in the climate of judgementalism which has swept over Australia in the past 15 years, and what attitudes and intent the ACT government, through Housing ACT, will bring to the national affordable housing agreement negotiations.

It is worth reminding the Assembly that the Council on the Ageing, ACT Shelter, ACTCOSS and the youth coalition, among others, were both concerned and disappointed that there was not a greater investment in Housing ACT in this budget. We have seen the tightening up of access to public housing and the introduction of rules that will probably push more people out. We know that a shared equity scheme is to be established, which will encourage people on low and middle incomes to buy their government home. What we do not know is if houses thus removed from the public housing stock will be replaced or if we will see the erosion in numbers that we have seen over the last 10 years. In answer to a question on notice from me, the minister acknowledged that these changes will put pressure on the service and increase the average cost per tenancy, resulting in a diminished supply unless there is a balancing increase in investment.

I note that the home loan portfolio now has about \$17 million sitting around in investments. I believe it would be appropriate once again to transfer the bulk of these funds into Housing ACT for new stock.

Many public housing tenancies are complex, and these are the ones that attract the most attention. I just want to mention here the reaction of Mrs Burke to the really

unfortunate situation in Ainslie that has received a lot of publicity. Mrs Burke said that better monitoring of public housing may have uncovered the problem earlier. I think we have to be really careful in situations like this, where we have no idea of the circumstances involved, to immediately shoot to look for a way the situation can be capitalised on for political purposes; I am afraid that is what I see happening here. My heart sank when I saw that the media had found a situation in the ACT; I know it probably did not happen like that, but with the high profile of the Adelaide situation last weekend I can imagine that all media outlets were on alert for a local comparable situation. As for politicians that jump on the bandwagon—in my opinion, it is deplorable.

I am concerned that Housing ACT as an organisation finds itself acting as a landlord, as it is required to do, dropping the ball in terms of support. If we are going to target people with high needs, we have to give them the support that they need. I know that that is the aim of ACT Housing. I do not know what is wrong; there are probably not enough resources—that issue about working across government departments and seamless delivery of services. For instance—and this is an example that has occurred—when a tenancy moves on from the mother, who for some reason moves out, to her son, a young man of 16 who is left alone, you would think it would be incumbent on Housing ACT either to ensure that there is a community agency in touch with the young man or to retain a close connection itself.

I am aware of at least one sad occasion where that certainly appears not to have been the case. A woman with boyfriend and substance problems perhaps, and young children, may well be understandably having troubles with her neighbours and her tenancy. It is the case that, while we are targeting housing to people with more than one need, with complex needs, we will see more of these situations. We have to remember that the commissioner for housing is also the territory parent, with eventual responsibility for these children, for children in public housing and for children who are not in public housing, who come under the care and protection of the territory.

I would like to think that we are looking at these issues holistically. I believe there are too many occasions where that does not happen; in fact, I know there are too many occasions where that does not happen. So, on the one hand, Housing ACT is becoming a housing provider for high-needs tenants but, on the other, the care and service links are not yet strong enough to provide an appropriate level of support. I am aware that there are many programs in place or under development to try to connect the pieces, but a lot more work needs to happen before we can be sure that they are successful.

MR MULCAHY (Molonglo) (9.45): The ACT has a high level of public housing and this is reflected in the budget papers. According to figures in the current budget, Housing ACT currently manage 11,647 public housing properties and 242 community housing properties. To put this figure into some perspective, the 2006 census found that there were 122,901 occupied private dwellings and 8,474 unoccupied private dwellings in the ACT at the time of the census. This is a very high level of public housing, particularly for a city as affluent relative to other jurisdictions as the ACT. A great deal of the capital assets of the territory is tied up in public housing. In fact, Housing ACT has around \$3.5 billion in properties, plant and equipment.

Previous speakers have touched on something that I am also going to delve into, and that is one of the common complaints that I receive from constituents about public housing issues: the antisocial and even violent behaviour of some bad tenants in public housing properties. Some constituents live in genuine fear for their safety in public housing complexes, and many have made a point to insist that their names be withheld in any follow-up on these issues. I do not wish to be alarmist about the issue but I will say that I think there are ongoing problems with bad tenants in public housing on a scale that I think is unacceptable.

In the private rental market, you would simply not see the kind of behaviour that I regularly receive complaints about in public housing properties. Unfortunately, Housing ACT seem to take a view that suggests a strong reluctance to enforce basic standards of behaviour that would exist under any private rental contract and believe that this may in some way be an affront to the civil liberties of public housing tenants. Contrary to what some people may think, this is not a compassionate approach. It is an approach that shows little regard for the vast majority of public housing tenants, who are negatively affected by the unacceptable behaviour of bad tenants.

I have had people take these issues up with me. To be quite frank with you, I thought they were probably embellishing the facts, so I decided to go into a comprehensive examination of one set of complaints regarding Stuart Flats in Griffith. I have to say that I was sceptical. I thought the person was overdramatising the situation, probably embellishing the story to excite my interest, and, unlike others in this place, I do not rush into making public pronouncements on all manner of things when people complain.

Mrs Burke has a track record of going to the media first on every matter and then checking the facts out—and sometimes they do not actually accord. But I have had a practice of making sure that what I am being told stacks up. I am happy to lose a couple of weeks media opportunity to be sure I am right, and quite often you find that actually the story is not as you are told. But in the case of a matter raised earlier this year I did make inquiries, and I was taken aback when Mr Corbell responded to me and indicated that the police, as this constituent had indicated, had been called out a very large number of times to Stuart Flats—in fact, the minister's reply indicated 45 call-outs in a 28-day period in February, five call-outs from the ACT Fire Brigade and three call-outs from ambulance services. Whilst the constituent said that capsicum spray had been used to overpower violent and unruly tenants at the facility, the police declined, because of pending charges and so forth, to specify what force had been used but acknowledged that force had been used to bring people into line.

You could be forgiven for thinking you are in the crook part of Detroit or Chicago when you hear these figures—not in a city of 330,000 people. And this is just one complex in a central part of Canberra with a police call-out profile that I found absolutely staggering. No wonder Mr Pratt keeps asking for more police, because if they are all tied up at that one complex you can imagine in the evening that there are concerns about activities in Civic or elsewhere. If the police are going out there nearly twice a day to address violent and antisocial behaviour, it certainly is soaking up resources from the Woden service, Civic or wherever they come from, to address

other matters of crime. I am troubled by it and I think that the people living in those facilities should not be living in fear.

I have also expressed concern about Red Hill. I had a shopping centre session there a little while ago and I was surrounded by residents and business people who said that people were dealing drugs at 10.30 on a Saturday morning in broad daylight. I am hearing of people there in their 60s who are terrified by these thugs working these estates, dealing drugs. The same issue was even raised in Garran, and I have to say that there are now sometimes up to three or four police visits a day, police foot patrols, in the Garran shops—but everybody in the area seems to be able to tell me where the drugs are being dealt. The police have asked me not to identify that, but I do not know how long that goes on.

These things are unacceptable in our society. I am not an advocate of the sympathetic approach—to assume that people have got into this position because of their parents, their upbringing or something else. People have to live within a certain social framework and respect the rights of others—and you are violating the rights of the overwhelming members of the community if you keep condoning and not enforcing the law with these offenders.

To make it very clear, I am not suggesting that the government should become some sort of lifestyle police for public housing tenants. I have some sympathy with the issue Dr Foskey raised about the dangers of saying that we should know about everything going on in somebody's house. That is not on. But, once people are blatantly breaking the law, threatening, burning places and doing all manner of things of that nature, I think the sympathy must come to an end. What I am suggesting is that the basic requirements for renting a property be enforced properly to ensure that manifestly unreasonable behaviour is not tolerated in public housing properties. Proper disciplinary action to the few bad tenants is in fact a very kind thing to do for the vast majority of people.

A public housing tenant approached me the other day—Dr Foskey alluded to a similar scenario; whether it is the same scenario or it was a theoretical one I do not know—and said, “I was going to write a letter to the paper about you. You have got to appreciate that often the people causing the trouble have moved in with a tenant; a male partner has moved in with a woman who may be from a broken family or whatever circumstances, and it is the partner that causes the trouble on the estate.” But my view is that at the end of the day an adult person has to make certain decisions. If you are going to have somebody move in with you who is involved in criminal behaviour, is selling drugs or is violent to your neighbours, do not start coming and complaining, “My tenancy is suddenly at risk.” If you bring people like that into your property and let them engage in that sort of activity, you have to wear the consequence.

If it is beyond your mental capacity to deal with that, that is another issue. I do have real concerns that we do not have adequate facilities to deal with people with major mental health issues in the territory. But I do not condone the view that, because somebody else has come in and you are the unwilling victim who is the tenant, you should not be held responsible. People have to take responsibility. I strongly believe that a more vigorous approach is needed.

I have seen it in other parts of the world. Cities that once were not safe to walk around at night you can now safely walk around. You can walk around New York city and you would be safer than in Sydney. They just took a view in the end that people had had enough of drug dealing in every park and on every corner and prostitution on every street—and that city has changed dramatically. We are not in that league in terms of antisocial behaviour, but we have small examples in our city that rival some of those experiences that those cities overseas used to deal with in the past.

One problem with public housing is that it sometimes becomes a repository for people with ongoing behavioural and mental health issues who really need to be housed where they can receive proper care. I know that is not too politically correct and that everybody should be able to live in the community and they are all fine.

Mr Barr: I don't think anyone would ever accuse you of being politically correct.

MR MULCAHY: I am sure, minister; that is not something that I have been plagued with too often. But, to give you an example, for several months I have been following up a complaint from three constituents—good folks, good, decent people, seniors—who are living in a public housing complex, and immersed in the middle is another resident who they report they believe has serious mental health issues and who causes them a great deal of disturbance.

I hasten to add that I am not in a position to assess the mental health of the person referred to and so I cannot assess whether my constituent's characterisation is in fact accurate. However, I have no reason to doubt the reporting on this tenant's behaviour, which my constituents indicate includes screaming and other confronting and disturbing behaviour. (*Second speaking period taken.*) They say this can occur at any time of the day or night. This particular public housing complex is populated by seniors in our society—and people are terrified. You can understand the terror that people in their 60s or 70s would have when someone of stature comes rushing at them who appears to be violent and aggressive.

I have been following up this situation with the Minister for Housing for some time, and the constituents concerned are very stressed about the situation. They have been phoning my office. They have phoned, they have written to me and they have come to shopping centre meetings on a Saturday to press me to keep this issue going. They find it difficult to sleep because of the disturbances; in fact, they are talking about trying to move out, thus breaking up the social group that they have been very happy with amongst their neighbours in this facility.

I find it very frustrating that this problem has arisen, as public housing is clearly not an appropriate facility for people with these sorts of problems. The matter may have been somewhat delayed, obviously, because of the minister's ill health—and I do not blame him in any way for that—but I really look forward to resolving the matter with the minister or the department in the very near future.

I am not going to let this one go away. I owe it to the people in this facility to try and help them find a solution. Initially, the government's solution was: "Let's have a

barbecue with the neighbours and this person.” I just cannot believe the sort of solutions that people are putting up. I said, “You have got to be kidding.” Some of these older people are in terror of the tenant. Okay, maybe such tenants are not considered to be criminally insane—they may not be likely to kill anybody or injure them—but when given that as a solution I went back to my office in a state of bewilderment. As I say, this is political correctness gone to the extreme.

That person is in the absolute centre of the complex so it is very hard for tenants to avoid them. Of course, the problem being faced is: where does this person go? Unless someone engaging in that behaviour is actually going to the point of breaking the law and causing violent consequences to people, we do not have solutions in this territory, in my view, to deal with it. Certainly, none have been put forward to me. It is one case, but it is symptomatic of what I think are issues plaguing our housing system.

On a more positive note, I am glad to see that the government are moving away from the idea of large public housing estates and attempting to spread their properties more diversely, both geographically and in terms of the kind of dwellings they purchase. This should bring positive effects. There are reductions in the kind of antisocial and violent behaviour that often occur in large public housing estates. There are examples in the city, and there are much more celebrated examples in places like Melbourne, where they built, as they were nicknamed, the Bolte towers of Richmond. They are still there. They are full of Vietnamese gangs, crime, drug dealing and the like. They were a mistake in the seventies when they were put up; they should never have been constructed in any community because they just lead to dreadful situations. I am pleased the government is saying, “We are getting away from this approach.”

There are more options for tenants and greater flexibility to accommodate people with different public housing needs if you do not just have these standard, uniform multi-dwelling facilities. I do not think that large-scale public housing is either necessary or the solution to housing problems in the ACT. It is certainly my preference to see people encouraged to enter the private market whenever possible and become autonomous from the government. Even though I know that the opposition have criticised the new land rent scheme, to me it gives some group in Canberra a chance to get into the housing market. Anything we can do to give people their own sense of autonomy, their own home, even with limitations in their financial position, I think is a good step forward for people’s self-respect.

Where public housing does exist, it is crucial to ensure that Housing ACT enforces proper standards to ensure that residents are not negatively affected by bad tenants. There are certainly opportunities for further reform in this area. However, I am glad to see that the government is moving away from the previous model of large-scale public housing concentrated in large complexes.

MR PRATT (Brindabella) (10.00): I have a number of very significant concerns that need to be put on the record on the issue of public government provided housing. The government has a responsibility to select tenants for government housing who are most needy but who also can be trusted to be good neighbours. Good neighbours do not have to be extroverts—they can keep entirely to their own private lives—but they should at least be peaceful, law-abiding and respectful of others.

Dr Foskey: Everybody should be like that.

MR PRATT: Of course, and their neighbours should be like that, as Dr Foskey has so wisely pointed out. I hope Dr Foskey is not worried about the focus here. The reason, Dr Foskey, they should be all of those things is that the neighbourhoods in which they live should be those things. We want a nice blend, don't we? We want a harmonious society. The point I am making is that, sadly, this is not necessarily the case. I have constituents who are concerned about the government's mismanagement of public housing and public housing tenants, both in terms of the sorts of public housing complexes that Mr Mulcahy just referred to and also dispersed, if you like, public housing in suburbs.

These people have concerns about bad neighbours. I might add, by the way, that I was quite surprised at the overwhelming numbers of people who approached me at Calwell shops on a number of occasions a couple of months ago. Public housing tenants and private housing owners—good neighbours all—came to me concerned that they were living next to bad neighbours who had been recidivist offenders—breaking the law and being bad neighbours—in some cases for up to 12 months.

There is a particular street in Theodore where a group of property owners have got together to tear their hair out about a situation involving, of all things, prostitution in their street. The problem with prostitution, whether it is legal or illegal, in a suburban house is that the whole damn street tends to wear it. That is what has happened in this particular street in Theodore. Up to 25 people who live in the street have signed petitions and called ACT Housing and the minister's office and 12 months later, as at three or four weeks ago, little had been done. I am getting some feedback that there might be some movement at the station at at least one of the three houses in question in this particular street.

Why the hell has it taken so long for the government to wake up to the fact that they have got a problem and to sort it out? Everybody—owners of private houses and good, neighbourly public housing tenants—all have the right to live in peace and quiet. They all have the right to see their neighbourhood grow and develop in a peaceful way. They want the amenity and the quality of suburban life to be of a reasonable standard. It seems to me that this dynamic is going down and down, month after month and year after year. This decline can be sheeted home to the government.

I want to talk about a number of issues. I have just talked about Theodore and the prostitution, burglaries and vandalism coming out of three houses affecting 40 neighbours who have formed a group and tried to do something about it. They have represented their concerns but they have not seen much action. That is not so much a criticism of the police here because it seems the police have attended on a number of occasions. But the police have gone away scratching their heads. Talk to government departments, ACT Housing and community services. I would bet there has been no damn follow-up.

One of the Theodore residents said to me, "Look, I am selling my damn house. I have had this, but property values in this damn street have dropped about \$40,000. I can no

longer continue to live here.” Why does he have to put up with that? It is because we have got a government department that wants to exercise political correctness. The feeling amongst the neighbours that I have spoken to is that ACT Housing has a culture which is far too sympathetic to people who have demonstrated that they are recidivist offenders.

We all know that there are people in dire straits who have no option but to occupy public housing. To go back to one of the cases that Mr Mulcahy referred to—he was quite right to point out the rental complex—I have also been approached by a number of single mums coming out of broken marriages with kids and trying to regain their lives. They are good people with good children who are struggling at school. They do not have the resources to do the best they can and they are getting mucked around by recidivist offender neighbours. That is the problem.

Everybody deserves the right to have a second chance in their lives. I am afraid that a lot of our Canberrans are finding it difficult to get on and move through the next phase of their lives. Residents in Richardson come to me with the same problem—prostitution in a couple of houses. In Condor it is drug distribution. I was doorknocking in Condor two Saturdays ago and the constant refrain from the street where I was doorknocking was that it is well known, and has been for a long time, as a place where drug distribution occurs.

One poor guy, a tradesman, was at wit’s end. His 14-year-old son had disappeared for four weeks. Apparently this boy had fallen under the spell of the local drug distributor living in a small flat that had also pulled together a lot of other young kids in the area. This poor guy was at wit’s end. He had actually gone to the magistrate and tried to get a recovery order to find his son and bring him home. Unfortunately, the magistrate said, “Well, I am sorry, but your son is six weeks short of turning 14. I do not think it is in anybody’s best interests that I issue a recovery order.” Here was a father pulling his hair out. Gladly, on the day that I doorknocked, his son had been home a couple of days and apparently had come to realise that his situation away from home had not been particularly good.

That is a bit of a long-winded description of a particular case, but it is a good example of how the neighbourhood can be badly affected by a recidivist offender that somebody does not seem to be able to do much about. I do not know whether in this particular case in Condor the police are onto this guy. Who knows? But the question we have to ask ourselves is: what is ACT Housing doing about this guy? If everybody knows that this guy is up to no good and he is affecting his neighbours’ kids and the police have been around there a number of times, why the hell is he still entitled to occupy one of our valuable public housing assets?

I could go on. Out in Kambah there are burglaries and trail bikes ripping through picnic areas and playgrounds. Everybody knows about it and has known about it for a long time. They have written to the minister and phoned ACT Housing, and it just goes on and on.

In Condor again, a woman told me about her mum, who lives in Mawson. Her mum lives in a nice little house, but next door there is round-the-clock activity. Cars turn up

to pick up strange distributions at all hours of the night. Her own driveway is choked with these people's cars. She is too frightened to go out and ask them to remove their cars.

Where is our priority here? Is our priority with a very old lady of Maltese background who does not know what to do and is too frightened to go to the police so her daughter, living in Condor, comes to me out of frustration? (*Second speaking period taken.*) In the interests of my constituents, Mr Speaker, if I need to use all 10 minutes, I will. I will be as economical as I possibly can because I know that there are other priorities here tonight. This poor lady does not know what to do. I am advised by the daughter that ACT Housing have been advised. The daughter, at wit's end, has rung the minister's office, but she got short shrift there.

I have just given a snapshot of about half a dozen examples from Theodore, Richardson, Condor, Kambah and Mawson, and I could go on. I could tell you about the night I went out with St Vinnie's and participated in a food distribution activity and met the poor Irishman who lives in Stuart Flats. He is coming out of a tailspin and trying to get his life back together. He is a good guy, and the St Vinnie's guys know him to be a good guy, and his neighbour is trying to burn him down. What chance has he got? What the hell is the department doing about this? Where is the circuit breaker?

Earlier Dr Foskey referred to Mrs Burke's reaction to this. Mrs Burke is simply reacting to what I am reacting to and what Mr Mulcahy is reacting to. She worries whether Mrs Burke has been doing this for political purposes. No, she is not. Mrs Burke, like all of us on this side of the house—and, apparently, Mr Mulcahy—are concerned for the amenity of life in our suburbs. That is what Mrs Burke is concerned about.

Mrs Burke, like all of us, is concerned about the duty of care that we have for our children. If an issue has to be looked at, that is an exercise of duty of care. There is also the duty of care to all residents in suburban ACT. Everybody deserves the right to live in peace and quiet with their neighbours. All neighbours have responsibilities and there should be consequences if people break society's rules. Clearly, that is the case. ACT Housing does not seem to be able to grapple with it. There is no will. There is no expediency here to sort these matters out at all, and it goes on and on and on and on and it damn well has to stop.

This inability of the government to act is killing the life in some of our neighbourhoods. I am afraid it is part of the dilemma that exists in Labor administrations across this country. Some time in the last two decades in their headlong race to be politically correct they have allowed unfit people to man these housing departments and they then sympathise with people who deserve to be given the turf, the heave-ho. These things just go on and on. I think the headlines that we see in our newspapers these days are a manifestation of that particular problem. Labor drops the ball, and it is dropping the ball here in this particular matter.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (10.14): Words fail me! We have just heard what could only be described as the most

extraordinary contribution by Mr Pratt. At the end of the territory and municipal services debate we are witnessing the most conservative branch of the Liberal Party in this country. Having just had to sit through that speech, if you ever needed confirmation that these guys are out on the lunar right, that speech proves it. Mr Mulcahy is made to look like a bleeding heart leftie after that speech. Unbelievable!

One wonders where all the people who Mr Pratt proposes to turf out will actually end up. I am not sure exactly what the housing policy will be once you have been turfed out of public housing. Once you have been turfed out of public housing, Pratt-style, where exactly would you end up? What sort of solution is that? We have just had, what, 15 minutes of ranting and not one positive solution from Mr Pratt about how we might improve our public housing system—

Mr Pratt: Ask people to accept their responsibilities, Mr Barr.

MR BARR: and make it better for tenants and better for society overall.

MR SPEAKER: Order, Mr Pratt! You have used up your 10 minutes.

MR BARR: All we got was a tirade about how everyone should be turfed out. I am not sure where they are going to be turfed out to. At 10.15 on this Friday night I think it is more important to focus on the significant benefits that have accrued within Housing ACT following the implementation of the new public rental housing assistance program which commenced on 1 October 2006. The changes revolved around a holistic approach to meeting the complex needs of clients within the Housing ACT portfolio.

This year's budget continues the ACT government's commitment to the provision and expansion of high-quality public housing by confirming the third tranche in a three-year \$30 million allocation to increase the public housing stock announced in 2006-07. In the first year of this allocation, Housing ACT purchased 25 properties for families. A further 27 properties were purchased in the 2007-08 financial year. I understand that the government was able to access an additional \$4.3 million from the home loan portfolio. That was spent in acquiring 14 two-bedroom properties in the 2007-08 financial year. This means that the total housing capital program for 2007-08 is expected to be finalised at \$53.5 million, which will have provided funds to construct 26 new properties, purchase 98 new homes and conduct \$6.6 million worth of upgrades and improvements within the public housing stock.

I am advised that this year's capital program is expected to increase from that \$53.5 million to \$82.9 million, which will provide an estimated 64 constructed properties, 145 purchased homes and approximately \$9 million in upgrades and improvements. This budget also allocates \$2.333 million in capital funding to Housing ACT to undertake the ACT government's climate change strategy—weathering the change—to implement a range of energy saving measures across Housing ACT properties.

Finally, the second appropriation last year provided half a million dollars over two years to improve water efficiency in public housing properties. This program

continues in this year's budget with the provision of a quarter of a million dollars. The money will provide a continuation of installation of dual-flush toilets, water-saving shower heads and a range of other water-saving measures within public housing properties. I commend this section of the budget to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—part 1.5—Department of Justice and Community Safety—\$183,479,000 (net cost of outputs), \$53,479,000 (capital injection), \$127,664,000 (payments on behalf of the territory), totalling \$364,622,000

MR STEFANIAK (Ginninderra) (10.19): I have been waiting with bated breath for two days for this. Firstly, I must say I have been a little bit concerned to see the length of time it has taken for some of the questions taken on notice to actually get answered. Normally, I think that it is meant to be about two or three days. In some instances, there are still a couple of questions which have not been answered. It has taken anything up to about a month. I would like to put on record my concern in relation to that. That is not something that I have actually seen terribly much of in the past; normally, they have been answered a lot quicker.

There are a few specific areas. I am pleased to see that the budget provides for some additional liquor inspectors in the Office of Regulatory Services. That increase in resources will enable some increased inspections, I understand about 160 a year, of licensed premises. That may go some way to averting some of the problems with street offences that are prevalent in certain areas of the city, although I do think that in itself will be only a drop in the bucket and will not improve the situation much.

There is also this issue: is this the best way of doing it? The industry and, indeed, most of the people I speak to in the AFPA seem to believe that liquor licensing is something best left to the police. And the police do have a big role in it. Indeed, in the trouble spots at night, it is the police who actually do most of the inspections. It is somewhat unreasonable, I think, for the public service employees, who simply are not trained the way the police are to handle trouble, to do it.

In fact, there have been instances in the past, over the years, where they basically had their heads punched in by unruly patrons if they actually went out and did it. Hence, I think there is a real need to actually listen to industry to improve the ways we actually do our liquor inspections. And I think there is a strong case for that to be given back to the police.

In terms of the problems we actually see in relation to the consumption of liquor, I think an increased police presence, education programs for both the public and the trade, as well as sensible laws relating to street offences, are needed to have an effective impact on these problems. Whilst I welcome a couple of additional liquor inspectors, I think there is a lot more the government needs to do. They have only recently announced a liquor review.

What concerns me about the government's approach to this particular problem, the problem of violence in Civic, Manuka, Kingston and other areas, is the amazingly

relaxed attitude it has of not really getting to the root of the problem, and that is: people actually need to be made responsible for their own actions. It is all very well to put a lot of the onus on industry. That is fair enough; you do need strict controls here. But very little is being done to actually stop people or deter people behaving in an antisocial way.

The government passed some laws early this year which went about 30 per cent of the way in terms of what they could do to help counter unruly, antisocial behaviour by liquored-up people in major entertainment areas around Canberra—things like on-the-spot fines for urinating in a public place. A couple of other on-the-spot fines helped. But the government missed the main offences—fighting in a public place, offensive behaviour.

I think it is a nonsense to actually say that those are things that are better left for the court; they are not. It has been tried elsewhere. In some parts of Sydney where on-the-spot fines were introduced, we saw a decline of some 50 per cent in street offences caused by people who had far too much to drink and/or, these days, had combined that with illicit drugs as well, which gives you a horrible cocktail which causes all sorts of problems. Indeed, these people do it to themselves and, more concerning, to law-abiding citizens who should be able to walk around these trouble spots without fear of being assaulted or abused by people who have had far too much to drink or are affected by drugs or other illicit substances as well.

There are things I think the government does need to do which other places are doing. For example, even in Queanbeyan, they are looking at what occurs quite successfully in Queensland and other states. After a certain time, 1.00 am, people cannot go into a licensed establishment. The people who are there can stay until closing time but you simply cannot go in if you have not been in there already. That seems to be working well. And I think there are a lot of initiatives like that which this government seems, for some unknown reason, totally reluctant to actually try. I think we need to look at all these solutions to have an effective impact on these kinds of problems.

It concerns me that taxi drivers simply do not want to go into Civic because they fear that the least that will happen is perhaps someone might try to evade a fare or throw up in their cab. But more worrying is the fact that they themselves might well be assaulted. And there are issues which are probably more of a transport bent but which I am not going to get into. They just show the problems. We need a much more effective, holistic approach to these problems.

But certainly in terms of what JACS can do, I think what is needed is further improvements to the laws and a further emphasis on making people responsible for their own actions. At the end of the day, if police can issue on-the-spot-fines for people who are fighting in a public place or engaged in offensive behaviour, that will help concentrate their minds and be a significant deterrent in future for some of those people, as well as ensuring that police are not needlessly taken off the beat to deal with aggressive and abusive drunks.

Staying on the subject of the Office of Regulatory Services for just a moment, I would applaud the funding for an education officer in the OH&S area. Working proactively

as an employer is critical to achieving high levels of workplace safety in the ACT. Taking a throw-the-book-at-you adversarial approach to occupational health and safety is not necessarily a way to bring everyone along in a cooperative manner.

This indeed is a positive initiative, although, as I said earlier in the industrial relations segment of the debate, the fact that we have about two or three additional OH&S inspectors is really a drop in the bucket. It is not, in itself, going to do a huge amount, because they are stretched. And we still see accidents happen in workplaces in the ACT which are caused simply because the office cannot take a proactive approach; it has a fundamental, reactive approach.

While I am being complimentary to people, I especially mention the Office of Parliamentary Counsel. The people in that office provide nothing less than an extraordinary service to members of this place and, through it, the people of Canberra. And their flexible, impartial and often innovative approach to legislative drafting is highly professional, efficient and greatly valued, I am sure, by every member of this Assembly. I would congratulate them on their dedicated service.

There are a couple of brickbats here as well. This issue was first raised, I think, when I was Attorney-General briefly. It was quite valid. I agreed with the then shadow, Mr Stanhope, that the information system in the courts was not marvellous. We were taking steps to address that. Fast forward several years down the track and Mr Stanhope is attorney, and he said it still certainly was not up to the standards he actually wanted either. It is still the case now.

I would defy you to go and get me information on every person who was remanded in custody in the Magistrates Court and then appealed to the Supreme Court. I would like to see the figures on how many had their appeals upheld and were let out and how many did not have their appeals upheld. Anecdotally, talking with magistrates and others, virtually everyone probably did. But having sat in the court a couple of times and seen the applications, there is no way you can actually find that by way of stats.

Similarly, on the number of appeals from the Magistrates Court and what happens to them in the Supreme Court, the overall manner of things, again there are no stats on that. Maybe the Supreme Court stats are embarrassing because, anecdotally again from magistrates and others, I hear that most of those appeals are upheld, for whatever reason.

If you go to the New South Wales system, you can get all that information. And you can get it right down to the various types of offences in the Magistrates Court, the age of the person, whether there are prior convictions, the magnitude of any particular offence and the degrees of that offence. It is incredible the information they have at their fingertips—the DPP, the police, Legal Aid, the judges, the magistrates, other quasi judicial officers—through the New South Wales Judicial Commission. That is an idea in itself which I would commend to the attorney. I recently did a quick study of that and I will give you a paper shortly in relation to that, Mr Speaker.

What impressed me were their data and their ability to have all that data at their finger tips. It helps the courts in their various functions, be they Supreme, District or

Magistrates there—in our case, the Supreme Court and the Magistrates Court—in having at their fingertips all they need, ranging from what directions to give in various cases through to what sentences to actually apply in all sorts of situations. They also have updates on what laws are before parliament and everything there. God, if New South Wales can do it, surely we can.

Here it is 2008 and we really have not advanced our IT systems, especially in terms of providing much information all. And that is a real problem. (*Second speaking period taken.*) I think that is something that we really need to do here. I think it is terribly important.

One of my favourite topics—sadly, it is one of my favourite topics; I wish it was not—is the incredibly lenient sentences dished out by, especially, the Supreme Court here in the territory. The poor old Magistrates Court of course just has to tag along because they are the subordinate court. Information on that is a problem. Maybe, even with the attitude our courts seem to take in relation to that, that would be helped if we had better information systems. That, in itself, of course, is amazing.

The government has not really had any inquiry into that, but that does not surprise me either. My colleague Mr Pratt and several others have referred to the attitude of this government on these issues and on dealing with people who thumb their nose at authority and their fellow citizens and treat people with contempt and make the life of victims, be they neighbours or just victims they find on the street, with absolute contempt. And very little seems to be done to discourage that type of antisocial or, indeed, when they come to the courts, criminal, behaviour. Maybe that is indicative of something this government really is not terribly interested in actually doing.

At least in the criminal law, unlike perhaps some of the issues raised by my colleague Mr Pratt in relation to housing, Labor governments have introduced some sensible measures in terms of toughening up the courts in relation to sentencing and making sure the courts, as far as you can do, reflect proper community values on such important things as that. I think I have got a bill before the Assembly for about the fourth time, which you are most welcome to pick up, which adopts the New South Wales system which does seem to work quite well. I would certainly commend that to the attorney. I, again, ask him to go and have a look at the Judicial Commission there. That is particularly edifying and it would work very well for the ACT.

I come now to one item in the budget—and this has been around for a long time as well—and that is the replacement of the Supreme Court building. The Supreme Court building, might I say, has served the ACT very well over the years. It is a heritage status building and certainly there has been funding for works to protect its heritage, which I support.

In terms of the new facility, we needed to look at a number of things. Firstly, is it needed? Can we afford it? I will finish actually with a way in which I think we probably can afford it, but is it really needed? No-one in the public, apart from maybe a few lawyers—and they have got a vested interest—and one or two judicial officers, has ever said to me that they think it is a very important issue and we actually need a new building. No-one in the public is actually crying out for it as such. I think, in terms of competing priorities, that has to be looked at.

Most people I speak to are far more concerned with what decisions come out of the Supreme Court and usually have a great whinge about that—often, in my view, very justifiably—rather than what type of building they are in. And that, to me, is a far more important consideration than the building.

However, there are ways in which you probably could do a new building. It has been suggested in the past—and it was certainly something that you and I had in mind, attorney—by the former registrar of the court, who had quite a good concept, that basically you could build a new building which, in 2001 figures, I think would cost about \$40 million. You would move in the DPP; you would move in JACS; you would have barristers chambers there. The rent you would get from that, this was in 2001 figures, was about \$2 million a year.

After about probably 25 years, you have paid for the cost of the building. You are not paying dead rent; you actually own the building; and you are saving that in rent. With inflation and everything, the \$2 million then is probably about \$3 million now in terms of rent costs, with the way things have gone up in that part of the market. If JACS, the DPP and other areas in the justice department are saving \$3 million a year in rent, that may well justify a new building being built.

Apart from that, unless you can justify it in that way so that effectively the territory ultimately is now in pocket and we might even ultimately save a bit of money, is there a real need for it? It is not something the general public actually wants. I suppose, to the government's credit, to an extent all they have done is a feasibility study or put \$200,000 towards it. Normally, when you do want a project to go ahead, as I mentioned in this debate yesterday in relation to the second phase of the Belconnen arts centre, you would hope there would be extra money. That is a good, sensible project which I think everyone wants and there is a real need.

But in this case perhaps the feasibility study does not commit the government to anything. Again, it is hardly an issue which people are terribly keen to actually see occur, except for vested interests. However, if there are opportunities to save money, if there are opportunities to have a building which would house not just a court but all sorts of other government agencies—and that occurs in Sydney; there is the Supreme Court building and several other courts which are in other buildings; I am not sure who owns them, but it is a good utilisation of space—then maybe it is not a bad idea to go down that track, if indeed we can have a new building and save money.

If the government can do something like that, I do not think I would have too much of a problem. But at the end of the day, if the government is thinking of forking out \$50 million or \$60 million for a new building, without getting that money back, just to house our Supreme Court, that is hardly a good use of funds which I think would be desperately needed in other areas where the public would think they would be better utilised, such as health, education and areas such as that which cause people in our community real concern.

I will close on that. I will let my colleague Mr Smyth talk about policing. Mr Pratt, of course, will do emergency services where there are some significant ongoing problems. Mr Seselja will probably want to say a few words about corrections.

I mentioned some problems in terms of court decisions earlier. Might I close, though, by saying I would certainly hope, now that this prison is going to come on stream in a couple of months time—a prison where rehabilitation, quite rightly, is put at the forefront of treating prisoners who go in there addicted by drugs and then come out at the other end as clean as they possibly can be from drugs—the courts, especially the Supreme Court, will see the prison as a place where it is desirable to put people for their own benefit and we do not see some of the pathetically weak sentences we have seen in recent times. What especially horrifies me is suspended sentences for people who point sawn-off shotguns at 20-year-old girls' heads and things like that.

Most of these criminals suffer from a drug addiction or something else. They are not going to actually kick their habit or do anything about it if they go to a voluntary place, even if they attend—and most of the time they do not—hopefully, to be cleaned up. At least in a prison they are a captive audience; they can be rehabilitated. And one thing the government has said—and the opposition certainly supports this—is that, in the new prison, people will have a range of health facilities to help them, educational facilities to train them up so that hopefully they might have a chance of employment when they get out, and they will come out better people than when they went in.

Twenty years ago, when the ACT was still a leading jurisdiction, you knew that if you went to the Supreme Court you would get jailed if you deserved to go to jail most of the time. I know the judicial officers then had a great concern about not controlling what happened in New South Wales. The same applied to magistrates. That excuse goes out the window. I think it was more than an excuse; it was a real concern 20 years ago. Often it can be used as an excuse. That excuse goes out the window when this new prison starts.

I would expect to see, and I certainly hope to see—and I think justice demands it—this new prison actually being used. Ultimately that will be to the benefit especially of victims in society but also to the benefit of the criminals themselves. Effectively the only sure-fire way you can get some of these people off drugs and actually help them help themselves is by giving them the health treatment they need and the education training they need which they simply will not get on the outside and will have no real show of getting because of the state of their addiction or the state of their mind or whatever. I await with bated breath the opening of the prison just to see what effect that will have on our judicial system.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.39): I move:

That standing order 76 be suspended for the remainder of this sitting.

Standing order 76 prohibits the introduction of new business after 11 o'clock. Following the conclusion of this budget debate we need to suspend the standing order so that we can also vote on noting the select committee and estimates report on the appropriation bill and the government response.

Question resolved in the affirmative.

DR FOSKEY (Molonglo) (10.39): We certainly had a salacious run there for a while. I guess that justice and corrections is another place where we can continue that theme. It makes me realise that we all live in different worlds in this place. This is an exciting and interesting year for the ACT, because this is the year that the Alexander Maconochie Centre opens. It has been a very interesting process and one that I have followed since before I was elected to this place. There have been public discussions and many, many consultations, and, having been a member of the legal affairs committee for just a few months, I went and had a look at the new centre. I believe Mr Stefaniak came along as well, although I am not sure. Certainly, Mr Seselja had been to the remand centre and the Symonston centre as well. We saw the stark contrast between the facilities provided for people in remand and those available at the Alexander Maconochie Centre. It is very, very clear that if a place is ever going to make a difference, the Alexander Maconochie Centre does have everything going for it in terms of physical surroundings.

I was just reflecting that there has been a lot of emphasis on infrastructure in this budget. The Treasurer constantly talks up infrastructure, yet we are in a time where we have a really bad skills shortage, so my big concern is that we have these fantastic facilities and we do not have the right people staffing them. We are aware that child protection services has a lot of trouble keeping staff, not just here but all around Australia, because of the difficulty of that work. I would think working in prisons is probably also difficult and stressful work.

It is probably going to be quite difficult to recruit people who have a different culture, because prisons elsewhere run on quite a different culture from that which is intended for the Alexander Maconochie Centre. I ran into an ex-prison officer who had a chat to me a couple of months ago, and he said that that would be the greatest challenge. Unless you get the people right, it does not really matter how good the place is. That is a real concern.

The other thing I wanted to say is that there has been a run of community meetings about the Alexander Maconochie Centre, about prisoners and about corrections in general. What is very clear is that this is a community with a lot of interest in the prison. Maybe Mr Pratt would call these people bleeding hearts, I do not know. They are people who do care about the human rights of prisoners; they are people who want prisoners to come out of that place and be able to perhaps find a different future and not reoffend. We know that recidivism is one of the biggest problems.

When I first started teaching as a 20-year-old, I was put in probably the roughest school in Melbourne—Brunswick boys tech. It was actually built like a prison, and many of my students were in and out of the boys prisons, as they were called in those days, which is how they used to treat things. Because I knew those kids as people, from that time on I developed a real compassion and an understanding. I am a bleeding heart, because I could see that those boys were being treated as factory fodder in that school. Putting me, an untrained teacher, into that school as the English-as-a-second-language teacher really says it all. There was no concern and

effort being put into those kids. There is a history and a story behind people's so-called antisocial behaviour. It is not as simple as locking them up, telling them not to do certain things and so on. That is, unfortunately, the complexity of the society that we are in.

Let us hope that the Alexander Maconochie prison is the success that most of the people in the community—I actually think that includes the Liberals—want it to be. After years and years of saying there should not be a prison, the rhetoric of the Liberals changed to “this prison's too expensive” and then it changed to “hey, you're not building the quiet room”. Now I hope there is just the same sort of concern and caring on that side of the room for some of the most vulnerable people in our society—we may not like to admit it, but that is what they are—and their families than there is in the community, and, my goodness, I hope we work together as a community on this one.

I want to talk about CCTV cameras—closed-circuit TV cameras—as a way of fighting crime. I recently read of a jurisdiction which has totally removed CCTV cameras because they found that they did not work. CCTV cameras are only useful if they are working and if there is someone to watch them, ideally at the time that they are being used. They could be handy as evidence several days later, but are we not really more about avoiding crime rather than recording crime? I am an absolute advocate of community policing. I am very glad there are more police on the block.

On the whole, I hear good things about the police. Sometimes I do not. I keep hearing stories about young people, young men often, who really can have a hard time with the police. I am not going to go in to why that is. At one stage I had representatives of Indigenous communities saying that young Indigenous men in particular were having a hard time not just with the police but also with security guards and people like that. I am fairly sure the security industry would come under the oversight of JACS, and this is an industry that is growing exponentially and possibly is not being looked at quite enough. Given that it is growing exponentially and given the shortage of labour, it just could be that some of the people that are becoming security guards are not the most gentle people or the most thoughtful people. Let us face it: it is a very boring job.

Mr Gentleman: I found it quite exciting.

DR FOSKEY: That's right, Mr Gentleman was a security man. Recently I walked past a security guard, a woman actually, which was fairly unusual, near the Street Theatre. She was standing behind the new student accommodation there. She basically had to stand there for six hours, and there was not a lot happening. Anyway, she had her iPod.

The Essential Services Consumer Council is receiving more funding. It has a really important role. I know it has more work to do as utilities bills increase, which they will continue to do. We know the price of water is going to go up and electricity has just gone up. I am afraid the ICRC would be unfairly getting the blame if we did blame it for that. We do not know what the impact of emissions trading will be; it is a wild card. The Essential Services Consumer Council is becoming more essential. *(Second speaking period taken.)*

In regard to the Emergency Services Agency, the legal affairs committee is having an inquiry into that, so I will not step onto that ground, but I am concerned about the Fairbairn building. A lot of rent is being paid on that, and I am interested in what can be done about that and what the plans are for it. I know there is general satisfaction with the building. There were a lot of concerns with the Curtin building, but it worries me very much that the Fairbairn building is located where it is, that it is fattening the pockets of a private business consortium that has already got very fat pockets and that we are not even really using it.

I am very pleased that the community fire units network has expanded. I think that is really good. I have been told that there is training around the use of them, but people will know I have advocated a number of times a community development approach to the way we prepare our neighbourhoods for fire so that nobody will ever be left in danger in their houses, as happened on Mount Stromlo, because someone will know where everyone is, or should be, and there will be a duty of care for that whole neighbourhood.

The community development approach could extend to preparedness for climate change, working bees to help an ageing population, helping people who live on their own and so on. This is just a way of building our community and our social capital that could inform so many of the ways that we do things, not just in relation to emergency services but also community safety. I am not really talking about the old neighbourhood watch model, but that did have elements that we are missing in our society today. Mr Pratt talked about good neighbours, and I think that being a good neighbour is a harder and harder thing to do because we do not see our neighbours much. I do think that there are urban forms that create better neighbourhoods, and I would like us to be cognisant of that.

I also want to refer to the Olympic torch relay. We have had discussions about this in this place before. I was not in Australia at the time the relay took place. I was certainly around during discussions where it became evident that the torch relay might become a security issue, and we still do not know if the commonwealth came up with its half of the money. I have had evidence sent to me, I have seen photos, and I do know that there were real concerns about security. There was a heavy police presence, and the torch got through, but anyone who seriously wanted to tackle the torchbearers or disrupt the procession probably could have done so. That did not happen, and that is because the people who were protesting, human rights protestors, are actually peaceful people. They went to great lengths to make their point without violence. There was real intimidation, although Mr Stanhope has denied that. I think that must have been because he was either at the start or the finish point at any time, and at those locations the pro-Tibetan demonstrators had a critical mass large enough to stand up to the part of the crowd which was very anti the pro-Tibetan demonstrators. It was a really scary experience for some, and I know that because of the emails I have been sent about it.

There are some other issues I just want to flag briefly. I want to commend Francis and Ross Dunn on the work they are doing on police chases. I know that is a way for them of dealing with their most terrible loss, and I think their tolerance and forbearance and

the energy they are putting into making Canberra a safer place for other people are ways of dealing with that grief. I totally understand that, and we have talked about that. It is very clear that they are having discussions not just with me but with the opposition and also with the minister. I believe they have talked to ACT Policing as well, and they do feel that there is progress being made, that there is an understanding and that there is a protocol being followed. However, their watchfulness and their concern have helped to make that possible.

Finally, I will refer to the courts. It seems that sentencing will always be controversial. It must be quite difficult to be a judge or a magistrate in this town, because everyone feels they have the right to comment on the judgements that are made. The public accounts committee will soon be reporting on our very lengthy inquiry into courts administration, and we do make a number of recommendations. There will probably continue to be issues about our courts. Perhaps it is just a matter of resources. I think that goes part of the way to it, but it is also a question of where the decisions are made and whether they are the right decisions.

On the whole, JACS is a huge department that covers a lot of important work. I feel that this is a great year, and I certainly look forward to the Alexander Maconochie Centre opening.

MR PRATT (Brindabella) (10.56): Dr Foskey, I know a bit about bleeding hearts. I have been a bleeding heart with people here and in overseas war zones and refugee camps—I do not need to say much more than that—and I would be again in those circumstances overseas. I think Dr Foskey is a bleeding heart, no question about it, but I would like to see you, Dr Foskey, being a bleeding heart for all Canberrans, including those who are the victims of crime and bad behaviour. I want to see more compassion from you for those who become victims, Dr Foskey.

On the question of JACS, I want to focus entirely on the ESA. The budget for the ESA for this year is spectacularly unremarkable in comparison to the grand ideas and vast sums of money that have been appropriated in previous years. What we see this year is an attempt to be frugal after years of overspending. But the question remains: what really do we have to show for it? I point out that we have some massive concerns about what the capability really is.

According to experts, as heard during the legal affairs committee inquiry into bushfire management, we as a territory are actually worse off than we were in terms of operational capability before 2003. I point to the evidence given by Mr Michael Ross, the ex-chief officer of the RFS.

Mr Corbell: On a point of order, Mr Assistant Speaker, I know that the budget debate is a wide-ranging debate, but evidence given at inquiries that have not yet reported is something that I think members should be somewhat circumspect about commenting on. It is not usual in debates in this place for members to allude to evidence given before Assembly inquiries that are yet to have been reported to this place. I just seek your guidance on that matter, Mr Assistant Speaker.

MR ASSISTANT SPEAKER (Mr Gentleman): Mr Pratt, please try to constrain yourself to the debate about the estimates.

MR PRATT: Indeed, and the quotes that I am about to make are those which have been publicly reported as coming from the legal affairs inquiry. Mr Michael Ross, ex-chief officer of the RFS, said during a committee hearing, regarding the question of the territory's readiness to face another major bushfire threat, that in terms of the SBMP, fuel reduction planning et cetera, and in terms of training, philosophy and equipment:

To this extent and in respect of these issues, Canberra is far better prepared than it was before 2003.

But in respect of the major benchmarks for readiness—that is, structure, organisation, command and control, the AIIMS best practice and strategic control—these were “issues that would be found wanting under extreme emergency situations”. In general terms, I would support this observation, but I would add a number of other fundamentals of major concern: morale, capability, chemical-biological-radiological preparation, strategic planning, and emergency contingencies. I do not see activities in the budget that address those matters.

Let us be clear on one thing: it has been this government's failure to set down good governance models, this government's failure to scrutinise, and successive ministers' failure to question and be proactive when seeking advice from senior officials, that have resulted in the disastrous financial and governance management that we have seen in recent times. Not even the rationalisation exercise, undertaken purportedly to address those fundamental financial management concerns, has resolved those issues. In fact, in my view, it has simply sent the services backwards.

I am confident that the government are now well aware that there are serious problems associated with the relocation of the emergency services to the site at Fairbairn. They are well aware that this process may warrant the attention of the Auditor-General, but this awakening has taken too long and has cost the taxpayer far too much money. How many damn annual reports and estimates hearings have we been to, at which we asked questions about the relocation exercise to Fairbairn? It has been going on and on.

Let us look at some of the Fairbairn facts. Firstly, we see \$18 million appropriated in the 2005-06 budget for the relocation to Fairbairn. Of that \$18 million that was appropriated then, a mere \$790,000 will have been spent by the end of the 2008-09 financial year—five years after it was deemed that the relocation was an urgent priority. I refer you, Mr Assistant Speaker, to recommendation 19 of the McLeod inquiry in late 2003: “Urgent upgrade or relocation of ESB”—as it was then called—“headquarters is needed.” So here we are, four years later, and this government has not got off its bum and resolved this outstanding issue. All we have seen is the dragging of the chain, the allocation of a lot of money but the spending of none of it, because of some major management concerns.

The current rent on all the buildings is \$173,636 per month, but we only have 20 people at Fairbairn working from those buildings at present. The rent has effectively been paid on some buildings since September 2006. It is outrageous that we have been

paying that amount of money on a monthly basis with only 20 people occupying a complex which is designed to house hundreds of personnel.

The RFS are currently operationally fractured from the ESA headquarters in Curtin. The RFS headquarters are located at Fairbairn, but they are fractured from the ESA headquarters in Curtin, in turn affecting the operational effectiveness of the ESA as a whole. Mr Assistant Speaker, I will point out to you another major observation and recommendation in the McLeod report. The McLeod observation about incident command and control systems—and I refer to page 119 of the report—indicated the urgent need for cohesive command and control to be a requirement, which had absolutely failed in the 2003 fires.

As a consequence of the splitting of the RFS headquarters away from the ESA headquarters, the incident command and control system has been severely affected. As an example of how this failed, on 3 October 2007, in the current financial year, when a total fire ban was introduced, it was necessary to take the command and control, the operations communications element, out of the RFS headquarters and relocate them for the day back to Curtin. That is just ludicrous. It is ludicrous that we have the ESA headquarters split, with a minor element sitting over in Fairbairn and, when the balloon goes up on a fairly minor matter, it is necessary to relocate people out of Fairbairn back to Curtin.

There are many questions to be asked about what has happened at Fairbairn. There are urgent questions about the operational effectiveness of the ESA headquarters and what the government is going to do about that. On top of that, there are questions about financial management and whether the territory has got the best value for its dollar in the way they have undertaken this particular project. Did they make a mistake in selecting Fairbairn? Instead, should they have simply upgraded Curtin? Or was there a third option available to them at the time? What we see at the moment is a very unworkable situation.

There are still questions about the very large tanker required by the RFS. It was identified as an urgent requirement some time ago. (*Second speaking period taken.*) We still see a delay in the introduction of this project. This brings into question the state of the RFS vehicle fleet and how fit that fleet is. There are concerns amongst the ranks that the ESA may well be acquiring the wrong tanker model—a South Australian model. I am told by the captains that the captains group no longer has the same professional influence that they used to have in acquisition decisions, in terms of introduction of new types of equipment or systems to the service. They are not particularly happy about this. I want to know why the government has gone totally to the South Australian model tanker and did not look at the Victorian model, which I understand the captains would much prefer.

We are also seeing the running down of the RFS headquarters. What we see in place now is a toe-cutter exercise. Going back to the point I made earlier, it seems the government are hell-bent on saving money. If it means they will save money by cutting capability then they are going to cut capability.

We in the opposition have tried very hard to acquire the Stuart Ellis report which was undertaken some time ago, which we believe is a report that looked at trying to cut

expenditure. We want to know what that report says. When the legal affairs committee, in its inquiry, tried to obtain a copy of that report, the door was slammed in its face. What is the government hiding? What did that report have to say? Why did the CEO of JACS put a dampener on the publication of that report? We have asked these questions many times. Again, these questions were asked during estimates and there were no answers. The government is hiding something.

In the overreaction to the previous \$5 million blow-outs—and there were certainly two of those in the period 2004 to 2007—it seems that the government has gone to cutting activity to save funds. A good example of this, in addition to the issues I have just covered, is the RFS volunteer strength. The RFS volunteer strength was revealed in estimates to be about 400 to 420 people—at, or even possibly below, the 2003 disaster strength. In estimates, when we asked Mr Corbell—

Mr Corbell: 440, actually.

MR PRATT: Okay, I will accept that at face value.

Mr Corbell: That was the evidence that I gave the committee, Mr Pratt.

MR PRATT: Was it really?

Mr Corbell: Yes.

MR PRATT: I will still accept it at face value. We will test that strength; we will see what the captains have to say about it. In any case, it is a very small difference, if any, over what the 2003 strength of the RFS was. And why is that? Mr Corbell also said in estimates that he was “comfortable” with that figure. We do know that the AIIMS standard for bushfire capability would indicate that the standard required in the ACT to meet a macro bushfire event requires a volunteer strength of about 700.

When we questioned Mr Corbell as to why he is not trying to build up to that 700, he said he was comfortable with the current 440 and, “By the way, we don’t have a macro event on our doorstep at this time.” What was the damn lesson we learnt coming out of 2003? The McLeod inquiry is replete on this matter, and so was Doogan; that is, in the years leading up to 2003—and the previous government had to take some of this on the shoulder as well—there was a slackness in preparing capability. There was little in the way of contingency preparation for the macro event, even with the signs in 2001 and 2002, with a very low drought index reading. Whichever way you want to analyse it, whether it be too low or too high, the fact was that it was a dreadful and deadly drought index. When coupled with a dreadful and devastating bushfire index, there was no movement by this government.

We see the same damn mistake being repeated again by this government. You have got to build capability; your capability needs to be ready to take a macro event on. It takes time to build to that. It will take time to build our volunteer force in the RFS from 440, if that is the figure that the minister is quite confident about, to a figure of 700. I do not see in this budget any attempt or intention to move quickly to build that strength to somewhere near 700. It is just not going to happen under this government, given its current attitude.

With respect to digital data communications and the vehicle locating system, we have been through, many times in this place, the debacle about what was then called the FireLink project. There was \$5 million wasted on that project and we have nothing to show for it now; nor do we have any sign in the budget of an attempt to develop a digital data communications and vehicle locating system. While McLeod did not particularly name this concept, he did recommend that the studies underway, which included analysing and implementing such a system, should proceed. He was quite keen that they should proceed. It would seem to be best practice that such a system needs to be in place, but we do not see any efforts or any intention by this government to move in that direction.

Let us look at the ESA as an organisation. I quote again from the McLeod inquiry report. It talked about “a more unified and independent emergency services organisation”. But Mr Corbell, in July 2006, as part of the rationalisation, cut that independence and the ESA reverted to being under the umbrella of JACS, in much the same way that the ESB had been previously. Mr Corbell will stand up and say until he is blue in the face that it has not lost its operational independence. He says that all the time, but that is just bunkum. What happens when you place an entity like this back under a department? We see it here and in estimates; we see it in the body language and in the answers from senior JACS officials on behalf of the commissioner. JACS really envelops and controls the ESA. And do not tell me that the commissioner is independent; he is not.

The other very important litmus test is this: there is still very deep bitterness in the ranks of the Rural Fire Service about this matter, and that bitterness has not been addressed. This minister will not address this issue. He allows his commissioner and the senior officials in JACS to continue to stamp their authority—and in some cases we are being told it is in a very bullying way—over the RFS. This minister is out to lunch. He stands back and lets that go on.

Witness the public pronouncements coming out of the legal affairs committee inquiry. The overwhelming evidence by experienced RFS volunteers, including a brace of captains who turned up to that inquiry, was that there is a great depth of discontent about this particular matter. They are really concerned and really peed off—excuse my French; I will withdraw that, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: Thank you, Mr Pratt.

MR PRATT: They are deeply concerned and really upset by the fact that this minister will not step in, grab that commissioner and the senior officials in JACS by the short and curlies and do something about the independence of the ESA, and do something about morale in the RFS, which is in a disgraceful state. There is no question about it. If things go the way they have been going, if this minister remains out to lunch, we are going to have a repeat of what happened on 12 March 2007, when the RFS turned up outside in this square, parked their fire trucks and dumped their keys. With the grace of God, and with a winter break at this time, we will not have a repeat of this problem, but it is brewing and it will happen, unless you, Mr Corbell, get off your backside and address the matter. There is plenty of money in this budget

for this minister to run the emergency services properly, but I doubt whether he has got the will. (*Time expired.*)

MR SMYTH (Brindabella) (11.17): This line also includes the ACT Policing arm of the AFP. I guess the real question is: how is the ACT being policed? Are the police officers on the street being given the appropriate tools to do their job? Are they being given the back-up that they feel they deserve through the judiciary? Are they being allowed to do their job in the way they would like to do it and are they being listened to by the government?

The clear indication that this government is unwilling to back the judgement of the AFP is, of course, in the government's rejection of Mr Stefaniak's bill recently, which wanted to introduce a much broader range of on-the-spot fines to nip much more crime in the bud, so that situations did not get out of hand and necessitate arrest and then, of course, the involvement of the whole judicial system.

It is interesting to note that the minister today tabled the ACT criminal justice statistical profile for the March 2008 quarter and then put out the obligatory press release. I have to say that it is the most bizarrely presented press release I have ever seen. The first third is in something that looks like six or eight-point font. There is a beautiful paragraph in the middle that is in 12 or 14-point font, and then it goes down to this very small print. The heading is "Motor vehicle theft and burglary rates down"—and it is true that they have declined somewhat over the last 12 months. There is a middle paragraph that absolutely lauds the government's property crime reduction strategy and the expanded engine immobiliser scheme launched earlier this year. And good luck to the government for doing that. It is a worthwhile initiative. But when you get to the small print, it is going to sound corny, but you then read in the small print about sexual offences. These are the paragraphs that need to be placed on the record and brought to the attention of members:

Unfortunately sexual offences and assaults have increased in the reporting period, by 13 per cent and 6.5 per cent respectively, but the Government is determined to continue to look for ways to reverse this trend.

The next paragraph reads:

I urge the public to take the opportunity to provide a submission to our paper on review of the Liquor Act, and to consider a range of reforms for sexual assault law that I intend to introduce to the Assembly later this year.

That is the government's answer to a 13 per cent increase in sexual assaults and a 6.5 per cent increase in general assaults: "Put in a submission to our review of the Liquor Act and wait until later in the year. I will put some reforms in place to the sexual assault laws." It is absolutely pathetic that, in this day and age, there in the small print, the government's solution is, "Give us a submission and wait for some law." Absolutely appalling!

Mr Stefaniak wanted to nip in the bud the sort of activity that may escalate into far more dangerous and far more serious offences by giving the police the tools to nip these things in the bud. The minister could not go the whole way there. Mr Stefaniak

got there first, he was on his turf, so he brought in this bill that delivered about 30 per cent of what was required. The sad thing is that the minister actually thinks that, by writing a submission to the review of the Liquor Act, it will somehow decrease assaults or sexual assaults in the ACT. Absolutely appalling! He says, "If you want to wait, you can look at a range of reforms to the sexual assault law that I intend to introduce to the Assembly later this year." There is a 13 per cent increase in sexual assaults and we are going to have a submission to the liquor review. I do not think the public will be particularly impressed by or pleased with the minister when they become apprised of these issues.

It goes back to the way in which the now four successive police ministers in seven years have handled the whole issue of policing. It is always too little, too late. The police officers, the individual officers out on the street, do an excellent job. What they do not have is the resources to do the job properly. We continually have complaint after complaint from the community about how they are given the incident number so that they can claim their insurance but that the officers do not have the time or the wherewithal to get to the job.

The AFP initiated a review of the roster system. The AFP suggested they could put more officers on the street and have more vehicles on patrol if they could change the way they were delivering their services. The AFPA, the police union, worked very closely with the authorities in the AFP to ensure that members were listened to. And well done to the AFP for coming up with a practical solution to the problem of getting officers back out onto the street, but there still is a problem with numbers.

Of course, we all remember the promise at the start of the Stanhope term that they would get to a national average of officers. That has never been met. We get press release after press release from the minister about the graduating classes. Any officer who graduates is welcomed, but we are never told the other side: how many resignations? How many transfers? And what are the real numbers? We can pin them down to one day a year, normally, as to what the real numbers available for duty in the ACT are. I think that is a shame because it does fly in the face of the commitment to be, as we quote so often, "more honest, more open and more accountable".

The real shame is that there is a loss of faith from the ordinary person in the ACT about their personal safety. There are concerns out there about the neighbourhood, where they live and what is going on. There are concerns about police response times. Some of this might be unfounded but the perception is that this government have ignored policing, and they have ignored it for many of the years that they have been in office and they have not given the force the tools that they have asked for.

You have only to look back, Mr Assistant Speaker, to when we reformed the Bail Act in 2001. There were all sorts of doubts thrown around the place. Ms Tucker said that it would not make a difference; nothing was going to happen. While we were debating the reforms to the Bail Act, the police were conducting Operation Anchorage, which I directed them to do, with a target of dropping the burglary rate by 19 per cent, which was the number we had agreed on. Indeed, we achieved a 37 per cent result. It was a fantastic result because we gave the police the tools and then we backed them up with the legislation to make sure they had the force of law that they needed to stop the

damage being done to the community by the amount of burglaries that were going on. It was a tremendous result. Everybody won. But we do not see that support for the police these days and we do not see them being given the tools, as society changes and as the nature of the causes of the problems changes, to make sure they have the effective regime that they need in order to save us and protect us all, as we would desire.

There is still grave concern out in the community and amongst officers that the work that they often do is not rewarded with the right outcome in the court system. There is still much of a perception out there that, simply because we have what appears to be a weak judiciary in terms of the sentences they hand out, there are morale problems amongst the police as to whether or not what they do is getting the outcomes they believe they deserve. We are all subject to the judiciary, and they will make the decisions and award them as they do.

We had the incredibly embarrassing case the other day—with a front-page headline and Mr Corbell saying that it would never happen again—that the DPP, under-resourced and unable to do its job properly, were making mistakes. They truly wore the wrath of the judge of the day, who simply said, “It is unacceptable that cases cannot proceed because we simply cannot arrange for the relevant witness to be available.” How do the officers who worked hard to put together the case feel when they see this sort of mistake happening? This goes to management and the lack of management from the minister, the cabinet and the government.

There are some issues to be addressed here. Any government that simply offers as a solution to a 13 per cent increase in sexual assaults that people should write a submission to the review of the Liquor Act is a government that is bereft of ideas, a government that has run its race, a government that certainly does not deserve to be returned at the next election and a minister who certainly does not deserve to be in charge of the judicial and enforcement systems of this territory.

MR SESELJA (Molonglo—Leader of the Opposition) (11.26): There are a number of issues that I want to touch on and one in particular is the new prison. We have talked a lot about infrastructure in this budget and this is once again an example of a failure to manage. This prison project started out as a \$110 million project that was going to hold 374 prisoners. We finally get the numbers and it is actually a \$131 million project for 300 prisoners. So we have seen this massive blow-out in the costs—not just in the headline figure of \$110 million to \$131 million but in the actual cost for what we are getting. We have gone from 374 beds to 300 and a number of the other facilities have actually been scaled down to the extent that now we are looking at \$425,000 per bed, per housed prisoner.

We did a comparison of prisons around the country that have been built in the last several years and the only one that we could find that was more expensive on a per bed basis was, I believe, in Derby in remote Western Australia. We can only speculate as to some of the reasons why prisons in Derby would be so expensive. I imagine the remoteness would have something to do with it. I imagine perhaps the cost of building in the resources rich state of WA may have something else to do with it.

This is the second-most expensive per bed facility in the country so in terms of the government's ability to manage we see them producing less and less for more money. This is another example of where they have done it, another example of something that has blown out significantly. This government tell us they are going to deliver on a \$1.4 billion infrastructure program over the next few years and we have seen the blow-outs all over the place.

We have for a long time spoken about our concerns about the government's ability to manage the recurrent costs for this prison. The figures we are getting are a little bit patchy but from what I can tell the cost is certainly well above the \$20 million we were told it would cost; we were told it would not cost any more to have remandees and others here in the ACT than it does now for them to be in New South Wales. So we are looking at at least \$23 million or \$24 million, but of course those are only estimates—and we have seen those kinds of estimates before from this government. We have seen the estimates on what it would cost to build the prison, and those costs have blown out, and we have seen many other estimates.

So we have concerns about this government's ability to manage it. We do not know how much this will cost us now. We do not believe that it will be kept to the \$23 million or \$24 million per year; it may well be substantially more than that. So what we were told by the government—that it would be no more than what they were paying before—was wrong. We knew it was wrong at the time and it has now been confirmed in this budget as being totally incorrect.

We want to see this prison work and this minister is going to have to prove that he is able to manage it. We want to see recidivism come down as a result of it. That will be the test now that we have the prison, now that we will be spending at least \$24 million a year to run a prison here in the ACT. The test will be that we keep the community safe, that we rehabilitate those prisoners who go into the prison and that we see better outcomes for our prisoners than we are seeing at the moment. That will be the test and there will be some significant challenges.

Within this facility—this not very large facility if you look in terms of the whole prison system—we will have remandees and minimum security, medium security and maximum security prisoners. We will have prisoners with all sorts of differing needs. We will have Indigenous prisoners. We will have a small number of female prisoners, it would seem, at this point. It will be interesting to see what kind of specific programs are able to be run, and how much they will cost given the small numbers of particular prisoners. We will have prisoners with different religious backgrounds and we will have prisoners, no doubt, with varying degrees of drug addiction when they come into the prison. So there will be a whole raft of challenges.

Ordinarily in the New South Wales system, which we have tapped into to date, there is the ability to split prisoners up across prisons and there is the ability to specialise. But we have to bring all of that together; all of what we have been buying from the New South Wales prison system will have to be brought together in the Alexander Maconochie Centre. So we will be watching it very closely. I had the opportunity to take a look at the prison with the standing committee and certainly there are aspects of

it which are very good. We will look forward to seeing how that plays out, but we have always had concerns with the bringing together of a whole prison system into the one prison.

I did want to reiterate a little bit of what Mr Pratt had to say about Fairbairn and the ESA move there. I look at these figures on the page and they seem extraordinary. Surely these figures cannot be right. We have \$173,000 per month being paid for rent—\$173,000 per month being spent on rent for virtually empty buildings. I understand 20 people work in these buildings at present. That is just an extraordinary waste of taxpayers' money. How we got to a situation where we are paying \$173,000 per month for 20 employees at ESA headquarters, at the Fairbairn buildings, is just indicative of how this government shows disdain for taxpayers' money. That monthly figure could be used on all of the other crucial services in our community. That money could be put to front-line services in ESA, to community safety, to paying our teachers, to improving education standards, to streamlining our planning system, to cutting our waiting lists—a whole raft of essential services.

The taxpayers of the ACT have been forced under this government to pay more and more for their rates. They are seeing their rates and their charges go up at a rapid rate. The services that people expect are not being delivered, and we know why: we see these examples of waste all the time. We have highlighted so many of them in this place, but \$173,000 per month for a building that is virtually empty is outrageous. For a minister to allow the situation to arise where this much taxpayers' money is wasted, for really almost no gain, to house 20 staff, is outrageous.

This is a government that tells us on the other hand, "You cannot cut taxes. If you cut taxes you will have to cut services by the same amount." Well, compared to the way that this government manages, we believe that you can find savings; that you can cut taxes and you can deliver services. But every time Jon Stanhope gets up and speaks about tax cuts, he says, "If you cut taxes by X amount, you will have to cut services by the same amount." It is a false argument and it is highlighted by the examples of exorbitant waste that we see from this government, particularly as highlighted here—\$173,000 per month of ACT taxpayers' money being wasted for a building that sits empty. I look forward to the minister explaining to us how this situation has been able to arise and why it is reasonable. And while he is at it maybe he can tell us why every possible tax cut is unreasonable, why every possible tax cut would lead to a commensurate cut in services. It is a false argument and it is highlighted by the exorbitant waste of this government.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.36): This is a strong budget for the Justice and Community Safety portfolio and there is a range of initiatives designed to further improve the safety and community preparedness for emergencies in Canberra.

I would like to quickly reflect on a number of these. First, it is important to acknowledge the very significant expansion in the CCTV network here in the city—funding of over \$8 million over four years for an expansion of the CCTV network and to upgrade the existing network. The government has made a strong commitment, in a much more proactive way, to utilise CCTV technology to improve safety and

perceptions of safety in the community. For the first time CCTV will be rolled out to include our existing entertainment districts, our nightspot districts, in Manuka and Kingston, as well as an expansion, an upgrade, in the city centre itself and at areas of mass gathering such as Canberra Stadium, Manuka Oval and Exhibition Park in Mitchell. These are all very important expansions.

I will respond to the comments made by Dr Foskey when she asserted that CCTV does not improve community safety. There is no doubt that if you just put the cameras in and do not use them in a proactive way their relative usefulness declines very quickly. But where you actively use them through active monitoring, which is what the government has committed to do, and where you do it in conjunction with other people who have an interest in public safety in the precincts where they are installed, you can get some real and very positive results.

For example, we want to work very closely with private security staff—for example, bouncers in the nightclub areas—to be able to use the CCTV network to warn them of issues that they need to be looking for in managing private security on private premises. We can use it in conjunction with municipal services staff—for example, city rangers—to deal with issues around vandalism of public property. There is a range of mechanisms that can be used in a very proactive way to help improve safety and security in public places. Of course, the most important thing is to ensure that they are used proactively by our police services when it comes to responding to incidents as they occur, and that is what active monitoring will be all about.

Mr Stefaniak made some comments about lack of investment for technology, data collection and data management in the courts and I would simply draw Mr Stefaniak's attention to page 245 of budget paper 4, which outlines the significant levels of funding the government is providing for a range of court technology—for example, \$454,000 for an upgrade of the court's case management system; \$338,000 for an upgrade of the accident improvement management system in the courts; and \$125,000 to do the feasibility study and design on an integrated justice information system. That particularly is the point I think Mr Stefaniak was making—the need to invest in improved data collation, coordination and comparison across different parts of the criminal justice system—and that integrated justice information system is designed to assist us in doing just that. So the government is indeed acting on those issues and I am disappointed that Mr Stefaniak did not pay more attention.

Mr Stefaniak also questioned the need for a new Supreme Court building. The existing building is simply not acceptable; it was built in the sixties, is over 40 years old and it is simply not designed to work as a modern court building needs to work. It takes no account of the security issues that are very important in new court buildings. Mr Speaker, you had to deal with managing security in this building. Well, our courts face very similar problems, except, of course, that they have to deal with witnesses, victims and the accused coming into contact with each other in the courtroom—

MR SPEAKER: We do that here, too.

MR CORBELL: Indeed we do, Mr Speaker. Perhaps the penalties are not as harsh, but nevertheless to some degree that is true. So those issues need to be addressed. We

are facing real challenges in retrofitting—for example, putting in airport style security screening and so on—the existing Supreme Court. The feasibility process will allow us to identify the most appropriate site and assess that site, as well as do the detailed design work that is needed to progress the project, and allow the government to make an informed decision as to the potential capital costs of that potential project.

It is worth also highlighting some of the other investments in the budget. The complete replacement of the forensic medical centre, or the morgue as it is known, is an important investment. As anyone who has had occasion to visit it would know, the morgue is a dilapidated building and it is a very poor building, particularly for relatives who at an already very distressing time have to go and identify the bodies of their loved ones who have died. The facilities are poor, to say the least, in that regard and they need to be replaced, apart from, of course, the storage conditions for deceased persons at that facility. So the government is making a very significant investment to address that. It is not a capacity that many people find interesting or indeed think about a lot but it is an important capacity here in the city and something that the government is investing significantly in.

I will turn to the issue of policing now. There has been some commentary by opposition members about the adequacy or otherwise of our policing services. Mr Smyth gave a lot of credit to the AFPA and the AFP management for the introduction of the third shift as part of the new roster changes. That puts an extra 44 police on the street at critical times—an extra 12 patrol cars at critical times—and he is right to commend the AFP and the AFPA for the very collaborative approach they took in putting that new third shift into place. I commend them for that as well.

But Mr Smyth should also have acknowledged that that would never have been possible unless the government had done what it has done—significantly increase police numbers—because there simply would not have been the personnel on the ground to create that third shift unless this government had invested in additional police numbers. We have done so very proudly. An extra 122 police since 2004 is this government's record and that is a very significant increase in policing numbers. It has been a significant investment—over \$30 million extra each and every year to provide that funding—but it is making an enormous difference.

I am very pleased to see in the regular reports that I get from the Chief Police Officer that response times have improved dramatically for the lower tier incidents and that clearly is going to improve the community's confidence in the police service and in its ability to respond when needed. Having more people also helps the police to deal with the issues they face. So that is very important progress.

The government continues to support the police with additional facilities. I note that no opposition members—particularly not Mr Stefaniak, despite being a member for Ginninderra—acknowledged that we are building a new Belconnen police station, Mr Speaker, in your electorate. That new police station is to replace the dilapidated Belconnen station. Again, anyone who has visited that would know that it is a rabbit warren; police are working out of demountables in very poor condition. It needs to be replaced with a modern policing building and the new Belconnen police station will be just that, with \$17.7 million allocated for the construction of a new state-of-the-art

police station on Benjamin Way, adjacent to the existing Winchester police headquarters. That is a very important initiative for policing in the territory.

Finally, on the issue of emergency services, again we heard the usual commentary from Mr Pratt, Mr Smyth and others about emergency services. We have had this debate at some length and I do not think there is much to be added to that tonight, except to say that many of the assertions that those opposite make are simply false. What I will say, however, is that the government is addressing the issues that those opposite seek to critique. For example, Mr Pratt raised concerns about the adequacy of the RFS fleet. What he failed to acknowledge was that the government has invested \$6½ million for a very substantial overhaul and upgrade of the RFS fleet. That project is on time. That project is on budget.

Mr Pratt talked about the issue with the tanker design for the RFS tankers that are being replaced. Again, what Mr Pratt failed to acknowledge was that what we are getting is a tanker design that has been signed off by all of the captains in the RFS. It was chosen through a process that involved RFS paid staff and RFS volunteers being paid to go interstate to look at the tankers from the different fire services interstate and come back with their report and their assessment. It is wrong to say that we are adopting the South Australian tanker model holus-bolus. In fact, we are adopting the South Australian tanker, with modifications as requested by the volunteer services. So again Mr Pratt unfortunately misrepresents the situation.

The government is providing \$3½ million for augmentation of our operational response capacity. Twelve additional firefighters and 14 additional ambulance officers are being put in place as a result of that; that will complement and augment our operational response capacity, providing greater security in our response capacity at all times. It will also ensure secure storage of chemical, biological, radiological and other hazardous materials. It will also provide biomedical facilities for ambulance crews at the various ambulance stations and provide for more ability for our fleet maintenance staff to get out and maintain vehicles in stations, in sheds, rather than requiring vehicles in the fleet to be sent to the workshop. That will ensure that the ESA's fleet of vehicles stays on the road longer and is reliable, with less down time.

Finally, Mr Pratt made some comments about chemical, biological, radiological and nuclear and also urban search and rescue capability. He does not seem to understand that there are two issues that need to be had in mind here. The first is that the Fire Brigade is the lead response agency for CBRN. It is in charge of CBRN incidents and—I do not know how more comprehensive I can get—all Fire Brigade staff are trained in CBRN response. So I do not quite understand Mr Pratt's critique. He says we are not doing enough on CBRN capability, but the Fire Brigade is the lead agency and all Fire Brigade officers are trained in CBRN response. Of course, ambulance officers play a support role and so we have a percentage of ambulance officers who are also trained in CBRN response. That point needs to be made because I think Mr Pratt unfortunately has missed it.

Finally, in relation to corrective services, corrective services are moving ahead with a very important project, the establishment of the Alexander Maconochie Centre. That project is a very strong benchmark of effective project management. We have

delivered that project within the budget we said we would deliver it within and it is a leading facility. It will be a benchmark facility in corrective services and it will, for the first time, give us the capacity to deal with our community's own sentenced prisoners and give them the best opportunity at rehabilitation and a fresh start in life after they have served their sentence. That is an obligation that any community must take very seriously.

Those opposite flip-flopped on the issue: when they were in government they supported a prison; in opposition they did not support a prison. Now they support the prison again. Unlike the opposition, we have remained consistent in our approach, saying there was a need for us to take responsibility for our own prisoners, there was a need for us to accept that there is a moral obligation on a community that is going to sentence people to incarceration against their will to take proper responsibility for the care and custody of those people—and that is what this government has been prepared to do.

I am very proud of the work corrective services are doing in relation to the establishment of the AMC. The small project team there—and it is a small project team; no bloated bureaucracy here—is doing an excellent job. The staffing of the AMC is also moving ahead at a very timely and professional rate. I note Dr Foskey's comments about staffing and I can assure her, as I have assured other members, that the overwhelming majority of recruits that are coming in as a result of the expansion of corrective services to staff the AMC are not people who have had previous experience in corrections. That is a healthy thing because they do not bring the preconceptions and the experiences of other facilities.

That said, we should not demean the experience of those who have worked in corrective services and who are choosing to come and work here in Canberra, because many of them are choosing to come and work in Canberra because they see the opportunity to make a difference. They know that too many prisons around the country are simply prisons where everyone is ground down to the lowest common denominator; they are brutal, harsh places and they are not places that serve the community well in the long run. Many of our staff who are coming from other facilities are coming to the AMC because they see it as a fresh start, a new opportunity and a chance to make a difference, and I welcome them as much as I welcome those staff who are joining corrective services for the first time in that profession.

This is a strong budget for justice and community safety. It makes significant investments to tackle the causes of crime and to improve community safety, community awareness and the administration of justice, and I commend it to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—part 1.16—Department of Education and Training—\$436,384,000 (net cost of outputs), \$140,307,000 (capital injection), \$185,031,000 (payments on behalf of the territory), totalling \$761,722,000

MR SESELJA (Molonglo—Leader of the Opposition) (11.55): There are a number of parts of the education budget that I would like to make some comments on. There are a number of positive initiatives that we certainly support. The Calwell high school performing arts centre will be a great facility, hopefully, for the people of Tuggeranong and we look forward to that being built. We also see money here set aside for quality teaching for better outcomes, and of course we announced some time ago an extra \$2.2 million over four years for teacher training, additional professional development for teachers. We believe that that is a really important part of the overall equation of supporting teachers better. And there will be more to come on that.

The feedback that we have had, very strongly from teachers and parents, is that teachers in our schools, both at a non-government level and a government level but focusing on a government level, are facing more and more challenges in the variety of students that they face, in some of the challenges that students have, in students with mental illnesses or behavioural problems. And the overwhelming feedback we have had from the community is that they do not blame teachers for the bad outcomes; that they do believe that teachers are facing some of the real difficulties in our community and they are at the difficult end of that; and that some of the problems have become much more complex.

Certainly one of the responses to that is to provide that additional professional training which can be targeted towards dealing with behavioural issues but certainly not limited to that. We believe that that is an important part of assisting our teachers, supporting our teachers, so that we can get better quality outcomes for our students. And that is really what it is about.

It is worth reflecting on some other parts of the education debate in particular. We have seen the issue of Lyons primary school which the opposition highlighted some time ago. It is worth reflecting on what the plans were because we did get some mixed messages, did we not, on what the plans were. In fact, we know that the *Canberra Times* were told very clearly by the department that one of the options being considered was to have the students in the school hall for a significant period. That is what they were told. We have been given different stories at different times as to whether that was actually being contemplated but it certainly seems clear to me that that was very much on the cards until it was highlighted, until the minister was embarrassed into a backflip. And we are certainly very happy that we were able to embarrass the minister into that backflip.

It takes us back, I think, to the school closures debate. We know that the school closures decision was not well thought through; we know that it was rushed. In fact, Lyons primary school is simply another example of that; it is another outcome of having rushed those decisions. It is simply a result of poor planning that they were contemplating doing that to students, disrupting the school year for students. Really, it is a bit of a final insult, it is a bit of final kick to this community, having had their school closed and their school taken away from them, that it was handled in such a poor way that they were contemplating having to stick them in the hall in order to do their refurbishments. I do see it as part of a broader narrative and broader problem with the way this government has handled the schools closure issue.

Of course we do need to reflect once again on what we were told prior to the last election. And that was very clear; it was unequivocal. We were told “no school closures in the next term of government”. We were told that; we were told that in the *Canberra Times*. People believed that; people who voted Labor believed that they were voting for a party that, in government, would not close schools. For all the talk from the minister about consultation, about how they went out to all the school communities and talked to them about their plans or their proposals to close their schools, when you go to an election and you promise not to close schools, you simply cannot be taken seriously at any consultations you have afterwards.

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MR SESELJA: Now, as we are going through the consultation on what to do with some of these sites—and I am paraphrasing here as it has been reported to me; so if I get the details wrong I am sure Minister Barr or Ms Gallagher can correct me—I understand the most recent comments from Ms Gallagher on this issue were that, if a decision has not been taken before the caretaker period or an announcement has not been made, certainly an announcement would be made prior to the election. Mr Barr might be able to correct me if I am wrong. But once again, how are people going to believe whatever is said before the election on what is going to be done with these sites, given what we have seen from this government in relation to honesty on its plans for schools?

Prior to the last election—it cannot be forgotten; it shall not be forgotten—this government said it would not be closing any schools in this term of government. And we heard the quite extraordinary admission from Katy Gallagher some time ago in this place that, on 30 November 2004, she made the decision to breach that fundamental promise—six weeks after the election. You go to an election asking for four years in government, with education as one of the fundamental planks of your platform, and, on that basis, on education, you make a fundamental promise not to close schools. And this government and these ministers believe that it is indeed reasonable to break that promise, to decide to break that promise, six weeks after the election—six weeks into a four-year parliamentary term. They had just been returned for a four-year term and, six weeks later, they believed they can throw that promise out.

It must be said that, going forward, any promises made by this government in any area, particularly in the area of education, will be looked at with great scepticism by the electorate, given how they have been treated in relation to school closures. Given the fundamental breach of faith that that represents, people are naturally cynical about governments generally but they are particularly cynical when they so blatantly mislead at an election, when they blatantly take promises to an election which they have no intention of keeping and which they did not keep. And that is what has happened in education; that is what has happened under this government. As I said, Lyons was simply an example, simply the end result, of a very poorly thought out process, a rushed process, but fundamentally a process which was about a breach of faith with the community.

We will have this debate, I am sure, as we approach the election, about what this government's plans are for education but the community will rightly look very sceptically at any promises, particularly now we hear promises about what will or will not be done with school sites. We have heard already from the minister that they were not going to sell the school sites, and then we were told that they would, they might or they would consider it. Clearly, some of those sites will be sold. But it is about being honest. It is about actually being consistent.

If you have a plan to do something, be upfront about it; make the case; make the argument to the community as to why it is a good thing. Do not make the case after the election; do not make the case during a consultation process where school communities are fighting for their lives, where one school community is pitted against another after you have announced that 40 of them are on the chopping block. Do not make it then; make the case prior to the election. This government and all parties have a responsibility to be up-front about what they plan to do and what they do not plan to do. And when they make fundamental promises in the area of education, they should be kept. This government has not done that and they deserve to be condemned for it.

DR FOSKEY (Molonglo) (12.05 am): During the valuable estimates process, I asked the minister for education a question on notice. I wanted to know whether he had "advice from the department on an appropriate strategy, to address perceived weaknesses in the ACT government school system". He replied:

I am not aware of a perceived weakness in the ACT public school system. ACT students continue to achieve excellent results and are performing consistently better than students in other jurisdictions and OECD students.

This response is deeply concerning. I am confident that everyone in the Assembly is well aware that the socioeconomic profile of Canberra people and the average level of academic attainment are right up there at the top in Australia. It has been well established across the developed world, and in Australia in particular, that students with well-educated parents, especially if they are in well-off families, tend to do much better at school. There are a whole number of reasons why this is the case, but an interest in and a commitment to education is a key ingredient. A child can come from a family where the parents do not have high education levels or a high socioeconomic status but, if they are interested, themselves, in their own education and their children's education, then those children will do better.

When the UAI process in the ACT was being debated a year or two ago, I put that point to the minister for education. Clearly he did not want to appear to be criticising the existing UAI formula. So when I asked him whether he would acknowledge the key indicator for students' educational achievements is their socioeconomic status and the educational attainment of their families, he said no.

It is difficult to have a constructive discussion about the future of school education in the ACT when the minister and the government are so defensive. And they need not be, because overall we agree that most kids do very well in Canberra schools, partly because of the class and education demographics of our city. But it is also a fact,

ignored by some seeking to talk up a crisis in our educational standards, that the Australian education systems are all near the top of the world in educational outcomes. Australian students, as a rule, are particularly strong in independent thinking, in the capacity to act autonomously, as well as having generally high literacy and numeracy standards, A to E testing of literacy and numeracy or not.

The issue that I am concerned about is the growing achievement gap for Canberra school students between those doing well, who are mostly from the majority of students that come from a higher level of socioeconomic and educational backgrounds, and some students from other backgrounds who are not doing as well. I understand that the minister might think he can dodge the issue by asserting that there is no perceived weakness in the ACT government school system. If that is the case, then there is a problem of perception, at least on his part.

In my mind, any situation where those students who are falling behind are falling further behind all the time is a weakness. I think there is adequate data out there which suggests that this is the case. While we are doing better than other states, for the obvious reasons, those students in the lower two quartiles are not doing better, particularly, than the rest of Australia, and, in comparison to their peers in the ACT, they are doing worse.

The government, while it might choose to define the problem differently, nonetheless has some programs in place to address them. There are funds available for students to assist them through school. There are resources available to schools in order to support the students to engage in particular activities. There are programs to fund some professional development under the schools equity fund. In this context, I would like to acknowledge the value of the initiatives that have flowed from the Skills Commission report. Colleges in particular have served the interests of many of our senior students well but they have let down others.

The increase in resources that will go to voc ed and other related education and training schemes for young people from year 9 up is welcome. It shows, I think, the benefits of putting together wide-ranging expertise and acknowledging the problem that needs to be addressed. However, there are still too many students missing out on an enriching and engaging education, especially at a secondary level. And however the ACT government chooses to present its figures, there is no, or very little, real increase in recurrent funding once inflation-associated pay rises have been taken into account. But the problem really is that the government keeps arguing that there is no problem.

It is interesting that the *Towards 2020* reorganisation that has torn the heart out of a number of Canberra communities has had most of its impact on primary schools; yet the problems for the government and, indeed, all governments across Australia, are mostly found in high schools. Again, I have to acknowledge that this government is not inactive on this front. It needs, however, to embark on a more comprehensive approach to high school renewal, which could dovetail with the welcome expenditure on infrastructure and technology that is evident in this budget.

I would like to consider a couple of the particular challenges faced by primary schools. As the months go by, we get a glimmer of more language-teaching resources going

into our primary schools. One hour a week for all students is not going to deliver much in the way of cultural awareness and understanding, unless it is very well taught, and it is going to deliver almost nothing in terms of language proficiency; yet language is one of the key learning areas in our curriculum documents. In that context, I am quite disappointed with the ACT curriculum framework which seems to cover civics exhaustively, at the expense of and short-changing culture, language and perhaps environmental understanding.

Canberra is well placed to lead Australia in regard to languages, but we are reluctant to go down that path. It is worth noting that the Australian Primary Principals Association has dug its heels in, in the face of a perceived overcrowding of the curriculum, for which I would read “the unreasonable expectation of social engineering foisted on teachers and schools by governments”, most recently the Howard government, “and ill-informed panic about supposedly poor literacy and numeracy standards”.

The response seems to have been to try to limit their requirements to literacy, numeracy, history and sport. In that process, language has been put in the too-hard basket; also, the arts, music and other areas where students who are otherwise not doing well at school might excel with the flow-on effects that that has on their other learning areas. I urge the ACT government to work around such resistance.

Also on primary schools, the other area that primary teachers are now calling out for support in is the arts. While and when the Chief Minister, off his own bat, hands out education money to engage his favourite arts education companies, can I suggest he look out for those who can spend a lot of time in primary schools providing stimulating, diverse experiences for the students and supporting their classroom teachers in learning how to work creatively across the art forms.

There are a couple of extra points I would like to add. The first relates to my mention earlier of fine facilities in wonderful new prisons. In this case, wonderful new schools are not going to solve the problem alone. As you know, I am concerned about the emphasis on building very large new schools, with a whole lot of levels of areas. I have not been convinced by any of the research that I have read that that is the way to go. It may be a resource-effective way to go.

I am sure that in many ways the schools do have terrific advantages for some teachers, in that there is a very broad range of collegiate professionalism. They are beautiful new schools, with the latest equipment. But it worries me a great deal that those schools have to be reached by buses or they require children to be driven to school. And we know that we are entering a carbon-constrained time and, with oil price rises, it is going to be expensive. I am very concerned that we do not have the public transport to get kids to school. The kids who used to walk to school and ride to their local schools now do not do that.

There is a very interesting letter in the paper today, and I am sure you all read it, about a woman who does not have a car—oh, my God, in Canberra! Yet it happens. Her bus has been changed because of the changed ACTION network. She is one of the casualties. “Now,” she says, “we walk a lot.” (*Second speaking period taken.*)

Again, this is what I talk about when I say, “Put the climate change test to things; put the social test.” It is not just about money and it is even not just about having excellent schools; it is about the interaction between those kids who attend that school and their parents. If their parents feel disengaged from education, I tell you what, so will those kids.

In relation to that, I also wanted to speak briefly about the early childhood education centres. I need to be convinced that that was a good idea. I must thank Kathy Melsom for the government briefing that I had. She is a passionate advocate. I am convinced that it is a really good idea. I am really concerned about the logistics of it. Let me tell you why. Again, there is the same issue: children will have to be dropped off by their parents on their way to work. It will be convenient for the family with children of a range of ages from zero to eight. We will have the wealthy middle-class family who is looking for childcare.

But the subtext, and another aim of these schools, is to provide services to the less advantaged kids in our society, those children perhaps on the spectrum of neglect or with parents who do not have an interest in education or who have health issues or whatever. So it is meant to catch those people and to be a site where children can be offered the whole range of services. I think that is really good but my alarm bells ring when I see that it is an attempt to bring together two very different kinds of children—some who are going to be choosing to go, and others who may be going because child protection says that is the right place for them.

The other thing about these schools is that, again, we are going to have four of them, starting next year, though it does not look as though they will be fully up and running till towards the end of next year, if then. Children are going to be coming in from all over Canberra. Again, this means driving and it means that the children, when they reach the age of eight, probably in grade 2 or at the end of the grade 2, have got to make that transition to another school. I am concerned about that.

I have been told that children, when they reach that age, will have priority of going to their local schools. I have asked a question on notice; I am trying to seek clarification as to whether that is the local school according to where their home is or the local school according to where the early childhood school they attend is. I think it is really important that children can stay with their cohort at that age.

Let us talk about Narrabundah, because that is a school I know. This is happening there. Narrabundah has always been a very special school and has had lots of resources put into it, because some of our most disadvantaged kids go there. There is a high degree of Indigenous kids. Over the last couple of years, it has seen an erosion in the number of middle-class kids. That is shorthand; let us call it that. They are choosing to go to another school. What we are seeing is a residual school, where families who choose, choose to go elsewhere. And they are choosing other government schools or they are choosing Catholic schools or they are choosing private schools. That is something that has proceeded apace. I have to say that the 2020 scheme, where people knew that their school was going to be changed unutterably, also precipitated that process.

What happens to those kids when they reach grade 8? One of the schools that they are likely to go to has a very, shall we say, formal approach and, I have heard recently, is very strong on giving kids reports in kindergarten. We have concerns about those things. Children who are failing in kindergarten, who are not getting As, when it is already important to get As in kindergarten, are not going to have high self-esteem; they are not going to love learning. I think it is a great pity that now so much is expected of children so early at school. Read John Holt's book *How children learn*. They learn differently from each other. Boys tend to learn differently from girls. They do not establish their reading as early. And to have them demonised in kindergarten is a very sorry state of affairs, and I hope the minister for education talks to principals about this system.

The fact is that children will be going from the early childhood schools, where it is very special and very good, from what I hear, to other places where they will not be so nurtured, so cared for, and they may not even be with their friends. This is my concern. Next year, we will start to see that process. I really hope the resources are there; I hope the resources are there for transition; and I hope that primary schools and other schools are not neglected in the face of this new, you-beaut idea.

On the other hand, I hope the early childhood schools succeed, because they are a way of doing early intervention in a gentle, non-intrusive manner that does not single kids and families out. I think that that is really good. But we have got a complex equation here, and I would be very pleased to see it succeed.

MR MULCAHY (Molonglo) (12.22 am): Many people in the ACT rely on the government, obviously, to supply a quality education system for their children, and they rely on this education system to turn their children from naive little bundles of joy into rational, intelligent and well-informed adults. The government has made some changes to its education system in recent years. It has closed some schools and increased funding to others in an effort to obtain greater efficiency. Despite the government's efforts we have been observing a period of drift away from the public school sector to the private school sector. Members of the opposition have expressed serious concern about this issue in estimate committee hearings and pressed the minister on the proportion of students in public education.

I must say that I do not believe there is any inherent problem with parents choosing a private education for their children. I do not believe this is necessarily a problem, though it can be a sign of poor or falling standards in public education, and that is a problem. I find it a little bit strange that the Liberal Party, which says it is committed to smaller government and the principles of liberalism, would express such concern about the success of the private sector or private enterprise or church schools in attracting students away from government schools.

Nonetheless, the problems in the public education system are cause for some concern. For those parents that choose to send their children to public schools the government must ensure that these schools provide the best education possible on the budget they are afforded. Many parents I speak to express to me their dissatisfaction with both the curriculum and the behaviour standards of public schools. I believe that these issues are the primary reason that we have seen a drift towards private education.

I do not think it is a matter of funding. Rather, I think that the problems in public schools are largely to do with the lack of focus or perceived lack of focus on core subjects and the lack of enforcement of reasonable standards of behaviour among problem students. Parents with young children are particularly and primarily concerned about ensuring that their children are taught the kinds of core skills that they will need to pursue further educational training as adults and to be able to enter the adult world with many opportunities.

They are concerned about such core skills as numeracy, mathematics, reading and writing—skills which form the basis for further study in other areas. They also need to be assured that disciplinary issues at the school will be resolved well enough to ensure that their child's education is not disturbed or impaired. This is a critical point, in my view. One of the greatest virtues, I believe, of private schools, whether they are independent, Catholic or whatever, is that they are able to guarantee that classes and students will not be disrupted by ill-disciplined students.

I know of teachers in the public system here in Canberra who report that it is not uncommon for one or two children to be able to disrupt a class of 30. One teacher has told me that he has had punches thrown at him by teenage students who face few, if any, sanctions from this conduct. So is it little wonder that so many parents choose to put their children into private education? I have never subscribed to the view, certainly in this city, that parents are putting their children into private schools because of some perceived status. That is often the sort of claim from those who have a negative view of the private sector.

I have talked to people at functions and even social barbecues who have said that they are working and battling to pay for their kids' tuition fees because they want to get them into the private system because they do not have sufficient confidence about these discipline issues within the public sector. I was at the architects dinner with the minister the other night. There was a well-known journalist sitting at our table and she said she is working in the media so that she can afford to pay the school fees for her kids to go to a well-known private school and get a quality education.

There is no way that a parent could have absolute confidence that their child will be safe and receive a quality education if this level of disruption is allowed to happen. My comments are not meant to criticise teachers and school staff. They are in a most difficult position. I have raised these points to show that, although the government has made welcome investment in the public school system, until we are able to guarantee behavioural standards in schools a large number of parents will continue to put their children into private education.

These are not issues that are raised by people who may have unreasonably high demands. These are issues coming up at shopping centres in Canberra from people in the teaching profession in the public system. I have had it at Yarralumla. One teacher came up to me at Cooleman Court three weeks ago. She broke into tears while she was speaking to me about her experience in trying to maintain discipline. When she chastised a student over their work, she was immediately threatened that she would be basically driven under the weight of a racial discrimination allegation if she criticised

the student's work. She said, "What do I do? I'm ready to resign." This was several weeks ago. I felt quite concerned because this person clearly was dedicated, trying to do her job and trying to offer constructive criticism. I have had it from other teachers who have been in the system a long time. They are completely frustrated.

I have heard it said, "Well, if you take all the problem students out, you will never get any teachers who want to teach them." Well, maybe you have to pay more. You will never hear me be critical of pay rises for teachers. They are not paid pace setter wages, and because they are not paid exceptionally high wages the entry level for getting into teaching is not at the level it is for many other pursuits. The area of teaching is a vital one for us. How our kids are educated will determine their future and determine the world we live in. If we do not provide the level of support that ought to be available there for teachers, we are going to attract people who go into teaching because there is no other option available to them, and that is not a good driver.

I will also make brief mention of just two other points that ought to be of some embarrassment to the government and to the minister. The first is the presence of the game called *Planet Slayer* on the ACT sustainable schools initiative website that I drew to public attention. This is a game aimed at young children that has featured heavily in the national media over the last few weeks. It asks children, for example, "When should you die?" and takes positions that are typical of left-wing environmental scare tactics.

I will not go into detail on this website, but members can review it. However, its contents are clearly inappropriate for children and the fact that it is explicitly recommended for children by the ACT government and by several other states and territories should give us great cause for concern about the quality control in public education. This is not how to educate children. The ACT government should be ashamed of having it featured on their website and should remove it forthwith.

It is a shameful website. I have gone through it. It urges little children to get involved in civil disobedience. It is full of extreme comment, and I will go into more detail when I bring this matter before the Assembly in coming weeks. But it is a disgrace and I am amazed that Mr Barr has attempted to defend this piece of trash which the ABC is behind and which was funded by Film Victoria. It is nothing more than an embarrassment. Even the ABC is now so embarrassed that they are reviewing the whole matter. There are pages and pages of comments from around the world on this extraordinary site, and here we are telling little children, impressionable children, seven and eight-year-old children, "This is where you go for your advice." That is how it came to me. I was quite astounded when I was actually directed to the site.

Another point of embarrassment that has been raised recently by the Sceptics Society is the revelation that CIT is now teaching courses on feng shui and seances and so on. That should really raise alarm bells about the commitment of the ACT government to the education of core subjects. I do not mind if people want to go in for hocus-pocus and have seances and talk about all manner of bizarre things, but do not use respectable education facilities for that sort of nonsense. It really is an inappropriate use of facilities and it reflects badly on institutions when we start trotting out those sorts of courses. I do not know much about the Sceptics Society.

Mrs Dunne: I would be sceptical.

Mr Barr: Just be sceptical of them.

MR MULCAHY: Yes, we are all a bit sceptical. I had a bit to do with them some years ago. I was involved with Mount Stromlo Observatory and they gave a fair amount of money. I thought, "There must be quite a few of them." I was amazed the other night when I went to a meeting, and there are about 160 people from our community who are regular attendees.

Mr Barr: I am somewhat sceptical of that number.

MR MULCAHY: Well, I was sceptical of the number of people that were likely to attend but, in fact, they were very well supported and there were very sensible people there. They raised this with me. They had sent me a copy of the rather dismissive reply sent by the minister. I really think that this is not what we ought to be using. *(Second speaking period taken.)* I do not think this is really the best use of ACT taxpayer funded facilities.

Dr Foskey: I thought you believed in the market.

MR MULCAHY: Yes, I am happy with the market. Go out and pay for these things, but do not use our respectable education institutions on things of this nature.

Mr Barr: It is not a CIT course.

MR MULCAHY: It is using CIT facilities.

Mr Barr: CIT Solutions.

MR MULCAHY: CIT Solutions. Okay, the trading entity. The issues I have raised here are not issues that can be blown off as a result of funding considerations. These are examples of where the government has simply taken inappropriate decisions or provided reference materials for use in public education facilities which have the potential to undermine the education system.

The material I cited in the first instance regarding the advice being given to youngsters is quite wrong. It is quite mischievous, and I am sure that if anybody on the conservative side of politics were to start putting out propaganda of that nature, the hue and cry you would hear in this town would be extraordinary. Well, I am getting a hue and cry from parents who are saying they do not want their children at the age of seven or eight to be manipulated by any political grouping. We should be providing sensible and objective advice, not that sort of rubbish.

Education, of course, is not about simply throwing more funding at schools. Certainly the investment is welcome and the minister has told us ad infinitum about the level of investment that has occurred during his period as the minister, but infrastructure is not the sole extent of the issues facing the education system in the ACT. Until other items

that I have mentioned are addressed, we will continue to see people moving and choosing private over public education. I do not think you need to spend a lot of money on market research because time and time again you hear people express these concerns, whether they are parents who say that disciplinary standards are not up to the mark or whether it is teachers who say they are completely frustrated by the environment in which they are operating.

There is a message there for the minister to take on board. The challenge is with him to address those issues, not sweep them away, as is happening, as I mentioned, in housing with problem tenants. If we have got problem people in schools, let us not just ignore the problem. Let us find a solution because the solutions are not there at the moment. These problems are impacting on parents' decisions as to where to send their kids. They are putting a lot of families under significant financial strain to provide their own way of getting away from those problems.

MRS DUNNE (Ginninderra) (12.35 am): The education lines in the budget are of extreme importance and are worthy of some note. I am a little surprised at Mr Mulcahy's comment that the Liberal opposition seemed to be expressing concern at the success of non-government schools by criticising the drift to non-government schools. It is not about that. It is about the apparent failure of government schools. We have been saying consistently for a long time that there needs to be a balance. The people in the non-government school sector are at this all the time. They want to see a balance. They want to see both sectors succeeding.

We have got to a situation or almost to a situation where 50 per cent of children in high schools, in particular, attend non-government schools. I think we are getting to the stage where the balance has tipped too far away from the government school system. The minister himself has said that if we ever got to a situation where we were simply running a safety net school system for the poor who could not afford to go anywhere else, we would be in serious trouble. I think we are coming very close to that situation, and that is the thing that the Liberal opposition has been sounding alarm bells about for years.

Obviously, even after the reasonable amount of tutelage that I thought Mr Mulcahy obtained in the Liberal Party party room on this issue, he does not seem to have got it. It is not that we think that the non-government school system should do less well; it is that we think the government school system should be doing better.

Mr Mulcahy then went on to highlight some of the areas where he thought the government school system should be doing better. They are things that have been to some extent addressed in the budget, and some of these things are welcome. The announcement made last October, which is here again in the budget paper, so it is worth commenting on, about a student welfare pastoral care package is indeed a welcome initiative. But we have to remember that the 17 pastoral care staff that the government proposed to put back into high schools at the beginning of this year do not replace the 25-odd that they took out in 2007, and it does not make up for the 12 extra staff that were promised by Minister Gallagher before the 2004 election.

If you put together the 25-odd staff that were lost as a result of the *Towards 2020* proposal and the teachers EBA and the general cuts in the 2006 budget and the

12 staff that were promised in the 2004 election campaign, that is 37 staff that were promised and never delivered or taken out and substituted by 17 staff. ACT government high schools are still down a net 20 staff. Those staff are really, really needed in the government school system. I remember at the time saying that the student welfare package was welcome, but what about the primary schools? Mr Barr said, "Mrs Dunne, you are never satisfied." No, I am not, because while ever we do not address the needs of pastoral care in ACT government primary schools we have a problem.

We have a problem today in government primary schools with children with behavioural problems, and Mr Seselja has spoken that. Dual diagnosis behavioural problems are starting to manifest themselves at younger and younger ages. Children in primary schools can point to their peers and point out who is doing it tough, those who have behavioural problems and those who disrupt their own classes. The teachers do not have the capacity to deal with these children who are disruptive in class. There needs to be a similar sort of student welfare package to deal with difficult children in primary schools as well. What is there is welcome, but it is not sufficient.

There are some initiatives for the non-government school system which are welcome. The initiative to increase indexation is a small start. I know that people in the non-government school system have welcomed that. They are behind the eight ball, and the lack of commitment by the Stanhope government to non-government education in this territory is a well-known and shameful matter.

There is some \$1.6 million—\$400,000 every year—for disability access to non-government schools, which is also welcome, but that is not new money; that is agency funded so it is not actually new money. I suspect that the non-government school sector will not actually care whether it is appropriated or found in some hollow log in education. One wonders how many other hollow logs there are in education.

The big banner issue is the early childhood education schools. I like the way the Stanhope government always has a catchy title for it. Before we had "smart schools" and now we have got "a better start in life". Dr Foskey touched on it, and she was sceptical. I get the impression that to some extent she is less of a sceptic than she was, but I think she is not entirely sold on the issue. She expressed some reasons why she was not completely sold on the issue, and they were good ones.

I am concerned for a range of reasons. Firstly, there has been a lot of talk, but there has not been much more than talk. I noted with interest the other day that the minister tabled the advice from GSEC—the Government Schools Education Council—that he received, which is essentially a letter to the minister saying what a good job he is doing in relation to the early childhood schools. But when you read what GSEC says about the early childhood schools and then weigh it up against what you know is actually going on there, I wonder what they were told when the minister attended a GSEC meeting and told them what was going on. I particularly like this:

Community consultation has been a pleasing feature of the development of the concept after its initial announcement. Council believes it is important to keep community groups, including initial focus groups, briefed on ways in which their ideas and suggestions have been incorporated in order to build better processes of collaboration centring on the schools.

Well, that is simply not what I hear from most of the people that I speak to who have been involved in community consultation. I am closely involved in at least one of the schools that are in the process of transition. They feel that once they had expressed their initial views, well, that was it, and if they asked if they could give feedback on the second and third stages of plans they were told, "No, thank you very much. You had your say, and that is it."

There are some people out there with some extraordinarily valuable contributions to make who really would like the system to work, but they are extraordinarily frustrated by the lack of consultation and the lack of a good hearing that they have got from departmental officials. I do not think that they see sustained, on-the-ground collaboration, which GSEC seems to think the minister is providing. It is also worth noting that the GSEC states:

Clearly the initial focus needed to be on the building works to establish the hub facilities and GSEC congratulates the departmental staff who have been involved in ensuring the necessary works are well in hand.

Let us talk about the necessary works and how well in hand they are. Mr Seselja touched on the shameful episode of Lyons primary school. Whatever happens to Lyons primary school in 2009, it will not be an early childhood school at the beginning of 2009, and that is all down to the handling of this issue by the department and the minister. (*Second speaking period taken.*)

What occurred at Lyons primary school, as Mr Seselja said, was the exposure of the callous way that the minister and his department attempted to deal with the children. Really, what it boiled down to was that the department, and presumably the minister, decided that to get their new project off and running at the beginning of next year they really had to chivvy out the kids who were there already and they really did not particularly care about what happened to those children. The school community was given a couple of options. None of those were particularly palatable to the school community and it was only after Mr Seselja publicly raised this issue that suddenly the department of education and the minister were prepared to talk to Lyons primary school.

I knew about Lyons primary school and I spoke to Mr Seselja in my capacity as shadow minister for education. I also knew that other schools were being put in a similar position. I know that Southern Cross primary school was told in meetings that it would be closed down before the end of the year. It was uncertain what was going to happen to the children at Narrabundah primary school, but it seemed that the children at Isabella Plains would be able to be accommodated on site because there was enough room to move them around. They were told, "We will shift you from here to there and shuffle you around for a couple of terms. It will be all right because most of you will not be here next year." But the principal at Southern Cross primary school was told that her school would be closed before the end of the year and most of those children would be shunted around, and then they would be shunted again because they would be expected to go to the new west Belconnen school when it opened in 2009. Most of those children would get two moves.

Mr Seselja and I then undertook a proper consultation with the parents at Lyons primary school, and the children at the other primary schools were saved the disruption. I said to my staff and to Mr Seselja's office, "The day we raised this as an issue and brought it out into the public and embarrassed the minister, we did a damn good day's work."

My constituents at Southern Cross primary school and the school community that I am part of at Lyons primary school and the Narrabundah primary school would have been substantially disrupted by an uncaring and unfeeling department and minister who were prepared to do anything they could to get the building works done so that they could open their new flagship schools next year. These flagship schools may be good, but you do not actually establish them at the price of the current occupants.

It is interesting to look at what happened when the parents at Lyons primary school actually got to have a say about this. Lyons primary school is a school with declining enrolments, mainly courtesy of the minister for education. It now has about 60 children. The people who are there are really committed to the school and to the Italian program, and they want it to succeed. As a result of the consultation the school community conducted a paper ballot. They found someone who was expert in running elections and someone to act as returning officer. They put together a ballot and they wrote to every parent or carer at the school. They sent out 117 ballots.

In an extraordinary result, 100 ballots were returned. This was not a compulsory vote, but the parents are so committed to their school that, of 117 ballots sent out, 100 votes were returned. What was the result? There were three options: do nothing until the end of the school year; cower in the corner in the dust while you build around us; move to another school now. The result of the vote was: move to another school now—23 votes; cower in the corner while you build around us—six votes; leave us alone; do what you promised and leave us in peace until the end of the year—71 votes.

Mr Seselja: Like that vote on 666 yesterday.

MRS DUNNE: It was pretty much, yes. More than 70 per cent of the parents who cast a ballot said, "Leave us alone." It is very interesting to see what the people at Lyons primary school really think about this process. I was at a school meeting recently. We discussed the ballot and, for the most part, the parents are reconciled to the move to Yarralumla. There are a few concerns, but they do see that there are possibilities for them. We had the "what if" discussion, and it ran like this: "what if you had the chance to stay here and keep your school here on site?" Overwhelmingly, there was not a person in the room who said, "No, we would want to move to Yarralumla."

What they said was: "What we want, and what we have always wanted is a chance to make Lyons primary, the only government bilingual Italian school in this country, to really work. We want the chance to make it work." We were so close to making it work, and then along came 2020. There were 86 kids enrolled. The enrolments were going up very gradually. In 2006 they had 20 kids in the kindergarten. The school was feeling as though it was on a roll and that within a few years they would see quite

substantial enrolments. Fifty per cent of the time the kids would be learning in a foreign language; it would not matter whether you were rich or poor or hearing impaired, you could still learn another language. It was a great achievement that these kids had under their belt.

Then along came Andrew Barr and *Towards 2020*. Since then the enrolments have been gradually falling. The other day they said, “We set it out in our submissions in *Towards 2020*. We want the opportunity and the support from the government to make this school work. If, in five years time, we have not succeeded, they can close us down. But give us the opportunity and give us the resources and have one person in the department of education actually think that we are doing a good job.” They have no support; they have never had support. They have been grudgingly allowed to do what they did for years.

I actually think that it was just too difficult for the department of education. They never really liked the idea of Telopea and they did not want to have another school that was, in some sense, elitist. They did not want to have bilingual education in the ACT. Dr Foskey is right that we undervalue language learning and that the one hour a week of enculturation and language learning that most children learn in primary school is a waste of their time. It is a waste of public money and a waste of resources because it is not enough. They do not remember from one week to the next what they learnt because one hour a week is not enough.

Any language teacher worth their salt will tell the minister this. He really should be listening to the language teachers, who want to make a difference. Language teachers are very committed people and they do not have that commitment reciprocated by the government in the ACT. That is borne out by the absolute failure of this government to embrace an innovation—a small, struggling school that was turning around its enrolments and doing something good for its local community and the wider education service. This minister is happy to run it into the ground.

All they asked from this government was five years and a fair shake and if, after five years and a fair shake from Andrew Barr and his officials, they could not make a go of it, well, they would have failed and they would walk away from the experiment having learnt from the experience. This government is too mean spirited to give the community five years to innovate in education.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (12.55 am): I thank members who have contributed to the debate. As always, there is an interesting array of views in the education portfolio. I welcome the diversity that we see in this chamber on these matters.

Dr Foskey: I actually thought there was a fair bit of agreement.

MR BARR: Obviously, you were not listening to the contributions made by Mr Mulcahy. There is, as there always is in this place, a diversity of views on the particular issues that confront the education system. I welcome the acknowledgement from Dr Foskey, Mr Mulcahy, Mr Seselja and Mrs Dunne of the range of initiatives

that form the education budget this year. I note that it is not just the other political parties who have welcomed this year's education budget. I welcome the very supportive comments of Jane Gorrie of the ACT Council of Parents and Citizens Associations, amongst others, who made a range of statements, including:

There has been ... positive things for public education out of the budget ...

We welcome the focus on teacher quality and support ...

... we welcome the funding that has been provided for Indigenous children within family support services. We welcome that initiative and we welcome the ongoing capital funding ... something in particular is the musical instruments. That is excellent. The Calwell High Performing Arts Centre, as well, is welcome—to have one on the south side as well as one on the north side ...

The ACT Council of Parents' and Citizens' Associations welcomes the additional funds in areas such as teacher development, literacy and numeracy, students with a disability, and performing arts.

Council also welcomes the decision to provide specialist vocational education training and careers teachers in each government college from next year.

The Australian Education Union indicated:

The ACT Government's 2008-09 Budget will win support for responding to a broad range of needs identified in the public education system with wide-ranging programs.

I might go so far as to quote from an organisation that I would very rarely quote from, but even Mr Cobbold from Save Our Schools was prepared to welcome the budget's initiatives. He said:

Several are well-targeted and should contribute to reducing the long-standing achievement gap between students from high and low income families.

So I welcome the comments from those education stakeholders. I note that Jeremy Irvine, the executive director of the Association of Independent Schools, said:

It is fair to say that we are generally pleased with the budget.

... we welcome the increase in the indexation rate applied to ACT non-government schools ...

Ruth Underwood, the school administrator at Orana School, says:

... we greatly appreciate the increase in funding that we have received.

Kate Lyttle, the executive officer of the Association of Parents and Friends of ACT Schools, in her comments on the budget, said:

The commitment to a further four years of special funding for students with disability also indicates that the Government has listened to the sector and supports our stated priorities.

Carolyn Harkness, from the Canberra Preschool Society, said:

6 May 2008 marks the date when the ACT Government took deliberate steps to secure the territory's proven track-record in designing innovative, responsive, collaborative and family-focused early-years programs.

The 2008 ACT Government Budget has recognised the value of their investment into our children's early years.

I thank all of those organisations for their constructive comments on the budget. I look forward to a continuing strong relationship with all of the education stakeholders. There is a lot to achieve in education in the years ahead. I thank members for the very positive contribution that they have made to this debate.

MR SESELJA (Molonglo—Leader of the Opposition) (12.59 am): I want to add a couple of comments. One is in relation to some answers we received to some questions on notice, particularly in relation to television advertisements. There were some interesting answers. We asked a number of questions on the campaign in relation to public education. It turns out that the campaign cost about \$53,000 for a week's worth of advertising. But when we asked when the department signed off or authorised it to go ahead, we heard it was on Tuesday, 13 May 2008, which was a week after the budget. It was booked, I understand, on the very same day and then filmed and produced just a few days later before it was rushed to air.

I am not quite sure how this process was handled internally. We understand from the answers to the questions on notice that there was liaison with the minister's office. Whether it was a call from the minister's office which prompted the advertising campaign, perhaps the minister can get up and answer that. Whether it was initiated out of the department or whether it was actually initiated out of the minister's office, we would be interested to know.

But it is curious that an advertising campaign was put together so quickly to advertise in Public Education Week. They would have known that Public Education Week was coming up for some time and you would think that they would not have just, in a few days, decided that there might be some political benefit. And we can only speculate on what the motivation was. It was \$53,000, basically organised in just a few days, which ran in Public Education Week.

You would think that, when we do spend taxpayers' money to promote the work of the government, we would see perhaps a more rigorous process rather than such a rushed process. And this is becoming commonplace. As I have highlighted particularly in relation to the way in which the decision was put together to close schools, we know that that was an extraordinarily rushed process. This is becoming symptomatic of the government.

The other thing I would like to briefly comment on is some of the capital overruns or rollovers in relation to the education and training budget. We have heard from the Chief Minister, again today and in recent times, the reasons for some of these rollovers. Rollovers happen all the time, and it is issues like the weather and it is

issues like this and that. Of course, it is interesting blaming the weather when we have had drought conditions for the last several years. I do not think there have been too many delays for too many projects as a result of rain in recent years. I think we have had a pretty good run on that score.

It is interesting to note, in the context of how much this minister talks about the capital injections, some of the \$29.6 million in rollovers in the Department of Education and Training budget and the reasons for them: schools infrastructure refurbishment, \$12.6 million; delay caused by scoping of work and site access, west Belconnen school, \$8.6 million; rollover due to a delay in receiving development approval, which is in the government's control, new Gungahlin college, \$4.6 million; delays due to site planning issues and project definition, under capital upgrade funding, \$3.5 million; delay caused by scoping of work and site access—once again, there is scoping of work.

Are these things that have not been planned? Where is the planning for this? These are particularly interesting descriptions of why these projects are being delayed. There was also the Tuggeranong P-10 school, \$3 million. Unanticipated delay was due to time taken to engage a suitable officer to manage the project. These are not reasonable excuses; these are not things that are outside the scope or outside the control of government. These simply look like issues of mismanagement.

Another is delays due to site planning issues and project definition. You were not able to define the project sufficiently in order to get the money spent and get the project done. Surely these should be anticipated. Surely we would be planning for these very kinds of things—for project definition, for scoping of the work. When we hear the government talk about its infrastructure plans, whether it is in education or anywhere else, we do need to look at some of the descriptions. It goes across different portfolios. There are very similar descriptions for a number of them.

These are not things that are outside the government's control. These are issues about the fact that they have not made structural changes and that is why we have been arguing that they will not be able to get their infrastructure program done. They have simply not demonstrated in the last few years how they will be able to do it. We see rollovers, for not very good reasons, for not reasons outside the government's control but very much in the government's control.

That is why we have announced infrastructure Canberra, which will actually provide some structure to the way we manage infrastructure and the way we plan for infrastructure spending. This government simply announces a bunch of projects, demonstrates on numerous occasions how it cannot get it done and then the excuses we hear for why it cannot get it done are completely within its control. Yet when we hear the Chief Minister, he tried to blame industry; he blamed industry for the delays in a number of projects.

The government needs to look at its role. These excuses given by the department of education as to why some of these projects have not happened are not credible and they are completely something that the government could control if it was willing to make the kinds of structural changes that are necessary and that would certainly assist in delivering infrastructure programs in the next few years.

Proposed expenditure agreed to.

Proposed expenditure—part 1.17—Canberra Institute of Technology—\$64,195,000 (net cost of outputs), \$11,891,000 (capital injection), totalling \$76,086,000

DR FOSKEY (Molonglo) (1.06 am): This budget provides significant funding to CIT and, apart from acknowledging this increased commitment, there are only a couple of points that I want to raise. This investment is welcome, especially considering the Skills Commission report. The ACT branch of the Australian Education Union noted:

The ACT Skills Commission has highlighted the massive skills shortage in the ACT and it is still a better investment to properly engage, educate and train our young people to their maximum potential than to rely on importing workers and professionals ...

The CIT budget increases, both recurrent and for capital works will make a significant difference to improving the skills shortage and take the ACT closer to technical and further education funding levels prior to the 2006 budget cut.

It does look as though it is a little bit of a case of repair, but the CIT is definitely moving in very positive directions now.

There are just a couple of issues that came up this year for us. The first is the closing of the Weston campus. We are still not 100 per cent sure that that is the right thing. However, it does seem to be happening with a fair amount of support from students or at least not a great deal of dispute about it. I can only assume that, though I must say, from what I have seen of the student body over the last decade or so, they are not inclined to fight for their education as one would have thought they would be. Nonetheless, the move is happening.

I hope that the new horticulture facility will be state of the art. It sounded pretty good when we questioned officials, I think it was in the annual reports hearings; it might have been estimates.

Mr Barr: You asked questions in both annual reports and in estimates hearings.

DR FOSKEY: That is why they are running in together. Thanks, Mr Barr. You obviously have a younger memory than mine.

Ms Porter: Can we go home now?

DR FOSKEY: I am sorry that we do have to go on, Ms Porter. I do not want to bore you but it is just there are things that need to be said.

I want to finish up by commending to the minister a report that I heard about on the radio. I have not actually downloaded it yet. I think ACF was one of the funders. It is on something like the green collar economy. It talks about the very large number of employees that we will need with sustainability skills which we do not have yet. Once we have a carbon emission scheme, once we are really on the way to understanding

that to save our world we are going to have to treat it very differently, we are going to need a whole lot of new skills.

That does not just mean a new course in environmental sustainability. It means making sure that it is embedded in all the courses that are taught, whether it is cooking, whether it is hairdressing, whether it is horticulture. It will not be that obvious. It needs to be everywhere. I believe that is a very big role for CIT and that, in fact, it is ideally positioned to lead the sustainability education revolution that we need.

MR SESELJA (Molonglo—Leader of the Opposition) (1.10 am): I have a few words in relation to CIT. From our perspective, the work that CIT does is of critical importance. We certainly believe that vocational training is going to be an increasingly important part of the future of our city and we need to find ways of funding smarter, in the way that CIT has done.

Dr Foskey has touched on some of the issues with the campuses, and I will not go over that too much, but there is obviously the axing of the campus at Weston. The Weston Creek community had to put up a fight to have the arboretum at Weston saved and there is still no clarity on the fate of much of the land of the former CIT facility. The question now is: which will be the next closed, given we know that the government wants to rationalise CIT facilities? In the budget, the government has funded a feasibility study on CIT services in Fyshwick. It may well be that this study is a backdoor mechanism for getting a recommendation that the government consolidate services from Fyshwick to another campus.

I note, and I am pleased, that there is work afoot on the Reid master plan but there is no serious funding or assurance of funding from the government to give those working on the master plan a sense of what is achievable and realistic. Another significant problem for realising redevelopment at the Reid campus is that there is no clarity of what will happen with the Constitution Avenue upgrade. Until that is sorted out, I think there will be some uncertainty for the Reid campus and any expansions there.

I note that the estimated outcomes for graduate satisfaction and employer satisfaction are higher than the target, at 87 per cent, and I think that that is critically important, particularly employer satisfaction. I think we need good synergies there between CIT and employers so that we are getting the kind of training that employees and employers need so that we can address some of the serious skills shortages that we are facing in the ACT.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (1.13 am): I thank members for their contributions. I think there is agreement around the chamber early this morning on the importance of the CIT. I do note, of course, the major disparity in funding when you look back over the last decade—who cuts, who increases funding—but at this late stage I will not go into that. I just thank members for their support for the CIT and for this appropriation.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.18—Exhibition Park Corporation—\$541,000 (net cost of outputs), \$3,176,000 (capital injection), totalling \$3,717,000

MR SMYTH (Brindabella) (1.14 am): The Exhibition Park Corporation continues to operate under severe constraints. EPIC is constantly under pressure to create a revenue stream with some but little financial aid from the government. The particular issue with EPIC obtaining access to additional blocks has been ongoing for the last four or five years. What the board sought to do was to set up a master plan to endeavour to put EPIC on a proper commercial footing with its own stream of income such that it might be income independent of the government and indeed be self-supporting.

The EPIC board prepared a master plan. That plan was put to government. The Stanhope government has been considering this plan for several years, and what we learnt in estimates this year is that finally the Chief Minister has announced that EPIC will not have access to the additional block of land as requested. This must be an extremely disappointing outcome for the board of the Exhibition Park Corporation, given the work and the time that has been put into it, and it must be an extremely disappointing outcome for the current and potential users of the EPIC site. A number of events at the site are now constrained by the size of the site and by the type and variety of accommodation on the site.

The EPIC board was attempting to develop the facility into a sound commercial entity and this is being thwarted by the government—a government that would appear not to have any vision for the EPIC facility. The pathetic excuse from the Stanhope government—that the EPIC board does not need any additional land, for example, because the government will continue to fund capital works on the site—must be also disappointing. More particularly, rather than the government's funds enhancing the activities of EPIC, the government is in fact going to take the idea that the EPIC board itself has developed and look at developing the land itself for sale for those future uses.

So the board is being thwarted by not being able to expand its site and enhance its capacity for campers, grey nomads and other people who attend functions there, the public are being thwarted from having a better facility, and the long-term future of EPIC is now being constrained by a government that appears to be totally uninterested in the work that the board has done. It is a shame that the government has taken this position and I would hope that it might reconsider it.

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) (1.17 am): I do wish to acknowledge the point that Mr Smyth makes about the master plan and the future of EPIC. The government has taken very seriously plans which the EPIC board have relayed to the government in relation to its view or vision for the future.

EPIC does have a great future. It is a significant ACT community asset. It is managed on behalf of the community by a board appointed by the ACT government, it provides advice to the government and it is appropriate that the government accept or reject

particular proposals, particularly where those proposals relate to proposed future uses of major additional pieces of valuable community land. It is a valuable asset and the master plan developed or envisaged by the board entails accessing significant areas of extra or additional land.

The government has responded to the need to continue to grow EPIC as a major facility for the community; that is why this budget provides significant injections of capital to allow the continued development and enhancement of EPIC. In this budget there is well over \$3 million for the upgrading of the facilities at EPIC; that is over and above in the order of \$2 million that EPIC has accumulated and has available to it. EPIC has available in the order of \$5 million for capital upgrades. I have an expectation that they will be initiated and completed, and they will significantly enhance the showgrounds and EPIC. We look forward to continuing to inject funds into EPIC in future years.

In the context of capital projects and infrastructure, many of us are disappointed that we are not able to attend the Master Builders Association awards this evening. I must say I am particularly disappointed that I am not there representing the ACT government, to be associated in the announcement of the Master Builders Association's project of the year. I would have greeted with enormous pride the announcement that the Master Builders Association of the ACT regards the best project delivered by any organisation over the last year to have been the ACT government's delivery of the Gungahlin Drive extension.

I extend congratulations to all those associated with the Gungahlin Drive extension. The master builders recognise inherently what the Liberal Party do not. The Liberal Party are out trashing business, out trashing the capacity of the ACT government to deliver major capital works such as the Gungahlin Drive extension—a very significant addition to our road infrastructure, a project that in its delivery and in its scope and size is recognised by the Master Builders Association as the best project delivered in the ACT over the last year.

The ACT government takes enormous pride that the Master Builders Association has recognised an ACT government project, namely the Gungahlin Drive extension, as the best piece of infrastructure developed in the ACT over the last year. It is a tremendous acknowledgement of this government's capacity to deliver major infrastructure and we accept the accolade with all due humility.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.19—Legal Aid Commission (ACT)—\$3,519,000 (net cost of outputs), \$194,000 (capital injection), totalling \$3,713,000—agreed to.

Proposed expenditure—Part 1.20—Public Trustee for the ACT—\$643,000 (net cost of outputs), totalling \$643,000—agreed to.

Proposed expenditure—Part 1.21—Actew Corporation Ltd—\$9,817,000 (net cost of outputs), totalling \$9,817,000

MRS DUNNE (Ginninderra) (1.23 am): I do not care how late in the day it is, I, as the shadow minister for water, cannot go past Actew without speaking on this important organisation. I will use it as an opportunity to remind people in the ACT that at last we look like we will be seeing a dam in the ACT. I am glad that the Chief Minister, Treasurer and minister for water has graced us because, as Mr Seselja asked earlier today, what has the Stanhope government been doing? We have been in drought for seven years. At the last election, the Canberra Liberals went to the election with a policy to immediately start to build and fill a dam, because it takes a long time to do such a thing.

Dr Foskey: How are you going to fill it?

Mr Stanhope: How are you going to fill it?

MRS DUNNE: Well, the same way as the Chief Minister would fill his dam. I am not here to have a debate about whether our dam is better than your dam but to congratulate the Stanhope government for having eventually had the guts to do it. It has taken them four years; they have been dragged, kicking and screaming, but eventually they are actually going to—they have worked up enough courage to—do what the people of the ACT have been crying out for for some time: they are going to build a dam.

This is what the people of the ACT need. This is an essential part of the security of the people of the ACT into the future—to have a secure water supply. It will perhaps give us a little bit of capacity to take a breath and come up with some rational approaches to water conservation measures that would go with this so that the people of the ACT, the taxpayers of the ACT, who are paying a pretty price for their water, may be able to benefit from it in some form, in the amenity that they receive in their private domains, in their gardens, in their local parks; so that there will be enough water to provide for the continuation of Canberra's urban forest and to rebuild Canberra's reputation as a garden city.

Over the past years of drought, the fabric of our garden city, the fabric of our urban forest, has been severely degraded and it has been degraded while this Chief Minister, this minister for water, has been responsible. He has had his hands on the levers all through this time but has essentially sat by and done nothing. It is less than a year ago that the Chief Minister stood up in this place and said, "We may never have to build a dam." He was there saying, "Please let it be that we don't have to build a dam, that I am not forced to build a dam, because those pesky Liberals suggested it and I could never possibly take up a policy initiative that was originally suggested by the pesky Liberals."

That is really what it boiled down to, and he has been dragged, kicking and screaming. There are claw marks in the carpet upstairs where the Chief Minister has been hanging on, saying, "No, no, no, don't pull me towards the brink of the dam." So we are eventually here. Fairly soon the ink will be dry on the contracts and we can get underway. And it is about time; the people of the ACT deserve this.

But it is also interesting that today we received our hard copies of the ICRC final report and price determination on water and waste water. This is an issue that should be shared with members of the Assembly. This is a piece of information that really needs to be broadcast widely. On page 75 and 76 the commission makes some comments about the demonstration water purification plant and the general process in relation to a larger water purification plant. I will take the time to read this because it is important. It states:

As discussed in the previous section, the WPP will be located at the Lower Molonglo Water Quality Control Centre. Should the ACT Government approve the construction of the WPP, it will have the capacity to produce 8 ML of purified water a day, with additional scope to increase production to 25 ML/day if required.

Construction of the WPP is forecast to cost approximately \$100 million in capital expenditure in the forthcoming regulatory period and approximately \$4 million in operating costs per annum. The Commission understands that ACTEW is seeking funding from the Commonwealth Government for approximately half the capital cost.

Along with submitters such as Dr Christopher Dorman, the Commission has strong reservations—

I emphasise: strong reservations—

about the prudence of construction of a WPP.

Firstly, the Commission does not believe that it has been demonstrated that a WPP is needed to solve the problem of ACTEW's long-term water supply needs. The Murrumbidgee to Googong project and the enlarged Cotter Dam will provide a substantial increase in water security for the ACT under all likely future climate scenarios. Further, the additional supply capacity provided by the WPP is relatively minimal at only 3 GL per annum based on an 8 ML/day plant.

Secondly, the cost of water to be produced by the plant needs careful consideration. The Cotter Dam enlargement is expected to cost \$145 million to build and to incur \$1 million in ongoing operating costs, while supplying up to an additional 180 ML/day. The Murrumbidgee to Googong transfer has capital and operating costs of \$96.5 million and \$2 million respectively, while adding up to 55 ML/day to the ACT water supply. The WPP, by comparison, will cost \$100 million to build and \$4 million to operate each year, while adding 8 ML/day.

Modelling the costs and expected benefits in terms of water delivered from each project over a 25 year time horizon indicates that the cost per kilolitre of water delivered by the WPP may be more than twenty times more expensive than enlarging the Cotter Dam, and more than eight times more expensive than the Googong transfer option. There would therefore be a significant increase in customers' bills as a result of proceeding with the WPP project. As the Commission has already noted, the outcome of this price decision is that ACTEW's prices will already be substantially higher than anywhere else in Australia. In such circumstances water and sewerage customers' willingness and

capacity to pay even higher prices for construction of a WPP needs to be seriously questioned.

There is a table which is of interest; it actually shows the cost per kilolitre for each of the things, so I recommend to members table 7.11 on page 76 of this report. The report continues:

The Commission accepts that there may be a need to upgrade the LMWQCC—
the lower Molonglo water quality control system—

to provide for additional treatment of salts. However, this can be achieved as a stand-alone project at a far cheaper cost than that for the WPP.

The Commission is also concerned that given ACTEW's capital works program over the coming period, ACTEW may not have the resources to deliver the WPP in a timely and cost-efficient manner in any case.

And so it goes on. I think it is extraordinarily timely that we read this. I congratulate the government for finally having the guts to build the dam and I refer the government and Actew to the wise words of the ICRC on this issue; they are very timely indeed.

The other issue in relation to Actew, marginally related to Actew, that came up throughout the estimates was, of course, the decision to build a gas-fired power station and data centre at Hume. I do not particularly want to dwell on that issue. I want to dwell on what Actew and ActewAGL had in mind for my constituents in Belconnen. The Chief Minister really does get all in a lather about this because it is very sensitive. It is his electorate and he has been out there peddling the story: "There is nothing to see here. Move along, move along—nothing of interest here. We never planned to build a gas-fired power plant." He said there was not a skerrick of evidence, but in fact there is a clear documentary trail that shows that at some stage this matter was being considered.

We will look at the brief summary of the attractive features for ActewAGL of part block 18 section 23 Hume and part block 1360 Belconnen, which was a document put together, I understand, in June 2007. (*Second speaking period taken.*) It says in relation to the Belconnen block:

Part Block 1360 Belconnen is close enough—
close enough, they mean, to the Hume site—

to permit synchronous data transmission (yet far enough away not to be affected by a localised catastrophe at the main site) and is close to an electricity sub-station and—

guess what—

a gas supply.

In a minute for the LDA on 5 June the project officer in relation to the gas-fired power generation asks for evaluation on the basis that both block 18 section 23 and part block 1630 should provide a data centre and gas-fired power generators. On 6 August 2007 there was a meeting that talks about the site at Hume being one of two stations proposed by ActewAGL and that the site was being developed for a gas-fired power station and data communications centre. You asked rhetorically last night, Mr Deputy Speaker, that if they wanted to build 21 megawatts at Hume and suddenly that was not viable and suddenly they needed at least 210 megawatts and suddenly they needed another 150 megawatts somewhere, where were they going to build it before they decided that they would move the whole lot somewhere else?

I think at some stage they contemplated building the extra lot at Belconnen, and I do not have a problem with this. But I have a problem with the attempts of the ACT government to cover it up. Mr Stanhope was saying: “Nothing to see here, nothing to see here. You don’t have a skerrick of evidence.” There are documents here that tell us over and over again just how important it is to have a data centre powered by a stand-alone facility like a gas-fired power station.

My favourite is the aerial map of the block behind the garden and the vet’s out at Parkwood, on Parkwood Road—quite a long distance from the egg farm, by the way. It is a 16.7-hectare site. Beside that, immediately abutting it, are about two hectares marked “power asset”. We have actually seen officials from ActewAGL saying: “We were going to do it with gas. We are going to run it off the grid and we are going to have a backup diesel generator.” But when I got my briefing on the great virtues of a data centre with gas-fired power station I was told how much better it is to have a freestanding gas-fired power station to supply the thing because you would not have to sit around with millions of litres of diesel, in tanks, subliming away there, polluting the area, escaping into the soil—all of these sorts of things.

But suddenly, when the pressure was put on, they said: “No, no, no, we never planned to build a gas-fired power station in Belconnen. We were going to run it off the mains and if we needed backup power we were going to run it with diesel”—extraordinarily inefficient and, as Dr Foskey said the other day, that would have undermined all of the brownie points for environmental friendliness and a smaller carbon footprint at the other place, simply by burning diesel when you needed to burn diesel.

I do not necessarily have a problem with the idea, and I do not think that the people of Belconnen would necessarily have a problem with the idea, of a data centre appropriately placed. But the fact is that when people started asking questions about this, the things about the Belconnen plant started to disappear off the CTC website, so we started to get the impression that they wanted to hide something.

The other question I ask is about site selection or site identification. Why would the Chief Minister’s Department come up with a site which is 250 metres from the boundary of a current residential development and slap-bang in the middle of an area which the new territory plan identifies as a future urban area? If they were going to have whatever facility it was, powered whichever way it was, why would they want to build it there and then build houses around it? Is this the Chief Minister’s idea of

housing affordability—that poor people in Belconnen can live next to a smelly diesel generator? That would be a good way of driving down land prices for your constituents, Mr Speaker, and mine.

Mr Stanhope: It is a backup generator, like the one they have at Canberra Hospital; it is the same as that. It is for when the power goes out.

MR SPEAKER: Order, Mr Stanhope!

MR PRATT (Brindabella) (1.39 am): Mr Speaker—

Mrs Dunne: I understand. We are not as bare in the brains as you might think.

MR SPEAKER: Order! Enough.

Mrs Dunne: We understand. The diesel has got to be there all the time, though.

Mr Stanhope: Mrs Dunne, you have just illustrated that you have not got a clue about the proposal. You could not possibly have had a briefing. If you did, you did not listen.

MR SPEAKER: Order, Mr Stanhope! Cease interjecting. Mrs Dunne, order!

MR PRATT: I suggest that she has got more of a clue than you, Chief Minister, given the way this process has been—

MR SPEAKER: We do not need your help, Mr Pratt. You will provoke more trouble than you're worth.

MR PRATT: I am focusing, unremarkably, on the power station fiasco in Tuggeranong and ActewAGL's very disappointing handling of that matter. It is clear that ActewAGL and the consortium were hell-bent on building, initially, a 210-megawatt peaking power station combined with a data centre. They were hell-bent on getting that cleared and built with minimum fuss. The deeply disappointing thing for me, as I represent my community, is the arrogance displayed by ActewAGL in this particular venture.

However, putting that aside, it has also been communicated to me that ActewAGL were led up the garden path by a very lazy or compliant government through its agencies, in their stupid decision to select an untenable piece of dirt for the combined peaking station and data centre at block 1671. Whilst we are talking about the thinking behind the gas-fired power station, what rocket scientist in the government and its agencies led ActewAGL up the garden path to think they could ram in a 210-megawatt power station 600 metres from Macarthur, with nitrous oxide emissions of 255 micro particles per metric tonne? How did they think that they would not stir up a hornet's nest? What wizard in the government ever thought that a monstrous \$2,000 million project, with those sorts of variables in play, and with a nitrous oxide emission that was one-half of one per cent below the national standard, based on a faulty plume test study, could be put there, cheek by jowl with the residents? That is why ActewAGL were led right up the garden path.

Let us look at ActewAGL and these notifications. What agency in their right mind would put out public notifications and talk in general terms about “a project at Hume” and not be specific about it? Did they arrogantly think they could ram this beneath the radar and shove it through? They certainly did.

Where was the prior community consultation? We have heard Mr Barr ad nauseam in the last couple of weeks saying: “Oh well, it’s okay. ACTPLA and the normal planning processes allow these sorts of decisions to be made without too much consultation, communication, formal notification or public information being put out, and then we can start talking about it.” But isn’t it a bit damn late? The consortium have been led up the garden path and they have made commercial decisions against what they clearly saw as a narrow window of opportunity. And you then say, “Oh hang on, gee, will this stand up to an EIS?” So we have this hornet’s nest that they have stirred up.

This has been poorly managed from whoa to go. With respect to the arrogance of Actew, the response to the community concerned has been outrageous. The patronising way in which ActewAGL officials spoke to the community meeting on 28 April was rather breathtaking. Of course, ActewAGL have thrust their so-called EIS down all of our throats. They told the community on 28 April—and Mick, they told you—that they had undertaken—

Mrs Dunne: What about the comrades?

MR PRATT: That is a case of the old “comrades over constituents”. COC—the new acronym. That is the new acronym for the Labor members for Brindabella regarding how they connect and engage with their constituents: comrades first; keep the constituents in the dark. That is what we have seen from the other side of the chamber, haven’t we, Mr Gentleman?

With respect to ActewAGL’s plume test, initially it sounded pretty convincing: “We’ve done this impact study, it’s going to be fine. Oh by the way, the noise pollution variables are six out of seven but we’re not going to build a buffer wall. We’re going to save money. All right, okay, if you kick us hard enough, perhaps we’ll think about building a buffer wall.” This whole thing has been rather sloppy. It can be understood why the community have been so suspicious about this whole process. Of course, with the plume study, it was not the government that found that Actew’s plume study might have been faulty; it was members of the community. Some canny men and women in the residents team found that ActewAGL’s plume study was a study taken of the air quality of the nitrous oxide emissions measured over one hour at the airport, not measured at Macarthur, and only for one hour, not through a 24-hour cycle; and measured only against one seasonal, all-weather condition. No modelling was undertaken.

Mrs Dunne: In Wagga.

MR PRATT: That is it: against temperatures in Wagga, which is perhaps 1,500 feet in altitude lower. That is quite significant in these sorts of environmental impact tests.

They did not bother to model the seasonal changes for times around the annual cycle. So it was a hell of a flawed test. And even that flawed test still showed that the nitrous oxide omissions were one-half of one per cent below a national standard. By the way, it is a national standard which is held up to ridicule by a lot of environmental scientists, who say that our standards for that particular gas emission are far below OECD standards and other international standards.

ActewAGL have not covered themselves in glory with this particular project, and they have now stirred up a hornet's nest of residents from southern Woden and northern Tuggeranong. How the hell they think they are going to push through this scaled-down project is anybody's guess.

This government ought to take note of the planning processes that we have seen in play and the performance of ActewAGL. A lot needs to be done to sort that out. It is a \$2 billion dollar project, and something that really needed that little bit of extra care. We needed to step outside the square and add to the processes we currently have in place. They needed to bring the community along with them. Of course, the consequences are that the government may well have stuffed a project which would have been well suited if it were sited elsewhere, and of great benefit to the ACT.

DR FOSKEY (Molonglo) (1.49 am): I am going to talk about water, not gas. Actew and the water security projects team were tasked with finding a source of water that was not rainfall dependent. Their solutions were to either purchase water from outside our catchment or build a water recycling plant and, of course, enlarge the Cotter Dam.

I want to respond to what Mrs Dunne said. I thought it almost seemed like she was claiming victory for the Liberal Party because the government has decided to enlarge the Cotter Dam. That enlargement of the Cotter Dam was on the books before I even came into this place. It is not as though the government just decided to build the Cotter Dam. The decision to do so has been the result of a very rigorous process which involved a great deal of community consultation in the *Think water, act water* days. The logical conclusion, after looking at all the environmental impacts and other impacts of enlarging the Cotter Dam, was drawn. So it is interesting to see the Liberals' segue regarding the enlargement of the Cotter Dam being somehow equivalent to building a new Tennent dam. It is a very dodgy segue.

Mrs Dunne: It is a dam. There is a bit of sophistry in saying that it is not a new dam so it is all right. It is a dam and the people need it.

DR FOSKEY: I think the Liberals have been deliberately blind to all the arguments that we have put up against the Tennent dam. However, I do not think their other solutions are quite as elegant. I do not think that Actew has really put in place the other part of *Think water, act water*, which was about water efficiency.

The best way to deal with our water issue is not just to increase the supply but also to reduce the demand. It is a little concerning that Mrs Dunne is looking at the new dam as a way of ensuring that we can just keep using more water. We have not really got the luxury of changing our permanent water conservation measures which Actew has introduced. While there are still people putting in private pools, I do not think we have

faced the fact that we have got a water crisis; perhaps we do not have a water crisis to that extent.

I am really glad that Mrs Dunne has read her ICRC report. Their comments on the recycling plant were very interesting. I have so often wondered where that proposal came from. There has been a wave of desalination plants and recycling plants around Australia. A really good salesman must have come around. I am just not sure about that. But in Sydney, he was so successful—and I am saying “he” advisedly—that he sold Sydney people a desalination plant that they do not need, which the government has committed to. I am very pleased that at least Actew has not yet committed to building a recycling plant. We have got until the end of the year before it makes that decision, and I hope it takes on board the ICRC advice when it makes that decision.

One priority that Actew came up with over the next year is to progress arrangements to purchase water from the Murray-Darling Basin. There are concerns about taking water from another catchment. I know that this solution works very well for the ACT. When I brought this up with Actew officers, they said, “Already, the Snowy hydro-electricity scheme is pushing water from one catchment into another.” I am not really sure that that justifies our doing even more diversion. I would really like a bit more thought to be given to this idea of taking water from another catchment into our own.

The Snowy hydro scheme diverted half of the water that once flowed east and made it flow west into the Murray-Darling Basin. This means there is now double the amount of water flowing through the basin that there should be. As well as the hydro scheme, land clearing, forestry and other agricultural practices have changed the amount of water that flows through the rivers.

All in all, there have been many changes to Australia’s river systems over the past 50 to 100 years. The main thing that has changed, though, is the demand for water. Thirsty agriculture and thirsty urban environments are putting more demands on our rivers than ever. It is time that we took responsibility for our own catchment. That means being efficient with our use of water. That means ensuring that our increased water needs due to population growth do not grow beyond what our catchments can supply.

As to the water purification plant, it is a huge energy-guzzling project. I have not really seen any evidence that we need it. We have not really been down the water efficiency road yet. As I said before, while people are still able to fill their swimming pools with potable water, we should not be discussing a water recycling plant. It is not just money that is being wasted here; it is energy. I know that we need real options, but this is a case where technology fixes should not be the first answer.

The government has been pleased with the reduction in water use due to water restrictions. There needs to be more focus on other ways to encourage people to reduce their water use. The newly labelled “switch your thinking” program might go some way towards doing this. Smart metering might be another positive step. Smart meters would place the information that each household needs to inform themselves about just how much water they are using on a regular basis.

One obvious problem, when we are talking about reducing Canberra's water use in the context of Actew's budget, is the fact that Actew is a corporation. It is not a non-profit agency. It has been given a mandate to profit from water use. Is it really in Actew's interest to reduce our water use? We come up against that contradiction all the time. No, it sounds far more profitable to build a water recycling plant, which will be very expensive. Even a trial will cost millions of dollars. Again, I refer the Chief Minister to the ICRC report. So on the one hand TAMS is spending \$2 million on water reduction programs, while on the other we are trying to make a profit from people's water use.

With respect to smart metering, it is interesting that in the environment part of the budget the government says they will implement a pilot smart metering program. However, in the Actew part of the budget, the relevant priority says that they will be "continuing to investigate" a smart metering pilot program. Is it an investigation or are we going to have a pilot smart metering program? This should be a high priority as it will help households to see for themselves what their water usage is each day.

Back in the old days, when everyone ran off a tank, they knew how much water they used each day. But ACT people have got the idea that water is an infinite resource, that they can turn the tap on whenever they like and there should be water coming out of it. They have got the idea that they should have green lawns and they should be able to wash their cars every week. That is slowly changing. People are learning that that is not the case. But it is not so easy for people to see how much they use. When they get their water bills, they usually get a big shock, and they do not realise it is actually related to the amount of water that they have used. If we have smart metering, people will not have to wait three months for their bill to arrive to see whether they have managed to reduce their water use. Smart meters are a real opportunity for people to be able to take control over their use, and see the effects immediately. If knowledge is power then allowing people to gain information about their households is empowering.

The federal government has put some funding towards smart metering in the ACT. The interesting thing is that it is not as simple as that. It turns out that the ICRC then tells Actew how much money they are allowed to recover from those funds through price increases. This should not be so complicated, and this is certainly not a program that should be dependent upon funding. Initiatives that move our society towards saving water should be supported. There has still been no decision to proceed with the trial. One priority for Actew is to manage their investments in electricity, gas and telecommunications to achieve satisfactory returns. *(Second speaking period taken.)*

We have had a little conversation about the gas-fired power plant today. One of the things that I have brought up a couple of times, and discussed with at least one of the shareholders, is the fact that Actew, being a territory-owned corporation, is managed by a board and does have two people who represent the Canberra population acting as shareholders. We have a fundamental difference about the way that shareholders should conduct their responsibilities. The Chief Minister and the Deputy Chief Minister believe that it requires a hands-off approach. I think that, as well as their ministerial roles in relation to water use and the gas-fired power station, the

shareholders do have the job of making sure that their appointees to the board are the right people and that the board is doing its job. I think that, fundamentally, in relation to the gas-fired power plant, it was not.

MR MULCAHY (Molonglo) (2.00 am): I too, Mr Speaker, would like to speak today about water security issues, which are a large part of the priorities of the current budget. I realise that most of the estimates committee hearings were focused on the issue of the proposed power station near Macarthur and that ActewAGL officials were questioned comprehensively on this. I think I have said all that I can say on this issue, and so I would like to bring the focus back to another issue that I believe has a great deal of importance to the people of Canberra—water security.

Water security has been an important issue in the past several years as we have seen low inflows to our dams. I note that the storage level was up to 45.68 per cent yesterday, which is an improvement over the storage level at the same time last year. Whilst it is a welcome figure I am sure we all hope the situation will improve in the future.

Like Mrs Dunne, I am glad to see that one of the priorities for Actew in this current budget is to undertake the planning and construction work associated with enlarging the Cotter Dam. This has been a project on which the government, I feel, has dragged its heels before finally making a decision last year. For some time now, we have been in a situation where we have had far lower inflows to our dams than the normal levels, and this has led to a situation where dam levels have been reduced substantially and we are now on water restrictions as a result.

In my time as the shadow minister for environment and water, I continually pressed the government to take action on the water shortage and the long-term water security of the Australian Capital Territory water supply. It caused me a great deal of frustration that the government took so long to act on this issue, and I am glad the decision has now been made and that the planning and construction have been made a priority.

I also note that one of the priorities in the current budget is to undertake design work for the water purification plant, allegedly designed as a demonstration plant. I find this plant to be quite perplexing. The government undertook a review of the issue of recycled water and said that it would make a decision based on consideration of the alleged health risks and other concerns that have been raised. After reviewing the issue, the government took the view that it would not introduce recycled drinking water but would build a recycling plant instead, allegedly for demonstration purposes.

This seems to me, and a great many other people, to be a very disingenuous approach. I do not think that, once the plant has been built, this government or any future government is simply going to allow this expensive piece of capital to be used as an academic curiosity, unless, of course, Mr Stefaniak were to make a comeback, because I know he was dead set against the idea of recycling and subscribed to a lot of the fear-mongering that is raised in association with this process. I strongly suspect that, once built, we will hear more and more calls to ensure that the plant does not remain idle, and it will inevitably be used for more than demonstration purposes. As I

have said publicly many times before, I have no opposition in principle to recycled drinking water, so long as it is safe and that the costs are reasonable. However, I think the government should be a bit more forthright on this issue, and I think they should have the courage to come out and say what is obviously going on.

I notice that one of the priorities stated in the budget is for Actew to continue to contribute to the ACT community by supporting organisations, events and initiatives. I have spoken on this topic a few times, because I have my reservations about the practice of government agencies, including government-owned corporations, expending money outside of their areas of responsibility. Indeed, I think this was cited in an Auditor-General's report as an issue of some concern.

It seems to me that this kind of practice can create a problem of accounting transparency in that payments made by some government agencies or corporations to some kind of community activity or service do not appear in the relevant portfolios that deal with that area. This makes it very difficult to get a complete idea of government contributions to community groups, events or initiatives, because they are all over the place.

There is also a considerable question as to whether Actew is the best-placed government body to be making decisions about supporting organisations, events and initiatives. I would have thought that this would fall more within the domain of Tourism ACT or the Chief Minister's Department. This can lead to sub-optimal decisions or even situations where the left hand does not know what the right hand is doing. Whilst it may seem very nice and fuzzy for Actew Corporation to contribute to community events or initiatives, if we wish to run an efficient and effective government, we need to ask ourselves why the corporation is undertaking this function when other government agencies already undertake this function as part of their core areas of operation.

I have mentioned this subject quite a few times since coming to the Assembly, and I believe that it is an important matter, notwithstanding the fact that it may be small amounts of money in the big scheme of things. If we want an efficient government, we need to improve these kinds of practices to make sure that public money is being spent optimally.

Finally, let me just put on the record that the new chief executive of Actew is, I believe, an outstanding appointment. I think that his previous experience at a commonwealth level left him with a very strong reputation, and I look forward to seeing his leadership in the organisation as its managing director from 1 July, from memory.

Proposed expenditure agreed to.

Proposed expenditure—part 1.22—Cultural Facilities Corporation—\$7,105,000 (net cost of outputs), \$1,164,000 (capital injection), totalling \$8,269,000—agreed to.

Proposed expenditure—part 1.23—ACT Gambling and Racing Commission—\$4,230,000 (net cost of outputs), \$1,875,000 (capital injection), totalling \$6,105,000—agreed to.

Proposed expenditure—part 1.24—ACT Insurance Authority—\$10,000,000 (capital injection), totalling \$10,000,000—agreed to.

Proposed expenditure—part 1.25—Independent Competition and Regulatory Commission—\$471,000 (net cost of outputs), totalling \$471,000—agreed to.

Total appropriated to agencies—\$2,072,315,000 (net cost of outputs), \$715,225,000 (capital injection), \$420,599,000 (payments on behalf of the territory), totalling \$3,208,139,000

MR MULCAHY (Molonglo) (2.08 am): I would just like to reiterate that the glaring deficiency in this budget is the failure of the territory government to introduce any significant tax reform and provide any relief for families, those on fixed incomes and superannuants. This territory has dramatically improved its financial position, and the case is very clear and overwhelming that the people of Canberra ought to be getting back some of the extensive and wide-ranging taxes that have been imposed on this community. It is a real disappointment that this budget has simply paid lip-service to people in that predicament.

We are seeing families suffer at a greater and greater rate. Each month my office is monitoring the number of proceedings in the Supreme Court in relation to people who are becoming partners on distressed loans and who are finding their financial positions such that they are defaulting on mortgages. We ought to be doing what we can as a territory to provide some relief in the wake of these pressures on families, but this budget is basically all about spending and pays little regard to that predicament.

I would also just like to say—I did not really get into much detail on the estimates—that I was underwhelmed by the principal report on the estimates process and I was underwhelmed by the dissenting report, which I thought focused excessively on trivia and indexation of papers and documents. It missed many of the main concerns that people have expressed to me in this territory in relation to the budget.

Whilst I will vote in favour of the budget, I think it is important to register the difficulties that many Canberrans are facing. I am sorry that tax reform did not feature in the budget in any significant way, nor did it feature in either the principal report or the dissenting report produced on this budget.

Proposed expenditure agreed to.

Proposed expenditure—part 1.26—Treasurer's advance—\$32,000,000—agreed to.

Total appropriations—\$2,072,315,000 (net cost of outputs), \$715,225,000 (capital injection) \$420,599,000 (payments on behalf of the territory), totalling \$3,240,139,000

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) (2.11 am): Just before putting that to the final vote, Mr Speaker, I take the opportunity to thank

everybody for their contributions to the debate on the appropriation bill. It is, of course, the most significant bill that any government introduces in any year. It deserves the level of scrutiny and attention that has been paid to it through this process. I acknowledge the very significant effort that members have made in their contributions to the debate, and I thank them for that.

The government is very pleased with this budget; it is the strongest budget that has ever been delivered by an ACT government. It does reflect the enormous work that this government has done over the last few years to secure our balance sheet and our budget to ensure that it is sustainable and allows us to invest in the way that this budget illustrates that we are investing, not just in services but also in infrastructure. I am very pleased and proud of the budget. I am pleased that members, whilst perhaps not sharing my enthusiasm or that of the government for it, have taken the time and effort that they have in the contributions they have made.

Proposed expenditure agreed to.

Clauses 1 to 11, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill agreed to.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent orders of the day Nos 1 and 2, Assembly business, relating to the report of the Select Committee on Estimates 2008-2009 and the government response to the report being called on forthwith.

Estimates 2008-2009—Select Committee Report

Debate resumed from 26 June 2008, on motion by **Ms Porter**:

That the report be noted.

Question resolved in the affirmative.

Estimates 2008-2009—Select Committee Report—government response

Debate resumed from 26 June 2008, on motion by **Mr Stanhope**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Adjournment

Motion by **Mr Corbell** agreed to:

That the Assembly do now adjourn.

The Assembly adjourned at 2.15 am (Saturday) until Tuesday, 1 July 2008, at 10.30 am.

Answers to questions

No Waste Action Plan (Question No 2033)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 8 April 2008:

- (1) In relation to the review of the No Waste Action Plan 2003 to 2007, can the Minister advise (a) the terms of reference for the review, (b) the standards against which our achievements and progress will be assessed, (c) the consultation mechanisms that the department will use, (d) the current status of the review and (e) when the review will be made public;
- (2) Can the Minister provide a copy of the review or advise where one can be obtained;
- (3) Will the background information be made publicly available; if so, when;
- (4) Will the review be open for consultation prior to the adoption of the 2008 to 2011 action plan.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) (a) The Terms of Reference for the Review are provided at Attachment 1.
 - (b) The achievements and progress of the NOWaste Policy and Strategy will be measured against the ACT's past performance and forwards targets for resource recovery and waste to landfill. Forwards targets are contained with the ACT Government Budget Papers and are regularly reported on to the Assembly. Additionally the Review will bench mark the ACT's waste minimisation policy and performance against other jurisdictions.
 - (c) The initial Departmental review will be completed without any stakeholder or public consultation. It is anticipated that the review will be forwarded to the Government for consideration by the end of July 2008.
 - (d) The review is in its final stages and it is expected to be completed by the end of May 2008.
 - (e) Once the Government has considered the review a decision will be made about its public release
- (2) As stated in 1 (d) the Review is in its final stages and will not be completed until the end of May 2008.
- (3) Refer to 1 (e).
- (4) There will be a consultation process held prior to finalisation of a future waste minimisation policy and strategy for the ACT.

Attachment 1**Terms of Reference for Review of No Waste Targets**

- (1) The Consultant is required to provide a review of the No Waste Strategy and Targets with a view to providing the Territory with options for achieving or deferring the targets within the existing budget constraints of the Territory and in accordance with the Services.
- (2) The review should not be an analysis of the technological feasibility of achieving the No Waste Strategy. As a basis for the review an analysis of the economic, environmental and social costs and benefits of various options needs to be considered.
- (3) Consideration also needs to be given to the political and social acceptability of deferring the No Waste target as well as environmental and financial implications.
- (4) A report should clearly detail the anticipated costs associated with the options for achieving or deferring No Waste. A detailed analysis of various options needs to be conducted that includes an examination of the environmental, social and financial impacts of each option.
- (5) In the preparation of their report the Consultant shall take into account all relevant information, such as previous reports, progress in other jurisdictions, emerging trends and developments including but not limited to:
 - (a) The No Waste by 2010 Strategy document;
 - (b) The Commissioner for the Environment's report on implementation of the No Waste Strategy;
 - (c) The Actual Costs of Waste Disposal in the ACT;
 - (d) The Waste Pricing Strategy for the ACT;
 - (e) ACT Government Platform;
 - (f) URS, Environment, Social and Financial Review of the No Waste Strategy;
 - (g) Turning Waste Into Resources;
 - (h) Relevant sections of the ACT Government 2006/07 Budget Papers;
 - (i) Waste strategies and achievements in other jurisdictions; and
 - (j) National waste initiatives.

**ACT Health—occupational health and safety
(Question No 2042)**

Mrs Burke asked the Minister for Health, upon notice, on 10 April 2008:

- (1) Can the Minister provide details of the number of workplace inspections within ACT Health that have been conducted by either WorkCover or Comcare inspectors, in response to unsafe work practices, since 1994 under the *Occupational Health and Safety Act 1989* regulatory arrangements and governance; if not, why not;
- (2) Has the Minister failed to ensure that all statutorily protected employees with ACT Health receive feedback about any or all investigations of their Public Interest Disclosures (PID), including complaints of occupational health and safety (OHS) breaches; if so, why;
- (3) Has the Minister failed to meet PID and OHS obligations to ensure that all ACT Health employees were protected and received feedback about the investigations of all their PID and OHS complaints and disclosures; if so, why;
- (4) Is it common practice for ACT Health and its chosen insurer, Comcare, to (a) ignore or fail to act on medical advice including its own expert medical advice and (b) target individual employees to cause detriment and discrimination to them and their families for performing in accord with section 9 of the *Public Sector Management 1994*, the *Occupational Health and Safety Act 1989* and the *Public Interest Disclosure Act 1994*;
- (5) How have Health Ministers, past and present, ensured that ACT Health employees including its Chief Executive Officers (CEOs) are ensuring complaints of workplace OHS breaches of safety duties are dealt with within the framework of the *Public Interest Disclosure Act 1994* even when they may not have been declared to be a PID disclosure;
- (6) What action has or will be taken against ACT Health employees who have failed to act in accordance with the *Public Interest Disclosure Act 1994* when notified of their conduct constituting unlawful reprisals;
- (7) Has the Minister, as Minister for ACT Health, complied with the *Public Interest Disclosures Act 1994* and the *Occupational Health and Safety Act 1989* to ensure notification obligations to report injuries resulting in seven days incapacity are met to ensure that the incident is investigated in a timely and effective manner and the course of justice is not perverted; if so, can the Minister provide evidence of such actions;
- (8) Has ACT Health and insurance agency Comcare ignored and/or failed to heed expert medical advice, including from its own approved medical experts to the detriment of ACT Health public sector employees and their families; if so, why;
- (9) Can the Minister provide the number of inspections that have been conducted in ACT Health under the *Public Interest Disclosure Act 1994*; if not, why not;
- (10) Has ACT Health failed to ensure Accident and Incident reports of leave for more than seven days are dealt with according to regulatory/statutory requirements; if so, why;
- (11) Can the Minister confirm that the CEO of Act Health and the Injury Prevention and Management Unit have complied with the *Occupational Health and Safety Act 1989* including section 210 and the *Public Interest Disclosure Act 1994*; if not, why not.

Ms Gallagher: The answer to the member's question is as follows:

- (1) Comcare does not inspect ACT Government premises in regards to Occupational Health and Safety (OH&S) issues. ACT WorkCover undertakes inspections in accordance with its legislative responsibility and issues notices should they deem it appropriate. ACT Workcover would have details of its inspections.
- (2) No. ACT Health is responsible for ensuring that this is done in accordance with the Public Interest Disclosure (PID) policy and legislation.
- (3) No. ACT Health is responsible for meeting these obligations in accordance with the PID and OH&S policy and legislation.
- (4) Comcare is the workers compensation insurer for the whole of the ACT Government. ACT Health cannot speak for Comcare. ACT Health considers all relevant advice. ACT Health policies expressly forbid bullying, harassment, discrimination and reprisal.
- (5) This is a matter for ACT Health to determine in accordance with PID and OH&S policy and legislation.
- (6) Action taken is done so in accordance with the PID policy and legislation.
- (7) ACT Health is responsible for meeting obligations in accordance with PID and OH&S policy and legislation. The PID Act does not specify a period of incapacity. All ACT Health injuries are reported to the ACT Health Injury Prevention and Management Unit (IP&M). All incident notifications are forwarded to the Chief Ministers Department (CMD). Copies of notifications are held by the reporter, their supervisor, IP&M and CMD. Injuries resulting in seven days incapacity are reported directly to ACT Work Cover by the relevant manager as required by the *Occupational Health and Safety Act 1989*.
- (8) ACT Health is not aware of any such instances.
- (9) The PID Act contains no provision for “inspections”.
- (10) ACT Health at all times seeks to comply with this requirement.
- (11) ACT Health is not aware of instances where the Chief Executive or the Injury and Prevention Management Unit have not complied with the intentions of the *Occupational Health and Safety Act 1989*, including section 210. ACT Health and its Injury Prevention and Management Unit encourage consultation as stated in *ACT Public Service Injury Prevention Agreement section 5*, which is in accordance with subsection 37(3), of the *Occupational Health and Safety ACT 1989*, as modified by the *Public Sector Management Act 1994*.

**ACT Health—occupational health and safety
(Question No 2046)**

Mrs Burke asked the Chief Minister, upon notice, on 6 May 2008 (*redirected to the Acting Chief Minister*):

- (1) Has the Chief Minister’s Department (CMD) responded, in accordance with the *Public Interest Disclosure Act 1994* (PID Act) and the *Occupational Health and Safety*

Act 1989 (OH&S Act), to complainants/disclosers it received on or about November 2004 from an ACT Health employee in relation to child protection interagency misconduct; if not, why not;

- (2) Has the CMD failed to meet obligations under section 26 of the PID Act to respond to each claim of unlawful reprisals resulting from these complaints and disclosures reported to the Government's insurance agent Comcare, and the Minister as employer, through ACT Health;
- (3) What investigations have been undertaken by the CMD to address the reports of unlawful reprisals to the employee;
- (4) How has the Chief Minister rectified the unique regulatory arrangements of carrying over elements of the Commonwealth's *Occupational Health and Safety (Commonwealth Employment) Act 1991*, which were not shared by the ACT's OH&S Act, through the Public Sector Management Act following separation from the Commonwealth in relation to occupational health and safety;
- (5) In relation to the above matters, has the Chief Minister omitted to ensure that his duties as Chief Minister and that of Health Ministers, Mr Corbell and Ms Gallagher, under the PID Act and the OH&S Act, were and have not been met from 2004 to present.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Chief Minister's Department (CMD) has not received a PID on this matter. CMD manages the ACT Government accident/incident database in accordance with the *OH&S Act*. A search scanning all incidents for ACT Health revealed two reports relating to work pressure and stress. The specific case of the ACT Health employee referred to in the question was recorded on the ACT OH&S accident/incident database and is being addressed as an OH&S matter and a grievance.
 - (2) See (1) above.
 - (3) See (1) above.
 - (4) Schedule 3 of the *Public Sector Management Act 1994* modifies the *Occupational Health and Safety Act 1989* in its application to public employees. The modifications carried over elements of the Commonwealth's *Occupational Health and Safety (Commonwealth Employment) Act 1991* which were not shared by the ACT's OHS Act. The Government is in the final stages of developing the Work Safety Bill 2008. The Work Safety Bill will not reproduce the modifications. Consistent with all other jurisdictions the Bill will apply equally to public and private sector workers. Any specific OHS arrangements for the ACT Public Sector will be negotiated and included in relevant policies.
 - (5) No. I am not aware of any instances where any Ministers have not complied with the intentions of the *Occupational Health and Safety Act 1989* or the *Public Interest Disclosures Act 1994*.
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**Public interest disclosure
(Question No 2048)**

Mrs Burke asked the Chief Minister, upon notice, on 6 May 2008 (*redirected to the Acting Chief Minister*):

Why has the Government drafted a Public Interest Disclosure Bill to wind back public accountability, transparency and protection for whistleblowers from 48.4% to 37.3% best practice.

Ms Gallagher: The answer to the member's question is as follows:

The Government has not wound back public accountability, transparency and protection for whistleblowers.

In November 2006, Dr AJ Brown released an issues paper entitled: "Public Interest Disclosure Legislation in Australia: Towards the Next Generation" (the Paper). This paper is part of the Australian Research Council's 'Linkage' project "*Whistling While They Work*" - a national research project initiated by Griffith University and supported by the Commonwealth Ombudsman, NSW Ombudsman and Queensland Ombudsman.

In light of this paper and as part of its review of the *Public Interest Disclosure Act 1994*, the Government will consider introducing several amendments in line with the recommendations of the Paper.

**Calvary Hospital—bullying allegations
(Question No 2049)**

Mrs Burke asked the Minister for Health, upon notice, on 6 May 2008:

- (1) In relation to allegations of bullying and harassment within ACT Health and specifically at Calvary Public Hospital and The Canberra Hospital (TCH), can the Minister outline the measures currently being undertaken to prevent bullying and harassment;
- (2) How many team-based education sessions within ACT Health and specifically at Calvary Hospital and TCH have been conducted on (a) productive communication, (b) teamwork and (c) other strategies to prevent bullying and harassment that have been conducted in 2008;
- (3) How many attendees were at each session outlined in part (2);
- (4) What are the details of any current revisions to guidelines on bullying and harassment within ACT Health and specifically at Calvary Public Hospital and TCH.

Ms Gallagher: The answer to the member's question is as follows:

- (1) ACT Health is committed to providing a safe and harmonious work environment that enhances the achievements of both individual and organisational goals.

ACT Health has an Anti-Discrimination Bullying and Harassment Policy, which provides details of the process under which complaints are managed. To support this policy, a range of training programs are available to staff.

These include:

- a. "Creating a Great Workplace Environment";
- b. "Implementing Performance Management";
- c. "Giving & Receiving Feedback";
- d. "Learning to Lead";
- e. "Managing Underperformance";
- f. "Managing the Discipline Process";
- g. Orientation; and
- h. Managers orientation.

In addition, team-based sessions are offered which are reflected in the answers below.

Calvary has trained 35 Workplace Equity Officers to be a first point of contact and advice on issues pertaining to bullying and harassment. The training and appointment of these Officers was widely advertised.

Calvary has implemented a campaign designed to raise awareness of the issues around bullying and harassment, and provide initial education and direction. This has included: a letter from the CEO sent to all staff and VMOs at their home address outlining the zero tolerance position, and subsequently sending the same letter to all new staff in their recruitment package, placing a poster-sized version of the letter signed by all of the Executive in the foyer of the hospital, visiting every work area of the hospital and providing posters and an in-service, and providing a training session on bullying and harassment for every employee at Orientation (on their first day of work). A consultative working group exists to support the zero tolerance of bullying and harassment.

(2) (a) productive communication

In Calvary 13 sessions have been conducted. Communication education sessions are presented as part of Orientation, and are conducted every four weeks. Five such sessions have been conducted so far in 2008. Eight other sessions have been conducted.

In ACT Health 29 sessions have been conducted.

(b) teamwork

In Calvary 11 education sessions on teamwork have been presented to date in 2008.

In ACT Health 41 sessions have been conducted. These are generally team building sessions conducted in-situ with teams.

(c) other strategies to prevent bullying and harassment that have been conducted in 2008

Calvary have conducted 5 sessions. Education sessions on preventing and managing bullying and harassment are presented as part of Orientation, and are conducted every four weeks. Five such sessions have been conducted so far in 2008.

In ACT Health 46 sessions were conducted, including Performance Management training and education sessions.

(3) (a) productive communication

Calvary total = 215. 113 employees have attended Communication education sessions as part of their Orientation. 102 employees have attended other Communication education sessions.

ACT Health data is presently unavailable, due to the migration of data to a new Training Management System. Typically between 8 and 25 people attend these sessions.

(b) teamwork

Calvary total = 160. 160 attendees participated in the teamwork training sessions.

ACT Health data is presently unavailable, due to the migration of data to a new Training Management System. Typically between 8 and 25 people attend these sessions.

(c) other strategies to prevent bullying and harassment that have been conducted in 2008

Calvary total = 113. Every new employee to Calvary attends an education session on bullying and harassment as part of their induction. So far in 2008, 113 employees have attended these training sessions.

ACT Health data will be available when migration of data to a new Training Management System is completed in three months. Typically between 8 and 25 people attend these sessions.

(4) Calvary Public Hospital has a 'zero tolerance of bullying and harassment' policy in the final draft stages (to replace the current 'elimination of bullying and harassment policy').

ACT Health is committed to providing a safe and harmonious work environment that enhances the achievements of both individual and organisational goals.

ACT Health has an Anti-Discrimination Bullying and Harassment Policy, which provides details of the process under which complaints are managed.

**Hospitals—acute services
(Question No 2050)**

Mrs Burke asked the Minister for Health, upon notice, on 6 May 2008:

What was the cost of an acute care bed in (a) The Canberra Hospital and (b) Calvary Public Hospital in (i) 2000-01, (ii) 2001-02, (iii) 2002-03, (iv) 2003-04, (v) 2004-05, (vi) 2005-06, (vii) 2006-07, (viii) 2007-08 to date.

Ms Gallagher: I am advised that the answer to the member's question, based on the methodology used for the National Hospital Cost Data Collection for each year

(including depreciation), is:

- (a) The Canberra Hospital
 - (i) 2000-01 was \$986 per patient day (determined by dividing the total number of dollars used to provide acute services by the total number of patients days provided in the year)
 - (ii) 2001-02 was \$1,137
 - (iii) 2002-03 was \$1,235
 - (iv) 2003-04 was \$1,280
 - (v) 2004-05 was \$1,541
 - (vi) 2005-06 was \$1,492
 - (vii) 2006-07 was \$1,578
 - (viii) 2007-08 to date is not yet available.

- (b) Calvary Public Hospital
 - (i) 2000-01 was \$911 per patient day (determined by dividing the total number of dollars used to provide acute services by the total number of patients days provided in the year)
 - (ii) 2001-02 was \$1,073
 - (iii) 2002-03 was \$1,193
 - (iv) 2003-04 was \$1,243
 - (v) 2004-05 was \$1,419
 - (vi) 2005-06 was \$1,363
 - (vii) 2006-07 was \$1,389
 - (viii) 2007-08 to date is not yet available.

Seniors—hospital care (Question No 2051)

Mrs Burke asked the Minister for Health, upon notice, on 6 May 2008:

- (1) Can the Minister explain why the ACT community continues to hear reports in the media and through other avenues, for example, representations to Members of the Legislative Assembly, about elderly patients having surgery organised and then postponed and/or cancelled to a later date, often on more than one occasion;
- (2) What strategies does the Minister intend to put in place to provide good quality and timely care to the elderly;
- (3) What processes are in place to enable elderly patients to evoke the use of their Veterans' Affairs Gold Card status at Canberra's public hospitals.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There are times when elective surgery has to be postponed. This is principally due to the need to treat more urgent patients with life-threatening conditions. More urgent elective surgery and emergency surgery will take precedence over less urgent elective surgery when all operating theatres are operating at capacity. Age is not a consideration in the postponement of cases.

Over the last three years, the number of elective surgery patients who have had their surgery postponed has decreased considerably, from 14.6 percent in 2003-04 to 8.7 percent for the first ten months of 2007-08. This is a direct result of the additional \$33 million added to the ACT Health budget to increase access to elective surgery over the four years to 2007-08. The additional \$12 m added for additional elective surgery over the next four years will further assist in reducing the level of hospital initiated postponement of elective surgery.

- (2) The Government has already provided considerable increases in funding for health services for older Canberrans. In 2005-06, the Government established the Aged Care and Rehabilitation Service to provide for a better focus on the public health needs of the older members of the community. This was the first time that an ACT Government had established such a clear focus for the delivery of holistic health services to this population. This new service has provided better services to older people across the continuum of care as well as providing an entity to focus solely on the strategic direction for services for older people.

In addition to the consolidation of services to older people within a single organisational framework, the Government has also established the new sub and non acute service at Calvary Public Hospital to provide specialist aged care and rehabilitation services outside of an acute care environment.

The establishment of the new service has also provided the framework for the recruitment of additional geriatric and rehabilitation specialists. The number of these medical specialists working in the ACT is remarkable given the competition for these services across the nation and the world.

The establishment of the new 16-bed Medical Assessment and Planning Unit (MAPU) at The Canberra Hospital is another major improvement in the types of services available for older people in our community. The MAPU provides for a quicker transfer of patients who arrive at the emergency department with complex care needs (generally older patients) to a specialised service which can provide the necessary assessment and treatment needs to maximise health outcomes.

The Government continues to improve services to older people in our community through the provision in the 2008-09 budget of an additional \$4.2 million over the next four years to provide for the expansion of services as well as the establishment of the older person's dietetic service and the expansion of the Rapid Assessment of the Deteriorating and At-Risk (RADAR) service. Both these services demonstrate the continuing commitment of the Government to address the needs of older people and increase the level of early intervention to maximise their health outcomes.

- (3) Both ACT public hospitals have systems and initiatives in place to identify patients who are holders of Department of Veterans' Affairs' Gold Cards. This ensures that these patients receive the appropriate level of services. However, the status of a patient is not a determinant on the level of health services provided. Clinical need remains the sole consideration of our health service professionals.

Nurses—registration (Question No 2052)

Mrs Burke asked the Minister for Health, upon notice, on 6 May 2008:

- (1) What is the process for nurses to renew their registration in the ACT;
- (2) What process is in place to (a) ensure that all nurses registrations are current and (b) follow up on those who have not renewed their registration;
- (3) What can nurses expect to receive for their registration fees.

Ms Gallagher: The answer to the member's question is as follows:

- (1) Registration is annual. Renewal of nursing and midwifery registration/enrolment is due by 31 March each year with the ACT Nursing and Midwifery Board. An annual fee of \$110.00 is payable.

Re-registration requires the nurse/midwife to declare that their practice meets Australian Nursing and Midwifery Council (ANMC) Competency standards and that they follow the ANMC codes of conduct and ethics for nurses and midwives.

- (2) (a) Workplaces are responsible for ensuring that all ACT Health professionals are registered.

It is the individual employee's responsibility to:

- renew their annual registration in a timely manner
- show the original copy of their current licence to practice to their nurse/midwife manager by 1 April of each year
- if on extended leave, show an original copy of their current licence to practice to their nurse/midwife manager on the first day that they return to work
- advise their manager of any conditions or limitations on their registration and licence to practice
- work within their scope of practice, conditions of registration and comply with legislative requirements.

The nurse manager sights the original copy of licence to practice, notes any limitation to practice and ensures that allocated duties of the nurse/midwife fall within his/her scope of practice.

- (b) The nurse manager sends home, on leave without pay, any nurse/midwife who has not provided evidence of current registration and licence to practice by commencement of their first shift/work day on or after 1 April of each year. The nurse manager advises Personnel and the manager, to whom they report of this action.

The nurse/midwife who has not renewed his/her registration is not permitted to return to work until evidence of current registration and licence to practice is provided to the nurse manager.

Each year the ACT Nursing and Midwifery Board randomly audits a selection of nurses and midwives.

- (3) The ACT Nursing and Midwifery Board assists the Minister with the administration of the *Health Professionals Act 2004* (the Act) in relation to the nursing and midwifery professions. Essentially, the Board administers a scheme for registration of nurses and midwives to ensure protection of the public within a best practice framework.

The Board will:

- Provide advice to the Minister, professions and public about matters relevant to the nursing and midwifery professions.
- Deal with registered nurses and midwives who contravene the required standard of practice or who do not satisfy the suitability to practice requirements.
- Provide information to allow the laying of charges against people who commit offences against the Act.
- Provide information to confirm whether or not someone is a registered nurse or midwife.

Nurses and Midwives can expect to receive assurance that:

- Their colleagues have attained the minimum education standards of education preparation, skill, knowledge and experience required for registration/enrolment.
- Accredited education courses meet defined standards.
- Nursing and midwifery standards of practice are endorsed.
- The continuing competence of nurses and midwives is promoted and monitored.

Hospitals—bed numbers (Question No 2054)

Mrs Burke asked the Minister for Health, upon notice, on 6 May 2008:

- (1) What is the current unstaffed bed capacity at (a) Calvary Public Hospital and (c) The Canberra Hospital (TCH);
- (2) How many (a) acute care, (b) medical, (c) surgical, (d) orthopaedic and (e) rehabilitation beds are currently in use at (i) Calvary Public Hospital and (ii) TCH;
- (3) How many wards are still not being fully utilised for medical purposes at (a) Calvary Public Hospital and (b) TCH;
- (4) Can the Minister advise what was the number of patients who had private health cover and who entered the public hospital system and utilised public beds during (a) 2001-02, (b) 2002-03, (b) 2003-04, (c) 2004-05, (d) 2005-06, (e) 2006-07 and (f) 2007-08 to date; if not, why not.

Ms Gallagher: The answer to the member's question is as follows:

- (1) Our public hospitals do not operate within a static environment. The number of beds within our public hospitals that are not being used changes in relation to demand for services.

The Government funded ACT Health for the addition of 21 beds in 2007-08, with a further 25 beds to be added in 2008-09. Some minor works are involved in utilising current spaces within our hospitals to provide for these beds. However, there is limited capacity to increase the bed capacity at Calvary Public Hospital or The Canberra Hospital beyond current levels within the current available infrastructure.

- (2) (i) At Calvary Public Hospital at the end of May 2008 there were:
 - (a) 111 acute care overnight medical and surgery beds, (b) 61 medical beds, (c,d) 38 surgical beds which include orthopaedic surgery beds; and (e) 40 rehabilitation beds.

- (ii) At The Canberra Hospital (including Aged Care and Rehabilitation and Capital Region Cancer Service) at the end of May 2008 there were:
- (a) 348 acute care overnight medical and surgical beds, (b) 187 acute medical beds including 49 renal and endocrinology chairs, (c) 161 acute surgical beds, (d) 34 dedicated orthopaedic beds (included within the 161 surgical beds), however orthopaedic patients are also appropriately located in beds in the day surgery, extended day surgery and paediatric surgery wards; and (e) 36 rehabilitation beds under the management of the Aged Care and Rehabilitation Service.
- (3) (a) On 20 May 2008 the only Calvary ward that was intentionally not fully utilised was 4E. The unused capacity in this ward provides Calvary with the opportunity to ‘flex-up’ or ‘flex-down’ in response to sudden surges in patient numbers
- (b) Across the TCH campus there is some small bed capacity available within current wards (14B, L7A, L6B, PSU, L6A, Cardiology and 11B). Most of this capacity will be commissioned as part of the Government’s additional funding for 25 more beds in 2008-09.
- (4) No. Patients admitted to public hospitals are not required to declare whether they have private health insurance. However, patients are required to make an election to be admitted as a public or private patient.
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Children—protection (Question No 2055)

Mrs Burke asked the Minister for Children and Young People, upon notice, on 6 May 2008:

- (1) What interagency agreements are in place to guide comprehensive interagency intervention for child sexual assaults, with all key agencies including the Office for Children, Youth and Family Support, ACT Policing, ACT Health, the Chief Minister’s Department, the Department of Justice and Community Safety, the Office of the Director of Public Prosecutions, the Department of Education and Training, the Office of the Public Advocate and other relevant departments;
- (2) Can the Minister provide evidence that the ACT has kept accurate data and assigned clear methodology to the collection of child abuse data, given that in 2004 the Community Advocate was provided with statistics that showed 480 children reported sexual assault over a two year period in the ACT;
- (3) What clear mechanism, definitions and statistical methods have been initiated to identify and expose the claim that child sexual abuse mainly occurs in the family;
- (4) How is “family” defined consistently across the ACT and is there a Territory database on which each agency can enter consistent data and clear definitions to ensure effective service delivery; if not, why not;
- (5) In regard to child protection, how does the ACT Government ensure the term “unsubstantiated” does not obfuscate misconduct by public officials, for example, incompetence, negligence, corruption and maladministration.

Ms Gallagher: The answer to the member’s question is as follows:

- 1) The *Sharing Responsibility: A Framework for Service Collaboration for the Care, Protection and Well-being of Children and Young People in the ACT* was signed on 17 March 2006 by Chief Executives of the Department of Disability, Housing and Community Services; Chief Minister's Department; ACT Health; ACT Treasury; Department of Education and Training and Department of Justice and Community Safety. This collaborative framework is a statement of commitment to quality care and protection services for children and young people. It outlines the responsibilities of the Departments and their approach to working together for the care and protection of children and young people in the ACT.
- 2) The Care and Protection Services database, CHYPS (Children and Young Persons System), records child protection reports, the allegation type (i.e sexual abuse, neglect etc) and the type of substantiated abuse. The national reporting of child protection reports, appraisals and substantiations follows rules set by the National Child Protection and Support Services Data Working. The data sets are published in the Report on Government Services. In addition, there is an annual audit by external auditors of the performance measures published in the Departmental annual report.
- 3) Each substantiated allegation of abuse must have a 'person believed responsible' (pbr) recorded on CHYPS. The relationship of the 'pbr' person to the child/young person is recorded in this field. This provides a clear method for assessing whether a given abuse type is happening predominantly in the family.
- 4) Data reporting on child protection matters is based on individual responses and these include information regarding relationships between children and adults. There is no definition of 'family' across the ACT for child protection. When the legislation and publications refer to family, this is a broad term, referring to the relationship between a child and a person within the household or a relative i.e aunt or step aunt, grandparent, mother's defacto, half sibling etc. The *Children and Young People Bill 2008* defines a family member as a significant other person in the life of the child or young person.
- 5) There is no Territory wide database where agencies can access the same records about service provision to families.

The term unsubstantiated is determined by policy within Care and Protection Services, guided by the *Children and Young People Act 1999*. The term requires a review of evidence, application of the legislative and policy requirements and the use of professional judgement in determining whether an appraised child protection report is substantiated or unsubstantiated. There is a review process of decisions by the Team Leader. All decisions and outcomes are recorded.

Children—protection (Question No 2057)

Mrs Burke asked the Minister for Children and Young People, upon notice, on 6 May 2008:

- (1) What protocols exist between the Department for Children and Young People, Canberra Rape Crisis Centre, Services Assisting Male Survivors Sexual Assault, Child at Risk Health Unit, Forensic and Medical Sexual Assault Care and the Sexual Assault and Child Abuse Team in order to ensure best practice;

- (2) Who is currently responsible for conducting assessments on young people who have experienced sexual abuse and could the Minister outline the process thereafter.

Ms Gallagher: The answer to the member's question is as follows:

1. Memoranda of Understanding have been developed to reflect collaborative practices and compliance with the legislative requirements.

The Memorandum of Understanding (MOU) between the Department of Disability, Housing and Community Services - Office for Children, Youth and Family Support (OCYFS) and ACT Health includes specific agreements with the Child at Risk Health Unit (CARHU). The ACT Health MOU includes the services provided by other areas of ACT Health including Forensic and Medical Sexual Assault Care. In addition, an agreement exists between Care and Protection Services and the Domestic Violence Crisis Service concerning the delivery of the Young People Outreach Worker (YPOW) project, an early intervention program for children and young people who use violence in their families.

OCYFS makes referrals to the Canberra Rape Crisis Centre and Services Assisting Male Survivors of Sexual Assault as appropriate and works in collaboration with these agencies to support mutual clients.

OCYFS has a Memorandum of Understanding with the Sexual Assault and Child Abuse Team (SACAT) of ACT Policing.

2. Care and Protection Services undertakes an appraisal of a child protection report where an allegation of sexual abuse has been made and when the allegations are assessed as requiring an appraisal. This appraisal, where possible, involves interviews with the child or young person, the parents and other people involved with the care of the child or young person such as school personnel, treating practitioners, medical specialists and counsellors.

In addition, an appraisal will involve a referral to Police, who will determine if a criminal investigation is to be conducted. Police and Care and Protection Services may agree to undertake a joint investigation or separate actions. Allegations of sexual abuse concerning carers require immediate action to protect the child, including removal from placement, pending an investigation.

A medical examination may be conducted as part of an appraisal. A Police medical practitioner, a paediatrician from the Child at Risk Health Unit at The Canberra Hospital or a medical practitioner from Forensic and Medical Sexual Assault Care in ACT Health may undertake this examination.

Following completion of an appraisal, Care and Protection Services will determine what ongoing action is required, if any, to ensure the protection of the child or young person. Police will determine if there is sufficient evidence for a charge to be laid against an alleged perpetrator and communicate on this course of action with Care and Protection Services.

ACT Housing—tenant audit (Question No 2060)

Mrs Burke asked the Minister for Housing, upon notice, on 6 May 2008:

- (1) How often does ACT Housing conduct tenant audits/assessments to ascertain the (a) level of appropriate accommodation required for each tenant and (b) number of people actually living in each dwelling and who is actually signed up to the lease;
- (2) When was the last audit undertaken and what were the results of that audit.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) Housing ACT undertakes annual Client Service Visits to all properties, at which time the tenant identification details are checked and household composition are confirmed. Identification from the tenant is also sighted by the Housing Manager at the Client Service Visit. Housing ACT staff also seek confirmation of household composition twice yearly when residents apply for a rental rebate.
- (2) As above.

Housing—waiting lists (Question No 2061)

Mrs Burke asked the Minister for Housing, upon notice, on 6 May 2008:

- (1) How are waiting periods for public housing calculated and managed;
- (2) How does Housing ACT currently allocate housing to people on the Priority Housing List;
- (3) How many people are currently waiting for (a) one bedroom units (b) two bedroom properties, (c) three bedroom properties and (d) four/five bedroom properties in Belconnen, Woden and Tuggeranong.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) Public housing applications and therefore waiting times are calculated and managed from the registration date to the date when the applicant is housed. Applications are registered in three categories:
 - Standard Housing
 - High Needs Housing
 - Priority Housing
- (2) Housing ACT currently allocates housing to people on the Priority Housing List by assessing their relative need. This assessment is undertaken by a Multi Disciplinary Panel.
- (3) The table below outline the number of people who are currently waiting for (a) one bedroom properties, (b) two bedroom properties, (c) three bedroom properties and (d) four/five bedroom properties as per their allocation status.

There are a total of 1311 applications on the housing register. To ensure that applicants have the best opportunity to be housed within the shortest timeframe, they are encouraged to nominate for more than one geographic area. The majority of applicants choose to do this. Applicants' preferences are not ranked but are recorded

as multiple choices. Accordingly any attempt to provide a breakdown of demand on a geographical basis will not provide an accurate picture of demand at that level.

Application Priority	Bedrooms	Applications
Priority Housing	1	7
“	2	15
“	3	2
“	4	3
High Needs Housing	1	407
“	2	222
“	3	72
“	4	22
“	5	9
Standard Waiting List	1	307
“	2	132
“	3	91
“	4	17
“	5	2
Out of Turn	2	3

Public service—workers compensation (Question No 2062)

Mrs Burke asked the Minister for Industrial Relations, upon notice, on 6 May 2008:

- (1) Did the Occupational, Health and Safety (OHS) Commissioner’s report detail several concerns for effective governance of OHS and worker’s compensation for the ACT Public Service in the Scope and Structure Report dating back to as early as 1994 including concerns that (a) the Act notification requirements are out of step with other Australian jurisdictions, (b) a high level of non compliance with regulatory requirements, which in practice were not investigated in a timely or effective manner, (c) the *Occupational Health and Safety Act 1989* (OH&S Act) is unsupported by an appropriate body of regulations and that this could potentially pervert the course of justice according to the Commissioner; if so, what has the OHS Council and the Minister done to rectify these unsafe work practices and governance;
- (2) Were all ACT public servants placed under a compensation scheme which the Stanhope Government had been advised was detrimental to public servants, for example, as the right to common law remedies recently they lost journey claims under the OH&S Act and that the ACT Workers Compensation Review Final Report in 2007 recommended that the ACT Government commence exploring withdrawing from the Comcare Scheme and becoming a self-insured entity under the ACT Private Sector Scheme; if so, has this commenced and if so, (a) when did this occur and (b) is it proving successful; if not, how is the Minister attending to these serious work place concerns in the public interest and obvious detriment to ACT public servants;
- (3) Did the review of Comcare and the moratorium on licensees under Comcare reveal that the Minister’s governance of ACT Public Sector workers’ rights under Comcare would not meet the no disadvantage test as required under industrial relations legislation; if so, does the Minister intend to overhaul the OH&S Act to clarify duties, remove redundant provisions; if so, will there be consultation and when and how will that occur;

- (4) Did the new 2005 OHS regulations, at that time, reveal the potential for significant impact on ACT work places and was a broad public consultation process recommended; if so, has that occurred; if not, will it occur and when;
- (5) Has the Minister sought to stifle public comment on the overhaul of the Act, inconsistent with the Council recommendations;
- (6) Did the submission by the Australian Council of Trade Unions into the review of Comcare reveal that the expansion of Comcare has been a retrograde step in worker OHS protections and injured workers compensation and rights and entitlements and that it may be unconstitutional; if so, how can the Minister claim that these events show effectiveness of the regulatory effort and the requirements of good governance, best practice and comply with human rights equality before the law.

Mr Barr: The answer to the member's question is as follows:

- (1) The OHS Commissioner's reports have been tabled in the Legislative Assembly and therefore are publically available. The Government is in the final stages of developing new legislation to repeal and replace the *Occupational Health and Safety Act 1989* (the OHS Act). In 2007 the Government enacted the Occupational Health and Safety (General) Regulation 2007 (the General Regulation). The General Regulation is the first stage of a comprehensive set of regulations under the OHS Act. The General Regulation also revised the notification provisions for the legislation. \$1.47 million has been allocated to implementation of the Work Safety Bill 2008, including the developing of critical regulations and codes of practice. Enforcement of the legislation is a matter for the Office of Regulatory Services (ORS) in the Department of Justice and Community Safety. ORS was established to provide simpler, clearer and more efficient organisational structures, scaled to the reality of a small city-state, and ready to support business in the ACT.
 - (2) The question is confusing and reveals a misunderstanding of the subject matter. The ACT Public Service has always been insured under Comcare, this has not changed. The Government is currently considering the Final Report on the ACT Workers Compensation Review. The Report has recently been referred to the OHS Council for advice.
 - (3) Again, the question is confusing, deals with a number of unrelated matters and reveals a misunderstanding of the subject matter. ACT Public Sector Worker's rights and provisions in the OHS Act do not relate to the no disadvantage test. As mentioned above, the Government is in the final stages of developing the Work Safety Bill 2008. Consultation with the OHS Council has occurred on the provisions in the Bill.
 - (4) The Government did not enact OHS regulations in 2005.
 - (5) No. I have been consulting the OHS Council on the proposed Work Safety Bill 2008 and I released an exposure draft on 6 June 2008.
 - (6) This is not a matter for the ACT Government. The ACT Government has no jurisdiction over the expansion of Comcare.
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**Industrial relations—occupational health and safety
(Question No 2063)**

Mrs Burke asked the Minister for Industrial Relations, upon notice, on 6 May 2008:

Would the Minister provide to the Assembly details of the procedures implemented by each Minister to ensure adherence to occupational health and safety duties under the *Occupational Health and Safety Act 1989*, including sections 210 and 222, and the *Public Interest Disclosure Act 1994*; if not, why not.

Mr Barr: The answer to the member's question is as follows:

In relation to the *Occupational Health and Safety Act 1989*, the Attorney-General and the Office of Regulatory Services in the Department of Justice and Community Safety is responsible for administering the legislation (including enforcement, compliance, regulatory activities, education and advice) for both the public and private sector. The Office of Industrial Relations in the Chief Minister's Department is responsible for developing policy and legislation in relation to OHS and injury prevention and management for the public sector. The Occupational Health and Safety Council advise me on matters of policy and also has a role in relation to the approval of training for the legislation. The Occupational Health and Safety Commissioner has an education, advice and training role for both the public and private sector. Shared Services in the Department of Treasury deliver services for ACT Government agencies in relation to workplace safety and injury prevention. Larger agencies manage their own injury management functions and Shared Services undertake this role for some smaller agencies. ACT Health retains its own injury prevention and management functions.

In relation to the *Public Interest Disclosure Act 1994*, Senior Executives Responsible for Business Integrity and Risk (SERBIR) are responsible for both the provision of information regarding Public Interest Disclosures and the handling of any such disclosures within their individual agencies. This information is primarily made available to ACT Public Service staff through a range of publications, including the ACT Integrity Policy.

**Asbestos
(Question No 2065)**

Dr Foskey asked the Minister for Planning, upon notice, on 6 May 2008:

- (1) What mechanisms are available to ACT residents to report to ACT Planning and Land Authority (ACTPLA) asbestos, or suspected asbestos, on their property or the properties of their neighbours;
- (2) What response is required from ACTPLA when a report of asbestos, or suspected asbestos, is received;
- (3) What mechanisms are available to ACT residents who have been exposed to asbestos, especially in situations where a report to ACTPLA has been made but no action has been taken to safely remove the asbestos.

Mr Barr: The answer to the member's question is as follows:

- (1) ACT residents can report asbestos or suspected asbestos to the ACT Planning and Land Authority (ACTPLA) by calling ACTPLA's general inquiries telephone number (6207 1923) or by using the feedback forms on ACTPLA's website.
- (2) ACTPLA's role in relation to asbestos is exercised by the Constructions Occupations Registrar (the Registrar). The Registrar's role is limited to instances where building work is taking place or about to take place. ACTPLA has no role in cases where asbestos is *in situ* and where no building work is taking place or about to take place.
- (3) It would have to depend on individual circumstances given the limitations on ACTPLA's role as contained in the response to question (2) above.

Pollution—service station sites (Question No 2066)

Dr Foskey asked the Minister for Planning, upon notice, on 6 May 2008:

- (1) What is the number and locations of discontinued service stations in the ACT, and can the Minister indicate how long since the service stations have been closed, and the plans for each of them;
- (2) What power does the Government have to require owners to remedy pollution at these sites and encourage redevelopment.

Mr Barr: The answer to the member's question is as follows:

- (1) The ACT Planning and Land Authority's (ACTPLA) records indicate that the following service stations are closed. Details of precisely when these service stations closed are not available. ACTPLA has provided details of recent Development Applications (DAs) in respect to these sites:

Block 2 Section 31 Latham: The site was used for commercial purposes following closure of the service station around the mid 1990s. There is no recent DA for this site.

Block 10 Section 12 Higgins: A DA was approved on 29 January 2008 for a variation to the Crown lease to replace the service station use with one or more of the following – health facility, supportive housing, or multi-unit housing for not more than 13 dwellings.

Block 1 Section 19 Holt: The service station has been operating as a workshop only. A DA was approved on 19 December 2007 for a variation to the Crown lease to permit 24 dwellings and for the construction of 24 apartments.

Block 3 Section 7 Page: The service station has been demolished. A DA was approved on 16 August 2005 for a variation to the Crown lease to permit one or more of the following – business agency, financial establishment, office, public agency, residential use and shop. There is no recent DA for building development.

Block 9 Section 48 Macquarie: A DA was approved on 9 May 2008 for the removal of an LPG tank.

Block 9 Section 27 Ainslie: Closed 1998. A DA was approved on 22 March 2006 for a variation to the Crown lease to permit a maximum of 9 dwellings and 260 sq metres of commercial space, demolition of the existing service station and the construction of a three storey building including 9 dwellings and 260 sq metres of commercial space.

Block 1 Section 49 Campbell: A DA was approved on 13 May 2008 for a variation to the Crown lease to permit one or more of the following – business agency, community use, financial establishment, office, public agency, residential use, restaurant, shops and veterinary hospital. Gross Floor Area restrictions apply to the shops and restaurant uses.

Block 1 Section 17 Watson: A DA was approved on 22 November 2007 for a variation to the Crown lease to permit the additional uses – business agency, community use excluding child care centre, financial establishment, office, public agency, restaurant and shop. A DA was approved on 13 September 2006 for the removal of underground fuel tanks and installation of new underground fuel tanks.

Block 13 Section 28 Narrabundah: The service station has been closed for a number of years. ACTPLA has not received any DA for redevelopment.

Block 5 Section 11 Chapman: There is a current DA for a variation to the Crown lease to permit 17 dwellings and for the construction of 17 dwellings. Public notification closes on 29 May 2008.

Block 1 Section 26 Duffy: Destroyed in 2003 bushfire. A DA was approved for residential development for 16 dwellings on 30 November 2007.

Block 23 Section 5 Lyons: A DA was approved on 28 March 2008 for a variation to the Crown lease to permit 11 dwelling and for construction of 11 dwellings.

Block 2 Section 28 Rivett: A DA was approved on 22 July 2005 for a variation to the crown lease to permit one or more of the following – business agency, financial establishment, office, public agency, residential use and shop. There is no recent DA for building development.

Block 1 Section 34 Garran: A DA was approved on 15 January 2008 for a variation to the crown lease to permit one or more of the following – business agency, financial establishment, office, public agency, community use excluding child care facility, and shop. A DA was approved on 13 September 2006 for the removal of underground fuel tanks and installation of new underground fuel tanks.

Block 29 Section 19 Kingston:

A DA was approved on 8 November 2007 for a variation to the crown lease purpose clause to add car park, educational establishment, health facility, non-retail commercial, restaurant, store and shop. Gross Floor Area restrictions apply to non-retail use and shop use. There is no recent DA for building works.

Blocks 1 and 2 Section 25 Griffith:

A DA was lodged on 6 February 2008 for a variation to the crown lease purpose clause to permit one or more of the following – office, business agency, financial establishment, defence facility, provided that the maximum Gross Floor Area of any

building does not exceed 7,600 sq metres. The DA also includes the consolidation of Blocks 1 and 2, the demolition of the existing building and the construction of a new commercial office building of 4 stories with basement car parks and associated works. The DA is currently being assessed by ACTPLA.

Subject to the provisions of the respective Crown leases and DA approvals, the timing of the implementation of DA approvals is a matter for the lessees for each site.

- (2) The Government has, through the provisions of the *Environment Protection Act 1997* (the Act), the power to issue an environment protection order for the assessment and/or remediation of a site if the Environment Protection Authority (EPA) has reasonable grounds for believing that land is contaminated in such a way as to cause, or be likely to cause, either a significant risk of harm to human health or a significant risk of material environmental harm or serious environmental harm.

All DA approvals for residential or mixed use development of service station sites require, as a condition of DA approval, the site to be assessed, remediated and independently audited by the proponent.

The Territory Plan provides the opportunity for a range of other land uses for service station sites depending on their zone location in the Plan.

In circumstances where a lease contains a provision that requires the land to be used for a specific purpose (in this case a petrol station) and the land is not used for that purpose for a period exceeding 12 months then the ACTPLA is able to make an order requiring the lessee to undertake the activity. If that order is not complied with the ACTPLA is then able to commence proceeding to terminate the lease.

Taxis—subsidies (Question No 2067)

Mr Stefaniak asked the Minister for Disability and Community Services, upon notice, on 6 May 2008:

- (1) Since October 2001, how many times and when have the subsidies available under the ACT Taxi Subsidy Scheme been reviewed;
- (2) What were the percentage levels of subsidy available under the scheme before and after each review;
- (3) What were the maximum subsidy levels in money terms before and after each review;
- (4) Since October 2001, how many times and when have maximum taxi fares in the ACT been reviewed;
- (5) What were the maximum taxi fares before and after each review;
- (6) Are the maximum subsidies available under the ACT Taxi Subsidy Scheme automatically adjusted when maximum taxi fares increase; if not, why; if so, is the amount of the automatic adjustment the same in percentage terms as the increase in taxi fares; if not, why;
- (7) When do the automatic adjustments outlined in part (6) come into effect.

Ms Gallagher: The answer to the member's question is as follows:'

1) Twice. The Taxi Subsidy Scheme (TSS) policy was reviewed and the current policy introduced on 30 June 2003 following the separation of the TSS from ACT Health and Community Care. A second operational review was undertaken in 2004.

2) **2003**

Prior to July 2003, TSS members could access a subsidy in the form of \$2 vouchers with one voucher able to be used for each \$5 taxi fare, providing approximately 40% subsidy.

Following the review, TSS members could use vouchers for a 50% subsidy of the metered fare to a maximum subsidy of \$17 per trip. Members who use wheelchairs received a 75% subsidy of the metered taxi fare, up to a maximum of \$26 per trip.

2004

In July 2004 the TSS was extended to include people under the age of 16 years. The levels of subsidy did not change.

In addition in 2003-04 the TSS was amended to include a lift fee subsidy for members who use wheelchair accessible taxis. The subsidy is paid directly to the Taxi operator.

3) Refer to the answer for Question 2.

4) Taxi fare rates have been reviewed six times since October 2001.

5) Refer to **Attachment A**.

6) The TSS is a capped concession scheme. The current maximum subsidies (\$17 and \$26) under the TSS are capped and are not automatically linked to taxi fare increases. The lift fee subsidy is automatically calculated at 25% of the maximum fare for waiting time, which is currently \$45 per hour.

7) Refer to the answer for Question 6.

Attachment A

2001-02 taxi fares increased by 5.5% on 1 July 2001 to:

ACT Description of matter in respect of which fare is payable	ACT Maximum fare payable (\$)
Radio Bookings	\$0.65
Standard Taxi (single hiring)	
Flagfall	\$3.20
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.193
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.372

Standard Taxi – (multiple hiring)	
Flagfall	\$2.40
Kilometre Rate	
For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$0.863
For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$0.998
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$4.80
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.852
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.121
WAITING TIME (per hour)	\$27.00

2002-03 taxi fares increased by 3.0% on 1 July 2002 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.80
Standard Taxi (single hiring)	
Flagfall	\$3.20
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.315
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.512
Standard Taxi – (multiple hiring)	
Flagfall	\$2.40
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$0.944
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.086
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$4.80
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.054
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.362

WAITING TIME (per hour)	\$30.00
Toll For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

2003-04 taxi fares increased by 5% from 1 July 2003 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.80
Standard Taxi (single hiring)	
Flagfall	\$3.20
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.409
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.620
Standard Taxi – (multiple hiring)	
Flagfall	\$2.40
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.011
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.164
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$4.80
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.201
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.531
WAITING TIME (per hour)	\$30.00
Toll For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

2004-05 taxi fares increased by 3.16% on 1 July 2004 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.80
Standard Taxi (single hiring)	
Flagfall	\$3.20
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.461
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.680
Standard Taxi – (multiple hiring)	
Flagfall	\$2.40
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.096
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.260
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$4.80
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.192
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.520
WAITING TIME (per hour)	\$32.50
Toll	
For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

2005-06 taxi fares increased by 3.7% on 1 July 2005 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.00

Standard Taxi (single hiring)	
Flagfall	\$3.20
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.564
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.798
Standard Taxi – (multiple hiring)	
Flagfall	\$2.40
Kilometre Rate	
For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.173
For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.349
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$4.80
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.346
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.698
WAITING TIME (per hour)	\$40.00
Toll	
For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

2006-07 taxi fares increased by 3.9% on 1 July 2006 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.00
Standard Taxi (single hiring)	
Flagfall	\$3.60
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.600
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.840

Standard Taxi – (multiple hiring)	
Flagfall	\$2.70
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.200
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.380
High Occupancy Taxi (6 or more passengers)	
Flagfall	\$5.40
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.400
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.760
WAITING TIME (per hour)	\$40.00
Toll	
For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

2007-08 taxi fares increased by 4.9% on 1 July 2007 to:

Description of matter in respect of which fare is payable	Maximum fare payable (\$)
Radio Bookings	\$0.00
Standard Taxi (single hiring)	
Flagfall	\$4.00
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.64
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.89
Standard Taxi – (multiple hiring)	
Flagfall	\$3.00
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$1.23
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$1.42

High Occupancy Taxi (5 or more passengers)	
Flagfall	\$6.00
Kilometre Rate	
– For a journey commencing between 6am and 9pm on a day other than a Saturday, Sunday or public holiday	\$2.46
– For a journey commencing before 6am or after 9pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.83
WAITING TIME (per hour)	\$45.00
Toll	
For a journey commencing at the designated taxi rank at the Canberra International Airport where the taxi driver has paid the toll and holds the receipt issued by the Capital Airport Group.	
a. single hiring – the toll	
b. multiple hiring – for a multiple hire, the toll to be shared equally by each hirer	\$2.00

Live in Canberra campaign (Question No 2068)

Mr Mulcahy asked the Chief Minister, upon notice, on 6 May 2008:

- (1) How many people have moved to Canberra since the Live in Canberra campaign was initiated;
- (2) Can the number of people outlined in part (1) who have moved as a direct result of the campaign be quantified; if so, how many;
- (3) How much has been spent on the Live in Canberra campaign to date;
- (4) How many trips have been undertaken and what was the destination of each trip;
- (5) For each trip undertaken (a) what was the cost and (b) how many ACT Government staff went;
- (6) On what criteria are target locations selected, who makes the decision and what is the process for measuring success.

Mr Stanhope: The answer to the member's question is as follows:

- (1) It is impossible to quantify the exact number however the Territory has had positive net migration since the program's inception. The latest figures from the ABS show a net population increase 5,200 people in the year ended September 2007.

International migration has increased from 450 in 2003/04 to 800 in 2006/07.
Interstate migration moved from a net loss of 1,600 in 2003/04 to a net gain of 1,900 in 2006/07

- (2) No.

(3) Since April 2006, \$947,000 of which \$400,000 was funded by the private and tertiary sectors and the Commonwealth, including the following organisations;

- ANU Exchange
- University of Canberra
- Canberra Institute of Technology
- Land Development Agency
- Village Building Company
- Forde Developments
- Master Builders Association
- Hindmarsh
- The Canberra Times
- National Capital Authority
- ACTAB
- Transact/ActewAGL
- Candle ICT Recruitment
- Canberra International Airport
- Service One Banking
- IP Australia
- IELTS
- Australian Public Service Commission
- GHD Engineers
- IBM
- CFMEU
- The Australian Institute of Chartered Accountants
- Geoscience Australia
- Ambit Recruitment Group
- Cantlie Recruitment Group
- Saville Hotel Group
- Calvary Hospital
- St Hilliers
- Premium Placements
- Cardno Young Engineers
- Independent Property Group
- Australian Federal Police
- Doma Hotel Group
- Rhodium Asset Solutions
- ClubsACT
- Dickson Tradies
- Raiders
- Healthpact
- Canberra Investment Corporation

(4) 12 trips have been conducted with destinations including Sydney, the Illawara area, the United Kingdom, Ireland, Germany, Amsterdam and South Africa.

(5)

- May 2006 – Sydney (a) \$3,000 (b) two staff;
- August 2006 - Sydney (a) unknown – paid by BusinessACT (b) two staff;
- October 2006 - UK & Ireland (a) unknown – paid by BusinessACT (b) two staff;
- March 2007 - The Illawarra and South Coast (a) \$5,500 (b) two staff;

- May 2007 – Sydney (a) \$900 (b) one staff;
 - August 2007 – Sydney (a) \$10,000 (b) two staff;
 - September 2007 - South Africa (a) \$20,000 (b) two staff;
 - October 2007 – Sydney (a) \$3,000 (b) three staff;
 - October 2007 - UK & Ireland (a) \$45,000 (b) two staff;
 - March 2008 - UK, Germany & Amsterdam (a) \$42,000 (b) two staff;
 - May 2008 - South Africa (a) \$40,000 (b) three staff; and
 - May 2008 – Sydney (a) \$900 (b) one staff.
- (6) Domestic locations are selected as a result of research conducted prior to the pilot campaign in April 2006. International locations are selected with the Skilled and Business Migration Program on the basis of levels of migration figures to Australia and the availability of skills expos. Success is measured by:
- the level of visas applied for and inward migration figures;
 - the number of follow up enquiries (including visits to Canberra);
 - unique website visits from the targeted areas; and
 - requests for information packs and follow up with targeted areas.

Canberra Technology City (Question No 2069)

Mr Mulcahy asked the Minister for Planning, upon notice, on 6 May 2008
(*redirected to the Chief Minister*):

- (1) Which Government departments, agencies, corporations or other Government owned or operated bodies are involved with the transfer of land for the Canberra Technology City;
- (2) Who are the law firms or lawyers representing each of the various bodies outlined in part (1);
- (3) What is the cost of legal advice and assistance that has been incurred by each of the bodies outlined in part (1) so far;
- (4) What is the estimated final cost of legal advice and assistance that will be incurred by each of the bodies outlined in part (1);
- (5) Has the Land Development Agency determined a price for the land for the Canberra Technology City; if so, what is this price; if not, how and when will this price be determined.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The Chief Minister's Department, the Land Development Agency and the Government Solicitor's Office are the Government agencies involved with the transfer of land for the Canberra Technology City. ActewAGL is the corporation involved.
- (2) The ACT Government is advised by the Government Solicitor's Office. Clayton Utz is acting for the Land Development Agency in this matter. ActewAGL has received legal advice primarily from Minter Ellison.

- (3) Total legal fees incurred by the Land Development Agency so far are \$46,508.30 (inclusive of GST). The Chief Minister's Department is a non billable client of the Government Solicitor's Office. The cost of legal advice and assistance to ActewAGL is commercial in confidence.
- (4) The Land Development Agency estimates the final cost of legal advice is \$61,508.30 (inclusive of GST). The likely cost of legal advice and assistance to ActewAGL is commercial in confidence.
- (5) Determining a price for the land is subject to the applicants obtaining approval of their development application. Following development approval, three current market evaluations for the land will be obtained by the Land Development Agency and the price for the land will be the highest of these valuations.

Waste disposal—tip fees (Question No 2070)

Mr Mulcahy asked the Minister for the Environment, Water and Climate Change, upon notice, on 6 May 2008 (*redirected to the Minister for Territory and Municipal Services*):

- (1) Is the Government aware of any (a) instances in which any waste management companies have dumped material at the ACT tip without paying the required tip fees and (b) other breaches of tip rules by any waste management companies;
- (2) If the Government is aware of other breaches of tip rules by any waste management companies, (a) which companies have breached the tip rules and how, (b) have these companies made any offer of settlement to the ACT Government over these breaches; if so, what were these offers and were they accepted by the Government and (c) what, if any, action has the Government taken over these breaches.

Mr Hargreaves: The answer to the member's question is as follows:

- 1(a) In 2006 ACT NOWaste detected a number of incidents where a waste collection contractor had disposed of commercial waste to landfill (collected from their commercial customers) under the domestic waste to landfill account used for household kerbside garbage disposal, which does not attract commercial fees and charges.

This contractor was also detected collecting commercial recyclables from business premises in domestic multi-unit collection vehicles and taking them mixed with domestic recyclables to the Material Recycling Facility where they were processed as domestic recyclables and thus did not attract the appropriate commercial charge.

- 1(b) No other breaches of "tip rules" have been detected by any other waste companies.
- 2(a) See 1 (a).
- 2(b) The contractor referred to in 1(a) made an offer of settlement related to the above contractual matters. A settlement was negotiated between Territory and Municipal Services and Cleanaway to the value of \$140,000.

- 2(c) ACT NOWaste has required a number of preventative strategies to be put in place to address these matters. ACT NOWaste is continuing to monitor the issue of dumping of commercially collected recyclables to landfill.
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**Dogs—statistics
(Question No 2071)**

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2008:

- (1) How many dogs did the Domestic Animal Services (DAS) provide shelter for in the 2007 calendar year;
- (2) Of the total outlined in part (1), how many dogs were (a) surrendered by members of the public, (b) strays, (c) seized and (d) transferred by the ACT RSPCA;
- (3) Of those dogs outlined in part (1), how many were (a) returned to owners, (b) permanently homed by DAS, (c) permanently homed by ACT Rescue and Foster (ARF), (d) sent to the ACT RSPCA and (e) destroyed;
- (4) Does DAS follow up with ARF regarding fostered dogs and whether or not the dogs in question are ultimately homed;
- (5) Does DAS provide dogs in care with access to environmental enrichment opportunities;
- (6) Does DAS have a time limit that a dog can stay at the pound before it is destroyed.

Mr Hargreaves: The answer to the member's question is as follows:

1. There were 2109 dogs sheltered at DAS during the 2007 calendar year.
 2. a. 266 dogs were surrendered by members of the public;
b. 1399 dogs were stray;
c. 366 dogs were seized; and
d. 78 dogs were transferred to DAS from the ACT RSPCA.
 3. a. 1353 dogs were returned to their owners
b. 387 dogs were permanently homed by DAS;
c. 150 dogs were re-homed by ARF
d. 6 dogs were sent to the RSPCA
e. 188 dogs were destroyed.
 4. DAS, ARF and other rescue organisations in the ACT work hand in hand to provide safe and caring homes for the dogs impounded at DAS. DAS and ARF provide each other with regular feedback on the fostering and re-homing of the dogs they rescue.
 5. DAS has a very effective volunteer program. This allows the dogs in care to be socialised with other dogs as well humans. The volunteers and Rescue agencies in partnership with DAS Rangers provide basic training and behavioural assessments.
 6. Dogs are to be held at DAS for 7 days. After this time they can be sold or destroyed.
-

**Environment—climate change
(Question No 2072)**

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 7 May 2008:

What is the progress of the Climate Change Social Impact Analysis which was tendered in November 2007.

Mr Stanhope: The answer to the member's question is as follows:

The Climate Change Social Impact Analysis is currently being finalised. This research was conducted as a partnership between the Chief Minister's Department and the ACT Community Inclusion Board. Upon provision of the final report both the ACT Government and the ACT Community Inclusion Board will assess the feasibility of interventions that could support low income, vulnerable and disadvantaged households to reduce their demand for resources, contribute to mitigating the effects of climate change and maintain access to essential goods and services.

**Roads—parking
(Question No 2073)**

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2008 (*redirected to the Attorney-General*):

- (1) How many parking infringement notices were issued in (a) 2005, (b) 2006 and (c) 2007;
- (2) Which town centres do parking inspectors control;
- (3) In those town centres outlined in part (2), do parking inspectors issue tickets for cars parked on verges, nature strips or footpaths;
- (4) Are there any measures the public can take to report illegal parking on nature strips and footpaths in town centres where parking inspectors do not patrol.

Mr Corbell: The answer to the member's question is as follows:

- (1) The total number of parking infringements issued in:
 - (a) 2004/2005 was 120,656
 - (b) 2005/2006 was 103,223
 - (c) 2006/2007 was 91,006
- (2) Parking officers conduct enforcement patrols of all town centres;
- (3) Parking officers issue all types of infringements in these areas including infringements for illegal parking on nature strips, footpaths and verges;
- (4) Members of the public can report illegal parking by contacting Canberra Connect on 13 22 81 or via email to parking.operations@act.gov.au.

**ACTION bus service—statistics
(Question No 2074)**

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2008:

- (1) With regard to ACTION bus services, what were the annual number of vehicle kilometres per capita in each year since 2003;
- (2) What will the annual number of vehicle kilometres per capita be with the new Network 08;
- (3) What was the total number of boardings (ticket sales plus passenger transfer data), in each year since 2003;
- (4) What are the projected number of annual boardings for Network 08;
- (5) What was the number of boardings per vehicle kilometre for each year since 2003;
- (6) What are the projected number of boardings per vehicle kilometre for Network 08;
- (7) What was the number of ACTION bus trips taken annually per capita for each year since 2003;
- (8) What is the projected number of ACTION bus trips per capita for Network 08;
- (9) What was the average price paid for a single bus ride in each year since 2003;
- (10) What was the total number of ticket sales in each year since 2003.

Mr Hargreaves: The answer to the member's question is as follows:

1.	2003	2004	2005	2006	2007
Vehicle Kilometres per Capita	68.8	69.7	69.5	68.9	63.2

2. 72.3

3.	2003	2004	2005	2006	2007
Passenger Boardings	16,318,815	16,154,796	16,368,274	17,050,432	16,556,616

4. 17,155,000

5.	2003	2004	2005	2006	2007
Boarding per Vehicle Kilometre	0.73	0.71	0.71	0.74	0.77

6. 0.69

7.	2003	2004	2005	2006	2007
Bus Trips per Capita	50.10	49.32	49.56	51.01	48.72

8. 49.94

9.	2003	2004	2005	2006	2007
Average Ride Cost	\$1.05	\$1.06	\$1.10	\$1.17	\$1.15

10.	2003	2004	2005	2006	2007
Ticket Sales	4,770,100	4,681,699	4,756,075	4,731,674	4,298,277

Note: Ticket sales are calculated as the total of on-bus cash sales and the first time validation of multi-ride tickets.

Water—consumption (Question No 2075)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 8 May 2008 (*redirected to the Treasurer*):

- (1) What steps is ActewAGL undertaking to ensure that micro-contaminants, such as pathogens, pharmaceuticals, nano-particles, chemical warfare agents, and industrial chemical poisons, are not infiltrating our drinking water;
- (2) Will these same protections be applied to the demonstration water plant;
- (3) Could the Minister provide the data on the past 10 years regarding Canberra's water consumption by (a) household, (b) private enterprise, and (c) government, by (i) percentage and (ii) volume; if not, could the Minister advise which statistics on water consumption are available to the public.

Mr Stanhope: The answer to the member's question is as follows:

- (1) ACTEW Corporation (ACTEW) is responsible for water and waste-water services in the ACT which are provided by ActewAGL under a contractual agreement. This response has been provided on such a basis.

ACTEW uses a number of approaches to ensure that it provides safe drinking water for the ACT community. These interrelated approaches include:

- a. Compliance with the most recent Australian Drinking Water Guidelines, and the ACT Health Code of Practice for drinking water.
 - ACTEW ensures compliance with the most recent Australian Drinking Water Guidelines (produced in 2004 for the Australian Government by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council), as well as the ACT Health Code of Practice for drinking water. These guidelines are designed to provide safe drinking water for the community. ActewAGL produces an annual summary of drinking water quality, which is publicly disseminated.
- b. Catchment risk management plans.
 - ACTEW develops Catchment Risk Management Plans to minimise the source of pollutants such as pathogens, pharmaceuticals, nano-particles, chemical warfare agents, and industrial chemical poisons, on the water extracted from rivers and reservoirs used for water supply.
- c. On-going monitoring of water quality in such rivers and reservoirs.

- Water quality in the reservoirs Corin, Bendora, Cotter and Googong is regularly monitored for a range of environmental and human health related characteristics. Water in the Murrumbidgee River is also monitored for the same water quality characteristics and has additional on-line monitoring. If flow and water quality values fall outside a specified range, then Murrumbidgee water is not used in town water supply.
- d. Increased levels of water treatment for the Murrumbidgee River.
- Cotter and Murrumbidgee River water receives additional treatment at the Stromlo water treatment plant with Ultra Violet providing an added disinfection barrier for micro-contaminants such as pathogens.
- e. On-going monitoring at water treatment plants.
- The on-going monitoring at water treatment plants involves on-line real time monitoring of treatment plant performance, and subsequent laboratory analyses to verify on-line monitoring results, as well as compliance with drinking water standards.
- f. Ongoing application of a hazard analysis and critical control point (HACCP) system.
- ACTEWS's implements ongoing application of a HACCP system for drinking water supply in order to reduce, prevent or eliminate identified hazards as required. This also requires significant monitoring of raw, treated and drinking water quality. HACCP is also used in the food industry.
- (2) At this stage, the Government has approved the designing of a demonstration Water Purification Plant only. A decision about whether the plant will be built or not is yet to be made.

Should the Government decide to proceed with construction of a demonstration Water Purification Plant, the proven technology that would be used in such a plant would remove micro-contaminants to levels that meet or exceed the requirements of the Australian Drinking Water Guidelines. This is consistent with the Australian Drinking Water Guidelines multi-barrier approach currently employed with the existing water supply. The plant processes that would be used to remove micro-contaminants include membrane filtration, reverse osmosis and advanced Ultra Violet oxidation.

The abovementioned technology is highly sophisticated; however, it is not new. Treatment systems of this type have been proven to produce safe and reliable drinking water in major towns and cities around the world including Orange County, California and in Singapore.

I note that although the demonstration Water Purification Plant, if constructed, would purify Canberra's wastewater to a high standard that meets Australian drinking water guidelines, the water would not be added to the ACT's drinking water supply.

In addition to the multi-barrier treatment process of the proposed demonstration Water Purification Plant, ACTEW will manage the quality of wastewater entering the demonstration Water Purification Plant, if constructed, through its wastewater source control program. This program will manage the quality of wastewater entering the Lower Molonglo Water Quality Control Centre.

If construction of the demonstration Water Purification Plant goes ahead, ACTEW will also review its system of water quality monitoring throughout its water and wastewater systems. Water quality would be constantly monitored and tested at key points in ACTEW's water treatment facilities, to ensure the quality of water at each stage of the treatment process.

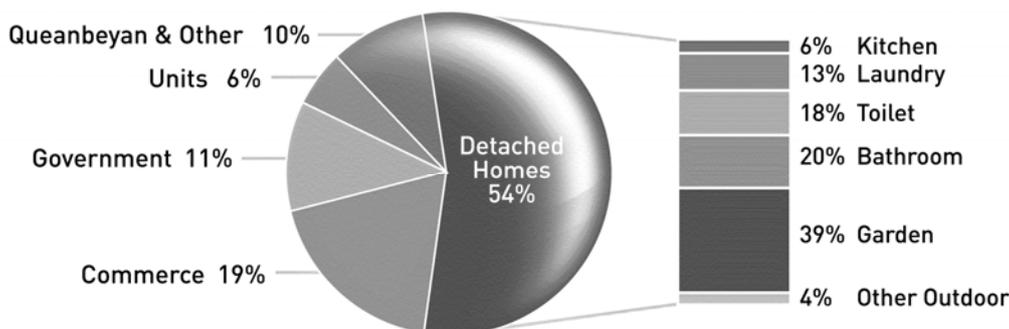
- (3) It is difficult to provide specific yearly figures on water use between households, private enterprise and government for two key reasons.

Firstly water usage amounts for these users currently need to be taken from their water bills. Many water meter readings for the bills cross over calendar years, for example one reading could include December 2007 - February 2008. It is, therefore, extremely difficult to determine the exact calendar year usage for each sector.

Furthermore, as Government agencies can occupy whole, or part, of buildings that are owned by private entities, it is difficult to differentiate water use between Government and private enterprise use. This is because a water usage amounts from such buildings would be taken from the water bills which the owner of the building receives, and do not specifically identify water use according to occupant.

However, it is possible to provide the exact amount of water used for the whole of the ACT per day and calendar year through the ACT's daily water consumption figures.

I note that residential properties in detached homes generally consume the greater portion of the city's overall usage. This is because the ACT does not have large industries or agriculture that would put significant demands on the water supply. The following chart provides an indication of how water is currently used in the ACT.



The above chart was developed as part of the ACT Government's 2004 *Think water, act water* strategy. Although overall water consumption in the ACT has reduced since that time due to mandatory water restrictions, the percentages of water used by each sector are not expected to have changed dramatically.

Daily and annual water use figures for the ACT for the last 10 year period are attached (Attachment A).

(A copy of the attachment is available at the Chamber Support Office).

**Land—property seizures
(Question No 2076)**

Dr Foskey asked the Minister for Planning, upon notice, on 8 May 2008:

- (1) Will the Minister confirm that he is pursuing and enforcing, through the ACT Government Solicitors' Office and the Supreme Court, the seizure and sale of the property at block 45 section 37 Waramanga, the home of nearly 40 years of the family of an invalid, elderly couple and their carer son;
- (2) Is the Minister willing to investigate the development approval under section 230 of the *Land (Planning and Environment) Act 1991* of 29 July 1998 upon which the section 256 order was based and the above circumstances that have occurred;
- (3) Will the Minister rectify this situation before it is too late to save the family and their home.

Mr Barr: The answer to the member's question is as follows:

- (1) As a matter of courtesy I will respond to the member's questions on this occasion, however, I will not continue to respond to further questions on this matter. I can confirm that on 17 August 2004 a decision was made in the Supreme Court where costs were awarded to the Minister for Planning. The ACT Government Solicitors' Office is pursuing those costs.
- (2) As detailed in my response to Question on Notice No. 1816, I will not debate aspects of the matter that have been properly dealt with through the judicial process. This matter has been before several courts. The lessees have had a number of opportunities to argue their case. The courts have found against them.
- (3) It is not a question of rectifying the situation, it is a matter of complying with the law.

**Tourism—surveys
(Question No 2077)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2008:

- (1) How much money has been spent on the survey being conducted by the Snowy Mountains Engineering Corporation (SMEC) on behalf of the Department of Territory and Municipal Services (TAMS) for the purposes of collecting information about ACT travel patterns and park and ride facilities;
- (2) How was SMEC determined to be the company best placed to conduct this survey;
- (3) Was the survey pre-approved by TAMS officials prior to being distributed or was this survey provided in SMEC's tender submission to TAMS;
- (4) How will the information collected be used and who will have access to this information;

- (5) Will results of this survey be available to the general public in full or will SMEC as well as TAMS maintain the results as commercial-in-confidence;
- (6) Will the survey be presented to TAMS with recommendations; if so, will the public have access to those recommendations.

Mr Hargreaves: The answer to the member's question is as follows:

1. The money spent on the survey is approximately \$12,000.
2. The survey was undertaken as part of the ACT Park & Ride Strategy Study. SMEC was selected to undertake the Study through a tender process conducted in accordance with ACT Procurement Policies and Guidelines.
3. The survey was prepared by SMEC and commented on by TAMS before distribution.
4. The information collected has been analysed by SMEC and forms part of the ACT Park and Ride Strategy Study.

TAMS will have access to the information.

5. The survey forms are commercial in confidence. The ACT Park and Ride Strategy Study will be available on request along with the analysis and results.
6. As the survey forms part of the ACT Park and Ride Strategy Study, the recommendations will be drawn not only from the survey but also from the research, investigation and analysis undertaken as part of the Study.

Members of the public can gain access to the report on request.

Gas-fired power station (Question No 2078)

Mr Pratt asked the Minister for Planning, upon notice, on 8 May 2008:

- (1) When did ActewAGL initially enter into discussion with the ACT Planning and Land Authority (ACTPLA) regarding the Minister's proposal to grant approval to ActewAGL to construct a large industrial facility on block 1671 in the Tuggeranong district, specifically Development Application No 200704152;
- (2) Is ActewAGL the only proponent of the proposal or are there other parties involved;
- (3) What classification of land can such a facility be built on in accordance with the relevant Territory Plan that would not require special consideration;
- (4) What classification of land use is prescribed for block 1671 under the relevant Territory Plan and what purposes can this land be utilised for under this classification;
- (5) Will the current classification be altered upon approval for this proposal and will this have any impact on classification of land adjacent to block 1671;

- (6) Can the Minister list all the sites that were considered for this proposal, the land use classification of each site and the basis upon which block 1671 was chosen and other sites dismissed;
- (7) Further to part (6), what other major considerations were used to determine this particular site;
- (8) Did ACTPLA or ActewAGL determine that block 1671 was an appropriate site for a large gas power plant;
- (9) How close to residences, in metres, will the proposed large industrial facility be under this proposal;
- (10) How do proponents of the proposal intend to mitigate any adverse impacts identified, including the consequences of reduced residential home values in adjacent suburbs;
- (11) Will the location of the power plant have any impact on flight paths;
- (12) Does the Minister, in his capacity as Minister for Planning, have the authority to rescind any approvals granted;
- (13) What recourse, through petition or legal action, do concerned residents have should they wish to oppose the proposal upon your approval for Development Application No 200704152 on block 1671;
- (14) If the Minister grants approval to the proponent(s), when will construction commence and how long does he expect construction to take;
- (15) What is the expected life of the facility and are there considerations in place for the inevitable decommissioning of the power plan at some stage in the future.

Mr Barr: The answer to the member's question is as follows:

- (1) The premise of this question is incorrect. I have not proposed to grant approval to ActewAGL's industrial facility in Tuggeranong.
- (2) The proponent for the Development Application (DA) and the Preliminary Assessment (PA) is ActewAGL on behalf of a consortium, which includes ActewAGL, Technical Real Estate and Galileo Connect.
- (3) The proposed development may be considered in areas of the Territory Plan where "Major Utility Installation" and "Communications Facility" are assessable uses.
- (4) Block 1671 District of Tuggeranong is within the Broadacre Land Use Policy of the Territory Plan (pre 31 March 2008) and as such permits "Major Utility Installation" and "Communications Facility" subject to the provisions of the Territory Plan. A range of other uses are also permitted, with consent.
- (5) No variation to the Territory Plan is required to allow "Major Utility Installation" or "Communications Facility" within a Broadacre zone.
- (6) No, ACTPLA was not responsible for site selection.
- (7) Refer to the answer provided to question (6) above.

- (8) It is the purpose of the DA process to determine if this is an appropriate site.
 - (9) The distance from the boundary of the nearest residence to the boundary of the site is approximately 600 metres. However, the distance from the Power Station component of the proposed development to the nearest resident is approximately 980 metres.
 - (10) The PA is required to identify possible adverse impacts of the proposal. The PA is currently being assessed for adequacy by the ACTPLA. Based on the outcome of the evaluation of the PA, the ACTPLA will provide its recommendations to me as the Environment Minister, and I will make a decision as to whether a higher level of environmental assessment is required
 - (11) The proposal is not within established flight paths.
 - (12) Only in limited circumstances, as provided for in Section 253 of the *Land (Planning & Environment) Act, 1991* (repealed).
 - (13) If the DA is approved by the ACTPLA, the decision would be appealable in the Administrative Appeals Tribunal. If I choose to determine the application then the only recourse is through ADJR.
 - (14) Timeframes related to the construction process are a matter for ActewAGL.
 - (15) This is a matter for ActewAGL.
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