Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

5 AUGUST 2008

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Tuesday, 5 August 2008

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Petitions

The following petition was lodged for presentation, by **Mr Mulcahy**, *from 55 residents:*

Roads—O'Malley

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: *the intersections at Tyagarah Street and Hindmarsh Drive and Numeralla Street and Yamba Drive, are dangerous for traffic trying to exit O'Malley.*
>
> Your petitioners therefore request the Assembly to: *address the road safety issues with the two intersections to make it easier and safer for O'Malley residents to exit the suburb.*

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

Petitions—ministerial responses

The Clerk: The following responses to petitions have been lodged by a minister:

By **Mr Barr**, Minister for Planning, dated 10 July 2008, in response to a petition lodged by Mr Stanhope on 25 June 2008 concerning the proposed gas-fired power station in Tuggeranong; and by **Mr Barr**, Minister for Planning, dated 16 July 2008, in response to petitions lodged by Mr Pratt on 26 June 2008 concerning the proposed gas-fired power station in Tuggeranong.

The terms of the responses will be recorded in *Hansard*.

Gas-fired power station

The responses read as follows:

> **Response for tabling to petition lodged on 25 June 2008 by Mr Stanhope MLA, in relation to DA 200704152 District of Tuggeranong.**

The applicant for this proposal has lodged an alteration to the Development Application (DA) to respond to many of the concerns raised by the community. The altered DA and Preliminary Assessment (PA) have been renotified consistent with the requirements of the *Land (Planning and Environment) Act 1991*.

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 petition raises concerns that the magnitude of the social and environmental impacts of the proposed Canberra Technology City remains unknown. The very purpose of the PA process is to ascertain 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 the 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.

Response for tabling to petitions lodged on 26 June 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 has been renotified and is 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 assessment process is determined by the provisions of the *Land (Planning & Environment) Act 1991* and it would be inappropriate to pre-empt the outcome of the DA assessment in the manner suggested by the petition.

Legal Affairs—Standing Committee
Scrutiny report 57

MR STEFANIAK (Ginninderra) (10.34): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 57, dated 28 July 2008, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 57 contains the committee's comments on 14 bills, 18 pieces of subordinate legislation and five government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Administration and Procedure—Standing Committee
Report 4

MR BERRY (Ginninderra): I present report 4 of the Standing Committee on Administration and Procedure entitled *Review of code of conduct for members*, including a dissenting report, together with a copy of the extracts of the relevant minutes of proceedings.

MRS BURKE (Molonglo) (10.36): I move:

> That the report be adopted.

The issue here today is the code of conduct for members. The heart of the issue is employing family members. No doubt Mr Berry will be talking about that at some length. There is probably little to say on this except that we have a code of conduct for members and it centres on employing the best person for the job. I know that the opposition have a position where they have not employed close family members. It has been different for different members in this place but there are things that have been said around this.

I was particularly interested to read some comments on a British blog. A gentleman by the name of Mr Chichester, Giles Chichester, said:

> Elected members employ their spouses because it is good to work closely with people that know the life and the duties of parliamentarians well and who can be trusted.

That is really at the heart of this. By saying that we should enshrine something in legislation that is very prescriptive, we are actually saying that members in this place and other parliaments cannot be trusted.

We also see this. As I pointed out, I have had some thoughts about why this would be a good thing and why it would be a bad thing. If we are going to restrict who people can or cannot employ in this place, it is perfectly possible for family members to be paid out of the public purse by gaining employment at a local or federal level. Where are we going to stop with this?

As members charged with a duty, the responsibility is a big responsibility. For a small parliament like this, the microscope is on us. It is a very intense place. The level of public scrutiny that we are exposed to in this place is very much a thing to consider. It really presupposes that members employing family members are on the take.

We have to have this debate and I am pleased to have this debate today. That is what it suggests. If we have to enshrine something in legislation that says, "You're employing these people and you can't, because it is people on the take and nepotism issues will be raised or there will be an issue where nepotism issues are raised and there will be conflicts of interest", what will happen? As always in this place—I think others will speak about this—we stand up and declare an interest. That is also at the heart of this. If we employ family members, we already, under pecuniary interest declarations, have to make that known. It is already out in the public arena. Nobody is trying to do anything underhand or untoward.

I think that the code of conduct as it stands is fine. It does not enhance anything to add who we should or should not be employing. The rigour of that is already there. The rigour of that is already in place. We should know what we should or should not be doing as members. We certainly need to monitor the rigour of the code of conduct from time to time, which is what we have done now. I note that the government, like the opposition, has no particular comments to make at this time.

As well, when we look at a small parliament—as I said, we are much more in the spotlight than anywhere else in the world—the level of scrutiny is there. Tory MP Derek Conway in the UK was criticised, famously, for putting his two sons on the payroll. This comes from the *MailOnline* news dated 21 May 2008. It was interesting that Liberal MEP Chris Davies said:

> Instead of outlawing nepotism entirely, the parliament should agree to better bookkeeping and more transparency … It shouldn't be necessary to punish husband-and-wife teams in this way, but the truth is that while some relatives who are assistants do earn their salaries, others do not and the system is open to abuse.

That is going to be the case with any system, and it probably feeds into Mr Berry's argument about this, but it should always start with believing the best in a person rather than doubting them or their intentions and attacking their integrity. In the British parliament, it seems to have been something that has not been covered, whereas, as I have said, here in our parliament, in our Assembly, we do have good checks and balances. We do have very open and accountable ways of knowing what a member is or is not doing, what a member is or is not getting remunerated for and who within that member's office is also being remunerated.

In the UK, as the article says, "If there were proper accounting of parliament expenses it wouldn't be necessary, but there isn't." Clearly they needed to do some tidying up there. Here I believe that we have quite an open system. I am disappointed that Mr Berry brings this on. It goes to the heart of and attacks the integrity of all members in this place to suggest that they would somehow do the wrong thing.

I am a little concerned. I certainly commend the report to the Assembly. I know that Mr Berry will be dissenting, as he said; he is adding his dissenting comments to the

report. I think that we have something that suits us very well. It has enough checks and balances in it. I find it a bit of a witch-hunt to attack members before they have done anything wrong in the eyes of what is before us now. I thank members for that and I thank members for taking on board the majority's comments made in the review of the code of conduct for members.

MR MULCAHY (Molonglo) (10.43): I will just say a few words. I share the sentiments that Mrs Burke has raised in relation to this matter. I have long had the view that we are elected in this place to collectively legislate on the needs of a community of a third of a million people, on their behalf. When we are entrusted with that task, it always amazes me when people keep dreaming up ways in which we can create an environment where members are heavily limited, or attempts are made to limit members' capacity to run a small office, yet they are quite competent to pass laws that impact on the lives of 330,000 Canberrans.

I can speak on this issue with a complete level of comfort because nobody in my office is related to me—not directly related to me, unless you go back to the commencement of time, I suppose. But I still feel very strongly about the fact that I defend the right of a member who wants to take the decision to employ somebody who may be related for a task in their office.

I have mentioned in other contexts the example of a good friend of mine who has just retired, Senator Andrew Murray of the Australian Democrats, whose wife has worked with him in his office for a very long period of time. The other night, at what was more or less a farewell dinner up at the hill with them and others, I asked the former senator and Mrs Murray whether it caused problems. They said no—that they had some policies that they did not discuss the office when their heads hit the pillow.

I have to tell you that former Senator Murray is probably one of Australia's most outstanding parliamentarians. He did not believe that he was a very good politician—he was not too much into the parish pump stuff—but as a member of parliament and as one who advocated transparency and accountability in government he had a record that I think has been unsurpassed in the last 30 or 40 years, when I have been closely watching or involved in politics. He has taken that decision, and she has taken the decision that she was comfortable working in that environment.

I have taken a view that it is not a direction I particularly want to go in in relation to my own office, but I see many examples that would raise just as many conflicts—you know, people hiring factional colleagues in their office. Apparently that is not a conflict and there is no issue there. But exactly the same problems arise. I observe issues that potentially arise when people hire members of the management committee of their party and have them on their staff. Who is the master in that arrangement? Who is calling the tune? I could see a situation where somebody could be an office-bearer in a political party, yet, when they turn up for work and collect their pay cheque, they are reporting to the member who is a servant of that party. They seem to manage to cope with that.

I do not think that it is my job as a member of this place to support rules, laws and codes that start to interfere with one dimension of that conflict but do not address all of the other possible dimensions of the conflict. I think it is a bit of a furphy.

"Witch-hunt" is the term that Mrs Burke used. It is rather a strong term because no specific individual has been cited, I believe, in the context of when this was first passed, in the code of conduct. I had leave on that day; my father was close to death. I know that whether you are here or not the bills are passed. We pass laws and they are binding on our community. We adhere to whatever codes we pass for ourselves. Had I been here, I certainly would have taken the opportunity to express the same concerns I have today.

It is time that we as a parliament essentially accept that we have come of age in this territory. Self-government is here to stay, whether the people of Canberra like it or not. We should have enough faith in our legislators managing the affairs in their office. If they cannot, be it on their own heads. Be it on the head of the member in the electorate if people think they have misused their office and are simply hiring family members as part of some sinecure arrangement to feather their own nest.

I have heard a string of names of members in this place who have hired relatives and have been accused of misusing their position. I do not believe that is appropriate. I know, for example, that Mrs Dunne had a member of her family employed—maybe more than one. I know that when I was in the Liberal Party her husband was a very significant contributor to policy ideas and I know that he continued to provide advice. Although it was before my time, I would have hardly seen that as some sort of cosy arrangement that suited; he was a very qualified individual.

As I have said, there are examples in the federal parliament. In 1974, when the commonwealth resolved to hire staff for members and senators beyond the electorate secretary, quite a number of members and senators on both sides of politics allocated those funds to their spouse because they believed that they had to carry much of the work of their parliamentary office and be involved in electoral activities. My wife does that. She does not get paid for it. She turns up to many events. I see the Chief Minister and Mrs Stanhope at many events. Mrs Stanhope does not get paid for that. I certainly would not begrudge a member saying, "I am going to have my wife involved in my office so that she is across all of the issues and she can reinforce my communication with my constituency."

You can dream up many laws and controls on members to address perceived conflicts. The Clerk has said to me in the past that sometimes I wear the carpet out in his office declaring all manner of things in my declaration. I have always taken a view of being very careful on those matters—maybe overly so. That is the way I tend to operate. Others might be a bit more relaxed about hospitality and the like; that is their call. The system is there; it is transparent. People can make something of matters if they so choose.

I believe that the report is a sensible one. I am glad that it has been agreed to by the committee. I support Mrs Burke in her remarks and commend the report for adoption by members of the Assembly.

MR BERRY (Ginninderra) (10.50): First of all, I think Mrs Burke is talking about a different report, because Mrs Burke seemed to be suggesting that what she was on about was maintaining the status quo. Of course, that is not what she and Mr Mulcahy have done. What they have set out to do is to remove from the code of conduct for

members the restriction on employing family members. That is bluntly what they want to do, and that is what they say in the majority report.

Mr Mulcahy: I thought I acknowledged that.

MR BERRY: You said you endorsed what Mrs Burke said. Mrs Burke seemed to be trying to create the impression that she supports a status quo. She does not, if the majority report is to be any guide. The fact of the matter is that she wants to downgrade the current code of practice. I will read it to you, Mrs Burke, if you do not believe me:

> The Committee recommends that the Code of Conduct for Members be amended by omitting the following words in paragraph (8)
>
> > "Members should not appoint close relatives to positions in their offices or any other place of employment where the Member's approval is required"

That is what you support, Mrs Burke, and you encourage members, therefore, to widen the practice. Now, I have to say that of all of the tin-pot legislatures I have seen around the world, you can back it in that most of them have got problems with nepotism. That is why, over the many years that I have been in this Assembly, I have been a constant defender of ethics around those issues.

Mr Mulcahy mentioned a Democrat senator and how a relationship in that situation was working out all right. I have not made any studies into this, but I will bet you that Senator Murray has never raised the issue of nepotism. It would surprise me if he did, because straight away the finger would be pointed and the question asked, "But what about you?" That is one of the basic issues that have to be considered here, and I am extremely disappointed that my two Assembly colleagues do not seem to understand the need for a clear, ethical position when it comes to being part of the scrutiny process.

I do not think you understand it clearly at all, Mr Mulcahy. In fact, I know you do not understand it that well, because one of the examples you gave was that you saw these things working all right in the corporate sector. This is not the corporate sector. You have a basic misunderstanding about what a legislature is. It is a place where elected members carry out their duties in accordance with the platform and so on that they were elected upon. I think you completely misunderstand the position, Mr Mulcahy.

I do recall attempting some years ago to toughen up the code of practice, and the numbers just were not there in the committee that I was involved in. It was a Democrat member who protested in those days, and I wondered at the time why it was, because the Democrats always seemed to be the ones that kept the bastards honest. But it became clearer later on—the Democrats were involved in this process themselves in their internal structures. This is one of the problems with these things: when you get people in the balance of power in a situation like the Senate, the club tends to protect people. Members do not want to upset that particular senator because he might have the numbers one day on a particular matter.

The very same thing happened in this place. At one stage I think about eight members in this place were employing family members. It was like a Christmas dinner to come

to work every day—the whole family was there. You cannot tell me that that is approved practice for a legislature. There were family members all around the place—mums and dads and so on. I am saying that is inappropriate for a legislature, and so too does Hugh McKay:

> [Australians] …view the honesty and ethics of Members of both State and Federal Parliaments as only slightly better than those of used car salesmen.

This was in 2005 when I was referring to this issue:

> Only 7% of Australians believe that Members of both State … and Federal … Parliament are of high or very high standards of honesty and ethics. The only profession rating lower than Members of Parliament is car salesmen …

I say one of the reasons for that is the sorts of practices that Mrs Burke and Mr Mulcahy now attempt to promote—that is, members of the Assembly should be free to employ family members and make a direct contribution to their own budgets at home with public money on the basis of their decisions on the recruitment and selection of staff, determining the work value classification and salary point, assessing employees during probation, providing safe and healthy work places, accessing entitlements such as reimbursement for work-related matters, attendance patterns, overtime, leave, training and development, study assistance, code of conduct, overtime, performance management, time off in lieu, discipline and termination.

You have tried to tell me some of those decisions are not made over the kitchen table. Stop pulling my leg! Are you trying to tell me that a pair of partners at home are not going to discuss elements of the employment at work? Stop kidding me! It is an unethical practice, and it is widely understood as an unethical practice. It is well understood as a practice which undoubtedly corrupts the scrutiny process, and this legislature ought to be free of it.

It surprised me, I have to say, in the course of the committee proceedings that none of the members who support the majority position were capable of bringing forward any information about how good a practice this would be for this Assembly, how great it would be for this place, how it would enhance our standing out there in the community and how it would make the community out there feel better when we are making sure that the salaries that we approve for our partners are going into family budgets. The community out there would love that! I can just imagine what they think when they see you buying petrol for the family car knowing full well that it is as a result of a decision that was made to employ a family person. That is not the sort of stuff that impresses our constituents.

It embarrasses me to stand here today and make a contribution to a majority report which encourages members to employ their family members. It encourages members to get themselves involved in nepotism because it is supposedly a positive thing to do, if the committee is to be believed. It is not a positive thing to do.

Mr Mulcahy: It doesn't encourage it; it just doesn't outlaw it.

MR BERRY: Mr Mulcahy interjects that it just does not outlaw it. It should be outlawed, because it is the sort of practice that brings a lot of us into disrepute. You

might not care, Mr Mulcahy and Mrs Burke, if you are brought into disrepute, but I do. That is why I stand up and make a stand on these particular issues and have done ever since I have come here. It is important to me as a legislator that the organisation that I participate in on behalf of my electors has good standing in the community. One should make every effort to improve that standing, otherwise you have not delivered on the task that you came here for—that is, to try and make things better in your period here and leave the place in better standing when you go.

I have to say that the majority position in this report is just an outrage. It could not possibly be supported. The motion to take these particular provisions out of the code of practice is an outrage and should be treated that way and opposed without any delay. The longer it stays on the notice paper, the worse it is for this Assembly.

I want to also announce that I will be moving some legislation to outlaw this approach to make sure that it does not happen in the future. I think this legislature and the scrutiny process and the democratic process that it represents is worth more than the majority members of this committee think.

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

Planning and Environment—Standing Committee
Report 34

MR GENTLEMAN (Brindabella) (11.00): I present the following report:

> Report 34 of the Standing Committee on Planning and Environment entitled *Inquiry into the Namadgi national park draft plan of management* together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The Namadgi national park draft plan of management aims to establish a framework to protect the significant values of the park whilst ensuring that there are still opportunities for nature-based recreation, education and research. The plan of management has been revised to take into account significant changes to political, social and environmental settings in the ACT since the first plan of management was prepared in 1986 under the commonwealth legislation.

The committee's inquiry particularly focused on the administration of the consultation processes during the development of the draft plan of management. It also looked at the nature and level of participation by the interim Namadgi advisory board in developing the draft plan of management. The interim Namadgi advisory board was established in 2001 as a way for the Ngunnawal Aboriginal community to participate in park management and in the development of the plan of management until negotiations for permanent cooperative management arrangements were finalised.

The committee is concerned that, whilst the board was integral to the development of the plan of management, it no longer functions and has not met for over two years,

although the board was not formally terminated. The committee recommended that the future role, if any, of the interim Namadgi advisory board be finalised and that members of the board be thanked for their participation.

If the interim board ceases to function, the committee recommends that a joint management board be established for permanent cooperative management, taking into account the experiences and knowledge of the former interim Namadgi advisory board members. The committee also noted that the interim board experienced some difficulties with resources and support, including suitable remuneration arrangements, and it recommended that any future advisory board is appropriately resourced.

The committee also considered issues of biodiversity and conservation management in the park and made a number of recommendations to improve monitoring and reduce potentially negative impacts of park users on the natural environment. The committee recommends that the Namadgi national park draft plan of management be adopted, taking into account the committee's recommendations.

In closing, the committee would like to thank all the officials and stakeholders who assisted the committee during the course of this inquiry. I commend the report to the Assembly.

MRS DUNNE (Ginninderra) (11.03): I thank Mr Gentleman for his comments in relation to the Namadgi inquiry into the draft management plan. There are a couple of comments I think that need to be made, and I will get the hard stuff out of the way. I think that this inquiry by the planning and environment committee, although not derailed, was made considerably more difficult, Mr Speaker, by the actions of the chairman in relation to the release of the report that we were inquiring into. We have had the debate in this place already about the tabling of that report.

To this day, Mr Speaker, I am unsure why the chairman of the planning and environment committee—and it was essentially his work—was so opposed to the tabling of the report. It created an air of suspicion amongst people who were interested in this report, which was unwarranted for the most part. All the advice that could be brought to bear seemed to fall on deaf ears, and the chairman was steadfastly opposed to the release of the report that we were working on. It is completely unprecedented that a member should have to come in this place and force the publication of a report into which we were inquiring so that the members of the community could give coherent responses and make a coherent contribution to the inquiry.

It became perfectly clear that there were things that were lacking in the final draft, as opposed to the first draft the community was working from. As a result of the things that were lacking, the committee has made recommendations about the reinsertion of a particular appendix that set out a range of actions and initiatives that should be taken by the management of the park. It seemed unnecessary for it to be removed. The main problem was that it was hard for anyone to have a coherent discussion about the revised draft management plan simply because the public could not see it. We, as members of the committee could see it, and we were essentially treating our public with extraordinary disrespect. We were saying to them, "We want you to make submissions to us about this revised draft management plan, but we won't let you see

it. You can guess what's in it, and you can make recommendations on the basis of your informed guess about what is in it."

Now we came into this place and we did resolve that matter. It is unprecedented that we should have to do this. It is a strong condemnation of the chairman of the committee that I should be reduced to the circumstances where I have to override the process and come in here and move a motion to get a report published. Members of the ACT community—the people who pay the managers of Namadgi national park and the people who pay us—were unable to effectively contribute because of the actions of the chairman of the planning and environment committee. The chairman of the planning and environment committee was embarrassed into a situation where he was forced to table this report. As a result of that, we then had a situation where the community was able to make rational comment about what was is in the draft plan.

The other thing that is in the report which I think is of considerable moment are the recommendations in relation to the interim Namadgi advisory board. They relate to recommendations 3, 4 and 5 of this report. It is worth noting that the work of the interim Namadgi advisory board has gone unheralded, unnoted and unthanked by the Stanhope government. The setting up of the interim Namadgi advisory board was the work of the Carnell government, and I was pleased to serve under Gary Humphries when he made the offer to the Indigenous groups in the ACT to bring about a swift and appropriate settlement of outstanding land title issues in the ACT. This was a bold policy measure which was warmly welcomed by Indigenous groups in the ACT. It is very sad to see that this interim board has just withered away on the vine and that its work has been unrecognised by the Stanhope government.

Basically, Mr Speaker, the interim board just stopped meeting; the government stopped calling meetings. No-one has been given an explanation as to why its services were no longer required; no-one has been forthcoming as to what the future of joint management might be in Namadgi national park. The Stanhope government has been so ungracious to the interim Namadgi advisory board that they have not even written it a single letter of thanks to say thank you for the work it has done in relation to what was groundbreaking work. It was not easy. There were a whole lot of problems in relation to the remuneration of members; there were a whole lot of problems in relation to communication with members. There were extraordinary difficulties.

Members can go through the transcript and read what was said by members of the interim board about the difficulties that they experienced and the problems that some of the Indigenous people experienced because there were issues with remuneration. It was difficult for Indigenous members to even get to the meetings because they did not have travel money. They could not travel from areas in the region. They could possibly get to Canberra on a bus or a train or whatever, but the difficulties of physically getting the members who came here and did not have their own cars from Civic down to the meetings in Namadgi was enough to railroad some of the meetings. As a result of this, what started off as a bold policy initiative just withered away because no-one had the right set of tools to help these people meet.

Again, the Stanhope government, with all its feigned interest in human rights and Indigenous affairs and all of this, simply let a practical initiative like the joint interim advisory board wither away through lack of interest. The government were so

disinterested that they did not have the courtesy to say thank you or to tell the members of the board what they had planned for the future. The handling of the interim advisory board and the handling of this inquiry by the Labor members on the committee are searing indictments of everything that is wrong with the Stanhope government—that is, their arrogant government, their incapacity to talk to people and their unwillingness to provide documentation to the people who pay their salaries.

It is not some deep secret, but the Stanhope government says, "We cannot show the people in the ACT who are interested in the administration of 48 per cent of the land mass of the ACT. We cannot show them what the government thinks should happen. We don't trust them enough." Mr Gentleman has never—he did not here today, and he did not in the debate a few weeks ago—given the justification for why he did not want that draft interim report published. If he chooses to speak in closing this debate, I would welcome it.

The arrogance of Mr Gentleman, the pig-headedness of Mr Gentleman, in refusing to allow the publication of the revised draft management plan still leaves me dumbfounded. It shows a complete lack of regard for the people who pay his salary—the people in Brindabella who pay his salary and who back onto the Namadgi national park. They could not get a look at the draft revised management plan because Mick Gentleman did not want them to. He has never satisfactorily explained that, in the same way as the Stanhope government has never satisfactorily explained why the interim Namadgi advisory board does not meet. It has never satisfactorily explained why the board was not properly remunerated, why the board was not properly resourced and why it has never properly thanked the people of the community who took part in that board. Again, this is about the Stanhope government's complete failure to communicate with the people of the ACT about important matters—in this case, 48 per cent of the land mass of the ACT.

DR FOSKEY (Molonglo) (11.14): I will speak briefly about the report which has just dropped into my hands, as is the case with other members, in the interests of not adjourning the debate because of time pressures. I want to reiterate some of the concerns that Mrs Dunne mentioned about governance arrangements and the interim board. It is always of concern when the ACT government, or any government, sets up structures and then does not assist the people that it appoints to those structures. With the functional review, we lost a number of advisory boards, and I think we have seen the consequences of that, particularly in relation to ACTION, whose advisory board, I believe, gave very good advice.

When we appoint people to boards, there are paid members of boards and there are all the community members who do the hard work because they care about something. I am hearing that the costs of being part of that board have not been covered, at least in some cases. It is really concerning and it does point to a kind of tokenism, in that we can say we have appointed the board but we have not necessarily provided the necessary substructures so that people can operate properly as board members.

Namadgi national park is quite a new national park. I think we are still in a settling-down period. Recently, the issue of wild dogs was raised in the *Canberra Times*. There are always problems, in my experience, coming from east Gippsland, along the edges of national parks where they interface with, in the case of the ACT,

rural leaseholds, or with farms in other parts of Australia. While we must make sure that we maintain the integrity of our national park, it is very important that we do not create an "us and them" situation. Certainly, most of these debates are still alive in other states where national parks have been around for a lot longer.

I would seriously suggest that the government should look at ways in which, through education and awareness, the rural leaseholders on the edge of the national park who feel that they have been negatively impacted by activities in the park can work together with the managers of the national park. In my experience, national parks management is almost always underfunded. That can cause some of the problems that neighbours complain about. It is really important, if we are going to create these wonderful places, which we will need more and more in the face of climate change, to make sure that we set aside the funds to manage them properly.

There were hiccups. I was also concerned that the report was not publicly available earlier. I attended the committee hearing at which Mr Gentleman seemed to decide that it would suddenly become publicly available. In a way, I suppose we should be glad to have a retarded response; it is better than none at all. I think that what happened does point to some of the problems regarding community engagement and involvement in management that this government has. I have not yet seen these problems properly addressed. Let us hope that this report makes a difference.

Question resolved in the affirmative.

Planning and Environment—Standing Committee
Statement by chair

MR GENTLEMAN (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Environment. I deliver this statement in my capacity as chair of the Assembly's Standing Committee on Planning and Environment in relation to the committee's inquiry into water use and management.

On 7 June 2007, the Assembly resolved that the Standing Committee on Planning and Environment inquire into the best options for ACT government investment in maintaining a sustainable water supply in the ACT. The committee called for public submissions on 23 June 2007, closing on 31 October 2007, and received 15 submissions. A public hearing was held on 11 December 2007, at which the committee heard from representatives of the Molonglo Catchment Group Inc and Actew Corporation representatives. During its inquiry into annual and financial reports for 2006-07, the committee also focused largely on water use issues, demand reduction strategies and the implementation of the "think water, act water" strategy.

Since the inquiry on water use and management was referred, the Standing Committee on Planning and Environment has reported on the following matters:

- the proposed nomination of the ACT as a UNESCO biosphere reserve;
- ACTION buses and the sustainable transport plan;
- three draft variations to the territory plan:
    No 276—ANU City West precinct, the ANU exchange;
    No 287—Gold Creek Homestead;

No 285—Symonston block 17, section 102; and

- annual and financial reports 2006–2007.

In March 2008, the committee also adopted the inquiry into the Namadgi national park draft plan of management.

The committee has therefore resolved, having regard to its workload, the late stage of the life of the current Assembly and the significant draft variations still before the committee, not to continue with the inquiry into water use and management at this time.

The workload issues are significant. The anticipated reduction in the number of draft variations to the territory plan referred to the committee, resulting from the changes to the planning system, has not yet occurred. The Planning and Development Act 2007 did not come into effect until 31 March 2008 and, despite the changes which put the referral of draft variations to the committee at the discretion of the Minister for Planning, two out of three draft variations received by the minister have been referred to the committee since the end of April this year: No 281, Molonglo and North Weston, which is quite a large inquiry, and No 261, North Watson.

As the committee is obliged under the Planning and Development Act 2007 to inquire into and report to the Assembly on draft variations referred to it by the Minister for Planning, these inquiries must take precedence. However, the committee believes that the terms of reference of the water use and management inquiry remain of significance regarding the future of water collection, use and management in the ACT. The committee considers that it is a major issue for any future planning and environment committee which must consider these matters as an integral part of its work in future Assemblies.

Dr Foskey: Mr Speaker, I seek leave to make a statement in relation to standing order 246A, as it has been invoked by Mr Gentleman.

Leave not granted.

Standing orders—suspension

MRS DUNNE (Ginninderra) (11.22): I move:

> That so much of the standing orders be suspended as would prevent Dr Foskey making a statement.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Smyth	Mr Barr	Ms Porter
Mrs Dunne		Mr Berry	Mr Stanhope
Dr Foskey		Mr Corbell	
Mr Mulcahy		Ms Gallagher	
Mr Pratt		Mr Gentleman	
Mr Seselja		Mr Hargreaves	

Question so resolved in the negative.

Public Accounts—Standing Committee
Report 15

DR FOSKEY (Molonglo) (11.26): I present the following report:

> Public Accounts—Standing Committee—Report 15—*Review of Auditor-General's Report No 4 of 2005: Courts Administration*, dated 30 July 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This report on the review of courts administration in 2005 has been a long time in preparation. It began under the chairmanship of Mr Mulcahy; indeed, a very large part of the evidence was gathered during that time. Also during that time, we made a visit to South Australia to look at the way that the courts operated there.

It is not the first time that the administration of the courts has been reviewed in the ACT. There are issues of concern. I feel fairly sure that there will be issues of concern while the courts are administered by the Department of Justice and Community Safety. The people of Australia, who have adopted the Westminster system of government, value very highly the separation of powers—the separation between the executive, the courts and the parliament. Because our courts' budget is delivered through JACS and much of their administration is overseen by JACS, at least on the surface it looks as though we lack that independence here. It has been argued by JACS officers and, indeed, by the Attorney-General, that there is no compromise. But it is very hard to see how there can be no compromise when the budget of the courts is administered through JACS.

The committee recommended that the government have a good look at, and do an independent review of, the appropriateness of applying the South Australian model of courts administration in the ACT, which would include a comprehensive examination of the associated costs and benefits. To this point, the Attorney-General has tended to reject the South Australian model, primarily on cost grounds, but we have not yet had the cost case presented to us.

One thing that the committee found was that a number of the recommendations made by the Auditor-General have been addressed in the intervening period. After all, it is now three years since her inquiry was conducted. We did note that, with respect to some of the witnesses that we called back a second time to address the efficacy of those actions, most of those people, including the Chief Magistrate, were reasonably happy with the changes that were introduced.

There is no doubt that the Auditor-General's report was an important and useful one and that it has led to change. However, we will look at theses issues again in a future Assembly or by having another Auditor-General's inquiry if we do not provide the arguments as to why we would not consider adopting the South Australian model.

Other members of the committee or other members of the Assembly may wish to speak to this report. I have certainly given them a lot of scope to discuss it. I want to thank the committee members—Mr Mulcahy in the first couple of years, Ms MacDonald, who was there throughout the inquiry, and Mr Smyth, who came along later. I want to thank the committee secretariat, who have assisted greatly in the preparation of this report. In this case, the report was drafted by Derek Abbott, who is probably well known to people who have been in this Assembly for a long time.

I would like to see the government's response to this report. Most particularly, I recommend that it initiates an independent inquiry into the appropriateness of applying the South Australian model of administration, with a comprehensive examination of the associated costs and benefits. It is not good enough just to reject something out of hand without giving good reasons for doing so. A basic tenet of our democracy is the separation of the courts, the parliament and the executive.

MR MULCAHY (Molonglo) (11.32): I would like to say a few words in relation to this report. Obviously, I have only just received the report, so I have had only a limited time to speed-read the elements of it. I am heartened and encouraged by the strength of enthusiasm that the chair of the committee has directed towards the South Australian model.

As one who chaired the committee for a substantial period when this inquiry took place and who was involved in the collection of evidence, I thought our experience in meeting with members of the judiciary in South Australia was extremely productive. We met with the Chief Justice of South Australia, a member of the District Court and the Chief Magistrate of South Australia. I was singularly impressed when I left Adelaide, as were my committee colleagues. We also met with the Law Society of South Australia. There seemed to be considerable merit in looking at the South Australian model.

For that reason, recommendation 9—that the ACT government commission an independent report on the appropriateness of applying the South Australian model of courts administration in the ACT, including a comprehensive examination of the associated costs and benefits—is one that I sincerely hope that the Attorney-General will consider.

I think there has been too much resistance to looking at the South Australian model. It works extremely well. There is a level of transparency in the management of the finances of the court that is not so evident in other jurisdictions. There is the curious situation in South Australia where the Chief Justice is more than comfortable with going on talk-back radio to talk about the administration of the courts. I find that to be a refreshing approach. The Chief Justice made it clear to the committee when we were taking evidence that he was happy to appear before the estimates committee in South Australia, where he would defend the budget that had been put forward—and, of course, it was also subject to scrutiny by or agreement with the Attorney-General. I think those safeguards are in place. The report notes on page 61:

> In South Australia the Council comprises the Chief Justice, the Judge of the District Court and the Chief Magistrate.

They are the three people that we met with. The report continues:

> The Courts Administration Authority is the executive arm of the Council. The Administrator of the CAA is its chief executive and is responsible to the Council and subject to its control and direction …
>
> The Administrator is independent of the Executive Government and manages the CAA in consultation with an Executive Management Committee …
>
> Funding for the Council comes through Parliamentary appropriation against a detailed budget prepared by the Council. However, the Council's budget requires the agreement of the Attorney-General, thus balancing the independence of the courts with the need for direct parliamentary accountability for appropriations. The Council has "considerable autonomy" in managing its budget …

I think there is considerable scope for improvement in the situation that presently exists in the ACT. It was certainly one of the stronger messages that came through when we heard evidence from the magistrates, in particular about the need for a greater level of capacity to manage their own budget. While no members of the judiciary elected to appear before the committee, for reasons related to the separation of powers, I did have informal discussions with members of the Supreme Court here. I believe that the sentiment that is contained in this report and that was conveyed to us by the magistrates is consistent in terms of having a better situation with the budget. Recommendation 10 reads:

> … that the Law Courts and Tribunals Unit prepare its own draft budget for submission to the Attorney-General and that a copy of its budget proposal be provided to the Standing Committee on Legal Affairs of the Legislative Assembly for comment at the same time as it is provided to the Attorney-General.

I am not entirely sure whether the legal affairs committee is the right place for it or whether it ought to go to the public accounts committee; nevertheless the principle of budget preparation is one that is worthy of support.

The public accounts committee has also advocated that an independent, comprehensive cost analysis for court services be conducted to establish an appropriate level of base funding for the courts. One of the problems that we heard in evidence was that there was a need for a clear indication of base funding. This means the courts are able to operate with some degree of certainty going forward. It diminishes the criticism that the courts do not live within their means. Once that base budget is settled, more appropriate increases over time can be agreed upon without having the level of uncertainty that presently exists.

We heard assurances along the way that there was far greater communication between the magistrates, the judiciary and JACS. In private discussions with those involved in the magistracy and the judiciary, there was some scepticism about the level of progress being made in that regard. For that reason, I encourage an invitation to be extended to the Chief Magistrate to reappear. I was not a member of the public accounts committee at that stage, although I had hoped to be part of that process. I did not have the opportunity because of other competing demands. I think it is very

important that we ensure our courts can operate without having undue interference by the bureaucracy and that they are able to do the job at hand.

With respect to page 33 of the report, there was an attempt to make a great deal out of statistics relating to the progress of matters in the courts. As Mr Cahill, the Chief Magistrate, pointed out, various factors are contributing to delays in finalising matters or complicating scheduling. One of those is the different scope of our Magistrates Court compared to other jurisdictions. He also cited various other matters, including the preparedness of witnesses; parties having a tactical interest in delay; the removal of on-site corrective service officers; "door of the court" pleas of guilty; cases abandoned by the DPP or vacated for other reasons, which is probably going to get worse given the flight of staff from that agency; an increase in self-represented litigants, linked to inadequacies in legal aid funding; and new programs, such as the family violence intervention program, restorative justice or circle sentencing, which can delay finalisation of proceedings.

I will digress for a moment and say that, in particular, with a number of those who are up on drug-related charges, the practice is to attempt to rehabilitate straight-up, as I understand from speaking with members of the judiciary, so there will inevitably be long delays. It is misleading to assume that those delays are due to poor management in the courts; those delays are intentional.

Another factor in delaying the process that was mentioned was the use of Griffiths remand, which is an adjournment of six to 12 months following a finding of guilt, to permit the offender to take part in a rehabilitation program. That is what I was talking about in relation to drug offences. There is also the factor of the new sentencing reform package introduced in June 2006, which records outcomes differently.

This is a very important report. It took a long time to produce but it contains some valuable information. It will be tragic if it is dismissed out of hand. I urge the government to give serious regard to the recommendations. These are considered recommendations and I hope that the report leads to better circumstances in terms of funding for the courts and improvements in information technology. These have been cited in the report. They are important issues that ought to be embraced without delay.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

DR FOSKEY (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the committee's request for a copy of the *Strategic and functional review of the ACT public sector and services*.

The Standing Committee on Public Accounts has been seeking a copy of the *Strategic and functional review of the ACT public sector and services*. The committee believes that access to the functional review, as the key document used in government decision making since 2006, is crucial to its role as scrutineer of the government's accounts and expenditure.

The committee wrote to the Chief Minister on 19 March of this year requesting a copy of the functional review, utilising its power to send for papers granted by standing order 239. The Chief Minister responded on 2 April and declined to provide the document on the grounds that it was confidential to cabinet.

On 2 June the committee wrote to the Chief Minister again. In this letter the committee noted that it took the refusal to provide the document as a claim of public interest immunity. The committee drew to the Chief Minister's attention the approach taken to public interest immunity by both the Australian Senate and the Australian courts. A claim to public interest immunity is only properly grounded if the document protects records or reveals cabinet deliberations. The functional review contains only material that cabinet chose to consider. Noting that the committee saw no reason why the ACT should take a more restrictive approach to cabinet documents than other jurisdictions, the committee renewed its call for the document to be provided.

On 21 July the Chief Minister responded, again declining to release the document and noting the importance of the principle of cabinet confidentiality. The letter went on to state that a conclusive certificate had been issued under the Freedom of Information Act 1989 regarding this document. The correspondence ended by stating that that certificate still applies and that the Chief Minister was therefore unable to provide a copy of the document.

The committee notes that the Freedom of Information Act and its certificates are totally irrelevant to an Assembly committee's power to send for papers. The committee did not make a freedom of information request; it made use of standing order 239, which states:

> A committee shall have power to send for persons, papers and records.

The committee acknowledges the principle of cabinet confidentiality in the Westminster form of government. The principle exists to uphold cabinet collective responsibility, which would be undermined by the release of cabinet deliberations. The functional review does not record the position of a minister, nor does it reveal cabinet's deliberations, but is an independent report on the ACT's public sector and services.

The committee brings this matter to the attention of the Assembly because of the important principles involved. What has happened here is of importance to every other committee. I hereby give notice of a motion requiring that the Chief Minister table the *Strategic and functional review of the ACT public sector and services* in the Assembly before the end of this sitting day.

Mr Smyth: I seek leave to speak on the matter.

Leave not granted.

Standing orders—suspension

MR SMYTH (Brindabella) (11.46): Mr Deputy Speaker, I move:

> That so much of standing orders be suspended as would prevent Mr Smyth making a statement.

These are important principles and I can understand why the government would want to shut this down. But in terms of what the committee knows about this report, it is very little. This is the report that I think undermined the community. It underlined the decisions that were made in 2006 in the shock-horror budget that it was never necessary for this place to pass. What the committee has done is exactly what committees are meant to do; they are meant to inquire. To do that, only as recently as this year—as of 6 March 2008 when it was unanimously passed—the Assembly adopted standing order 239. This standing order states that the committee shall have the power to send for persons, papers and records. It is a power that the Labor Party voted to bestow upon this committee, and it is a power that they now seek to subjugate.

What we have simply asked for is a document, an independent document that was prepared and then given to cabinet. We are not asking for the cabinet decisions. We are not asking for the minutes. It is entirely within practice. Indeed, *House of Representatives Practice* would actually suggest that if the documents are not forthcoming this house could authorise someone to go and search for them, to find them for the Assembly to have its own discussion on. But what we are getting now is the Deputy Chief Minister sitting there and even refusing to have the debate. The question, Deputy Chief Minister, is this: what have you got to hide?

What you are hiding? What the government is hiding, what the Chief Minister is hiding and what the cabinet is hiding is what they have hidden for two years. It is the real reasons for the panicked response of the government in 2006 in putting together their budget, which have now so comprehensively proven to be wrong. When we look, for instance, at the cuts to the business assistance program, the government has been forced to backflip. On sports grants, the government has been forced to backflip. On the cuts to tourism, the government is backflipping.

Mr Gentleman: Point of order, Mr Deputy Speaker. I think—

MR SMYTH: Under what standing order?

Mr Gentleman: Mr Smyth is debating a motion that is not yet before the Assembly.

MR DEPUTY SPEAKER: What is the standing order, please, Mr Gentleman?

Mr Gentleman: I will get it for you.

MR SMYTH: Good. Yes, go and check your standing orders. Now the point here is why we should suspend, Mr Deputy Speaker—

Mr Gentleman: Mr Deputy Speaker, on the point of order—

MR DEPUTY SPEAKER: Are you now taking a point of order?

Mr Gentleman: Yes, I am still talking to the point of order, Mr Deputy Speaker.

MR DEPUTY SPEAKER: And the standing order is?

MR SMYTH: Can we stop the clock?

Mr Gentleman: Well, I am seeking your advice, Mr Deputy Speaker, on standing orders as to whether Mr Smyth is talking to a motion which is not yet before the Assembly.

MR SMYTH: Could you stop the clock, please?

MR DEPUTY SPEAKER: Yes, stop the clock. Clerk, stop the clock.

Mr Gentleman: So the question I ask you, Mr Deputy Speaker, is whether it is within the standing orders for Mr Smyth to speak to a motion which is not yet before the Assembly.

MR DEPUTY SPEAKER: My ruling on that would be that Mr Smyth, or any other member, is right now entitled to speak to support their case on why standing orders can be suspended. I think it is quite appropriate for Mr Smyth in this case to speak to the matter which caused this chain of events to commence. So no point of order arises. I call Mr Smyth.

MR SMYTH: Thank you, Mr Deputy Speaker. I can understand their embarrassment in wanting to shut this down, but the people of the ACT and many members in this place for the last two years have been trying to get to this fundamental document. It is a document that is now proven to be flawed on so many things, whether it be business assistance programs, sports grants, the tourism funding, all of which have suffered reversal—not to the extent that they were taken away.

The government has realised its mistake. We were meant to have embedded savings of $100 million through reduction in the public service, yet the public service has grown. We have seen the management—or, indeed, the mismanagement—of community grants. Indeed, particularly of interest to you, Mr Deputy Speaker, is the total mismanagement and misrepresentation of the way in which the emergency services operate. These are fundamental issues and the people of the ACT have a right to understand why their government made decisions.

On the morning of the election in 2004, there was the would-be repeat Chief Minister saying to the people of Canberra, "You have nothing to fear from majority government." He said that there was nothing to fear. In 2001 he went to the people saying, "We will be more honest, more open, more accountable." Well, Chief Minister, be more honest, be more open, be more accountable, and release this document. You have denied it to successive groups, through estimates and through committees, over the last two years but here is your chance to rectify that.

The committee did the right thing. Under the leadership of Dr Foskey, the committee wrote and said we would like to see the functional review. Chief Minister, you wrote

back with various excuses saying, "No, you cannot have it." So the committee then used a standing order authorised by all of those sitting opposite, by the Labor Party, Mr Deputy Speaker, as a reasonable power for a committee to have.

Under standing order 239 we wrote and asked for that report to be produced. It was a very polite request, but it was a request under the standing orders that the Chief Minister has to comply with. The grounds that were used to deny the request were that it was some sort of public interest disclosure. That was totally spurious. The advice we got was totally irrelevant to the case here. What we should have instead is the document.

Dr Foskey has asked that this document be tabled in this place by the close of business today, and that is a reasonable request. It is a reasonable request for that to occur. What we need to have is the Chief Minister face up to his responsibility and table that document or give it to the public accounts committee, as was requested.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (11.52): The question before the Assembly relates to the suspension of standing orders. The government is not going to allow all executive time this morning to be taken up with delaying tactics by the opposition, and that is what this is about.

This was a section 246 statement by Dr Foskey around the production of documents flagging other activity that she is going to take in the Assembly this week. There is ample time for discussion of this and for other members' contributions to this, but this morning the time has come to start to debate some legislation, not to rehash old arguments from Mr Smyth about how hurt he feels that he does not have access to the functional review. That is why the government is not supporting this.

We want to get on with business. We have got 33 bills to deal with over the next three weeks. We are going to be sitting late into the night. We understand that the opposition is going to want to delay at every point in the sitting week. We know that. We have been watching it for the last few sitting weeks. We can see what your motivations are, but the time has come to pass some legislation. That is why we need to get on with this today, and why we are not supporting the motion. That is why we are not giving leave to every opposition member to stand up and whine on about a matter which is already scheduled for further debate this week.

MRS DUNNE (Ginninderra) (11.53): The Deputy Chief Minister does her sort of fishwife imitation. She says, "Now, it is time to get down to business and do government business." This is a government, Mr Deputy Speaker, who cannot manage their legislative program. This is a government who adjourn early for lunch almost every sitting day, who go home often after the MPI because they have no business. They get to the last sitting weeks in the Legislative Assembly's calendar and suddenly they have business, and they have business because they have not been able to get their act together for the past seven years. And they want to be re-elected because they suddenly have business.

They want to jam through the Medicines, Poisons and Therapeutic Goods Bill this morning. They do not have the courtesy to talk to the Pharmacy Guild about it, but they want to jam through the legislation. This is why—

Ms Gallagher: Again, another lie.

MRS DUNNE: This is why we need to suspend the standing orders; we need to have the discussion—

Mr Smyth: Point of order, Mr Deputy Speaker. The Deputy Chief Minister just accused Mrs Dunne of lying and she should withdraw.

Mr Gentleman: What number standing order?

Mr Smyth: Disorderly conduct, Mick; I will leave it to you to look it up.

MR DEPUTY SPEAKER: I did not hear that.

Mrs Burke: It is true. You don't call people liars.

MR DEPUTY SPEAKER: Order! I am ruling on the point of order. Ms Gallagher, I did not hear you. If you think you did, then you might withdraw it. I call for order so I can hear what is being muttered across the chamber.

Ms Gallagher: I withdraw it, but it is not true what she is saying.

MR DEPUTY SPEAKER: Thank you. I call Mrs Dunne.

MRS DUNNE: I think that is a withdrawal, Mr Deputy Speaker. What we are about today is a discussion in relation to the functional review, which has been held close to Jon Stanhope's chest for a very long time. When you listen to the exposition of what happened through the correspondence to the public accounts committee, it is clear that the Chief Minister is unwilling to provide this piece of information.

It is time that we actually had the discussion here about what the Chief Minister has to hide. Over years and years, the people of the ACT have groaned under the changes wrought by this functional review and the government will not reveal it. We saw today, in relation to the exposition given by Dr Foskey, the Chief Minister saying that he would not provide this document because it was subject to a conclusive certificate from a freedom of information request.

That freedom of information request was made by me under the Freedom of Information Act. While the Chief Minister may have condoned the issuing of a conclusive certificate over that, it does not at any time prevent him from releasing that document. At any time the Chief Minister chooses, he can release the functional review; he can have his officials revoke the conclusive certificate. The operation of a conclusive certificate is entirely and utterly immaterial to the standing orders of this place. The standing orders of this place have required the Chief Minister to come forward and provide documents—

Ms Gallagher: Mr Deputy Speaker, can I raise a point?

MR DEPUTY SPEAKER: Ms Gallagher, do you have a point of order?

Ms Gallagher: Could I just have some advice? The question is that standing orders be suspended. We should not be debating a potential motion that Dr Foskey may move around the release of the functional review.

MR DEPUTY SPEAKER: I have already ruled on this. You are taking the same line of questioning that Mr Gentleman did.

Ms Gallagher: That is the question.

MR DEPUTY SPEAKER: I have ruled on that point of order. There is no point of order. I call Mrs Dunne.

MRS DUNNE: The reason why we have to suspend standing orders and have this debate now is that, quite frankly, the Chief Minister thinks that he is above the operations of this Assembly and the operations of the committees of this Assembly, which have the power to call for documents. He has ignored those powers although, as Mr Smyth has said, he endorsed the conferring of those powers. It is a selective use of the powers by the Chief Minister. He is in favour of them so long as they do not get in his way. He is in favour of them so long as they are not inconvenient to him. This is why we need to suspend standing orders. We need to have the debate.

The people of the ACT, the people who pay the Chief Minister's salary, need to be able to see the basis for the decisions that were made to cut out sports grants, to close a huge number of schools. It was proposed to close 39 schools and 23 schools finally closed. We need to be able to see the basis for the decisions to make changes to the Emergency Services Authority, the changes to advisory organisations. We have to get to the bottom of why they did this. The committee needs to get to the bottom of it and it is time that the Chief Minister came clean with the people of the ACT.

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

> That the question be now put.

Question put:

> That the standing orders be suspended.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Pratt	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Seselja	Mr Berry	Mr Hargreaves
Dr Foskey	Mr Smyth	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Leave of absence

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.03): I move:

> That leave of absence be given to Ms MacDonald for this sitting week to attend a Commonwealth Parliamentary Association conference.

Ms MacDonald is absent on Assembly business representing the Assembly at a Commonwealth Parliamentary Association meeting. As she is overseas, she is unable to attend the Assembly for this sitting week.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee

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

> That Ms MacDonald be discharged from the Standing Committee on Administration and Procedure for the period 5 to 10 August 2008 and that Ms Porter be appointed in her place.

Medicines, Poisons and Therapeutic Goods Bill 2007

Debate resumed from 6 December 2007, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MRS BURKE (Molonglo) (12.05): Today is set down to supposedly debate the Medicines, Poisons and Therapeutic Goods Bill 2007. I say "supposedly debate" because we have just heard the Deputy Chief Minister say we are going to be really having to push through over 30 pieces of legislation in the next two or three sitting periods; so it is a disappointment.

There is a lot about this bill that is very good. I know that some Pharmacy Guild members who are sitting in the public gallery today obviously support a great deal of what has occurred and the government's work on this. Of course it has been quite a task to consolidate four acts and their regulations regarding ACT law on medicines, poisons and prohibited substances.

As I have said, it pulls in and consolidates legislation in connection with dangerous substances, which is obviously in the community's interest and things that they are very concerned about; so it is good to see that all those things now sit together. I think we can applaud the government, the guild and the pharmacies in general for the regulation of things like pseudoephedrine; it now becomes enshrined in legislation.

I think that we need to look at the summary of issues and read this bill because it has been quite a process. Talks, I know, have been ongoing for around 18 months in connection with this bill. The bill was tabled on 6 December 2007. From my view of

this, I would believe the consultation with pharmacists and particularly the peak pharmacy body on this bill's relevant changes has been quite bad. It is disappointing because it is an important bill to the community; it is one that the Pharmacy Guild support the majority of but I think that it has been a difficult process for them.

What happened after the bill was tabled in December was that more submissions were made by the guild in March 2008. I believe that the minister met with the guild in April and their understanding, from that time, was that she would take further advice. There is a long gap between March and June, when a written response was received by the guild. More or less, all of the suggestions that the guild had made additional to a lot of the good stuff in this bill were turned down, basically out of hand.

The guild did believe these issues were being worked on and it is important to place this on the public record now because we need to really learn from this that, when we are dealing with such an important piece of legislation, we do not leave out the key stakeholders' feelings. We had really just left them sitting there from March to June. They believed that their suggestions, recommendations and amendments were being worked on but then were told far too late in the piece to really be able to do anything with the out-of-hand no from the government. There was no time to meet.

The strange thing is—and I am not too sure what is going to happen here—the Pharmacy Guild were due to meet with the minister next week about this bill. Of course it is going to get through today and I am in no way about to stop that. However, I was trying to work on some amendments with the Pharmacy Guild to look at certain aspects of it in terms of the community pharmacy model and the registration of premises. So it is now somewhat unavoidable that we will not be able to proceed with those amendments.

I will be returning with an exposure draft bill that may help and I hope the government will look at that because it has been difficult. We have had to pull bits and pieces together—the four acts are pulled together—but now there may be room to move in terms of perhaps sitting certain aspects and elements of this bill in a stand-alone bill. We are working on that currently with parliamentary counsel and I thank them for that.

If we have a look at the background, the consultation with pharmacists and the peak pharmacy body on the bill, as I said, could have been much better. It is quite appalling that they were left out at a stage where they really thought that their ideas were being considered. We do see a repealing and replacing of the Poisons and Drugs Act 1978, the Poisons Act 1933, the Public Health (Prohibited Drugs) Act 1957 and a significant amendment to the Drugs of Dependence Act 1989.

As I said, at the meeting in March this year the Pharmacy Guild provided the government with a written submission on the bill. Amongst other things, the guild recommended that all the elements of the community pharmacy model be contained in this bill. With respect to the supply of medicines, it is in the public interest to ensure that advice relating to the supply and use of pharmacy medicines is provided by pharmacists with no commercial interest other than the provision of pharmacy services, with scheduled substances kept within pharmacy premises that meet specific standards so as to ensure such substances are kept securely and supplied only to

people authorised to receive them. This is known as the community pharmacy model, and the pharmacy model is recognised by all Australian governments as best practice for the supply of medicines.

I will not take up too much time today because, as I said, I would like to come back with perhaps some loose ends, as I see them, that have been placed before me and, I know, members of the crossbench. The government simply has not given us or the guild time to properly address the still ongoing concerns they have, particularly on the community pharmacy model.

The guild would argue that the ACT is the perfect vehicle to introduce national best practice legislation and transfer all elements of the community pharmacy model—that is, both regulation 5.2, the supermarket restriction, and regulation 5.3, the standards of premises of the health professional—into this bill, the Medicines, Poisons and Therapeutic Goods Bill. Currently the government is proposing to move these provisions into the Health Act.

If we have a look at the registration of premises, the guild has also recommended that a registration of pharmacy premises system be introduced in the ACT. This would be similar to systems which have been in place in Tasmania since 2005 and in South Australia since 2007. I understand that Western Australia and the Northern Territory are in the process of introducing registration of premises there. As rightly argued, if the premises are registered, both the location and the proprietorship of the pharmacy will be on the public record and the ability to enforce the provisions of the Medicines, Poisons and Therapeutic Goods Bill will therefore be enhanced.

I suppose, to sum up, the main argument would be: in terms of simplifying the legislation, why would the government not also transfer key aspects of the community pharmacy model into this legislation? Separating key elements like the supermarket restrictions and standards of premises to the Health Act could pose significant public policy problems on the basis that it may give the Department of Health future veto rights to allow supermarkets to sell pharmaceuticals. Hence it is appropriate, if not necessary, for the relevant regulations to be moved into the same piece of legislation to ensure the integrity of the community pharmacy model is maintained. Lastly, why not fully register pharmacy premises in the ACT, as is being done in Tasmania and South Australia, to maintain and even increase the integrity of this bill, the Medicines, Poisons and Therapeutic Goods Bill?

We were going to move some amendments but, due to a severe lack of time, we cannot. The other thing on that is that I understand that the guild were not aware that this bill was going to be debated today until I was able to tell them last week, which seems to be a bit of a shambles of a process, given that you want to bring stakeholders with you and they are the main player in this. I think there has been a severe breakdown here on the government's side by not properly bringing along with them in the process the key stakeholder with whom they were working. It simply did not give us time for amendments. We would have liked to have done those today but, on advice from parliamentary counsel, we will be pursuing a way that we can move them, and would ask the crossbench and government to look at that very closely when we are able to do that.

MR MULCAHY (Molonglo) (12.14): I will be supporting this bill as I believe that it is a sensible consolidation of existing legislation which will assist practitioners in the field of drugs and controlled substances to understand their obligations under ACT law. The bill consolidates existing legislation on medicines, poisons and prohibited substances and therefore provides a more comprehensive act on these matters. This means that those affected by these rules are more easily able to find a full rundown of their obligations under the law and thereby ensure that their operations are in accordance with ACT law.

I note that parts of this act are based on the recommendations of the Galbally review which examined policy on drugs, poisons and controlled substances. That review recommended a national policy approach to these issues, and this bill is in line with that approach. I will say at the outset of my remarks that I strongly support the community pharmacy model and I have consistently held that view since being elected to this place.

I hear what Mrs Burke says. I also am a little disappointed by the rushed nature of this debate. Although it has been on the notice paper for some time, I understand that the Pharmacy Guild were involved with ongoing discussions with the government. I understand that they have a meeting with the minister next week and, although I acknowledge the need to get things done in the next three sitting weeks, I do feel that it should have been possible to properly engage the peak industry body which I understand has not happened to a level that I think would be satisfactory.

I believe that it would be a devastating blow to the Canberra community if we were to go down the path of incorporating pharmacies into major supermarkets. Pharmacists are central to the safe supply of medicines to the community. They are the first stop for many Canberra families with a sick child or in need of urgent advice and the best treatment for what may be a minor ailment or, at least sometimes, to determine whether it, in fact, is a minor ailment that they are dealing with.

I have spoken to the Pharmacy Guild in the preparation of my remarks about this bill. They stressed to me the importance of ensuring that the advice relating to the supply and use of pharmacy medicines is provided by pharmacists with no other commercial interest than the provision of pharmacy services. They also emphasised that it was in the public interest to ensure that scheduled substances are kept within pharmacy premises that meet specific standards so as to ensure that such substances are kept securely and provided only to people authorised to receive them. I do not believe that these elements can be retained if we allow ourselves to drift away from the community pharmacy model.

One aspect of this bill is that part 10.2 provides that the commonwealth therapeutic goods laws will apply as acts of the territory. Clause 156 of the bill defines the commonwealth therapeutic goods laws as the Therapeutic Goods Act, as amended from time to time, and including statutory instruments under this act. Whilst it is understandable to refer to commonwealth laws in this way, I think we need to be particularly careful with this kind of incorporation provision since it not only involves the incorporation of existing legislation into ACT law but also involves the incorporation of future amendments. This, of course, is the intention, since the bill seeks to establish a more consistent national approach.

However, we must not allow such a practice to derogate from our responsibility as parliamentary members to scrutinise legislation in the ACT. It is not a practice that we universally embrace. We see many other areas of government policy where ministerial councils agree to introduce a uniform approach on legislation, but that is one quite different step from automatically having changes to the commonwealth imposed as laws on the territory under our own legislative powers. If we are to incorporate commonwealth law into ACT law, then it is incumbent on us to ensure that we remain abreast of any change in the commonwealth laws that therefore become changes to territory law.

As I have mentioned already, I have spoken to the Pharmacy Guild regarding this bill and they have put their views to me on the consolidation and on the specific provisions of the act. They have expressed their view that regulations 5.2 and 5.3 of the Health Professional Regulations should be enshrined as legislative provisions in the Health Act. Whilst the minister's office has assured me that the protections that the Pharmacy Guild are seeking already exist, there is sense, I believe, in the argument that it is important to enshrine these protections as legislation rather than regulations.

I am aware of the American model where pharmacies are located in supermarkets. I know from experience—and I have lived in the United States—that the standard of care that one can expect when entering a Wal-Mart or a Walgreens or similar is not even remotely close to being on the same playing field as what we receive here from local community pharmacists.

I note from discussions with the Pharmacy Guild that the Liberal Party has been dealing with them regarding this issue and I hear, and was aware, that Mrs Burke is planning to introduce an exposure draft which I suspect I will be keen to support. I look forward to seeing that and having further discussions with her on the matter. But I will certainly—and I want to make it very clear—be supporting future legislation that protects the community pharmacy if it is introduced.

I have, throughout my career, even before being in this place, long expressed my concern about and actively opposed the massive consolidation of power enjoyed by the major supermarket chains. We have seen it in grocery activities. We have seen it in the liquor industry. We have now seen it in the fuel industry and, if they get their hands on control over pharmacies and distribution of prescription drugs, heaven help the people of Australian who are already reeling from the concentration of supermarket power. We are seeing it in the horrendous prices in supermarkets and the growth in costs to the ordinary families in this territory.

We keep hearing these pious utterings from the hill. I think there is another report coming out today. Trust me, nothing will improve. We have seen no progress on petrol. We will see no progress on groceries and, if we do not protect our community pharmacies, they will come under the crunch of supermarket chains, and the people of Canberra, indeed the people of Australia, will become captive of those supermarket chains who will tell them, "You will pay what we want and you will live with it."

It is vital that members across this chamber support the community pharmacies because they are providing a level of competition, a level of community concern, in

our society that people want—a relationship that will go out the door and we will end up with the Wal-Marts of the world operating in our backyard. It will also, of course, lead to the destruction of suburban shopping centres, where many of them are located. As many would accept, the key to shopping centres and the smaller communities in Canberra are pharmacies, newsagencies and the like and it is very important that those businesses be allowed to continue to exist.

The Pharmacy Guild also raised with me a matter relating to the registration of premises. They note that in South Australia, Tasmania, Western Australia and New South Wales legislation has been passed both to give effect to COAG reforms relating to the national registration and accreditation scheme for health professionals and to ensure that the states themselves have a scheme to register pharmacy premises.

There are several benefits to having a register of premises, not the least being the assistance it would provide to the enforcement of provisions contained in this bill. It would also be of use in the event of a pandemic that we keep being warned will happen soon, when a registered network of pharmacy locations and health professionals would be of clear benefit to our community. Although it does not appear that this is going to be amended at the present stage, as I said, I take this opportunity to flag my support for this sort of registration scheme now. And I want to put that clearly on the record.

I will support the bill and I hope that we see some efficiency gained from the consolidation and uniformity that result from the implementation of the Galbally review. I believe, as the Pharmacy Guild does, that the bill could have gone further to protect the community pharmacy model. I am a little disappointed that it has not, but I understand that further legislation may well be tabled in the Assembly, and I will support anything that protects community pharmacy arrangements.

DR FOSKEY (Molonglo) (12.23): The Greens are quite happy with the intent behind this bill, which is to integrate a number of quite dated acts and regulations, including the Poisons Act 1933, the Poisons and Drugs Act 1978 and the Public Health (Prohibited Drugs) Act 1957. As far as I can see, there are no substantial changes to the intent of these acts and it makes sense to bring them together as well as ensuring consistency nationally because this can be done without any changes to practices within our territory.

The Galbally review confirmed that the principal objective of the legislation nationally is to promote and protect public health and safety by preventing accidental poisoning, deliberate poisoning, medicinal misadventures and diversion for abuse or manufacture of substances of abuse.

There are still a number of issues relating to pharmaceutical drugs which are not dealt with in this bill. I am concerned about what is generally known as doctor shopping, which is when someone may be seeing more than one doctor and getting prescriptions from, say, two or three doctors and then filling them at a number of pharmacies. I understand this is particularly a concern with people taking antidepressants and related drugs but it can also be a concern with people who do not have one particular, constant GP whom they see.

In the UK there is a register for your GP, which overcomes this problem, and there people can only have one GP. This is not necessarily the solution we want; nor might it be practical for our situation, but this is an issue which should be addressed.

I am not sure whether this bill is the appropriate place to try to safeguard our community pharmacies; I suspect it is not. I will certainly put my support behind the intent of Mrs Burke's bill when it comes to the Assembly. The Greens have a strong record of supporting community pharmacies, just as we support community health facilities, and believe that we need to really make sure that substances, dangerous chemicals and so on, which medicines and poisons and therapeutic goods do consist of, are always dispensed by people with expertise. Community pharmacies often have a relationship with the customer so that they give the information that the customer needs. But no doubt that will be addressed later, as Mrs Burke has anticipated.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (12.26), in reply: The bill we are considering today will significantly reform legislation regulating the supply of medicines, poisons and therapeutic goods in the territory. A key objective of the bill is to promote and protect public health and safety through measures aimed at preventing or minimising the diversion of substances regulated by this bill and medicinal misadventure associated with such substances.

The bill also seeks to ensure that consumers have access to prescription and non-prescription medicines through authorised health professionals, to enable them to use those medicines safely and effectively. The bill establishes an authorisation and licensing framework for medicines and poisons as well as grounds and powers for disciplinary action to be taken against authorised and licensed persons. The bill also contains a range of offences, particularly for most serious contraventions of the legislation. Enforcement of the proposed legislation would be effected through a comprehensive range of inspection and seizure powers, including the capacity to take and analyse samples.

Much of the current legislation in the territory that is applicable to medicines and poisons, such as the Poisons Act 1933, the Poisons and Drugs Act 1978 and the Public Health (Prohibited Drugs) Act 1957, is out of date, inconsistent or unclear on key issues. The bill therefore seeks to simplify the regulation of medicines and poisons in the territory and to align us with the rest of Australia in current best practice. If passed, the Medicines, Poisons and Therapeutic Goods Bill will repeal these acts and will also consolidate and clarify the majority of the laws of the territory concerning the supply of medicines, poisons and therapeutic goods.

The bill also makes amendments to the Drugs of Dependence Act 1989, the Health Professionals Act 2004 and the Public Health Act 1997. Each of these acts regulates one or more aspects of the control of medicines, poisons and therapeutic goods.

The bill is also very important to the territory as it seeks to implement the recommendations of the *National competition policy review of drugs, poisons and controlled substances legislation report*. This review, which has become known as the Galbally review, was completed in 2001 and accepted by the Council of Australian

Governments in 2005. A key recommendation of the review was the development and adoption of model legislation. The nationally agreed position on the regulation of medicines and poisons is reflected in the standard for the uniform scheduling of drugs and poisons, generally cited as the standard.

The standard is maintained by the National Drugs and Poisons Schedule Committee established under the commonwealth Therapeutic Goods Act. This committee includes representatives of each Australian jurisdiction, including the ACT. The standard informs state and territory processes for regulating the manufacture, packaging and labelling, distribution, prescription and supply of medicines and poisons. The standard recommends a hierarchy of controls to the grouping of medicines and poisons according to the risk to human health and safety. It does this by grouping substances into schedules so that different levels of control can be applied according to the expected risk of the substance.

The intention was for the standard to be adopted into state and territory legislation. The ACT currently adopts some but not all of the provisions. Through this bill and the proposed supporting regulations, the standard would be more comprehensively adopted in the territory.

Another recommendation made in the Galbally review was for each jurisdiction to apply the commonwealth Therapeutic Goods Act 1989, to provide uniformity across Australia. The Therapeutic Goods Act provides the national system for regulating therapeutic goods but, due to the limits on the legislative power of the commonwealth, there are gaps in the regulation at the local level. This bill gives effect to that recommendation.

Consultation with stakeholders is something that this government is committed to and takes seriously. An exposure draft of the bill was released in December 2006. An exposure draft of regulations to support the bill followed in January 2007. Consultation comments on the exposure draft of the bill were received from a variety of stakeholders, and I thank those who commented for their time, interest and contribution. Comments were received from scientific researchers, the police and the aged care industry. Not surprisingly, there was also considerable interest and comments from health professionals such as doctors, pharmacists, optometrists, podiatrists and nurses.

All stakeholder comments were considered and contributed to the evolution of the bill from the exposure draft that was released in December 2006 to the bill being debated today. However, whilst all comments were considered, it is never possible to incorporate all of them. For example, there were some comments and inclusions sought that would have been inappropriate to incorporate into the bill, as the changes could have been anticompetitive or inconsistent with the recommendations of the Galbally review.

As stated earlier, the bill seeks to consolidate territory legislation about the supply of medicines, poisons and therapeutic goods. Nevertheless, it is important to recognise that there are inevitably some matters directly or indirectly associated with the supply of medicines, poisons and therapeutic goods that are currently and more appropriately located in other legislation.

The standard for the uniform scheduling of drugs and poisons, the document that contains the model provisions that this bill seeks to implement, is updated three times a year. Therefore it is proposed that much of the detail required to implement the standard will be included in the regulations subordinate to this bill. This will enable the territory to remain aligned with the states and the Northern Territory.

The exposure draft of the proposed regulations that would support the bill was released for community consultation in February 2007. When I introduced this bill in December 2007, I gave an undertaking that a copy of the proposed regulations would be provided to members of the Assembly prior to the debate on the bill, and I have fulfilled that undertaking. Having done so, Assembly members have been in a position to consider the overall proposed legislative framework for medicines, poisons and therapeutic goods. As a result, consideration of this bill by the Assembly should be fully informed, free of any gaps in knowledge or uncertainty as to how the full regulatory system would operate.

In conclusion, I would like to thank those stakeholders that have contributed to the development of the bill and the proposed regulations, as their time, insight and support are valued and appreciated. This legislation has been several years in the making, which reflects both the magnitude of the task as well as the time, effort and stakeholder engagement that have been expended to get this important item of legislation right. I therefore welcome and thank members for their contribution to the debate and the support of the Assembly in passing this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.32 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, my colleague the Attorney-General has been temporarily delayed. He will be here shortly. If there are questions for the Attorney-General, perhaps they could be delayed; otherwise I will be happy to be of whatever assistance I can.

Questions without notice

Gungahlin Drive extension

MR SESELJA: My question is to the Chief Minister. On 8 July 2008, you told representatives of the Gungahlin Community Council that duplication of the GDE was not a priority for your government. On 23 July 2008, you announced that your

government was duplicating the Gungahlin Drive extension. What changed between 8 July and 23 July 2008 that led to your government suddenly making it a priority?

MR STANHOPE: I thank the Leader of the Opposition for the question. I met not just with the Gungahlin Community Council but with all community councils at an informal lunch. It was not a meeting, as it has been characterised. It was an informal lunch. It was part of the mechanisms that the government puts in place to consult broadly with the community. I meet from time to time with representatives across the spectrum. On that particular day I met with the executives of all of the community councils, and there was a broad range of discussion around a number of issues. There was a discussion around expenditure, and particularly capital expenditure on infrastructure. In relation to that broad discussion about infrastructure, roads were given as an example of the difficulties that governments have in prioritising different capital projects.

During that lunch, there was a discussion about the duplication of GDE and the basis on which the government had earlier taken a decision not to fund a four-lane GDE at the time that the initial decision to fund was taken. By way of explanation, I used as an example the difficulty that a government would have in providing funding of $120 million for a particular capital project while at the same time, with a small government with an annual average capital budget, at the time that that decision was taken of less than $100 million, funding a single capital project costed at $210 million. That is a big ask for a government of that size. It is probably for that very reason that we found, during the years that the Liberal Party were in government, that their biggest annual spend on capital works was in the order of $80 million—and that was their largest spend. So up to 2001, the largest single spend by the Liberal Party in government on capital works, including roads, was $80 million. You need to understand that. That is taking us to 2001, at the time that discussions around the GDE were first seriously contemplated. So you need to take into account that perspective and that background. That is precisely the discussion that was occurring at that meeting.

I do not know whether I gave as an example the Liberal Party's average spending of $80 million, but I made the point that it simply would not have been possible in 2001-02, on coming to government, to commit $210 million to a single capital project and pursue other priorities that the government had. Indeed, during this discussion, which utilised the GDE as an example, I said, to reinforce the point at that time, that if the government had committed $200 million to the GDE, it could not possibly have committed to other roads. Interestingly, at that point Ms Rosemary Lissimore, the president of the Tuggeranong Community Council, made the point that it would not be acceptable, in her view, for that sort of decision to be made by the government and to disregard the need for road upgrades in Tuggeranong. Ms Lissimore interjected during the discussion to say that she understood the point and that it simply would not be reasonable that roads in Tuggeranong that had been funded would not be funded in order to allow an expenditure of that sort on the GDE.

That was the discussion. At no stage did I ever suggest, or have I ever suggested, that the duplication of the GDE was not a priority. Indeed, in the budget papers for this year, in relation to the billion-dollar infrastructure fund—

Mr Hargreaves: Page 7.

MR STANHOPE: Which page is that?

Mr Hargreaves: Budget paper 5, page 7.

MR STANHOPE: The budget papers for this year refer to the GDE duplication as a priority. Indeed, as I have indicated previously—

Mr Pratt interjecting—

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: the government was, over the last two months, giving serious consideration to issues around the merge difficulties. As is shown on page 7 of budget paper 5, the program makes early provision for future projects required to meet the transport demands as a result of urban growth. These include the duplication of the Gungahlin Drive extension.

Opposition members interjecting—

MR SPEAKER: Order, please. Mr Seselja.

MR SESELJA: Chief Minister, who is telling the truth: you or the president of the Gungahlin Community Council?

MR SPEAKER: Withdraw that. There is an imputation there that the Chief Minister was not—

MR SESELJA: Mr Speaker, I am asking him to tell us who is telling the truth. There are contradictory statements here.

MR SPEAKER: Chief Minister, I am sure you can fix that up.

MR STANHOPE: In terms of a serial offender in relation to the truth—we saw it just yesterday in relation to another capital project—there were claims by the leader of the Liberal Party that this government had promised, before the last election, to build a pool at Gungahlin. If we are talking about porkies, there is a porky for all porkies.

If we are going to talk about the truth—and the question goes to issues around who is telling the truth—let us concentrate a little bit on the most recent statements in relation to a capital project: a commitment made by my government. It was refuted. It was quite stunningly suggested by the Liberal Party that it was nothing but a grab for votes. This is the leader of the Opposition committing the Liberal Party absolutely and categorically to not building a pool for Gungahlin. And we do it on the basis of, "You promised this before the last election," which we did not. We absolutely did not.

In the context of not telling the truth about commitments that this government has made in relation to Gungahlin, we have it out of the mouth of the Leader of the

Opposition. "There will be no pool for Gungahlin under a Liberal government," said the Leader of the Opposition yesterday—no pool for Gungahlin. The story of the week; the issue of the week and of the day: a clear commitment yesterday by the Liberal Party that they will not build a pool for Gungahlin.

MR SPEAKER: Order! Chief Minister, come back to the subject matter of the question.

MR STANHOPE: We were talking about the truth. We have the truth there in relation to Gungahlin. The non-promise probably of the entire election campaign is that the Liberal Party—it is probably the only Liberal Party promise that we should be able to believe over the next 10 weeks—will not build a swimming pool for Gungahlin. And that is a promise that we know they will keep—a promise not to build a pool or an aquatic centre for Gungahlin.

On the question of the GDE, I have explained in some detail the context of the conversation at a lunch at which we discussed the GDE. I discussed the issue that every cabinet has in relation to every budget process every time a budget is brought down: there is only so much money. I can tell you now: in no budget discussion that I have ever had in our seven years in government has there ever been a serious suggestion that, on the basis of our annual capital spend, we have the capacity to spend more than $200 million in one go on a road.

At no stage in the seven years that we have been in government have we had that capacity, except perhaps now as a result of the tough decisions we have taken, the determination to actually plan and govern for the future, to meet the needs of this community. We were prepared to take the tough decisions. We now have the capacity.

One of the interesting things we now see—and we saw it again today—is the sniping of the functional review, the tough decisions, the good budget, the fact that we now have the strongest balance sheet in Australia, the fact that we have a stronger budget position with forecast sustainable surpluses. And all of a sudden, the Liberal Party is very interested in spending the money—the surpluses that have accrued as a result of the tough decisions that we have taken.

In relation to the GDE and issues around the truth, there have been discussions over a number of months over recent time about the need to deal with what we accept to have been serious frustration as a result of the lack of merging capacity, most particularly at Belconnen Way onto Caswell Drive and the difficulties caused by those travelling south on the GDE as a result of residents turning off Belconnen Way onto Caswell Drive. We have been considering for some time the need to duplicate the GDE from Belconnen Way.

I table the following document:

> Brief to the Minister for Territory and Municipal Services dated 20 June 2008.

What is that—two months ago? It is a brief to the minister for municipal services on an issue that he had discussed with me at the time—two months ago—in which Roads ACT, having taken advice from Procurement Solutions, recommends to the minister that there be additional works to improve the merging capacity of the GDE south of

Belconnen Way to Glenloch interchange by a duplication of the GDE at that space. That advice was provided to the minister on 20 June and I table it for the information of members. (*Time expired.)*

Canberra Symphony Orchestra

MR MULCAHY: My question is to the Chief Minister in his role as Minister for the Arts and relates to the Canberra Symphony Orchestra. Chief Minister, the Tasmanian Symphony Orchestra is funded by the federal government to the tune of around $5 million to $6 million each year. By contrast, the Canberra Symphony Orchestra receives just $100,000 from the commonwealth. What representations have you made to your federal counterparts to increase the amount of funding to the Canberra Symphony Orchestra?

MR STANHOPE: I thank Mr Mulcahy for the question. I have, over time, made a number of representations in writing and orally to respective ministers for the arts in relation to the Canberra Symphony Orchestra. Mr Mulcahy indicates the position of the Canberra Symphony Orchestra particularly by comparison to the Tasmanian orchestra. It is relevant to compare the Canberra Symphony Orchestra and its commonwealth funding with that of Tasmania because of the respective sizes of our populations—Tasmania, with a population of 480,000, rushing to 500,000 with its little spurt of growth, and the ACT, with a population of 340,000. The disparity in commonwealth funding for our symphony orchestras is quite stark.

I have made representations. I would have to take some advice and look at the record in relation to written advice, but I do not think I have missed an opportunity, at ministerial council meetings with respective commonwealth ministers for the arts, to raise the issue of the lack of commonwealth support for the Canberra Symphony Orchestra. It is something that the government has pursued, with no great success, and it is something that we will continue to pursue.

I acknowledge it is a serious issue and deficiency. The national capital of Australia should have a full-time, professional symphony orchestra. Of course it is one of our aspirations and something we would love to see.

Gungahlin swimming pool

MR SMYTH: My question is to the Chief Minister. Chief Minister, yesterday you re-announced your 2004 election promise to build a pool in Gungahlin subject to a feasibility study. Since the election, that pool has not been built. Why should the people of Gungahlin believe that you are going to deliver on your promise this time?

MR STANHOPE: At the time of the 2004 election, the Australian Labor Party promised this: "The Australian Labor Party will reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size." We promised to reserve a site for a pool for development—

Mrs Burke: When is a pool not a pool? When it's a site.

MR STANHOPE: Just listen to this. We promised in writing, publicly—and distributed it with our formal record—to "reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size". Early in 2005, indeed, after the election, Mr Seselja asked Mr Corbell a question in relation to this. Mr Seselja, in his question, said:

> My question is to the Minister for Planning. I refer to the Gungahlin swimming pool, which has been identified for a site at Higgerson Street in the Gungahlin town centre. Minister, during the last election campaign, your party's sport and recreation policy stated—

in relation to the Gungahlin pool—

> a site has been identified and planning is … under way for an indoor recreation facility for Gungahlin.

A site has been reserved.

Mr Seselja: Planning "is underway".

MR STANHOPE: They were your words. "A site is underway and planning has commenced." And planning had commenced. As Mr Corbell said in his answer, the planning—indeed, the site selection and planning—was ensuing. Mr Corbell said:

> The provision of indoor recreation facilities is important for the Gungahlin region. That is why the government has committed to the progressing of the necessary planning work and land release work that are needed to ensure that the site is made available for a private sector operator … and other facilities.

At no suggestion before, or indeed in the year after the election, has the government ever said or promised in the context of the last election that it would build a pool.

Mr Smyth: So you never intended—

MR STANHOPE: The question is based on a false premise, a false understanding—

Mr Smyth interjecting—

MR SPEAKER: Order, Mr Smyth!

Mrs Burke: A knee-jerk reaction.

MR STANHOPE: and in fact repeats statements that were made yesterday by the Leader of the Opposition that are simply not true.

Opposition members interjecting—

MR STANHOPE: The policy is quite clear. It is written and was distributed. The policy was: "The Australian Labor Party, if re-elected, will reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size." Where,

in the context of the question just asked by Mr Smyth, do you determine from that that we promised to build a pool? Where—

Mr Smyth interjecting—

MR STANHOPE: Where, from the statement incorporated in that promise—

Mrs Burke: So you weren't going to build it—

MR SPEAKER: Order! Members of the opposition!

MR STANHOPE: does Mr Seselja find the capacity to inform the *Canberra Times* and others yesterday—

Mrs Dunne: It's a complete—

MR SPEAKER: Order, Mrs Dunne!

MR STANHOPE: that the Labor Party had promised a pool before the 2004 election? It is simply not true. It is false. There is the policy.

Mrs Burke: No intention.

MR SPEAKER: Order, Mrs Burke!

MR STANHOPE: "The Labor Party will reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size." Where is the promise in that statement to build a pool in Gungahlin?

Mrs Dunne: You just wanted to give the impression you would build a pool without actually building a pool.

Mr Pratt: Indian giver.

Mr Seselja: It's an impression. You gave the impression.

MR STANHOPE: There isn't one. We have the Leader of the Opposition yesterday actually not checking the facts, not bothering—

Opposition members interjecting—

MR SPEAKER: Order! Chief Minister, resume your seat, please. Constant interjections from the opposition benches will cease.

MR STANHOPE: Thank you, Mr Speaker. From that set of words—"the Labor Party will reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size"—what leap does one take, what leap does the Leader of the Opposition take and what leap does the Deputy Leader of the Opposition take, from those words, to construct a promise to build a pool in Gungahlin? It defies any possible interpretation of those words. Which of the words "reserve a site for a pool in Gungahlin" constitutes a promise to build a pool?

Mrs Burke: Splitting hairs or what?

Mr Pratt: You certainly led them up the garden path, mate. You led them up the garden path.

MR SPEAKER: I warn you, Mr Pratt.

MR STANHOPE: Which of those words? Which of those words do we identify as "build"? Which of those words do we identify as "fund"? Which of those words do we identify as "construct"?

What we have is the Liberal Party going off on a frolic yesterday without bothering to check their facts. No need to check your facts around here: just actually front up to the media, hope that they will swallow it hook, line and sinker and hope that you will get the negative spin on the basis of a statement that is simply not true, a claim that is false. Just throw it out there. Every now and again you might be caught in a lie but every now and again you might just manage to get a journalist that will swallow it hook, line and sinker and actually run the falsehood. *(Time expired.)*

MR SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, given the vagueness of yesterday's promise, is this not just another election promise that you have no intention of actually delivering, the same as in 2004?

Opposition members interjecting—

MR SPEAKER: Somebody over there is on a warning.

MR STANHOPE: The truth does not matter. The truth does not matter when you are a member of the Liberal Party. You can stand up yesterday and actually say, all straight-faced, that the Labor Party made a promise that it did not make. You can actually repeat it today. What is this? Is this the notion that if you actually repeat a lie often enough it becomes the truth? This is the new modus operandi: in the face of the facts, in the face of the truth, if you keep repeating a falsehood, perhaps over time you will actually convince a few people that maybe there is a skerrick of truth in it.

Mrs Dunne: Tell us about your policy to build a pool in Gungahlin.

MR SPEAKER: I warn you, Mrs Dunne.

MR STANHOPE: There is no truth in it—absolutely none. There is the platform, as clear as the nose on your face: the Labor Party "will reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size". We have this litany of lies now being run on the promise that we did make, being structured into a promise that we did not make, to cover up for the fact that the Liberal Party's one and only believable promise in this campaign is that the Liberal Party, if elected, will not build a pool in Gungahlin.

Gas-fired power station

MR PRATT: My question is to the Chief Minister and Minister for Indigenous Affairs. Chief Minister, it was reported on ABC Online on Saturday, 19 July that, in relation to the discovery of Aboriginal artefacts on the potential site for the controversial power station and data centre at Hume, you were "confident that Aboriginal artefacts buried on a site at Hume have been properly removed". Chief Minister, where are these artefacts now and when were they moved?

MR STANHOPE: I thank the member for the question. I do not recall the exact nature of the statement I made, but the sense of the statement I made, in terms of what I intended, was that I was fully confident, because I had been advised as such, that the artefacts had been appropriately dealt with. My understanding is that, as is consistent with normal practice in relation to this particular site, Heritage ACT engaged a heritage consultant with a specific task of assessing the Indigenous heritage values of the particular site. The consultant followed through, I believe in consultation with relevant Indigenous representative organisations, to assess the site, and appropriate action in relation to issues of Indigenous heritage significance was taken. That was my advice. I do not have any detail greater than that, but I am more than happy to take the question on notice and provide Mr Pratt with information as to exactly what steps were taken and exactly what the current continuing status is of any Indigenous artefacts relevant to the particular site.

MR SPEAKER: Is there a supplementary question?

MR PRATT: Thank you, Mr Speaker. Could I ask the Chief Minister, while he is taking that on notice, to also clarify exactly with whom the consultation was undertaken. Did the heritage consultant engage with all local Indigenous communities and, if so, with whom?

MR STANHOPE: I am happy to take that question on notice.

Policing—Gungahlin

MR GENTLEMAN: My question is to the Minister for Police and Emergency Services. Minister, can you advise the Assembly of measures that the government is implementing to improve police services in Gungahlin?

MR CORBELL: I thank Mr Gentleman for the question. I was very pleased to join with the Chief Police Officer earlier today, at lunchtime, in announcing that from January next year the Gungahlin police station will operate 24 hours a day, seven days a week. This means an additional 24 police on duty in Gungahlin from January next year and an extra two dedicated patrol cars stationed in Gungahlin to meet the needs of Gungahlin residents.

This expansion has been made possible only because of this government's commitment to increasing police numbers here in the ACT. It is the Labor Party and the Labor government that can hold its head high and say that we are committed to improving police services in our community. We are the government that has invested

in an additional 122 positions in ACT Policing since we were first elected in 2001—the single largest increase in police numbers since self-government.

This initiative demonstrates the commitment of the government to providing a safer community for the people of Gungahlin and, indeed, for the rest of the city. There are real benefits in this investment. First of all, it will make sure that there are better response times for Gungahlin residents when it comes to responses for assistance from police in the Gungahlin area, because police will be—

Mr Stefaniak: You've been saying that for about five years.

MR SPEAKER: I warn you, Mr Stefaniak.

MR CORBELL: on duty, on the street; police will be out and about in the two additional patrol cars, bringing to four the number of dedicated patrol vehicles for the Gungahlin area.

There is another benefit as well. The other benefit is that no longer will the Belconnen police station have to cover the Gungahlin area during the times when the Gungahlin station is closed. That means better response times for residents as well, because the Belconnen station police will be able to focus on their district without having to be as concerned for matters in Gungahlin as they have been to date.

There has been significant growth in Gungahlin since 1998, when the station was first opened. Currently, it operates from 7.00 am to 11.00 pm seven days a week, but with this additional funding—and it is $3.1 million in recurrent funding and $200,000 in capital funding—we are now in a position to see the station operate 24 hours a day, seven days a week.

This is all about building a stronger community—building the Gungahlin community, building the police presence in Gungahlin. By doing so, we achieve what those opposite have never been able to do. Despite all their rhetoric about law and order and safer communities, where was their investment ever to increase police numbers? Where was their investment to make sure that stations were modern? Where was their investment—

MR SPEAKER: Come back to the subject matter of the question.

MR CORBELL: to make sure that Gungahlin got the policing services it deserved? I was very pleased to join with the Chief Police Officer today. This commitment will be going ahead from January next year and it will make a significant difference to improving policing services for the Gungahlin region.

Schools—early childhood

DR FOSKEY: My question is to the minister for education. At estimates, the minister informed me that the ACT government was about to begin an intensive advertising campaign to promote government schools, most particularly—and this was what my question was about—in regard to the new early childhood schools at Lyons, Narrabundah, Isabella Plains and Southern Cross. This is of real concern to people in those communities who are concerned about the future of their schools.

Mr Speaker, through you, to the minister: what part does the pamphlet that was received by all households in south Canberra—and, no doubt, the equivalent in north Canberra—play in the government's promotion of the early childhood schools?

MR BARR: I do thank Dr Foskey for the question and for her ongoing interest in public education matters. I do note—and it was somewhat disappointing that Dr Foskey's party colleague felt the need to issue a media release attacking the public education system and the promotion thereof by this government—some suggestion made by the Greens party that, in effect, the promotion of public education was somehow Howardesque—adopting the tactics of the Howard government. I think we can all be fairly assured that, over the 11 years that the Howard government were in power, never once did they seek to promote public education. This government is committed to the promotion of public education in the ACT.

Dr Foskey is indeed correct. She did ask a series of questions during the estimates process in relation to the government's plans to promote public education. I indicated at that time that the government would be, as we do every year, allocating a budget for the promotion of public education. From memory, that budget is in the order of $100,000 each year. Members would have seen—and I know that some have commented on it—an outstanding campaign that was run during public education week.

This particular information campaign, providing information to the public on the activities of public schools in each of the regions within this city, is another important step in the promotion of public education. Members would be aware—and those who have examined the particular material that Dr Foskey refers to—that there is a section within each of those promotional pamphlets that outlines the particular focus on early childhood education and talks of particular developments occurring at each of the schools that Dr Foskey mentioned.

In my letterbox, I got the north Canberra pamphlet. Accompanying that north Canberra pamphlet was a promotional flyer from North Ainslie primary school, welcoming prospective parents to a kindergarten information session for 2009 that is, in fact, taking place tomorrow evening. This is very good to see. We are seeing from individual schools, combined with a system-wide departmental effort, the promotion of public education.

I do note Dr Foskey's particular interest in early childhood schools, and I am able to advise her that, in addition to the material that is available for each region of the city, we are embarking on a major campaign to promote these new schools that kick off in 2009. Dr Foskey can look forward to receiving some further information, as I understand she lives in an area close to one of the early childhood schools. We very much look forward to the promotion of these schools and the outstanding addition that they will make to public education in the ACT.

MR SPEAKER: Supplementary question, Dr Foskey?

DR FOSKEY: What faith can the Lyons and Narrabundah communities have that their transformed local schools will gain the numbers as early childhood schools to convince this government that they should remain open?

MR BARR: It is worth noting the significant government investment—in the order of $13½ million—in the establishment of these new early childhood schools. Members would be aware that there is an important national initiative that the Rudd government is implementing in conjunction with the states and territories in relation to a guaranteed 15 hours of early childhood education. This policy area is front and centre for both the territory government and the commonwealth government. We are putting up these early childhood schools as models for national implementation.

I have had meetings—and the Deputy Chief Minister has joined with me in meetings—with the Parliamentary Secretary for Early Childhood, Maxine McKew, in relation to the particular developments here in the ACT. We believe that these will be nation and world-leading early childhood education facilities. The possibility to co-locate services across a range of departments and to provide a one-stop shop of services from birth to eight years is an important part of the government's policy agenda.

We have invested money in consecutive budgets in this initiative. We are very much looking forward to the establishment of these schools and their opening for the 2009 school year, recognising of course that, in the case of Lyons, some of the provision will take longer to come into place as a result of a decision not to commence any construction work during the 2008 school year. We can absolutely guarantee that these schools will be a very important feature of the ACT public education system for a very long time—in fact, longer than all of us will be in public life.

Gungahlin Drive extension

MR STEFANIAK: My question is to the Chief Minister. Last month, you announced that work will commence on duplication of the southern end of the GDE. You are quoted in the *Canberra Times* as saying that the tender process for the work on the southern end of the GDE had been in train "for some time". When did the tender process referred to in your statement officially start and when will the tender process begin for the remainder of the GDE?

MR STANHOPE: I have just tabled a paper dated 20 June which referred to discussions between Roads ACT and Procurement Solutions in relation to the section you have raised in your question, Mr Stefaniak. So I can say explicitly—and I have just tabled a paper—that it was certainly by 20 June 2008. It may be that the minister has more information over and above that, but I have just tabled advice which indicates that Roads ACT was in discussion with Procurement Solutions on 20 June. I will ask the minister whether he has any other information or anything to add.

MR HARGREAVES: With respect to Mr Stefaniak, these people opposite get fixated on formal processes. They say, "When did something happen," and they have to have it down to the absolute split second. The fact is, as the Chief Minister has just indicated, that there were discussions with Procurement Solutions to get the actual tender process in train in terms of issuing a contract. But we would know, Mr Speaker, and those opposite ought to know, that when you talk about a contract to build a road, you have to talk about the specifications to build that road.

As I understand it, I have said in this house that we said we would look at the duplication of Caswell Drive when the numbers of vehicle traffic actually sustained that. We actually completed the road and then started the first part of the tender process, which is to work out whether we need it or not. And we did that; we did the vehicle count. We know that, for the stretch of road between the Barton Highway and Belconnen Way, there are 19,000 cars a day. And when we did the count, we know that 10,000 cars a day join the Gungahlin Drive at Belconnen Way, when it becomes Caswell Drive, putting 29,000 cars a day down that stretch of Caswell Drive from Belconnen Way to the Glenloch interchange.

At that point, we knew we had the numbers of vehicle traffic to sustain the duplication. The question facing the traffic engineers was whether to merely extend the slip lane a little bit or whether to extend the slip lane into a full-blown second lane all the way down the hill. Those technical considerations informed the specifications which had to be put to Procurement Solutions to get the contract underway. So the answer to Mr Stefaniak's question is: the date that the Chief Minister indicated of 20 June was when we had the discussions with Procurement Solutions to get a formal contract out there in the ether. The answer, though, as to when the tender process started and when it was in train was the day that we announced that the Caswell Drive section—that is, Belconnen Way to Glenloch interchange—was open for traffic.

MR SPEAKER: A supplementary question, Mr Stefaniak.

MR STEFANIAK: Thank you, Mr Speaker. To the Chief Minister: given that you promised to deliver the Gungahlin Drive extension on time and on budget before the 2004 election, is not this yet another election promise you have no intention or ability to deliver?

MR STANHOPE: In fact, the GDE came in $4 million—

Mr Hargreaves: Three months early.

MR STANHOPE: The GDE came in three months early and $4 million under budget. The $4 million is being used to actually extend Caswell Drive. The position, as I have explained, is that there was a $4 million underspend on GDE and the $4 million is being utilised primarily to widen Caswell Drive. We have now undertaken to duplicate the GDE if we are re-elected to the next Assembly, and we will.

Mrs Dunne: It is a comedy act!

MR SPEAKER: Do people understand that, once they are warned, the next trip is out the door? Standing order 39 proscribes any interruption of members while they are speaking.

Planning—omission of retail restrictions

MRS DUNNE: My question is to the Minister for Planning. Minister, I refer to the embarrassing omission of retail restraints in the deed of agreement for section 63. Has the government or any of its agencies been given any indication as to whether or not

the owner of the land will respond to your call to be a "good corporate citizen", and have they agreed not to push their legal right to unlimited retail?

MR BARR: I thank Mrs Dunne for the question. My understanding is that at this stage negotiations are still ongoing with the developer in question.

MR SPEAKER: Supplementary question, Mrs Dunne?

MRS DUNNE: Given that this is the second embarrassing error in the last few months, why are you unable to ensure that ACTPLA does not make ACT taxpayers vulnerable to legal action on the basis of its contractual management?

MR BARR: I reject the premise of Mrs Dunne's question, but it is worth noting that the Planning and Land Authority clearly, as publicly indicated on a number of occasions, regrets the particular incidents that Mrs Dunne is referring to. It certainly would not go down as a highlight of that particular statutory authority's history.

However, I can advise the Assembly that a deed of rectification is currently with the developer for execution. The territory has a number of other avenues within the deed to ensure that the original sale conditions for that site are upheld and that a consistent position is put.

I do of course recognise that this is not a highlight in the history of the organisation. Steps are underway in terms of both calling in external bodies to look at systems within the authority and also, from the chief planning executive himself, undertaking a management review of the particular processes that led to this error. I have made comments in the media in relation to it being a failure of version control and that a system solution would ensure that such an error does not occur again.

Clearly, it is embarrassing for the authority. The authority has acknowledged that. Steps are in place to ensure that such a mistake does not occur again.

Gungahlin swimming pool

MRS BURKE: My question is to the Chief Minister and Treasurer. Chief Minister, I refer to your announcement yesterday in relation to the Gungahlin pool. Can you please now tell the Assembly when this facility will be built, how much will it cost and what will be the model of delivery?

MR STANHOPE: The pool will be built in the term of the next Assembly—I hope sooner rather than later. The government has funded a design and feasibility study in relation to the pool. We will flesh out during that process issues in relation to the model, the full nature of the facility, the government's expectations in relation to it and potential models. It is almost certain that we would wish to test the level of interest within the private sector in the construction and operation of a pool for Gungahlin.

There is absolutely no doubt that the CISAC model has been enormously successful. I believe it is probably fair to say, with great respect to other facilities around the town—and I am sure Mr Stefaniak would join me in suggesting—the CISAC facility

in Belconnen is the most popular and most successful. I acknowledge, indeed, that it was Mr Stefaniak, in government, who actually set the initial parameters for the operating models utilised in the CISAC model, which has proved to be enormously successful. It was initially under the stewardship of Mr Stefaniak as minister for sport, and it is a model that I would be particularly interested in seeing at least pursued in relation to the Gungahlin pool. At this stage, I do not wish to be pre-emptive but we have indicated, in relation to the Gungahlin pool, we will ensure it is delivered, if we are re-elected, in the next term.

Having regard to the other very significant capital works that will be undertaken on that site as a result of this government's commitment to the people of Gungahlin, our commitment to the future for the people of Gungahlin—the enclosed oval, the most advanced and most significant college within the ACT, a CIT, and now, of course, an aquatic centre anchored with a 50-metre pool; an incredible suite of infrastructure which will be delivered, the same as on the site in Belconnen, as a result of this government's commitment to the people of Gungahlin, the commitment to ensuring equity—we, in government, have ensured, with due fiscal responsibility, that we have the capacity to fund the level of capital infrastructure that will now be provided to the people of Gungahlin. We have committed $67 million to what will be the best secondary college in the ACT. We have committed $18 million to what will be—

MR SPEAKER: Order! Come back to the subject matter of the question.

MR STANHOPE: It is all on the same site. It really is quite relevant.

MR SPEAKER: This is about the pool. Stick to the pool.

MR STANHOPE: The pool will be on this site. It will be built.

Mr Smyth: How much?

MR STANHOPE: That has yet to be decided. That depends very much on the model. We would expect, as a minimum, the contribution which was made by the government to the Belconnen pool. I think it came out in the end at $12 million. Of course, if that same exact model were delivered, one would expect a sum of that order, allowing for an escalator, having regard to the fact that the Gungahlin site may be slightly smaller than the Belconnen site. In the context of the actual cost, what the government has committed to is an absolute minimum of $10 million, subject to the model, with an expectation that it may be $20 million. That is our promise. The pool will be delivered. But it will be delivered in exactly the same way, of course, as the Belconnen pool—the model for the pool in Gungahlin will be, I believe, a private-public partnership.

In relation to Belconnen, the government committed $12 million, I believe—$12 million to that project—and there is no reason to expect we would commit any lesser amount, accepting of course an adjustment for an escalator in costs since that time. This is a commitment by the Labor Party that, if re-elected, we will continue the process we have already started and already funded to design a pool for Gungahlin. We will carry through, once that design and those studies are completed, in negotiations with the Gungahlin community and the private sector, to deliver

a fantastic facility, emulating, I hope, the wonderful facilities that have been delivered by this government in Belconnen. But I acknowledge the significant role, most particularly, of Mr Stefaniak in developing the model that was ultimately accepted and implemented by my government.

MR SPEAKER: Mrs Burke?

MRS BURKE: Thank you, Mr Speaker. Chief Minister, given the vagueness of your answer to my question and your shocking track record on delivering promises—

MR SPEAKER: Just come to the question, please.

MRS BURKE: isn't this just another election promise you have no intention of delivering or ability to deliver on?

MR STANHOPE: We have every intention and every capacity—most particularly, because of the state of the budget. We have a balance sheet that is the envy of almost every other government in Australia, as a result of decisions that my colleagues and I took in government. We took the tough decisions. We sorted out the lackadaisical attitude to the territory's economy that had been taken by previous governments. We have the capacity, we have the will and we have the commitment. We will not only deliver to the people of Gungahlin a state-of-the-art aquatic centre and pool, but on the same site we will deliver a $67 million college and CIT, a public library and, on the same site, an enclosed oval. We will discuss and negotiate through the Department of Health, most particularly with the community council and representatives of Gungahlin, an $18 million health centre, either co-located or located on the same site. That is our commitment; that is our capacity. Where is your commitment? Your commitment in relation to the pool, as I said earlier—

MR SPEAKER: Come back to the subject matter of the question.

MR STANHOPE: I conclude on this point: with respect to the Liberal Party's commitment in relation to the pool—

MR SPEAKER: Never mind the Liberal Party's commitment.

MR STANHOPE: there was a cast-iron guarantee by the Leader of the Opposition yesterday to not build a pool in Gungahlin.

MR SPEAKER: Order! Come back to the subject matter or sit down.

MR STANHOPE: It is the only promise he has made that we can believe.

Gungahlin swimming pool

MS PORTER: My question is to the minister for sport and recreation. Minister, can you please inform the Assembly what sporting and other infrastructure the government has delivered in Gungahlin and what the government's future priorities for Gungahlin are?

MR BARR: I thank Ms Porter for her question and for her continuing service to the people of Gungahlin. Ms Porter is a valuable member of our united, experienced and energetic team, a fact that we know from the amount of work that she does for her constituents—more work than the entire Liberal opposition combined.

Mr Stanhope: Only since they expelled Mr Mulcahy.

MR BARR: It is worth noting: only since Mr Mulcahy was expelled. The government is committed to building better cities and stronger communities. This commitment is especially important in Gungahlin, Canberra's newest and fastest growing community.

The government's land release program means that Gungahlin will continue to grow at a rapid rate. As communities grow, so does their need for infrastructure and services. This government has committed to delivering infrastructure and services to Gungahlin, most particularly when it comes to new state-of-the-art schools, community spaces and sporting infrastructure.

We have been able to achieve this because of our experience in keeping the ACT economy strong and because, as the Chief Minister and Treasurer has indicated, the ACT's finances are on such a stable footing. As a result, we are able to invest funds in Gungahlin's future. We have delivered the Amaroo school and this year the Harrison primary school. We have committed to the Harrison high school opening in 2012.

As the Chief Minister has indicated, we are building a $67 million state-of-the-art facility for secondary college students and CIT students. The college will form part of a larger precinct that includes a public library, a CIT facility, a public park and—as we discussed at some length today the commitment yesterday by the government to future of Gungahlin—a re-elected Stanhope government will build an indoor pool complex.

As part of the funding in this year's budget, the government is investigating the scope of the centre to include a 50-metre pool, a 25-metre pool, at least one court space for multi-use indoor purposes—for example, netball, indoor soccer, indoor cricket—and a range of other associated amenities such as a cafe and gymnasium.

This is clearly a very good project for the people of Gungahlin and it will contribute to what will be a magnificent precinct in the town centre. The Chief Minister and Treasurer has indicated that the government will commit up to $20 million for the construction of the pool. We have feasibility and design work underway to advise on the best way to deliver this project.

It is worth noting that this commitment to a pool is consistent with our 2004 election commitment to reserve a site for a pool in Gungahlin for development when the population reaches the appropriate size. In this year's budget we funded the feasibility and forward design study in this term of government. We have announced that we will deliver the project in the next term of government. We have reserved a site and the work is underway.

We are very committed to delivering this project. This appears to stand in stark contrast to the position of the Leader of the Opposition, who, in a paid advertisement

in *Gunsmoke*, I think it is called—the Gungahlin community council newsletter—said:

> Without some serious funding from government, it is no comfort to the residents of Gungahlin to be told that planning might progress to the drawing board stage in the near future.

We have announced that funding. But the opposition leader refuses to indicate whether the opposition would match that commitment. He seems very happy to run paid advertisements in the Gungahlin community newsletter asking where the pool is.

MR SPEAKER: Come back to the subject matter of the question. Never mind the Leader of the Opposition, just come back to the subject matter of the question.

MR BARR: He is happy to criticise the government for not funding the pool. But it would seem that he is not keen to match the government's commitment to funding this particular project. It is interesting to note that some earlier interjections by those opposite seem to suggest that Minister Corbell and I are in some sort of competition for announcements in Gungahlin. It highlights the importance of the delivery of this project for the people of Gungahlin. It also highlights one side of politics working as a team for the benefit of the people of Gungahlin and another side of politics more interested in their own personal self-aggrandisement.

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

Papers

Mr Speaker presented the following papers:

Study trips—Reports by:

Mr Berry, MLA—Meeting with Victorian Members of Parliament—Parliament House, Melbourne, 30 July 2008.

Mr Seselja, MLA—Shadow Ministers for Education meeting—Melbourne, 23 May 2008.

Estimates—Select Committee 2008-2009—Outstanding answers to questions on notice.

Standing order 191—Amendments to:

Children and Young People Bill 2008, dated 16 July 2008.

Electricity Feed-in (Renewable Energy Premium) Bill 2008, dated 8 July 2008.

Firearms Amendment Bill 2008, dated 11 July 2008.

Justice and Community Safety Legislation Amendment Bill 2008, dated 7 July 2008.

Mr Corbell presented the following papers:

> Crimes (Forensic Procedures) Amendment Bill 2008—Revised supplementary explanatory statement.
>
> Independent Competition and Regulatory Commission—Report 4 of 2008—Retail Prices for Non-contestable Electricity Customers—Final Decision and Price Direction, dated June 2008.
>
> Occupational Health and Safety Act, pursuant to subsection 228 (3)—Operation of the Occupational Health and Safety Commissioner—Half-yearly report for the period 1 January to 30 June 2008.

Mr Barr presented the following papers:

> Skilling Australia's Workforce—Bilateral Funding Agreement between the Australian Government and the Australian Capital Territory under the 2005-08 Commonwealth-State Agreement—
>
> 2006 Update.
> 2007 Update.
> 2008 Update.

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

Paper and statement by minister

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

> Land (Planning and Environment) Act (Repealed), pursuant to section 216A—Schedule—Leases granted for the period 1 April to 30 June 2008—

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

Leave granted.

MR BARR: Section 216A of the Land (Planning and Environment) Act 1991, now repealed, specifies that a statement be tabled in the Assembly each quarter outlining details of leases granted by direct grant. The schedule I have tabled covers the leases granted for the period 1 April to 30 June 2008. There have been no leases granted under the Planning and Development Legislation Amendment Act 2008 for that quarter.

Papers

Mr Barr presented the following paper:

> Workers Compensation Amendment Bill 2008—Revised explanatory statement.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act; Associations Incorporation Act; Births, Deaths and Marriages Registration Act; Business Names Act; Civil Law (Wrongs) Act; Civil Partnerships Act; Classification (Publications, Films and Computer Games) (Enforcement) Act; Consumer Credit (Administration) Act; Cooperatives Act; Court Procedures Act; Dangerous Substances Act; Emergencies Act; Guardianship and Management of Property Act; Instruments Act; Land Titles Act; Liquor Act; Machinery Act; Occupational Health and Safety Act; Partnership Act; Pawnbrokers Act; Prostitution Act; Public Trustee Act; Registration of Deeds Act; Sale of Motor Vehicles Act; Scaffolding and Lifts Act; Second-hand Dealers Act; Security Industry Act; Trade Measurement (Administration) Act; Workers Compensation Act—Attorney General (Fees) Determination 2008—Disallowable Instrument DI2008-145 (without explanatory statement) (LR, 26 June 2008).

Animal Diseases Act—Animal Diseases (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-144 (LR, 30 June 2008).

Animal Welfare Act—Animal Welfare (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-146 (LR, 30 June 2008).

Architects Act—Architects (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-159 (LR, 30 June 2008).

Building Act—Building (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-160 (LR, 30 June 2008).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-155 (LR, 30 June 2008).

Children and Young People Act—Children and Young People Children's Services Council Appointment 2008 (No 1)—Disallowable Instrument DI2008-184 (LR, 7 July 2008).

Clinical Waste Act—Clinical Waste (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-147 (LR, 30 June 2008).

Community Title Act—Community Title (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-161 (LR, 30 June 2008).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-162 (LR, 30 June 2008).

Court Procedures Act—Court Procedures Amendment Rules 2008 (No 1)—Subordinate Law SL2008-25 (LR, 26 June 2008).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2008 (No 2)—Disallowable Instrument DI2008-140 (LR, 3 July 2008).

Domestic Animals Act—Domestic Animals (Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-156 (LR, 30 June 2008).

Electoral Act—Electoral (Fees) Determination 2008—Disallowable Instrument DI2008-154 (LR, 30 June 2008).

Electricity Safety Act—Electricity Safety (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-163 (LR, 30 June 2008).

Environment Protection Act—Environment Protection (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-148 (LR, 30 June 2008).

Fisheries Act—Fisheries (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-149 (LR, 30 June 2008).

Gas Safety Act—Gas Safety (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-164 (LR, 30 June 2008).

Hawkers Act—Hawkers (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-157 (LR, 30 June 2008).

Health Act—Health (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-131 (LR, 26 June 2008).

Health Professionals Act—

Health Professionals (Fees) Determination 2008 (No 3)—Disallowable Instrument DI2008-130 (LR, 26 June 2008).

Health Professionals (Fees) Determination 2008 (No 4)—Disallowable Instrument DI2008-181 (LR, 7 July 2008).

Heritage Act—Heritage (Register Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-150 (LR, 30 June 2008).

Housing Assistance Act—Housing Assistance Housing Asset Assistance Program 2008 (No 1)—Disallowable Instrument DI2008-180 (LR, 7 July 2008).

Juries Act—Juries Fees Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-29 (LR, 30 June 2008).

Land Rent Act—

Land Rent (Certificate Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-139 (LR, 30 June 2008).

Land Rent Regulation 2008—Subordinate Law SL2008-28 (LR, 30 June 2008).

Legal Profession Act—Legal Profession (Disciplinary Tribunal) Appointment 2008 (No 2)—Disallowable Instrument DI2008-175 (LR, 30 June 2008).

Nature Conservation Act—

Nature Conservation (Criteria and Guidelines for Declaring Threatened Species and Communities) Determination 2008—Disallowable Instrument DI2008-170 (LR, 3 July 2008).

Nature Conservation (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-151 (LR, 30 June 2008).

Planning and Development Act—

Planning and Development (Fees) Determination 2008 (No 4)—Disallowable Instrument DI2008-165 (LR, 30 June 2008).

Planning and Development Amendment Regulation 2008 (No 2)—Subordinate Law SL2008-27 (LR, 30 June 2008).

Public Baths and Public Bathing Act—Public Baths and Public Bathing (Active Leisure Centre) (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-169 (LR, 30 June 2008).

Public Place Names Act—

Public Place Names (Acton) Determination 2008 (No 1)—Disallowable Instrument DI2008-135 (LR, 26 June 2008).

Public Place Names (Bonner) Determination 2008 (No 1)—Disallowable Instrument DI2008-133 (LR, 26 June 2008).

Public Place Names (Forde) Determination 2008 (No 1)—Disallowable Instrument DI2008-182 (LR, 10 July 2008).

Public Sector Management Act—Public Sector Management Amendment Standards 2008 (No 2)—Disallowable Instrument DI2008-171 (LR, 3 July 2008).

Residential Tenancies Act—

Residential Tenancies Tribunal Appointment 2008 (No 1)—Disallowable Instrument DI2008-176 (LR, 30 June 2008).

Residential Tenancies Tribunal Appointment 2008 (No 2)—Disallowable Instrument DI2008-177 (LR, 30 June 2008).

Residential Tenancies Tribunal Selection 2008 (No 2)—Disallowable Instrument DI2008-178 (LR, 30 June 2008).

Road Transport (General) Act—Road Transport (General) (Pay Parking Area Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-141 (LR, 26 June 2008).

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2008 (No 1)—Disallowable Instrument DI2008-129 (LR, 26 June 2008).

Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2008 (No 1)—Disallowable Instrument DI2008-142 (LR, 30 June 2008).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No 3)—Disallowable Instrument DI2008-143 (LR, 30 June 2008).

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No 4)—Disallowable Instrument DI2008-179 (LR, 3 July 2008).

Roads and Public Places Act—Roads and Public Places (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-158 (LR, 30 June 2008).

Stock Act—Stock (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-152 (LR, 30 June 2008).

Surveyors Act—Surveyors (Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-166 (LR, 30 June 2008).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Land Rent) Determination 2008 (No 1)—Disallowable Instrument DI2008-138 (LR, 30 June 2008).

Taxation Administration (Interest Payable—Land Rent) Determination 2008 (No 1)—Disallowable Instrument DI2008-137 (LR, 30 June 2008).

Taxation Administration (Rates) Determination 2008 (No 1)—Disallowable Instrument DI2008-136 (LR, 30 June 2008).

Taxation Administration (Rates—Fire and Emergency Services Levy) Determination 2008 (No 1)—Disallowable Instrument DI2008-134 (LR, 30 June 2008).

Taxation Administration (Rates—Rebate Cap) Determination 2008 (No 1)—Disallowable Instrument DI2008-132 (LR, 26 June 2008).

Training and Tertiary Education Act—

Training and Tertiary Education (Fees) Determination 2008—Disallowable Instrument DI2008-183 (LR, 7 July 2008).

Training and Tertiary Education Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-26 (LR, 30 June 2008).

Unit Titles Act—Unit Titles (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-167 (LR, 30 June 2008).

Utilities Act—

Utilities (Essential Services Consumer Council) Appointment 2008 (No 1)—Disallowable Instrument DI2008-172 (LR, 30 June 2008).

Utilities (Essential Services Consumer Council) Appointment 2008 (No 2)—Disallowable Instrument DI2008-173 (LR, 30 June 2008).

Utilities (Essential Services Consumer Council) Appointment 2008 (No 3)—Disallowable Instrument DI2008-174 (LR, 30 June 2008).

Water and Sewerage Act—

Water and Sewerage (Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-168 (LR, 30 June 2008).

Water Resources (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-153 (LR, 30 June 2008).

Schools—class sizes
Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Mrs Dunne, Dr Foskey, Mr Gentleman, Mr Mulcahy, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak, proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Pratt be submitted to the Assembly, namely:

The impact of smaller class sizes on educational performance.

MR PRATT (Brindabella) (3.29): Madam Assistant Speaker, I am pleased to raise this matter of public importance today. Research has shown that class-size reductions are beneficial for students and teachers across the spectrum. The Canberra Liberals have recognised this, and the Canberra Liberals are taking action where the Stanhope government has not. The Canberra Liberals have pledged not only to reduce class sizes, but, as part of a comprehensive range of associated policy initiatives, we intend to address teacher numbers, extra classrooms and the provision of tailored teacher support.

Those on the other side of the room will try—indeed, they have already argued—that it is an impossible task, that we cannot afford to reduce class sizes and that we have not costed this initiative. That is bunkum. They are wrong. We have costed the programs that we would implement should we become the government.

Mr Seselja*:* You can't point to one wrong figure there, Andrew.

MR PRATT: Mr Barr, as always, is away with the tweetie birds. Mr Barr says it is okay to spend the $52 million, as outlined in this year's budget, but it is not okay for the opposition, should it become government, to commit to spending half of that amount on cutting class sizes. It is apparently okay for the government to spend $20 million on a new swimming pool, if re-elected, but it is not okay to spend $24 million to cut class sizes. It is apparently okay for the Stanhope government to throw away over $5 million on the failed FireLink project and $1 million on the failed hospital pay-parking scheme, but it is not okay to contribute those funds to creating smaller classes for our kids. It is apparently okay to double the cost of the GDE, as the government did, over a number of years, but it is not okay to contribute those tens of millions of dollars to cutting classes to make them smaller. It is apparently okay to contribute $9 million surplus to requirement to relocate the emergency services headquarters to Fairbairn, but it is not okay to contribute at least some millions of that money to committing to smaller class sizes.

There is a need to care for our kids and to afford them the very best opportunities within our public education system. We as a community must stop the drift of our students away from the public school sector to the non-government sector. The government is failing to do that, but addressing smaller class sizes as a policy would surely go a long way to arresting the drift. The government will not do that. The opposition pledges that it will do so, if it becomes the government.

We must provide our kids and teachers with the best possible school environment available so we create the best possible learning environment and the best possible teaching environment so that we can get those academic skills up to pursue excellence in academic standards. We subscribe to the view that, if you reduce class sizes, you will go a long way to achieving those sorts of objectives.

There is also a duty of care for us to equip our teachers with some sort of authority to be able to get the best out of their classrooms. This government simply does not give a damn. Teachers are burdened by dealing with in-class conflicts, and they cannot cope with that. Smaller class sizes would go a long way to assisting teachers to exert more academic authority over their classes. Smaller class sizes will reduce the incidence of

bullying, and that has been proven time and time again. Clearly, if teachers are able to expand their control and get the best out of their kids with more manageable class sizes, the bullying that seems to be so prevalent in our schools would be much less an issue than it currently is. Smaller class sizes will address the troubling issue of bullying. There is no question about that.

As to the overall benefits of smaller class sizes, I want to refer to Meyenn's work. A study undertaken for the New South Wales government by Professor Bob Meyenn confirms the usefulness of going to smaller class sizes. The professor found the following: smaller class sizes allow students to develop literacy and numeracy skills faster than their peers in larger classes; student behavioural problems—going back to the question of bullying that I raised earlier—and learning difficulties are identified earlier and are more easily corrected.

We have children with special needs as well as children at risk, two separate categories, in mainstream schooling. Clearly, if you have smaller class sizes and teachers are able to scrutinise their students much more easily, then you must be able to intervene earlier to identify the kids at risk of not learning at all and those kids with special needs who need more specialist teaching. Further, student confidence is boosted in smaller classes.

Professor Bob Meyenn also found this: there is increased morale, job satisfaction and enthusiasm among teachers in smaller classes. That is a bit of a no-brainer. Why do we have to wait for an academic outcome to prove that when I think all of us as parents know instinctively that this must be the case. Teachers found that they are able to spend more time with individual students and are able to get to know their students better and use different and more effective teaching methods in smaller classes. Again, that is an academic outcome, but it is also a common-sense observation. Teachers and principals have reported that students spend more time on task and are generally more attentive in smaller classes.

I will deal for a minute with the criticism levelled at Professor Bob Meyenn by the *Canberra Times*. I specifically refer to Mr Peter Martin, who had a crack at Professor Meyenn's work. Of course, he also had a crack at the opposition's education policy because he has got nothing else much better to do. As he sips chardonnay with his Labor mates, he determines the particular strategy of attack.

Mr Barr: That's extraordinary.

MR PRATT: Yes, there we go.

Mr Barr: Peter, if you are reading this, for the record, I know you don't drink chardonnay.

MR PRATT: I like chardonnay but, unfortunately, you guys spoil it! The *Canberra Times* has been making assertions, based on anecdotal evidence, to criticise Professor Bob Meyenn. With all due respect, the Liberals are sick and tired of the Martins, the Jack Waterfords and the stable of *Canberra Times* journalists who have attacked sensible education policy proposals on the one hand but who have consistently failed over seven years to scrutinise the ACT education system. That is a disgraceful performance by this rag of a useless newspaper.

The increasing adulation of the *Canberra* Times of Labor's education policy has kept pace only with the growing drift from the public school sector to the non-government school sector. Perhaps that is exceeded only by the declining circulation of the *Canberra Times.* This territory needs scrutiny of the education policy, and the *Canberra Times* is asleep. Perhaps they are overwhelmed by all that chardonnay that they are drinking with you there, Mr Barr.

Let me also refer to project STAR, another compelling piece of work which really underpins the usefulness of the small class strategy. Project STAR—an acronym for student-teacher achievement ratio—was designed by a group of researchers led by Dr Helen Pate-Bain and took place in Tennessee, USA, between 1985 and 1989. It was the first major, randomised study of smaller class sizes and monitoring of student outcomes, and it continued for some years after their passage through the primary school system. So the project followed a cohort of students.

In the first phase of the STAR project, students from kindergarten to grade 3 were randomly assigned to one of three experimental conditions: small class sizes, 13 to 17 pupils; regular class sizes, 22 to 25 students; or regular class sizes with a teacher's aide. Teachers were also randomly assigned between small and regular class sizes. The study involved more than 11,600 students. That is a pretty large sample group. The controls for this project were as follows: new teachers were assigned to each class each year in both small and regular class sizes. Special textbooks or curriculums were not allowed to be introduced during the study. Members should take note of those conditions. The second phase of the Tennessee class size study, which was called the lasting benefits study, did not feature a new intervention but, rather, it continued the evaluation by observing the school performance of the participating students over time after they resumed elementary school under normal conditions in fourth grade and beyond.

That project went on, and it had remarkable outcomes. In fact, long-term follow-up studies found that, by the end of eighth grade, students who had attended small classes for all four years of STAR outperformed their counterparts who had attended regular sized classes by an average of 14 months of schooling in reading, 13 months of schooling in maths and 13 months of schooling in science. Those are big gaps, and it is there on the record. I would suggest to Mr Barr that, if he is really serious about exercising his duty of care to provide the best learning environments for our students, he should have a look at this project. This is a pretty substantial project, and it underpins the outcomes of moving kids into smaller classes. It really is terribly, terribly important.

What is our policy going to be? The Liberal policy is this, should we become the government: all young children in years K to 6 will be in classes reduced to a maximum of 21 students. This means that many classes will be reduced by up to a third of their current size. Labor says that we have to choose between investing in teacher quality or smaller classes. They cannot chew gum and walk at the same time, can they, but the Canberra Liberals are committed to doing both. We are committed to investigating in teacher quality and we are committed to investing in small class sizes.

The $34.7 million package includes the following: $24.7 million for smaller classes in primary school; $7.5 million for more teachers for high schools; and $2.75 million for

securing the most talented teachers, graduates and mature age teachers, which is on top of our commitment of 22 April to increase the teacher professional support fund by 50 per cent and to index it along with teacher scholarships.

Mr Seselja: They copied that one.

MR PRATT: Well, of course, Mr Seselja, because they are moribund. They have got no ideas. Academia on that side of the chamber is barren.

Mr Seselja: Too busy closing schools.

MR PRATT: Correct, and haven't we seen a lot of that lately. There is a compelling need for students at both ends of the performance spectrum to get more individual attention to help them achieve to the best of their potential. Smaller class sizes can provide an important contribution to meeting this need. This government will be remembered more for what they did not do rather than what they did do when it comes to education and meeting the needs of our young people. We must have smaller class sizes. I commend the ACT Liberals' smaller class sizes policy.

MR SESELJA (Molonglo—Leader of the Opposition) (3.44): It is a pleasure to note that the minister has given up the opportunity to speak for 15 minutes in order to allow me to speak. I can only imagine it is because he was not up to the challenge that I put to him across the chamber to critique our policies. He wants to critique our policies after I have spoken, of course, so that I cannot respond. I will have to pre-empt what he is going to say. I will have to pre-empt the rubbish, because we have seen the rubbish out in the media, in terms of what they are going to say. But it is instructive that the minister for education cannot put together a 15-minute speech on smaller class sizes.

Apparently, Mr Barr, the minister for education in the ACT, in the discussion of this MPI, which talks about the importance of smaller class sizes and the impact of that on educational performance, has declined his right to take up the opportunity to speak for 15 minutes. That is a courtesy that is always extended to ministers, so that they can respond, because we expect that ministers would have some briefing to give on the issue, that they would have some opinions on the issue, and that perhaps they could respond to some of the academic literature that has been put out there. But Mr Barr has demonstrated that (1) he is not interested in smaller class sizes and (2) he does not want to go first. He does not want to go first on the costings because he will be left embarrassed, particularly if he is to pick up what the Chief Minister and Treasurer has put out there in the public arena—embarrassing, incorrect figures which cannot be backed up, which are totally incorrect.

It is interesting that the Chief Minister got Treasury to do a back-of-the-envelope analysis. In fact, most of what Treasury did actually confirmed our costings. It was the completely wrong assumptions, which were no doubt fed to Treasury by the Labor government, that actually led to the incorrect outcomes which Mr Stanhope has been touting. But it is worth going into what our policy is and it is worth going into a little detail on why we believe this is a good policy.

We are committed to smaller class sizes. We believe that this is something fundamental that we can do to improve educational outcomes for all of our students. This would finish the job that was started by the last Liberal government. We saw K to 2 delivered, K to 2 committed to, and then we saw the Labor Party say, "Yes, we actually think it's not a bad thing to lower class sizes." The former education minister obviously thought it was reasonable to lower class sizes, and they extended that to K to 3. We said, "Yes, tick, well done, but we're now going to finish the job, and 4, 5 and 6 will get the same benefit we see in K to 3, in relation to smaller class sizes and the benefits that has for educational outcomes."

Mr Pratt referred to the STAR project. We have seen a number of academic studies that back this up, and I will say a little more about some of those research projects. Once again, in the minister's 10-minute speech, when he eventually gets up to speak, perhaps he can make it clear, because it seems to me, from his public statements on the issue, that the government does not support our aim. The Labor Party in the ACT are on the record as saying they will not commit to lowering class sizes in our primary schools and that they will not match this promise, yet we have not heard why. We have not heard from the minister why that is so. It is something that most governments have been moving towards, and certainly here in the ACT. In fact, there was bipartisan consensus. Until a couple of weeks ago, there was bipartisan consensus in the ACT that smaller class sizes in primary schools were a good thing, and that policies which delivered smaller class sizes in our public schools were to be welcomed. The Liberal Party did it and the Labor Party did it. Now the Labor Party have abandoned that.

We know they were extraordinarily embarrassed by the announcement because it showed up this government's real commitment to education. What has been the legacy of this term in government in relation to education? The legacy has been school closures, in breach of their election promise. They went to the last election and said, "We will not close any schools in the next term," and they turned around and closed 23 of our public schools. That will be the legacy of this government. In fact, if we look deeper into their commitment to education, it is interesting that the minister talks about the growth in education funds. There has been growth in all areas of government. The budget has actually grown, in the time since the Labor Party came to office in the ACT, by about 50 per cent. So all areas of government expenditure have grown in that time.

It is interesting to look at the expenditure on education as a proportion of the total budget. The budget is a reflection of a government's priorities. It is taking people's money and saying, "These are our priorities, this is what we stand for, this is where we're going to allocate our funds." We know that spending on education as a proportion of the budget has gone down under this government. It has gone backwards since they came to office. In 2001, it was around 23 per cent of the total budget. As it stands, it is around 20 per cent. So we have seen their commitment to education go backwards. Their legacy in public education has been school closures, which have been delivered in clear breach of their election commitment to the people of the ACT not to close any schools.

That is a reflection of where the government stands. That is perhaps the reason why the minister, in his embarrassed way, when we announced our education plan, could

not back it. He was embarrassed because he had not done anything apart from close schools. Of course, he talks about capital investment but he has not fundamentally taken the time, used the academic research, talked to communities and to teachers, and come up with a policy that would actually improve education.

When he gets up he will no doubt say, "Well, we've closed schools, which has been our investment in education because we've been able to build bigger schools." The super school concept is one on which we will reserve judgement, but there is considerable concern about whether this is the great panacea and answer to our educational questions that the government would have us believe. That has been the focus. The focus has been on closing schools and pushing students into larger schools. That is this government's answer to our educational issues. That is this government's idea for improving the education system in the ACT.

The Liberal Party has a different approach. We believe that we can get quality outcomes. But this is a demonstration of our commitment to public education. Yes, it is an important step; yes, it will cost some money. But there are a lot of things that this government has spent money on over the last few years that we would not have spent money on. This government is still spending, I believe, about $180,000 a month on an empty building at Fairbairn. This is a government that believes spending $5 million on a busway that is never going to happen is a good use of expenditure. This is a government that believes $800,000 on artwork on the side of Gungahlin Drive is a good use of taxpayers' money. We can go through all of the examples.

We have different priorities, and one of our fundamental priorities is reducing class sizes. The reason we believe in reducing class sizes is because it does deliver better educational outcomes. In fact, I will be fascinated to hear what the minister has to say about the merits of reducing class sizes, given that he has now backed away from the bipartisan consensus that this is something governments should be doing, and that we should be aspiring to reduce class sizes. We have a plan to do it. He opposes it, partly because it is not his idea. He opposes it because there have not been any ideas from this government in education, other than the closure of schools, over the last four years.

It is worth going into the costings. I am sure that the minister will touch on this, and I look forward to him repeating some of the fallacies that have been put forward by the Treasurer in relation to costings. Unlike the government, unlike the Labor Party in this place, when we make election announcements, we actually provide the costings, year to year. We have seen two announcements recently from this government where they have not provided costings. We have seen the Gungahlin Drive extension duplication promise—the rushed, embarrassing announcement where they panicked and put out a press release at 5.45 pm. But there was no costing on that. And we saw it again yesterday, with a promise for a pool, with no costing: "It'll cost somewhere between $10 million and $20 million, it'll be built some time in the next few years. We don't exactly know how it will be built, how it will be delivered, who will deliver it or how much it will cost us, but we're going to put it out there as an election commitment anyway."

We have taken a different approach. We have been transparent with our costings. Even being as transparent as we are, we still have the Chief Minister coming back

with complete fallacies in relation to our numbers and our costings. Treasury confirmed that we have given a year-by-year account of what each element of this policy will cost. Treasury confirmed that the cost of an additional 150 teachers in primary schools is $13 million per annum when the policy is fully implemented, and this is confirmed by the Liberal costings. Treasury wrongly assumed an immediate implementation of the policy to reach a four-year total of $40 million. No doubt, incorrect assumptions were given to them by the Treasurer's office or others in order to cause mischief.

Treasury says that the cost of 35 high school teachers will be $3 million when fully implemented. The Liberal costing shows a cost of $3.3 million when fully implemented. Treasury assumes, once again incorrectly, as nothing in our documents said this, an almost immediate rollout in the second year in reaching their estimate of $10 million. Instead, the Liberal total of $7.5 million is based on 10 positions in 2009, 10 in 2010 and 15 in 2011. The same goes for teacher assistants.

With respect to the most embarrassing part of what the Chief Minister and Treasurer put forward, there were two elements which were totally and demonstrably wrong—wrong on any score. I challenge the minister, in his 10-minute contribution, to show us where we are wrong or to back what his Treasurer has said, and get it on the record that these figures are actually right.

The Treasurer, in his ill-fated press release, claimed, with respect to demountables, that it would take $30 million in capital to deliver this promise. Of course, there are a number of fundamental misconceptions in relation to what he said. The government actually told us how much it cost them to implement the capital side of lowering class sizes, because when they did it for one year it cost $1 million, but apparently, when we do it for three years, it is going to cost $30 million. So it costs $30 million when the Liberals do it but $1 million when the government do it. That does not add up at all. In fact, that part of it is totally wrong.

They also claimed in their analysis that 150 additional teachers would require 150 additional classrooms. What have we been hearing from this government for the past few years in relation to empty desks? Apparently, there is not one spare classroom, and we will need, according to the government, $30 million in capital to deliver, for three school years, for three age groups, what it cost the government $1 million to deliver for one year. That is wrong, and the minister should say so. He should distance himself from the erroneous assumptions there.

Of course, they are totally wrong on the cost of the HECS promise. They applied it to 150 teachers and we apply it to 20 positions. That was clear in our policy announcement. Once again, it was deliberately misconstrued by this government. Fundamentally, they have misconstrued this. The reason the minister was embarrassed to get up and did not want to go next was because he did not want to stand there and repeat these incorrect statements put out by his Treasurer. Fundamentally, he is embarrassed because what we have is a sound policy; it is what used to be a bipartisan policy. This minister, through a lack of ideas, has thrown out that bipartisan consensus and rejects the idea of smaller class sizes in our public schools. *(Time expired.)*

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (4.00): There is an old saying—and it is the title of the TV show hosted by Andrew Denton—about giving someone enough rope. We have just witnessed from the Leader of the Opposition the centrepiece of his campaign to be Chief Minister of the Australian Capital Territory, and he spent half his speech talking about anything but his policy initiative. That is a clear indication that he does not know the detail and he has not done any of the research. If he had done so, he would recognise that there are a range of factors that will lead to improved student outcomes in the ACT.

Let me make it clear that the position of the Labor Party in government is for small class sizes in the early years where they are most effective. And we have clearly delivered on that commitment over a number of years.

There are four important factors that affect student achievement. One is having appropriately resourced schools of a sufficient size to deliver a strong and challenging curriculum, which leads into the second point, which is the importance of the curriculum. Another crucial factor, and perhaps the most important, is the quality of teaching. I note that the Leader of the Opposition, in breathless anticipation of what I might say, issued a media release last week suggesting that I was in some way backing away from or had performed some sort of backflip on small class sizes. I re-emphasise the point that this government's position, and the position of the Australian Labor Party, has been to support smaller class sizes in the early years of schooling, where they have the most significant impact.

It is worth noting that there has been considerable commentary in relation to the opposition leader's initiative. I will quote from a source that members would be aware is not one that I regularly agree with. Nonetheless, Mr Cobbold from the Save Our Schools group always provides some interesting food for thought in the education debate. He indicated that "across-the-board reductions in class sizes are expensive and that there are more cost-effective ways to improve student outcomes". He continued:

> There is evidence that improving teacher quality contributes more to increasing student outcomes than class size reductions. … There is little evidence that small class sizes in Years 4-6 and in high school increase student achievement. A recent large study published by the Department for Education and Skills in England found no evidence that Year 4-6 students in small classes achieved better results than students in larger classes.

That is the view of Mr Cobbold, based on a compendium of available research. He does make reference to the STAR project that Mr Pratt and Mr Seselja referred to. He looked at some peer reviews of that project but found that the results could only find, at best, modest improvement. He pointed out that the STAR project was talking about class sizes of 13 to 17 students, down from class sizes of around 30. I am not entirely sure that the Liberal Party are promising at this point class sizes of 13 to 17, down from class sizes in the mid to high 20s.

Mr Seselja seems more interested in my commentary on his policy than he is in his own policy, so let me provide the government's response. We have indicated that we will not be seeking to match Mr Seselja's initiative. We believe there are other ways

to improve student results in our education system. We know that lowering class sizes in the early years has been an effective instrument, but there are more important and more pressing issues in our education system, beyond just years 4 to 6. I refer to quality teaching, the provision of better facilities and the provision of a rigorous curriculum.

We are pursuing our education policies in this area based on research and on financial sustainability. As Mr Seselja indicated, the structural impact of his proposal for class size reduction, when fully implemented, is $13 million a year. So whilst he is indicating that we would see very little in the first three years of his proposal, and so we would be waiting until 2012 before we see his proposal fully implemented, we would see a structural impact on the ACT budget in the order of $13 million, just for that initiative.

The question that remains is where Mr Seselja plans to source these teachers from and how much he intends to pay them, given the difficulties that we and all jurisdictions are experiencing in relation to recruiting and retaining teachers—most particularly, teachers in a number of specialist areas. That is why the government believes that the number one priority should be around pursuing quality teaching and rewarding quality teaching. That is why we are engaged with all other states and territories in the commonwealth in a major research project around ways to reward quality teaching. That is why that important area of public policy will be the subject of a national partnership agreement between the commonwealth, the states and territories.

On the ground, within the ACT public education system, there is a commitment by this government to work with the commonwealth to achieve an outcome whereby our best classroom teachers receive six-figure salaries and receive the appropriate rewards for their professionalism. Our goal is to continue to raise the status of the teaching profession, and to provide the capacity for experienced classroom teachers, quality teachers, to remain in the classroom. That is important, given that the current structure in the teaching profession sees the best and brightest and those who want to assume leadership roles in the school environment heading more down an administrative path.

We need to rethink the way that we deliver schooling in the territory. We have undertaken a significant renewal of the public education system. More than $350 million has been invested in public education around renewing facilities, in creating teaching and learning spaces that are attractive for quality teachers to teach in and in providing the sorts of facilities, most particularly in information and communication technology, that will ensure that students and teachers within the ACT public education system are accessing state-of-the-art technology using the latest in teaching techniques and ensuring that this sort of technology is available for all students, no matter which school they attend in the ACT.

That has required some difficult decisions to be taken by government, but we are seeing the benefits of that investment and we are seeing our very strong desire to raise the quality of our education system. In the most recent budget we funded a range of initiatives in order to implement the quality teaching model within the ACT education system. We have out for discussion at the moment the School Standards Authority discussion paper that is aimed at raising standards both in the public and in the private education system in the territory. We recognise that we need a system-wide response.

We need to ensure that we have targeted initiatives in literacy and numeracy that are bridging the gap in student achievement.

We need to ensure that, through these targeted interventions, no student is left behind in the ACT. That is significant and important work. That, we believe, is a priority for the next term of government. We have set a particular direction. I have no intention of following Mr Seselja's policy direction. The government has its own policy direction—

Mr Pratt: No, because he thought of it first.

MR BARR: Regardless of who thought of an idea, Mr Pratt, I am interested in the best outcomes for our education system. That means investing in quality teaching, it means investing in quality facilities and it means ensuring that across our education system, from preschool to year 12 and on to further education, we have in place measures that ensure that students are able to achieve the best they possibly can, so that they are appropriately resourced across the year levels, from preschool all the way through to the end of year 12. That means having targeted initiatives across all levels of schooling. It does not mean putting all of your eggs in one basket. That is why the government will continue to pursue our current policy direction.

DR FOSKEY (Molonglo) (4.10): I note that this item or something related to it is on the notice paper for tomorrow. As a motion, it will be fully debated so I have decided to save my thunder till tomorrow. Today I will just say that, given these weeks of busyness, I still think that we could have dispensed with matters of public importance. It is disappointing to see that in the last three weeks, when there is so much that we could be talking about, we are covering the same matter twice in two days.

MRS DUNNE (Ginninderra) (4.11): It is instructive to hear how little the minister for education has to say about education policy. It is very interesting to see that the minister for education failed to address the challenge put out by Mr Seselja in relation to the shonky, bogus costings of the Liberal education policy put forward by the Chief Minister the other day. It was very instructive to listen. I was interstate but I was able to review some of the media, listen to the radio interviews and listen to and catch the confusion in the voice of the minister for education, who was completely on the back foot over this whole issue.

It is clear that the minister has done one thing: he has stuck to his guns and he has said that he will not go down the path of providing smaller class sizes for children in years 4, 5 and 6 in ACT government primary schools. It is on the record now: Andrew Barr and Jon Stanhope have turned their backs on the children, the parents and the teachers who populate years 4, 5 and 6 classes in ACT government schools.

In all the time that I spent visiting schools when I was the shadow minister for education and for all the time I have been a member, one thing kept coming up time and time again when I talked to teachers in the classroom. The first thing they ask for is reductions in class sizes. They are teaching in year 4; they are asking for reductions in class sizes. That is what the teachers tell you if you visit the classroom and they are being forthright in what they want—especially those who have had the experience of teaching in a class of 21 and then moving to a class of 30. Their workload increases by 50 per cent just like that.

The children notice it, too. I have children who have just finished in primary schools in the ACT. When they moved from year 3 to year 4, and moved out of a class of 21 into a class of 30, because it was a fully subscribed school, they noticed the difference. They suddenly realised that they were in a much larger pool. It is much harder. There is all of the research. Mr Seselja has pointed to it; Mr Pratt has pointed to it. There is much more research.

All the research shows that in smaller class sizes, as with smaller schools, the classes and the schools are more like a community. The teachers and the children know each other better. It is more likely that a learning difficulty or a behavioural problem will be found and addressed in a smaller class. It is not just kindergarten kids or kids in year 2 who have learning difficulties and behavioural problems. Children in years 4, 5 and 6 are more inclined to have behavioural problems which are not being addressed than to have learning difficulties, which probably will have been picked up before.

But this is the age where it matters. One of my children, when she was finishing primary school, was in a large year 6 class with a couple of new kids in it. Some were extraordinarily disruptive. They came to the school. In the ACT system, they had been moved around from pillar to post. Instead of addressing their needs, they were just moved to another school. It was extraordinarily disruptive for the children; it was extraordinarily disruptive for the teachers. And it was no good for the kid, who just had a reputation for being moved from school to school. When they are one in a class of 30, it is just much harder to address those needs.

It is clear that parents want these things. When I was the shadow minister for education, the teachers in years 4, 5 and 6, the people who deliver the classroom services for our children, consistently said to me, "What we want is the same class sizes as in K to 3." What we have actually got from Andrew Barr today, as on the date this policy was announced, is a turning of his back on the teachers—the people who deliver, the people who make it possible for our children to learn, the people he is talking about. He says that he is interested in teacher quality. The first thing teachers ask is this: "If I am to deliver quality teaching in a quality environment, I need a smaller class size." This is what they say.

What we have got is the Stanhope government turning its back on teachers. It is instructive to look at the Stanhope government's policies in relation to schools in this term—primary schools in particular, but schools generally. It has always been about closing something or building something. It has always been about bricks and mortar. It has been that we have too many classrooms, we have empty desks or we need to spend money on capital works. It has always been about bricks and mortar.

It has never been about people. It has never been about providing the right environment and the right mix of classroom sizes for the people, for the teachers. It has always been about bricks and mortar. It has been about either closing something or having something that they can open. They are looking forward to having a few opening ceremonies or a few walk-throughs in almost open buildings so that they can try and shore up some of their brownie points in education close to the election.

What happens when you talk to the people in the shopping centres—when you go to the Belconnen markets—and you say, "Have you heard about the Liberal Party policy

for smaller classes and more teachers?" They say: "That's what we want. We don't want super schools. We don't want super schools out in west Belconnen; we don't want super schools down in Kambah. We want smaller classes for our teachers, we want more teachers and we want efforts to get the best and brightest." There is nothing that Mr Barr has said here about getting the best and brightest.

They are having another piece of research. What it really means is that we are going to talk about something in a vague way until after the election. If the federal government does not fund this initiative, Andrew Barr will walk away and he will have nothing to show for this. The teachers of the ACT will get nothing out of this because the Stanhope government has made no commitment to fund better salaries for teachers—no commitment at all. What they are doing is saying, "We will ask St Kevin for some money." If St Kevin does not come up with it, woe betide the teachers of the ACT. They will get nothing from Andrew Barr and Jon Stanhope—in the same way as they have got nothing so far.

They have got closed schools. That has been Andrew Barr's policy. The thing that Andrew Barr will be remembered for for his entire political career and for posterity will be as the man who rode roughshod over the ACT schooling system and closed down 23 schools. His only preoccupation has been with closing things. He has no policies about the future, about addressing the drift to non-government schools. All of these things are beyond his capacity—and I suspect even beyond his interest.

We saw that today. In normal circumstances, if a minister does not get the call in a matter of public importance for the second 15 minutes, there is hell to pay. You get snotty-nosed ministers saying, "That's not the way it's done here; we should have the call." This minister did not have the courage to stand up and defend his policies. He did not have the courage to stand up and defend the bogus critique run by the Chief Minister and the Treasury. And he still has not done it. Ms Porter might have some time; she might be able to get up and do it. We would like to see Ms Porter run the critique in defence of the Treasurer's funding.

ACT Labor have shown again that they do not care about teachers and that they do not care about the children in years 4, 5 and 6 in their schools or the parents who send them. This is the message that we need to take home. Andrew Barr offers no hope for teachers in the ACT. He is waiting for St Kevin to come up with some money so that he can pay special teachers a special amount of money. If St Kevin does not come up with it, there will be no money for teachers. And there will be no policy for better class sizes and better teaching and learning environments at their most basic in the ACT, because Andrew Barr is interested in big schools which are new and shiny and is not interested in teachers in everyday schools in our suburbs providing for the needs of people in the suburbs where they live.

This has been the chronicle of the Stanhope government since 2004: "We will close schools; we will amalgamate schools; we will build super schools. We'll tell lies to the community. Then we will renege on our commitments at the election and then we will close even more schools." *(Time expired.)*

MS PORTER (Ginninderra) (4.21): Education is one of the core functions of government and you need an experienced government with a proven track record in

order to be able to deliver that. Unfortunately, we know from their lack of good policy as shown in today's *Canberra Times* that the ACT Liberals have none of these attributes.

There is much research to show that smaller class sizes in the early years are the way to go. That is why I am proud to be part of a government that has already delivered just that. While promising smaller class sizes across the board may be a good way of getting a headline, research also shows that it is not the best use of taxpayers' money. It is not the best way to improve educational outcomes. Smaller class sizes themselves are not a silver bullet to improve the learning outcomes of all students, despite what the opposition may claim. I am advised that available research does not support the claim that all classes should be reduced to a magic number. In fact, there is no agreement on what number that should be. As Minister Barr has just said, a number of factors, such as quality of teaching, facilities and curriculum, all play a role in student outcomes.

That is why recently I was very pleased to visit the new west Belconnen regional school and meet Mr Richard Powell, who is now appointed as its principal. This is a $46 million example of this government's effective investment in education in all the aspects that lead to good educational outcomes for young Canberrans: facilities, curriculum, leadership and quality teaching—most importantly, quality teaching. I think it is fair to say that Mr Powell, with his skills and experience, is not only a great choice to lead this new school but an example of what the minister has just been talking about—that is, quality teaching. For the past seven years Mr Powell has been principal of Hawker college. During that time he put in place programs that saw his students improve their results year in and year out. As I indicated, the west Belconnen regional school demonstrates the fact that getting good education outcomes takes a mix of measures.

Members opposite seem to be rather interested to learn more about this school. I thought they might have paid attention previously, but I will outline some of the features. The school will feature two preschool playrooms plus an additional preschool room for Indigenous students; 10 classrooms dedicated to kindergarten to year 2 students; and eight classrooms dedicated to students in years 3 to 5. The middle school will feature 13 classrooms dedicated to year 6 to year 8 students, as well as a dedicated dance and drama room, communication lab, multipurpose science lab, practical activities room, seminar room and learning skills unit classroom. The high school will feature seven classrooms for year 9 and year 10 students as well as a dedicated media studio, a textiles studio, a visual arts studio, a design and fabrication lab, two construction rooms, three science labs and two kitchens as well as various withdrawal spaces for student use.

To ensure a well-rounded education including physical activity, the school features a gymnasium, outdoor tennis and basketball courts and other outdoor playing spaces to allow for a number of different activities, including netball, soccer and volleyball. To ensure that students are aware of climate change and what they can do to combat that in terms of their school, the school features various environmentally sustainable design features, including building orientation and solar passive design, solar hot water and underground rainwater storage. As we know, the arts are also important in terms of a well-rounded education experience. I am pleased to note that Mr Powell is

part of the steering committee to help stage the annual school performing and visual arts show *Step into the limelight*. I am sure that we will see the west Belconnen regional school well represented in this event in future.

The west Belconnen regional school is evidence of modern thinking when it comes to delivering good student outcomes. It is a mix of what will be great facilities, great leadership and staff and the ACT's challenging curriculum framework called "every chance to learn". It is also evidence that the Stanhope Labor government has done the hard policy work, that it has sought the advice of the community and experts and that we are serious about providing quality education, not just getting a headline.

It is generally recognised how important early childhood development is in setting the foundation for learning, behaviour and health through school years and into adult life. Investing in early intervention and high-quality education in the early years has a lasting effect on a child's social, emotional and intellectual development. That is why, as I said earlier, the Stanhope government has made significant investments to reduce class sizes in the early years.

Recently I visited the Southern Cross primary school in Belconnen along with the minister. I learnt about the very pleasing early enrolment figures for the early childhood school for 2009. There is no doubt in my mind that this, along with other early childhood schools, will be a great success. Again, it is about more than just class sizes. Our four new early childhood schools will integrate education, health and family support services as yet another way of ensuring the healthy development and effective education of young children in the ACT.

The ACT government is committed to improving educational outcomes through quality teaching staff, equipping teachers with relevant skills and supporting their ongoing professional development.

In concluding, I must say that we all know what this MPI is all about. It is not about the importance of smaller classes; it is not about class sizes. It is about the need to get headlines. It is certainly not about improving education. It is about the ACT Liberals, having been caught out not costing their election policy properly, now trying to talk it and themselves up. While the Liberals play politics on class sizes and in the area of education, I am very proud to be part of a responsible Labor government which is investing record amounts in the education of young Canberrans and getting the nation's leading results, rather than being part of an opposition whose shadow spokesperson on education has been able to raise only two constituency matters about education in the past 3¾ years.

MR SPEAKER: The time for this discussion has concluded.

Statute Law Amendment Bill 2008

Debate resumed from 26 June 2008, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

Motion (by **Mrs Dunne**) agreed to:

> That debate on the bill be adjourned to a later hour this day.

Parental Leave Legislation Amendment Bill 2008

Debate resumed from 26 June 2008, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (4.29), in reply: In the absence of any comment from the opposition and the crossbench, I take it that there is unanimous support for this legislation. I am pleased that we are, as an Assembly, able to make a clear statement here in relation to removing discrimination against parents in same-sex relationships.

It is worth just reminding the Assembly that this bill amends the Discrimination Act 1991 to make it clear that parents in a same-sex relationship must not be discriminated against, especially in relation to parental leave. The bill also repeals the Parental Leave (Private Sector Employees) Act 1992.

I again remind members that the legislation was introduced to address concerns that the Human Rights and Equal Opportunity Commission identified in the *Same-sex: same entitlements* final report. From an international inquiry into discrimination against people in same-sex relationships, this area of ACT law was identified as still containing discriminatory provisions.

The ACT government and the ACT Labor Party have a very proud record of removing discrimination against same-sex couples. This piece of work complements more than 100 pieces of legislation that have been amended over the course of the Stanhope government. We have a very strong view that all people in the ACT are entitled to equality before the law. This piece of legislation will ensure that parents in a same-sex relationship are not denied their rightful access to parental leave.

This is an important provision. It is worth noting that there are a large number, and a growing number, of parents in same-sex relationships. This continues to be an area of law that needs addressing at a national level. We very much look forward to the successful passage of a range of other important anti-discriminatory amendments in the federal parliament, but, for the purposes of today's debate, I thank members for their implicit support by not being here for the debate. I hope that we will have the successful passage of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Statute Law Amendment Bill 2008

Debate resumed from 26 June 2008, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (4.33): I would not have minded a bit of notice on the Parental Leave Legislation Amendment Bill 2008. We are supporting it, so that is fine, but I make that point. The opposition will be supporting the amendments to the Statute Law Amendment Bill 2008. It is in three parts, and there are minor amendments to four acts.

The Animal Diseases Act, which provides a quarantine declaration, does not have to include anything about restrictions on sale if there are none. Amendments to the Cemeteries and Crematoria Act establish a charitable perpetual care trust for the maintenance of cemeteries and crematoria and provide that future perpetual care trusts may be established for a charitable purpose and endorsed as exempt from income tax. A Government Procurement Act amendment increases the membership of the part-time ACT Government Procurement Board from seven to nine—five public and four non-public employee members. An amendment to the Legal Profession Act provides that if a law firm appoints an external examiner to examine the practice's trust records the firm must pay the cost; if the examination is ordered by the Law Society the costs are paid from the fidelity fund.

There are some non-controversial structural amendments to the Legislation Act recommended by the parliamentary counsel's office and some technical amendments to some 63 acts and regulations, again initiated by the parliamentary counsel's office, which correct errors, update language, improve syntax and deal with other minor changes. In other words, it is a typical statute law amendment bill. There is nothing controversial in it, and the opposition will be supporting it.

DR FOSKEY (Molonglo) (4.34): Again, because the explanatory statement for this bill assures us that it contains only amendments that are minor or technical and non-controversial in character, I will be supporting the bill.

I understand that those in the section responsible for these regular omnibus statute amendments scrupulously act as vigilant gatekeepers to ensure that only amendments of a noncontroversial and technical nature get into their bills. I understand that their job is not always as easy as one might imagine. We have seen a number—not many, but a couple—of occasions when amendments which were claimed to be minor and noncontroversial turned out in reality to be highly contentious and radically altered the rights or legitimate expectations of the people affected by them. The government appeared to justify calling them minor because they would affect only a small number of politically marginalised people. Of course, this is an unacceptable practice. It lessens the credibility of all future similar claims by any government agency, which is a shame because, in this instance, the agency section responsible has a good, trustworthy track record. In my opinion, these amendments are no exception.

MR MULCAHY (Molonglo) (4.36): I will not speak for long on this bill since it largely comprises technical amendments. The bill amends the Animal Diseases Act to

clarify that a quarantine area declaration of the act does not need to include information on restrictions on sale unless there are restrictions imposed by the minister. The previous section simply required the declaration to state "the restrictions on sale in the ACT of an animal, animal product or other thing that has, at any time during a stated period, been in the area" et cetera. This had the effect of requiring a statement even when no restrictions were contemplated by the minister. So the amendment in the bill seems to be sensible.

The bill also amends the Cemeteries and Crematoria Act with respect to the perpetual care trust for the preservation and maintenance of cemeteries. The existing act allows the minister to specify other purposes for the trust by a disallowable instrument. There is no limitation on the purposes that can be chosen by the minister. The bill before us amends the existing act to restrict the allowable purposes to charitable purposes. It also ensures that if the trust is dissolved and replaced with a new trust, the new trust will be established for a charitable purpose.

This also seems to me to be a sensible amendment as I do not think that it is suitable for this trust to be used for commercial or other purposes. In fact, I think that we should want to be sure that any purpose chosen by the minister for the trust should have some connection to cemeteries, to ensure that this trust does not become a means of financing other charitable activities for which it was not originally designed. I would be open to an amendment of this kind; however, the existing provisions, which make the declaration a disallowable instrument, provide adequate protection to ensure that the trust is used properly.

The bill amends the Government Procurement Act to increase the size of the council from seven members to nine members. I note that in his introductory speech on the bill the Attorney-General makes no real attempt to explain the reason for the increase in council members; he merely states that this is "to facilitate the operation of the board".

I am constantly amazed at how the government is able to use so many people to manage and administer its $3 billion operations. When one considers that major corporations such as BHP Billiton are able to operate with a relatively small board of directors, it is quite incredible how much administration is used in the ACT government in dealing with a minuscule budget relative to that corporation. To give some understanding of the difference, although I acknowledge that they are not easily comparable, BHP has a board of only 12 members to run its $47 billion enterprise with operations in every corner of the planet.

Since this increase has come after previous amendments to the procurement act, one cannot help but wonder if the new procurement principles are proving a little harder to administer than was first anticipated. I wonder in particular if this increase has been driven in part by the inclusion of ethical criteria for procurement judgements, which is an aspect that may involve further elaboration and could be the subject of subjective disagreement. Only time will tell whether this criterion is able to be used sensibly, as I indicated in a previous debate, or whether there will be any serious disagreements over its application.

The other main amendment in this bill is to clarify the payments for external examiners under the Legal Profession Act so that appointments of examiners by the Law Society are made out of the fidelity fund. This also seems to be a sensible arrangement.

The bill also amends the Legislation Act, to make minor changes, and makes other regulatory amendments. I will not go into details of these amendments since they are of a minor and technical nature. I will be supporting the bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.40), in reply: I thank members for their support of the Statute Law Amendment Bill 2008. This bill carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the territory through minor legislation changes. It is an efficient mechanism to take care of noncontroversial minor or technical amendments to a range of territory legislation while conserving resources that would otherwise be needed if the amendments were dealt with individually.

Each individual amendment is minor, but when viewed collectively they are a significant contribution to improving the operation of the effective legislation. For example, amendments of the Adoption Act 1993 are technical in nature and include the updating of language, the creation of a new dictionary and the omission of redundant provisions about the repeal of legislation.

I would like to express my ongoing appreciation for the continuing support of members for the technical amendments program. I rebut the reference made by Dr Foskey in her earlier comments when she suggested that elements that were contentious from time to time undermined the integrity of the technical amendments program. I think it would be fair to say that it is difficult at times for the public service to fully identify matters that may end up being contentious. What may be contentious to us is perhaps not so contentious to members of the public service. Any fault in relation to contentious items should be viewed as mine alone, not those of my officers. I express my ongoing appreciation for the continuing support of members for this program. It is another example of the territory leading the way and striving for the best—in this case, a modern, high quality, up-to-date and easily accessible statute book.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Justice and Community Safety Legislation Amendment Bill 2008 (No 2)

Debate resumed from 3 July 2008, on motion by **Mr Corbell**.

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (4.42): This bill is the 18th or 19th in a series which I think I might have started. It again makes minor amendments to various acts and regulations. In this instance, it is 11 acts and regulations in the JACS portfolio. Some of these amendments are quite important, though I can probably see why they were done in this particular bill. They are certainly timely. This particular bill has some quite important amendments—more than we normally see in legislation such as this.

The first main amendment relates to the Administration and Probate Act. It extends from three to six months the time within which a will must be proved or probate renounced. That seems to be a sensible amendment, as indeed is an amendment to the act to include "civil partners" being entitled to benefits in situations of intestacy, as a consequence of the Civil Partnerships Act 2008. It is something we are always keen to see in terms of things like registration schemes and the benefits that accrue as a result of those.

The Agents Act has been amended. It requires the minister only to make an annual determination to increase the money held in the agents occupational registration consumer compensation fund when necessary, instead of having to go through the formalities of making a nil determination, which would seem to be a bureaucratic nonsense.

The Civil Law (Sales of Residential Property) Regulation 2004 has been amended to ensure that the Australian standards always refer to the most recent versions. There are consequential changes so that obligations on ACT inspectors in relation to reporting do not change.

The Civil Law (Wrongs) Act 2002 has been amended too. A new part has been put in to provide protection under certain circumstances for civil liability to businesses that donate food for charitable purposes. Persons harmed by the consumption of donated food will be able to take action against the charity that distributed the food. The explanatory memorandum says that this is consistent with New South Wales, Victoria and Western Australia.

I must admit that when I first saw it I wondered whether it was such a good idea, since the charity is doing it all in good faith. It particularly impacts on Communities@Work, which operates OzHarvest, a charitable food service. I am told that Communities@Work is fully supportive of this amendment. On that basis, it would seem to be a reasonable protection. They are the ones who do it. It seems to be quite sensible on that basis; they are the ones who are going to have to ensure that it occurs, and that is fine.

The Crimes Act is amended—an amendment to resolve the contradiction that arises at law with regard to whether a rape offender was reckless as to whether the victim had consented to sexual intercourse or whether the offender had sexual intercourse knowing the victim had not consented. The effect is that the DPP can lead evidence which satisfies knowledge or recklessness without having to conduct separate prosecutions of the two and without having to elect the mental element in advance of the trial, consistent with the common law and the Criminal Code.

I am not sure whether this amendment is the result of some silly court decision that has gone against what was best practice in the common law, which was eminently sensible. Whether a person was reckless or actually knew at the end of the day are much the same. This makes it simpler for the prosecution and less traumatic for victims. We think that is crucially important. It is also much more time effective and less costly. Also, it can ensure that justice is done speedily without unreasonably interfering with the legitimate rights of an accused person. It is very much consistent with the common law; it is very much consistent with the Criminal Code and other acts that have been around for many years.

The Crimes (Restorative Justice) Act is amended to remove a referring entity's obligation to explain restorative justice to eligible victims or parents before the entity refers the offence for restorative justice. It is claimed that referring entities do not have the financial resources to properly train staff in restorative justice matters, and instead the obligation will rest with the chief executive of the restorative justice unit. There is an amendment to ensure that a non-lawyer convenor only needs training sufficient to be able to advise participants of their rights and duties in relation to the restorative justice process, not their rights and duties at law. Indeed, it would be quite improper to have a non-legal person try to advise people of their rights and duties at law. That could lead to problems. That is again a reasonable amendment.

The Discrimination Act is amended to restore a vicarious liability provision erroneously removed in 2005—that a person whose employee or agent engages in unlawful conduct is taken to have engaged in the conduct unless they took all reasonable steps to prevent the conduct from occurring.

The legal practitioners act is amended. New sections will empower a disciplinary tribunal to require witnesses to attend and give evidence at a hearing and to issue warrants where they fail to appear. That again is sensible. If these things are going to work, it is crucially important that people do appear. If they do not appear, the normal course is to issue a warrant for their arrest—to bring them to the court or a tribunal to give their evidence. Again, that is a normal operating procedure and it is very sensible to empower a disciplinary tribunal to do that.

There is an amendment to replace numerous definitions of government agency and government lawyer throughout the act, with a single definition in the dictionary section. Again that does not seem controversial. There is a consequential amendment regarding the definition of government agency in the Legal Profession Regulation 2007.

The Magistrates Court Act is amended to allow the court to remand a convicted person in custody where bail has not been granted in cases where the convicted person has lodged an appeal. Having done quite a number of cases for the Crown, albeit probably 20 years ago or so, I always thought they had that right—that where people were convicted and sentenced to a term of imprisonment, if they indicated that an appeal was going to be lodged and bail was not granted, they would be remanded in custody. I am not quite sure what happened to have the need for this amendment actually put in, but, again, it follows what I would have thought was a normal natural procedure. If there is any glitch in the law there which made it difficult for a person to

be remanded in custody when they had actually been convicted, it should be fixed up. I am pleased to see that it is being fixed up, and I commend the attorney accordingly.

The regulatory services legislation amendment act has been amended to delay the start of recent amendments to the Door-to-Door Trading Act. The start date will be the sooner of the minister's determination or 15 October next year. That is in response to concerns raised by telemarketers in the final state of the debate on the amendment. Again, it is good to see someone taking some notice in terms of problems that crop up. I recall that there were some contentious parts in relation to the latest lot of amendments there; it is sensible to see any glitches fixed up there.

At the end of the day, there does not seem to be anything terribly contentious about the proposed amendments. Indeed, some are actually good and perhaps overdue in terms of clarifying some problems that have arisen in recent times. I commend Communities@Work. One amendment could potentially impact on them, but it shows how seriously they take their job of distributing food to the needy in our community and the high standards they want to achieve to ensure that it occurs even though potentially they might put themselves at risk there. That is highly commendable for that particular agency, and I would like to single them out for praise.

DR FOSKEY (Molonglo) (4.51): As noted in Mr Corbell's presentation speech, this bill is the 19th of the series. Such a wide-ranging view of justice and community safety matters provides the department, the community and the Assembly with regular opportunity for debate. While I do not always agree with the changes the government makes in these areas, I do welcome the opportunity to discuss them. I would also like to thank Stephen in Mr Corbell's office for organising a briefing for my office, and I thank the officers who provided it.

This bill, as with the others, generally makes somewhat minor corrections and updates for various acts. They are largely non-contentious and, though I will not discuss them at length, I would like to raise a couple of points.

First, regarding the Administration and Probate Act, I am pleased to see the changes to allow civil partners, under the Civil Partnerships Act, the same rights as married partners in relation to intestacy. This is another of the many small but important changes that the ACT and federal governments are making to provide equal rights to people in same-sex partnerships, and I applaud them.

I hope to see continued efforts in this area to ensure that the gay, the lesbian, the bisexual, the transgender and the intersex community have the same rights as everyone else. It is a difficult enough situation to lose a loved one and it is made more difficult if that loved one does not leave a will. Changes such as these to provide greater clarity in clearly upsetting circumstances are very welcome. The changes to the Crimes (Restorative Justice) Act seem entirely appropriate and I am sure that they will be welcomed by the referring entities and reduce by one the many demands on their time.

I share Mr Bain's concerns about the changes to the Legal Profession Act and the related changes in the ACT Civil and Administrative Tribunal Bill. Being able to arrest and detain someone for not attending a tribunal hearing seems somewhat

extreme and, as Mr Bain outlines, raises human rights concerns. I was assured in the briefing that the issuing of warrants by the tribunal in this case is not actually impacting anything significantly in practice. They are just making the process more efficient, and that detention, if it occurs, will only be for very short periods. I hope that this is going to be monitored and that any problems will be brought to the attention of the minister so that the necessary changes can be made if required.

In regard to the changes to the Regulatory Services Legislation Amendment Act, I do agree that allowing a greater time frame for consultation with the affected parties is necessary. I do wonder though why this consultation should not occur before the changes are brought to the Assembly and passed. Will there be amendments made arising from the negotiations with the consumer and business groups? Or will this simply be another example of the government talking to people but not listening? Maybe, given the government's renewed commitment to community consultation, as shown by the citizens-centred governance paper recently released, the government does actually intend to listen to the voters—I mean, citizens—this time. I will be supporting this bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.55), in reply: I thank members for their support of this legislation. All legislation, over time, needs to be refined to accommodate a changing social environment, and the JACS bill is an appropriate mechanism to ensure that legislation in the ACT remains reactive to the changing social needs of our community.

The bill makes amendments to the Administration and Probate Act, Agents Act, Civil Law (Sale of Residential Property) Regulation, Civil Law (Wrongs) Act, Crimes Act, Crimes (Restorative Justice) Act, Discrimination Act, Legal Professional Act, Legal Profession Regulation, Magistrates Court Act and Regulatory Services Legislation (Amendment) Act. Of particular note are the amendments to the Civil Law (Wrongs) Act 2002, which a number of members have mentioned. They will provide protection from civil liability to businesses that donate food for charitable purposes.

The proposed amendments will provide significant protection against civil action for businesses provided they have handled food appropriately before donation to charities. The protection, however, will only apply if the food is donated to a not-for-profit charity and distributed as free food to those in need and the food is safe to eat at the time it leaves the possession or control of the donor and the donor informs the charity receiving the food of appropriate arrangements for the safe storage and processing of the food after donation.

The proposed amendment will still enable legal action to be taken against the business or organisation if a person is harmed by the consumption of the donated food because the food was unsafe when it was received from the donor. The protection does not extend to charities or other organisations responsible for the distribution of donated food. Therefore, where a person is harmed by the consumption of the donated food, that person will be able to take legal action against the charity that distributed the food. The proposed amendment providing protection to food donors is consistent with amendments made in New South Wales, Victoria and Western Australia and recently introduced in South Australia.

I also respond to the scrutiny of bills committee report and their comments relating to the amendments to the Legal Profession Act, which provide the disciplinary tribunal with powers to require witnesses to attend the tribunal to give evidence and issue arrest warrants if those witnesses fail to attend.

These powers are consistent with the powers provided in the ACT Civil and Administrative Tribunal Bill 2008. The scrutiny of bills committee has queried whether the proposal to empower a judicial member of a disciplinary tribunal to issue a warrant for the arrest of a person is compatible with the Human Rights Act 2004 or consistent with the separation of powers doctrine.

The powers of arrest in the JACS bill are necessary to ensure that witnesses vital to a hearing are compelled to attend the tribunal to avoid unnecessary delays and additional costs to parties. However, the powers are limited to ensure that there is a balance between the right to liberty and security of a person and the tribunal's fundamental object of resiling matters brought before it as quickly as is consistent with achieving justice.

The first check on this power is that an order for the issue of a warrant may only be made by a presidential member whose independence is ensured because they may only be removed from office by way of judicial commission. Secondly, the warrant may only be issued where the tribunal has taken reasonable steps to contact the person and the issue of the warrant is in the interests of justice.

This step ensures that the presidential member will carefully consider and balance the competing rights in each particular case. Finally, there are stringent procedures for the police officers who execute the warrant, including that an officer must release the person if the officer reasonably believes that the person cannot be immediately brought before a presidential member, thus ensuring that a person subject to a warrant will not be detained for any longer than is necessary to bring the person to the tribunal to give the subpoenaed evidence.

These checks and balances ensure that the amendments are consistent with the Human Rights Act 2004. The power to issue the warrant is clearly not arbitrary as it may only be exercised where it is in the interests of justice, which I have clearly defined and, at most, will result in a person being detained for a short length of time. I thank the committee for its comments on that matter and I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Workers Compensation Amendment Bill 2008

Debate resumed from 26 June 2008, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (5.00): The opposition would like this bill to be debated to the in-principle stage and I will present reasons for that. I thought this was going to be done later in the week. Perhaps Mr Barr can address the issue that I raise. In terms of the bill itself, it aims to clarify that should an injured worker have to modify their home as a result of their injury—for example, providing better accessibility—they would be compensated for the cost. That is perfectly reasonable.

The bill sets out the matters that should be taken into account when a worker seeks compensation for home modifications, including how long the injury is likely to last, the home environment that the worker currently faces and what modifications should be reasonably required. Where the worker sells their modified home and then buys a new home, makes modifications and seeks compensation, the amount to be paid is to be reduced by the amount which the modifications in the first home improved its value. Again, that sounds quite reasonable.

The bill also provides for a regulation-making power to prescribe the kinds of alterations that are compensatable and the situations in which the worker would reasonably require the alterations. There are some concerns about this bill. Basically, they relate to the circumstances under which the compensation would be paid. At this stage they are vague and may require subjective judgement.

The effectiveness of the bill will very much depend on the strength of the regulations that are written to prescribe the kinds of modification that are compensatable and the circumstances under which the injured worker would reasonably require the alterations. I know that the regulations provided for in the bill have not yet been written. That is perhaps understandable but it is not always the case.

Quite often with new bills, and especially where the regulations are going to be as important as these are, there are some indications of what the regulations will say, even perhaps draft regulations. Comcare provides home alteration benefits to injured workers, both commonwealth and ACT public servants. I will come to that in a minute because that gives some guide.

That is the trouble with this; it is all very vague at this stage. The Workers Compensation Act 1987 in New South Wales also provides for compensation to be available for modifications to an injured worker's home. I have a definition of medical related treatment extracted from that act. In New South Wales the definition requires that modifications are directed by a medical practitioner, which provides more objectivity to the policy.

Mr Deputy Speaker, might I read from the Comcare document first. It deals with alterations, modifications, aids and appliances. It states:

> Comcare will consider claims for financial help with essential home, workplace and car modifications. These modifications must be required as a result of your work-related injury or illness.
>
> Comcare may also approve provision, repair or replacement of any aid or appliance that you reasonably require as a result of your work-related injury or illness. Aids and appliances can include items such as backrests, telephones for

> the visually impaired, door openers and angled writing boards. General household items such as toasters, food processors, vacuum cleaners and dishwashers are not considered to be aids or appliances.
>
> For Comcare to consider claims for these items, you must be undertaking, have completed or have been assessed as not capable of undertaking a rehabilitation program.

The document goes on to say:

> How do I claim for alterations, modifications, aids and applications?
>
> You should first discuss your needs with your medical provider.
>
> As the costs associated with alterations or aids can be high, you should seek Comcare's approval before making any purchase or seeking any repairs, alterations or modifications. Comcare would normally require that you are undertaking or have completed a rehabilitation program.
>
> To get advanced approval from Comcare you will need to write to Comcare outlining your needs and include a note from your rehabilitation provider, doctor or specialist outlining:
>
> - the modification or aid needed
> - their relationship to your work-related injury or illness
>
> Your CSO will write to you within 28 days advising of a decision on payment or reimbursement of the costs, except where further information is required. Where further information is required, your CSO will write to you or your doctor to request this information.
>
> You will need to give Comcare two or three quotes from builders or suppliers. Comcare will then examine the quotes and notify you of its decision. If approved, Comcare will advise you of the cost that it has approved. In some cases, Comcare may decide that suitable alternatives are available and that the cost of the alternatives will be met.
>
> Comcare's responsibility for modifications or aids ends with payment of the reasonable cost. You, your builder or supplier are responsible for obtaining any approvals, permits or permissions before undertaking any modifications or purchases.

The document then goes through a number of checklists. I will not deal with income support. In New South Wales the definition of medical-related treatment in section 59 (g) of the Workers Compensation Act includes:

> the modification of a worker's home or vehicle directed by a medical practitioner having regard to the nature of the worker's incapacity.

I would think that in a bill like this something like that would be pretty well essential to ensure that there is some objectivity here. At present I think there are some gaps and some potential problems with the bill as it stands.

I note that the regulations are to be made. The regulations can perhaps have all those things in them. But we are flying a little blind here and I think in an area as important as this it is crucially important that we do actually get it right. I think it would be sensible at least to have something along the lines that New South Wales has whereby basically the modifications really had to be directed by a medical practitioner.

The medical practitioner treating the worker surely will know what is actually required, what the worker needs, what sort of period of time is likely for the worker to improve, if at all, and just add some effective sort of substance here and some objectivity in terms of how all this is going to be assessed, because we are flying somewhat blind here.

I probably will not have time now to put in the required amendment to that. I would like to talk to the minister further in relation to that. I will support the bill in principle, but at the detail stage I would like to make some amendments which just make this bill a bit more objective, make it more effective to bring it in line with, basically, the procedures which Comcare adopts and also which the New South Wales Workers Compensation Act 1987 actually adopts, which is something that obviously seems to have worked quite well. I think it is a crucially important piece of legislation. It is really important that workers' homes are modified when they suffer injury at work, but I think it is equally important we get it right.

DR FOSKEY (Molonglo) (5.07): I understand that the provisions of this bill do not come as any surprise to the relevant stakeholders. It is appropriate that adjustments to a person's living situation, where necessary, be covered by workers compensation, and I note that the ACT government essentially borrows from provisions in New South Wales that appear to work well.

The scrutiny committee raised a number of questions regarding the framing of these provisions. I am pleased to note that the government has addressed these concerns, more or less, by revising the explanatory statement. There are other issues which could be cleaned up in regard to the ACT scheme, but I think the fact is that we still have a scheme which offers journey cover to workers, provides common law rights and pays particular regard to the needs of families of people who are seriously or catastrophically injured at work.

I would be interested to know whether there is any talk of extending the coverage that employees of the commonwealth or, indeed, ACT public servants, enjoy in order to match the best features of the ACT system. Finally, I would like to affirm my support for the tripartite approach—which means here workers, government and employers—which has served this scheme and the ACT so well.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (5.08), in reply: I thank members for their comments. I know Mr Stefaniak has some concerns in relation to the regulations. But I think it worth going back to the key features of the bill. It seeks to clarify the kinds of things that employees can be compensated for following a work-related injury.

In particular, the bill aims to make it very clear that where a worker is injured in the course of their employment, and as a consequence they require certain things around their home to be altered or introduced in order for them to gain better access or to improve their mobility, I think it is understandable, and the community would agree, that those responsible for causing the injury should pay reasonable compensation to achieve that outcome.

In response to Mr Stefaniak, I think it is worth noting that the bill is not intended to provide unwarranted benefits to anyone, and the passing of this bill will do no more than facilitate the return of the injured worker to the living state that they enjoyed before their employment caused them harm. It will extend what is compensable from artificial aids and mechanical devices to include any structure that their treating doctor considers will contribute to the rehabilitative process. So again, to pick up on Mr Stefaniak's question, that relates to any structure their treating doctor considers will contribute to that process.

The case that prompted these changes has shown that this may involve the widening of doorways, laying paths, introducing exercise machines or other structures that support the injured worker and his or her rehabilitation. Mr Deputy Speaker, I think that is not unreasonable.

The ACT workers compensation scheme should have the scope to cover these things. It is worth noting, Mr Deputy Speaker, that the vast majority of other jurisdictions already do this—most notably in New South Wales and the commonwealth. That, I believe, is further reason why these amendments deserve support.

If there is still a remaining doubt over the worth of this Bill, I would remind members that they should keep in mind the intent of workers compensation. It is to give back to someone what a work related injury has taken away, and ideally that means living your life as if the injury had never occurred with your body healed and returned to suitable work, possibly in more appropriate working conditions.

Sometimes though, Mr Deputy Speaker, an injured worker may not be able to return to work or enjoy their previous lifestyle. In those circumstances financial compensation goes some way to addressing the situation. That money does little for an injured worker if they cannot put it towards making their life more liveable; so workers compensation should pay for things like ramps, access to hoists or even lowering your kitchen bench so that a wheelchair-bound claimant can make themselves a cup of tea. That is a quite practical way, Mr Deputy Speaker, of making a difference in someone's life.

Where a worker suffers an ongoing, irreversible or chronic injury and may never work again, it does seem reasonable that the responsible employer or their insurer should provide them with the things that offer an appropriate quality of life that delivers a certain level of dignity. This is a fair exchange for what might have been taken from them.

Mr Deputy Speaker, this is all that this bill seeks to do. I note the comments of Mr Stefaniak but it would be the government's intention to proceed with this bill.

Mr Stefaniak: You are saying, though, that the doctor actually certifies them. That is my main concern.

MR BARR: Yes, and I hope that does address your main concern, Mr Stefaniak

Mr Stefaniak: That does address it.

MR BARR: If I can take that as agreement—

Mr Stefaniak: Yes.

MR BARR: Thank you. I very much thank members for their interest in the bill and for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Education—science

DR FOSKEY (Molonglo) (5.13): I would certainly like to take this opportunity to stand here and commend the ACT schools science education committee, a group of teachers who have for the 31st year in a row got together and organised in Macquarie primary school's assembly hall a display and exhibition of work done by children from schools all over Canberra. It is always a joy to go to these displays because, apart from anything else, it gives us, as people who are looking to the future for our young people, a sense that the young people who are coming up are quite well prepared to deal with the crises that will face them.

I was interested to walk around and have a look at the topics that were covered by the children in their experiments. They ranged from an assessment of the O'Connor wetlands—is it working?—to looks at wave energy, with the assimilator machine. I am doing that because I assumed it moved around and made waves.

Mr Barr: For the benefit of Hansard, Dr Foskey is making a circular motion.

DR FOSKEY: Yes. Jessie Mathews from Lyneham primary school provided that extremely detailed display and experiment.

There were also experiments and research assignments into solar energy and other different forms of energy. On the whole, it showed that young people are taking on the issues that confront them.

I just want to say that issues like climate change are really difficult ones to discuss with children because they are potentially very depressing and very frightening. I think that, as educators and as leaders in our community, we have to find ways of talking about these issues that empower young people rather than frighten them. We know what despair means. Often it means trying to avoid the issue. Certainly we have seen denial and we have seen scepticism, which I believe is a kind of denial, on issues of climate change.

Anyone who saw *Four Corners* last night would be aware that even the cautious predictions of scientists are now being ratcheted up to a degree that is really frightening. It means that our generation will face the consequences of our actions, whereas perhaps some of us thought before that we were putting it off to another generation. That generation, the next generation, the one that will experience the worst effects of climate change, are learning in our schools.

It is very crucial to note the role that schools play. It is important for young people, for children, for anyone, to feel that they can make a difference, and a lot of the work in last night's display indicated that young people do feel they can make a difference; they have the benefit, with science being an interactive process, that they can build on the work that has been done before; they can take it further. Indeed, that will be their role.

In terms of facing the situation, I hope that in our schools we will continue to put an emphasis on science. I am very glad we are not having the debate that is often had in the United States about creationism versus evolutionary; we are spared that one and that waste of energy. We know that we are going to need to evolve very quickly indeed if we are going to overcome the challenges that are put before us by climate change.

My praise goes to the science teachers of the ACT who are continuing to do the hard work for organising last night's opening and display and for the opportunity for young people to participate and show us what they can do.

Parking—trucks
Norths rugby club

MR STEFANIAK (Ginninderra) (5.18): There are a couple of matters I want to raise. Firstly, I will be writing to all of you—and I do not mind giving ministers the heads-up here—in relation to what I see as a rather disturbing situation of a local resident who appears to have been victimised by someone who has it in for him as a result of a friendship that fell out. I will not go into any detail here but there are some quite interesting and disturbing aspects.

This person has been not so much harassed, but various government agencies have been enlisted as a result of complaints. There are some issues there. There are some

other issues which are purely police matters and they obviously will be a matter for the police. The fellow I am speaking about already has a solicitor on the job as well. I just indicate to the government that I will be writing to each minister in relation to some matters relevant to their portfolios.

It does raise one issue, which is interesting. I note that probably only Mr Speaker would remember this: in the 1994 Assembly there were concerns in relation to truck parking. One of the issues in relation to this particular constituent of mine does relate to trucks. He is a truckie; he has a truck parked outside his house. He gave me a petition signed by all bar one person in the street, having no objections with that.

I had a look at the regulations last night. Perhaps the 3.6-metre height regulation is a little bit unreasonable. Maybe a 4.5-metre or less would be a better regulation because that would enable most commercial trucks to be covered. The regulation, apart from that, seems to be relatively sensible.

Whilst that seems to be the issue in relation to him, it does not seem to be an issue in relation to any other trucks parked around the various neighbourhoods. It is not something I have heard much about recently. His issue relates to one person only who has it in for him and who is complaining. His neighbours do not mind.

It does raise the issue, too, of perhaps some easier way of centralised truck parking perhaps, as long as that is affordable, because these people are often owner-drivers and are struggling to make ends meet. The high fuel costs of course do not help, but it is an issue that perhaps does need looking at. It was a big issue in 1994. It has not been since, but clearly he has raised that issue with me and I will also be taking that up with the relevant minister.

On a different note entirely, might I congratulate one of the only remaining clubs in ACT rugby on its 70th anniversary recently, that is, Norths rugby club which was one of the foundation clubs in 1938. The only other one, I think, remaining in any capacity in the ACT competition is Easts, although RMC, I think, still play in one of the competitions as an entity, although I do not think they will be after next year.

I fully remember playing against Norths in juniors, when they were a very strong club indeed. They won a number of first grade premierships. They fell on difficult times. They amalgamated with Universities, which was formerly ANU until Canberra Uni came into it. Now they are Uni-Norths Rugby Club.

I was particularly impressed by the turnout of all these old Northies at their anniversary recently. They turned up for a gala day, including an over 30s game between ANU oldies and Norths. As usual, I was one of the oldest playing and—

Mr Barr: It is a bit of a worry when over 30s are becoming oldies.

MR STEFANIAK: It was a worry, Andrew, I can tell you. It was an even greater worry when there were some 45 old Northies there—some of them not very old at all—who were members of their last first grade side in about 1998 and only 12 old ANU players, Mystery and I being the oldest by a country mile. Luckily we enlisted the support of some of the ex-Norths players who still play with Uni-Norths,

including about four members of my fifth grade side. Lo and behold, we beat them seven tries to three.

It was great to see stalwarts such as Wallaby Brad Girvan, who worked as a staffer in this place in the First Assembly, and some of the other olds and bolds, not all of whom turned out on the paddock. I think Michael Axelsen's father, who was in the 1947 Norths side, kicked off; so that is how far back it went. But it was good to see such strength and camaraderie in what was one of Canberra's oldest sporting clubs, which still lives on as part of Uni-Norths. Congratulations, Norths, on your 70th anniversary. I certainly do not intend to be around playing when you have your 80th.

World Youth Day

MR MULCAHY (Molonglo) (5.23): I want to take a few moments in tonight's adjournment debate to talk about World Youth Day and to place on record my congratulations to the organisers of that event and particularly those behind the Days in the Diocese events that were held in Canberra.

It would have been impossible for Canberra residents to miss the throngs of World Youth Day pilgrims that were around our city in the week preceding the main event in Sydney. The visitors came from all over the world and were enthusiastic and loud and there was a wonderful presence in Canberra. It is interesting that, even as recently as this week, I saw visitors from different countries, who were clearly here as part of that occasion, walking through the Assembly car park. Quite clearly, many from different nationalities have stayed on to see a little bit of this nation's capital and probably other parts of Australia.

Mr Barr: The AHA were not so happy, though; they were not staying in hotels, apparently.

MR MULCAHY: I know that local businesses, albeit maybe not the four and five-star hotels, would have experienced the benefit of having many international visitors in Australia, especially the souvenir shops, and it causes me no concern that, as Mr Barr points out, the hotels did not do particularly well out of it. At the end of the day, a lot of these people were in their teens, a lot of them were scraping money together and had been sponsored by local communities. It did not surprise me at all that most of the beneficiaries of their expenditure would have been the places where teens would go. Youth hostels and the like, I think, did very well out of that.

The same situation was reflected in Sydney, where probably the premium hotels were not the beneficiaries but many smaller locations were. Of course large numbers of families in Canberra billeted visitors from overseas and this was arranged through the various parishes.

There were masses held in different national languages. I attended masses held in Italian. I know Mrs Dunne and her family were at the Italian Cultural Centre. There was a mass held in French and one held in Spanish. I have to say, having been at St Christopher's to see those two other masses conducted, that the atmosphere created by more than 700 people packed into the cathedral was nothing short of electric. It was extraordinary and I took some pride in hearing the oratory of His Grace Archbishop Mark Coleridge at each of those masses.

The thing that was interesting was hearing him speak with fluency in so many different languages, something that was extremely well received by those who travelled across the world. The response was beyond anything you could imagine. I think that made people feel very welcome in our country and in our city and it certainly reflected wonderfully on the local community and the whole event. I think it reflected well on Sydney.

The event was an unqualified success. It attracted some 223,000 registered pilgrims. This included 110,000 visitors from 170 nations. In addition, there were many thousands of other Australians—I include my own family as one, and I believe other members from this place with families may have gone to Sydney—who were not necessarily registered for the event but who descended on Sydney to be part of what was happening in that city.

The World Youth Day ran from 15 to 20 July, and the fact that the event ran so smoothly over those days is testament once again not just to the wonderful work of the organisers but to the ability of Australia to host major international events without any significant hitches. I was in Sydney on the occasion of the Olympics back in 2000 and that was a spectacular event. But to be in Sydney and see the mass of people making their way through Sydney, particularly on the Sunday towards the end of the celebrations, was a sight that is without comparison. I do not think I have ever seen such a large body of humanity moving through Sydney.

There were no dramas. People were having a great time and cafes were full and people were walking around the city. I think it was a terrific example and reflection of confidence in our youth. They are very often criticised for all manner of issues, but to see so many young people behaving sensibly, reflecting their faith in their values, in a constructive fashion in our largest city and here in the capital, certainly moved me and I think it would move anybody, irrespective of what faith you may hold.

I was pleased in a very small way to be part of that. I commend those both in Sydney and in the ACT who were involved in putting together the logistics and the events and hosting the visiting families.

World Youth Day
Mad World Productions
Baptist Community Services

MRS DUNNE (Ginninderra) (5.28): There are a couple of matters I would like to touch on, both relating to youth. Mr Mulcahy has spoken eloquently about the success of World Youth Day and I will not repeat much of what he said.

It was a spectacular event both here and in Sydney and it was a great testament to the organisers here that such a large number of people blended in so well. It was a shame that the weather on the Sunday for the commissioning mass of the Days in the Diocese was so inhospitable. It was a bitterly cold day. I think we may have had more people at EPIC if it had not been quite as cold.

But it was a great time here in Canberra and it was nice to see hundreds of people from France, Germany, Poland, the Pacific Islands and New Guinea and the spirit

with which they came and spent time in our city. Like Mr Mulcahy, I think that they generally had a good experience. Both here and in Sydney, I think that the experience of World Youth Day did show Australians generally what a fine young group of people the youth of Australia and the youth of the world can represent.

On the day after World Youth Day, I attended a meeting of women members of the Commonwealth Parliamentary Association in the New South Wales parliament. It was interesting that somebody remarked that the extraordinarily good behaviour that we saw at World Youth Day was at the other end of the spectrum to what we often see in Australia when we see large groups of youth, such as during Schoolies Week.

No-one was arrested; no-one was cautioned for doing anything wrong; there was no drunkenness; there was probably very little consumption of alcohol. This was remarked upon time and time again during the time that I was in Sydney, both when attending World Youth Day functions and events and afterwards, by people who were more observers than participants.

As someone said to me the other day, the hardest thing the police had to do that week was pose for photographs and point where the toilets were. It must have been a great experience for policemen to be in a situation where they were appreciated and treated well by large groups, because often when you get large groups of people together it is a shame that sometimes people do not behave so well. To the organisers in the ACT and to the sterling organisation in Sydney, congratulations. Not everything goes smoothly, but it was a great testament to the organisational skills and commitment of Australians—not just Catholics but Australians at large—to make sure that this happened.

Another smaller event which needs some recognition is one that I had the privilege of attending at the Belconnen Community Theatre last Friday night, a performance of *Twelfth Night* by Mad World Productions in association with Baptist Community Services. Here again, a group of young people are taking the bard, in modern dress and in a modern production of a well-loved play, with almost no adult intervention. There were a couple of adult players to play some of the older roles, but for the most part the cast was quite young and in their teens.

It was an extraordinarily good production, with some very fine performances from some young actors. I think it was a shame that they had such a small house. I hope that they had better houses on Saturday night. When you see a group of 20 or 30 people putting together a production like that and working very hard on a very professional production, it is a shame that they do not get more support from the community. Next time we see Mad World Productions in association with Baptist Community Services taking Shakespeare out into the suburbs, we should patronise them, because they did a fantastic job.

World Youth Day
Gas-fired power station

MR PRATT (Brindabella) (5.33): I will take a quick opportunity, too, to congratulate the World Youth Day festival here and in Sydney. Who could not be impressed with the fact that, as Mrs Dunne pointed out, so many young people had such a damn good time without having to drink in the process—or, at least, not apparently so.

I specifically want to talk tonight about the scaled-down data centre project at Macarthur. I want to make it clear that I am deeply sceptical about the health impact study that is underway. I was present on 16 July at the Tuggeranong Community Council meeting where the HIA steering group briefed the Tuggeranong community about this particular project.

While I have quite a deal of confidence in the people selected to the steering group—and I think they are clearly professional people—they are only as good as the terms of reference that they are given and they can only be as good as the framework within which that assessment itself can be undertaken. And therein lies the problem.

It became abundantly clear under questioning at the community meeting on 16 July that the health impact assessment will rely for a very large part on the air sample tests provided by ActewAGL for the amended proposal for the scaled-down project which, of course, is based on the same samples provided for the major power station proposal. Initially, it was an air sample model which has been deeply discredited. It is a flawed process.

You might recall that that was the air sample testing which indicated that one hour of air sample had been assessed—and that really is one hour against a per annum scale—and compared with air samples taken from different areas to the northern Tuggeranong valley, or the southern Woden Valley for that matter. You might recall that there was no four-seasonal assessment in the modelling that was created.

Then, of course, when you take all of that into consideration, you might recall that there were still 255, I think it was, particles per cubic metre squared—I cannot remember exactly what the formula was now—versus 257, the 257 being the minimum standard. So what it all boils down to is this: the HIA will be undertaken against a deeply flawed plume study, a plume study which was assessing the emissions modelled on the proposal. Given that the government will not undertake to carry out a full EIS and organise an independently audited EIS of the scaled-down data centre proposal, I remain deeply sceptical about the way this whole exercise is being handled. I remain deeply sceptical that the data centre, even with 24 megawatts of emissions, is going to be suitable, being located at Macarthur.

Whilst we on this side of the chamber have always undertaken to have a good look at the amended proposal and let the proposed exercise through and while we have always called for the full EIS, we would be far more confident if that was undertaken. If the government were to move quickly and relocate that away from Macarthur to one of a number of better sites that do exist, then there would be a win, win, win, win here—a win for the business community, for the proponents, for the community and for the ACT's economy. But, of course, that continues not to be the case. I am really deeply sceptical that this damn thing, even the scaled-down proposal, should continue at Macarthur.

Let us see what happens in the next couple of days anyway. Let us see what the HIA might come back with. But this plume study that they are relying on is flawed. That, therefore, in my view, discredits the entire HIA.

Question resolved in the affirmative.

The Assembly adjourned at 5.38 pm.