



Debates

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Wednesday, 10 December 2008

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Wednesday, 10 December 2008

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Legislative Assembly—official tie

MR SPEAKER: Members, before moving to inaugural speeches this morning, I wish to make a brief announcement. It is with no small sense of irony that I would like to draw your attention to the fact that I am wearing one of the two versions of the new Legislative Assembly tie.

Members may be aware that until now we have been the only legislature in Australia that does not have an official tie. Recognising this fact, and after many previous unsuccessful attempts to choose a tie, the former Speaker agreed to the commissioning of a graphic designer to come up with two designs. The designs feature the royal bluebell, the territory's official floral emblem, and are in two colours: gold, as worn by me today, and blue.

The ties are mainly to be used as gifts to visiting delegations or when travelling on Assembly business where a gift may be appropriate. Non-executive MLAs can utilise their discretionary office allowance to get the ties through the Strategy and Parliamentary Education Office of the Secretariat. I hope that these new ties will further enhance the profile of the ACT Legislative Assembly.

I also take this opportunity to acknowledge the presence of a former member of the Assembly, Mr Mick Gentleman, in the gallery today. Welcome, Mr Gentleman.

Inaugural speeches

MS BURCH (Brindabella), by leave: First, I would like to acknowledge the Ngunnawal people as the traditional owners of this land, and I offer my respect to them. I would also like to congratulate you, Mr Speaker, on your appointment to the position of Speaker of the Seventh Assembly. There are 340,000 people currently living in Canberra who rely on a grand total of 17 members to represent them in this Assembly. I have been chosen by our community as one of those 17. It is a great honour and one that I hope to live up to over the coming years.

As this is my first speech as a member of this place, I would like to begin by thanking a few people whose wisdom, support, encouragement and dedication were central to the success of my campaign: the senior campaign team of Daniel Hughes, David Pettersson, Troy Swan, Michael Jard, Marc Emerson and Jennie Mardel; my friends and neighbours; and, of course, the grassroots members of the Labor Party. You gave up your afternoons, evenings, weekends and public holidays. You did more than I could have asked in order to help me reach this place, and I am so very grateful. I thank you.

Thanks also must go to the ALP campaign director, Matthew Cossey, for all his assistance in running such a strong and positive campaign, and I wish him well in his

new role. To my fellow Labor candidates, and to the recently retired MLAs, Karin MacDonald and Wayne Berry, I thank them for their dedication to the party and to the community. In particular, I would like to pay tribute to former MLA, Mick Gentleman, who has joined us here today, for his service to the people of Canberra and for his personal support, advice and encouragement during my campaign. Over the course of the last Assembly, Mick Gentleman served our community with dedication and vision. He led the way in reducing Canberra's carbon footprint and worked tirelessly for the people of Brindabella throughout his term. For that, Mick, we owe you our sincere thanks.

Now to my family: firstly, my mother, father, brothers and sisters. While my father and two older brothers are no longer with us, I do, indeed, feel they are here with me today. They, with my mother, instilled in me core beliefs of a fair go for all, that we are, indeed, all equal and that we all have a right to be heard. To my sisters and younger brother, thank you for being here. We have shared the good times and the bad, and sharing is all about family. And we are family.

While I made the final decision to run for the election, my family also lived and breathed the campaign. They shared my highs as well as my lows. So too my husband, Cam, and my sons, Kain, Tom and Lloyd, I owe you much. You have given me strength, support and encouragement. You made my hard days easier and my good days much better. And, finally, I want to thank the people of Brindabella.

Unlike our state colleagues, members of this place are charged with both state and local responsibilities. In re-electing a Labor government, the people of Canberra have shown trust in Labor's record and vision in a great many areas—from educational reform to local services, to transport policy, to investing in our health system. The people of Canberra have chosen a Labor government to represent their interests. As someone chosen by my fellow Brindabella residents and as the newest member in the ACT government, I am humbled and deeply grateful.

Mr Speaker, I was raised in a small home with my three brothers and two sisters. Growing up in that home taught me a great deal about fairness, hard work and the value of mutual understanding. At the age of 16, I left school and spent a bit of time working in a bank and for a trading company, and I realised that that type of work was not for me; I wanted to help people. I began training as a nurse, and it was one of the best decisions I have made.

Working as a nurse has afforded me a perspective on life that has held me in good stead throughout my working career and, indeed, my whole life. I have worked in urban and rural areas, in large hospitals, aged-care services and the community health sector. After deciding to try something new and to better manage the responsibilities of a young family, I moved out of health and took over as an owner-operator of a childcare centre in rural New South Wales.

With a lot of support from my family, I returned to study and gained bachelor and post-graduate qualifications. With new skills in hand, I took up a position managing a health and community support service. I was responsible for delivering health services to that particular region, with nursing, aged care and family support being amongst them.

Ever being eager to explore new opportunities and to see the rich diversity of our country, when the opportunity presented itself our family moved to Alice Springs, where I worked with Indigenous communities to increase access to GP services. I also travelled across the deserts of Northern Australia to supervise the construction of medical student accommodation in remote communities and witnessed the positive outcomes that can be achieved when government, non-government and community groups work together.

I have been involved in the development of health policy with various public service and non-government organisations. More recently, I was the CEO of the Australian Rural Health Education Network. It works across the university sector to improve health outcomes through health workforce training, research and innovative service models.

After what I considered to be a fairly diverse background, I feel lucky to have experienced life from several perspectives. I understand the burden carried by our front-line health professionals and how important it is for government to listen to them, work with them and support them in their work.

I recall the pressures of running a small business while raising a small family, and I appreciate the contribution that small business has made to this city's economy. I know all too well that returning to study after years in the workforce is daunting for many, and I believe the government should do all it can to provide access to education for all Australians.

It is the Australian values of fairness, justice and appreciation for diversity that are the spirit of our Labor Party. It is the Labor Party that charts a course between supporting the needs of small business and ensuring that workers have a fair go. We know that protecting workers' rights and encouraging business growth can, and indeed must, go hand in hand. Unions and business owners in the end have a united goal to provide opportunities for all.

It is the Labor government who the people of the ACT have chosen to trust, and it is our responsibility to make sure that trust is rewarded. We need to continue investing in our health system, while ensuring our local schools are looked after, by meeting the day-to-day needs of our citizens and helping small businesses drive our local economy. It is going to be hard, but it can be done.

Mr Speaker, I believe there are three areas in particular where the government has an essential role in planning towards the future of our wellbeing. The first area is education. Access to and successful participation in quality education is and will remain the great deciding factor in the direction of many of our lives. In a nation as prosperous as ours, it should not be possible for students to reach high school lacking the most basic reading and writing skills; yet it seems that some students are doing just that. We are not talking about a particularly large group, but for any student covering up an inability to read by putting on a tough face and disrupting their class, the long-term effects can hardly be more significant. Unless remedied, I fear that those students will be at increasing disadvantage for the rest of their academic, personal and professional lives.

We need to find those students and we must help them catch up with their classmates. We need to help those students catch up today, and we need to reduce the number of kids who appear with similar problems tomorrow. We must ensure that as children move through school, they all take the essential literacy and numeracy skills with them. In practice, this will mean investing in outreach and intensive learning programs for our students. It will mean speaking to teachers, parents and students and it will mean continually looking to do things better.

We have committed to a raft of measures that will ensure that every child can access the support they need to gain the literacy and numeracy skills through our ACT education system. As a Labor candidate, I was proud to support such positive vision, and now as a Labor MLA I look forward to assisting in its implementation.

A second area is health. Mr Speaker, the ACT allows for one health system rather than a series of individual area health services. As such, we are well placed to be a leader in developing and delivering an innovative health system. We can do this by developing our own health workforce and service delivery models in both the community sector and tertiary facilities. The ACT has renowned university and vocational institutions to train our future workforce. These are local institutions which can facilitate articulation across the education sectors. This will allow for more of our local community to enter training and to contribute to our health system. I see a system of education and health working together to train our own health workforce, leading to more Canberrans caring for those in need—Canberrans caring for Canberrans.

I see a system where new models of care and models of service delivery lead to improved health services through nurse-led clinics and where the whole multidisciplinary primary health care team can respond to the needs of our community, providing strong, proactive and preventive health measures. This primary health care team can offer services through innovative scope of practice—a change to meet our community needs over the years to come.

Finally, Mr Speaker, I would like to talk about the immense talent and extreme dedication that can be found within our community and the need for government to harness that talent. One of the great privileges of running as a candidate in the 2008 election was being able to witness the great work being done across Brindabella by a good many local organisations, big and small. Organisations such as Communities@Work, the Tuggeranong and Woden Valley community councils, the Lions Club and the Concerned Residents of West Kambah are just a few of the many local organisations that I had the opportunity to meet this year.

The strength of the Brindabella community is due in no small part to the passion and dedication of our community organisations. Local residents devote their time to make sure that their kids play sport on the weekend. Local residents serve on school committees. They collect money for local charities. They run local scouts, brownies and cadets. Local organisations, through hard work and dedicated volunteers, represent some of the greatest assets that can be found in our community. As a member of the ACT government, I believe we should make the most of these most wonderful community assets.

I believe that by harnessing this immense resource—the knowledge and dedication found in our community organisations—we can meet any challenge that comes our way. When looking for ways to encourage an active and healthy lifestyle, where better to go than to ask the local football club or walking group? These organisations, run for and by local residents, should be considered an asset to drive and promote healthier lifestyles.

Opportunities do not end with health. With goodwill and open communication, we can see community dividends in the areas of education, welfare, planning and local services—in any area we choose to examine. The opportunities are as vast as the background and qualifications of people in this city. The efforts of government can only be enhanced by a relationship with these organisations already delivering so much to our community through the dedication of our members.

Mr Speaker, we as a city will face many challenges over the coming years. We need to provide for next year while investing in the next decade. We need to maintain our fiscal discipline while weathering the effects of the global financial crisis. We need to liaise with community organisations and we need to make tough decisions when needed. We must do these things and more, and it is going to be hard. I do not believe that anyone here today signed up expecting it to be easy. I, for one, am eagerly looking forward to working with my Assembly colleagues over the coming years.

I pledge here today that I will simply and wholeheartedly do all I can to make the ACT and Brindabella the best they can be. Mr Speaker, colleagues and friends, that's it, and thank you for listening.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens), by leave: I wish to first acknowledge the Ngunnawal people as the traditional owners and continuing custodians of the lands of the ACT and pay my respects to the elders, families and ancestors. I celebrate Ngunnawal culture and the invaluable contribution it makes to our community.

I am honoured to be standing here today as an MLA representing the people of Ginninderra and also as the Parliamentary Convenor of the largest team of Green MLAs to be elected to the Legislative Assembly for the ACT. The date 18 October 2008 will go down in ACT Greens history as our most successful election outcome to date, with four of us voted in on a massive wave of support from the people of the ACT.

I take the opportunity, Mr Speaker, to congratulate you on being the first Greens Speaker in not only this Assembly but in any national or international parliament and am confident in your ability to carry out your duties and uphold the dignity of the office. I would also like to take the opportunity to congratulate Amanda Bresnan and Caroline Le Couteur for their electoral success. And congratulations to all members on their election.

We have a strong Greens team that have experience and expertise across the board from environment to business to health to community services and to issues of social justice. Our great election result demonstrates clearly the view of thousands of our fellow citizens who are strongly committed to Greens principles of open and participatory government, care for people and the environment, and a peaceful society.

In 1995 the first Greens MLAs, Lucy Horodny and Kerrie Tucker, were elected to this Assembly. I was struck when reading Kerrie's inaugural speech by the clear environmental imperatives she outlined that highlighted the importance and common sense in reshaping our economy to not only safeguard our natural environment for future generations but also establish sustainable businesses and have us pioneering what we today call the green economy.

Thirteen years later, in 2008, the world has gained far greater understanding of the human impact on the environment. The existence of global warming and the need to act urgently on climate change is accepted, and many individuals and communities frustrated by the slow response from politicians to what is our greatest challenge in the 21st century are providing the necessary leadership.

It is this grassroots action that will not allow governments to continue to ignore the obvious need to, among other things, legislate greenhouse gas emission targets, improve public transport, endorse higher energy efficiency ratings on all new dwellings and buildings, facilitate the retrofitting of existing homes and offices and establish our own supplies of renewable energy. This I believe is the reason that so many Canberrans voted Green, in order to see these important issues and initiatives instituted and progressed.

During this Seventh Assembly I and my colleagues are committed to getting results on these and many other issues that will not only have environmental benefits but also address social equity and improve the daily lives of many Canberrans. Our first action was to include these initiatives along with many others in the Greens-ALP agreement that was tabled in this Assembly yesterday.

The ACT Greens campaigned on the importance of ending majority government and put ourselves forward as the party that provides third party insurance and takes seriously the need to improve democracy. With this in mind we also included in the Greens-ALP agreement a significant program of parliamentary reform. The reforms are likely to reverberate throughout Australian politics and lead to reforms in other state parliaments as well as the commonwealth. I believe that the parliamentary reforms will establish the ACT Assembly as a world leader in scrutinising and opening up the processes of government to the people, as well as setting up a system that demands a more collaborative and inclusive approach to developing policies and laws.

I thank the voters of Ginninderra for the support and confidence they have shown in me to be their representative. I believe that I am very well placed to respond to the trust they have placed in me, and I will work hard on their behalf. My life and work experiences have allowed me to develop the skills to be a strong advocate on many issues. I have an empathy with and understanding of the different circumstances and challenges that people in our great territory face, as well as a clear understanding of the importance and responsibility of good stewardship of the lands of the ACT.

My family's connection to Canberra began in the late 1920s. My maternal grandparents, George and Olive Browning, arrived in Canberra in 1927, as my grandfather had been transferred from Melbourne with the Department of Trade and Customs. They raised six children in their house in Ainslie and were active members

in the small Canberra community, particularly in sport where they were founding members of the Ainslie tennis club. They also supported and were active members of other clubs such as the Ainslie football club and the Yowani golf club.

My paternal grandparents, Robert and Mary Stevenson, emigrated from Scotland and settled in Canberra in 1928. My grandmother made a significant contribution to the development and growth of early Canberra. She was a strong proponent of women's involvement in politics and community affairs for over 50 years. She was the first woman elected to the board of the Canberra Community Hospital and in 1951 the first woman elected to the ACT Advisory Council, a forerunner of the ACT Legislative Assembly.

It was due to her interest in politics that she became the president of the ACT Liberal Party women's branch and an executive member of the New South Wales branch of the Liberal Party. In 1954 she stood as the Liberal candidate for the federal seat of the ACT, the same year that she was awarded an MBE. Her commitment to building a vibrant Canberra community was reflected in the number of organisations she received life or foundation memberships of, including the National Council of Women, the YWCA, the Business and Professional Women's Association and the United Nations Association.

Public service ran to the next generation, with my father and some of my uncles working in various government departments. One uncle, Barry Browning, was not only a champion AFL player for Ainslie and the ACT and won the Mulrooney Medal as the best and fairest player in Canberra in both 1955 and 1956; he also served as a deputy commissioner of the National Capital Development Commission, the organisation established to plan, develop and construct Canberra as Australia's national capital.

Another uncle, Alan Browning, was the Serjeant-at-Arms, Deputy Clerk and last Clerk of the House of Representatives in the Old Parliament House and the first in the new Parliament House. He also served for three years as the first Clerk of the Norfolk Island Legislative Assembly from 1982 to 1985. Many of the current and new members of this Assembly may be familiar with *House of Representatives Practice*, a large and detailed tome that gives greater background and understanding to standing orders. New members were issued with a copy in the past few weeks. My uncle Alan contributed substantially to this guide as one of the assistant editors in the production of the first edition and as editor in the production of the second edition.

My parents, John and Judy Stevenson, who were both born and raised here, have been great role models not only as loving parents but also in demonstrating the importance of participating in and contributing to organisations, schools and community groups so that the social fabric of the ACT remains resilient and supports all who live here. I thank them for all they have done to support me over the years and for the encouragement and interest they have always shown in everything I do.

My patient and supportive husband, Tony, has also made it possible for me to pursue public life, and for this I am overwhelmingly grateful to him. To my sons, Marcus, Will and Isaac: you continue to inspire me to make a difference and I hope that what is achieved in this Assembly will make a positive difference for your generation and the children of future generations.

Considering my family background, it is, therefore, not a big surprise that I was drawn to study politics at the ANU and then embarked on a 25-year career in the community sector, working for organisations that supported the unemployed, homeless, young and vulnerable and advocating for their rights, a fair go and appropriate and responsive services. I was privileged to be part of the lives of so many individuals and families who showed strength and courage in the face of hardship and tough times. It was these people that gave me tremendous insight into what they saw as the problems and solutions, as well as gave me their permission to tell their stories in order to effect change and improve the lives of so many others who followed after.

I was also fortunate to work with so many dedicated and talented people who make up the community sector's workforce as both paid and voluntary workers. The role of this sector is absolutely vital if we are to live in a place that values and cares for all regardless of background or circumstances, that encourages all, particularly our children, to reach their potential and provides a lively, engaging and inclusive society.

This sector is under tremendous pressure for a number of reasons, including increasing demand for services that it cannot meet, rising costs and expectations that it can and should deliver services with less, and low wages that make attracting and retaining staff more and more difficult.

As the global economic crisis hits locally there is an additional impact on many organisations' ability to meet the needs of more and more individuals and families who need their services. Times are tough everywhere and the ACT is no exception. One in 10 people in our community are experiencing financial hardship and we have to ensure that the organisations that support those in need are in turn given the resources that are essential if they are to respond to the requests they receive.

I am, therefore, committed during this term to getting a better deal for my community sector colleagues and the organisations they work for. The first step in this work will be a review of all community sector contracts over the next 18 months as part of the Greens-ALP agreement. This process will be started in the new year. It is my firm view that this review is about strengthening the sector by ensuring good working conditions, addressing poor wages and having a level of service delivery commensurate with the level of funding. It is not and should not be pursued as a cost-cutting exercise. I will be taking a keen interest in this review and look forward to regular updates and briefings from Minister Katy Gallagher.

There are many serious issues that face us as a community and they need serious attention and solutions. The ACT Greens have a comprehensive list of policies covering issues such as the environment, business, education, health and housing, older people, transport, carers—and the list goes on. I and my Greens colleagues are ready to champion these policies and by doing so tackle the challenges ahead.

As part of a dynamic Greens crossbench there are many issues I will be working to achieve as well as scrutinising the government's record and performance. Some of these issues include a comprehensive and workable health system with services from the hospital to community-based health services and preventative health programs; an education system that provides our children, young people and mature age students

with access to the vital education and training that they need; a justice system that supports safety and fairness in our community; the necessary level of provision of public housing so that many do not remain homeless but have sustainable and appropriate shelter; and child protection services that intervene to support families in stress and make sure our young are protected.

The work over the years of the Greens in this Assembly has been very important. Kerrie Tucker has shown me how when the demands of politics throw you into uncharted or contradictory waters you can go back to first principles for guidance, you can take your time to think things through, and that admitting when you do not know the answer can be the best form of leadership. Deb Foskey has shown me that by being brave, putting yourself out there and taking your work seriously you can make a real difference to the lives of many people. I am grateful to follow in their footsteps.

The ACT Greens party has provided me with tremendous assistance and encouragement over the years and I thank those directly connected with this and other campaigns as well as the thousands of volunteers who have given their time and energy.

It is important here to mention an absent friend. Charlie Pahlman and I ran as candidates in the 2004 ACT election. Charlie worked in international development, particularly on the Mekong in South-East Asia, with Community Aid Abroad here in Canberra on community development, and with the ACT Council of Social Service. He was, in my view, an optimist with very strong grounds for that optimism based on the work that he did with so many different people. His point in the 2004 campaign was that we needed to make changes in terms of environment, development and social equity. He would ask: if not now, when, and if not here, where? This message applies more so than ever.

It is a great time to be a Green. With at least 19 state parliamentarians and more than 100 local government representatives, more and more Australians are voting for the Greens. Last year the Greens achieved a uniform vote of 11.6 per cent in Western Australia and almost won the seat of Fremantle from a minister in the state government. In South Australia we came close to winning the safe Liberal seat of Mayo, picking up more than a 10 per cent swing. In the Northern Territory elections we achieved our best result ever.

At the 2007 federal election more than one in five Canberrans voted for Kerrie Tucker in the Senate, making the ACT the greenest place in Australia. In the same election across Australia more than a million people voted for the Greens, and we now have five senators sharing the balance of power in the new Senate. So the Greens truly are the third force in Australian politics, and here in the ACT Assembly we are forging new ground by being the third party; a party that has negotiated a parliamentary reform agenda that will improve the processes of government and therefore will benefit those we are here to represent; a party with a strong policy agenda that will focus on building a sustainable 21st century city that cares for the amazing environment we live in and all who live in this environment.

Finally, I again want to acknowledge the faith placed in me by the people of Ginninderra. I look forward to working hard and doing my best to engage

constructively with all MLAs and parties within this Assembly to find solutions to the challenges that lie ahead.

MS LE COUTEUR (Molonglo), by leave: I would also like to acknowledge the traditional owners of the land on which we meet, the Ngunnawal people, and acknowledge their continuing contribution to our life.

I am very excited at the opportunity that being an MLA gives me to work to address social and environmental issues in the ACT and through that the rest of the world. Being elected to the Assembly puts me in a very privileged position, and I will work hard to fulfil the trust of the people who voted for me and to serve them and the wider ACT community well. I stood as a Green, and one of my aims now that I have been elected is to continue to be a Green in my life. On that, I am still riding to work most of the time.

Before talking about my broader aims as an MLA, I would like to thank my family for their support over the years and in particular my sisters who are here today. I would like to thank my fellow Green MLAs, the previous Green MLAs, in particular Dr Deb Foskey, and the rest of the ACT Greens for their friendship and support over the years and in particular their contribution to the election campaign which led to me and the other three of us being here today.

I would like to thank my previous employer, Australian Ethical Investment. I have been a director for over 17 years and I have seen it grow from having one part-time employee to having 60 staff and, before the global financial crisis, over \$600 million under management. Being involved with Australian Ethical Investment has enabled me to be part of a business that is working to be part of the solution, not part of the problem. My election to the Legislative Assembly means, unfortunately, that I have had to cease to be actively involved with it.

I would like to thank the many voluntary organisations that I have been involved with. I have learned a lot from them in terms of the issues and how to run organisations. I would like to thank in particular the Australian Conservation Foundation, where I have been on the national council for the past 16 years. The discussions at council meetings have made a major contribution to my thinking.

I would also like to acknowledge the Australian and New Zealand Solar Energy Society and the Alternative Technology Association, because I have always believed in solar energy. I was selling solar panels back in the 1970s.

I would like to thank my friends, again some of whom are here today. They come from many parts of my life and I really value your support in my new life.

Finally, I would like to thank my partner, Guy, who has coped wonderfully and very supportively with my new role.

I would also like to pay tribute to the random events of life. In arriving at my new role here, there are many events which could easily have had different outcomes and would have meant that I did not end up here.

The major reason I stood for the Greens at this election was climate change. Earlier this year I went to a seminar at the ANU. It included some of the scientists that contribute to the Intergovernmental Panel on Climate Change, and what I learnt there was very scary. The world's temperature has already risen by 0.7 of a degree over the last 100 years. We can see it in Canberra now. I picked my first ripe tomato a couple of weeks ago, just before the end of November. And I do not have a greenhouse; that was out in the open. The rule used to be to plant your tomatoes after Melbourne Cup Day and hope to get a ripe tomato by Christmas. Also it seems to have given up raining in Canberra, which is really great for me as a bike rider but lousy for almost anything else.

Even if no greenhouse gases were emitted from now onwards, which is not very likely, the earth is committed to more than two degrees of warming according to the IPCC. Two degrees of warming will lead to the weather getting more extreme with floods and droughts. This will have many impacts, including immediate loss of human life, property and environmental damage. Many species will no doubt become extinct. Many low-lying countries or parts of countries will be inundated and the world will have millions of climate refugees.

For human beings, possibly the most significant issue is that food will become a lot scarcer because agricultural conditions will be changing so quickly. If we continue business as usual, by the end of the century the earth is expected to be a lot hotter, perhaps seven or eight degrees hotter. If I were a climate scientist, I would spend this time telling you what climate change is going to do to the planet if we do not change direction. The consequences for human beings and other species are so bad that I am sure that everyone who understands them would want to avoid them if at all possible. But I am not a climate scientist, so I will not.

The positive thing is that, while we cannot stop some significant impacts of climate change, it is still possible to avert the worst. We can change our direction, and in some cases it is very easy. The first day I was here at the Assembly I thought there was a boiler room next to the toilet; the opaque glass on the wall was just too hot to touch. I subsequently discovered that in fact the toilet faces west, and the opaque glass is in fact external unshaded western windows. It does not cost much to shade western windows. It costs a lot of money and fossil fuels to air-condition buildings in the summer. This is but one small example of the many places where saving energy would probably be cost effective rather than a financial cost.

Climate change is caused almost entirely by burning fossil fuels for energy, and the wonderful thing is that there is actually no need to burn fossil fuels for energy. Fossil fuels are merely a stored form of solar energy. All Australia's electricity needs could be met by a 35-square-kilometre area with high levels of sunlight using solar thermal technology. We should also remember that even today with our high fossil fuel use the energy needed to keep our major biological support systems such as a breathable atmosphere and a habitable temperature come from an offsite nuclear reactor, the sun. Using renewable energy rather than fossil fuel energy therefore is a big part of the solution to climate change. We have wind, solar and ocean-based technologies that work. As a simple example, solar hot water systems save their owners money in most parts of Australia, but they are still not the standard choice.

So climate change is clearly a solvable problem. We need to choose to solve it. And one of the positive things about the ACT election is that it seems that a lot of people share the same view. We need to solve the problem. We need to act to do it now and we can do it now. I believe that climate change is one of the major reasons for the Greens' electoral success.

All over the world people seem to be saying they want to stop climate change. In the lead-up to the Poznan, Poland, conference on climate change, which is currently in progress, Ban Ki-moon, the UN Secretary-General, Susilo Bambang Yudhoyono, the President of Indonesia, Donald Tusk, the Prime Minister of Poland, and Anders Fogh Rasmussen, the Prime Minister of Denmark, said:

At Poznan, environment and climate ministers will meet for the first time to chart out a long-term vision of cooperative action. ... We need an agreed institutional architecture, a serious commitment to an Adaptation Fund and, above all, a willingness of both developing and developed nations to do their part.

That is a pretty diverse and powerful group of men saying, "Do something now." We need to act globally and locally to address climate change. And I have always believed in the slogan "think globally and act locally". And, locally, Canberra can change.

We can build houses that work in this climate. We can fix our existing houses so they too suit the climate. We can do the same for our commercial buildings—build new ones well and fix up our existing stock. We can change our transport system to use human power, walking, and bikes for shorter distances. This can be linked to high quality public transport. Cars will no longer dominate Canberra. We can transform our suburbs into communities, not dormitories. This will work well as a more local human-based transport system. And research indicates we will probably be happier and live longer in more connected communities.

We can provide appropriate housing for all the residents of Canberra. We can generate our own energy using the sun. We can empower our communities to become more sustainable. We can assist our business community to invest in the opportunities for a more sustainable economy. We can encourage our biggest employer, the commonwealth government, to become more sustainable. Many of these changes can be brought about through the planning system, so I am very enthusiastic about my new role as the Greens planning spokesperson. The business community will be a key to transforming Canberra and, as it is where I have experience again, I am looking forward to being the Greens business and economic development spokesperson. The other areas that I am spokesperson for—territory and municipal services, arts and Indigenous affairs—are also all vital to a sustainable Canberra.

One of my hopes is that as we change to avert climate change we can change in ways that will make us more sustainable in all senses of the word: socially, environmentally and economically. There is much research to show that once a reasonable standard of living is reached societies do not become happier by becoming more materially wealthy.

In conclusion, I feel very privileged to become an MLA and I will do my best to live up to the responsibility and work to make Canberra a better, greener place.

Freedom of Information Amendment Bill 2008

Mrs Dunne, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MRS DUNNE (Ginninderra) (10.43): I move:

That this bill be agreed to in principle.

This bill represents an important first step to reform our freedom of information laws and it also honours a longstanding commitment, as well as an election commitment, of the Canberra Liberals. The bill also addresses a similar election commitment of the ACT Greens, and in making this remark I wish to acknowledge that the Greens have prepared a very similar bill for presentation to the Assembly today. They recognised not only the Canberra Liberals' interest, but also my own personal interest and agreed that the bill that should be presented today should be mine, and I thank them for their courtesy.

I am aware that tomorrow the government intends to introduce a similar bill. That is all fine and good, but the government has come to this debate very late in the piece. Further, methinks that the government was spurred into action only because of reforms introduced by the commonwealth, to which I will refer later.

The bill that I present today is a reincarnation of part of the government transparency bill that I introduced into the Assembly on 5 December 2007. It was never debated before it lapsed at the end of the Sixth Assembly. That bill, the Government Transparency Legislation Amendment Bill, contemplated the withdrawal of the provisions of the Freedom of Information Act 1989 relating to conclusive certificates for executive documents and internal working documents. This bill picks up that contemplation and further contemplates the withdrawal of the provisions relating to conclusive certificates for documents that refer to commonwealth-state relations.

Quite simply, conclusive certificates are a cop-out. They are a means by which governments, ministers and bureaucrats can deny people access to documents by an arbitrary stroke of the pen. They are a veil behind which governments, ministers and bureaucrats can hide. The use of conclusive certificates goes against the very tenet of transparency and accountability. They are an abomination because they are a mockery of the very foundation of freedom of information policy.

This Stanhope Labor government has used conclusive certificates to spectacular effect in recent years, particularly for the purposes of blocking access to the functional review and also in relation to the closure of government schools in the territory. The government's born-again approach to conclusive certificates, demonstrated by its own intentions for tomorrow, whilst welcome, is far too late. And I wonder what the government's attitude might have been had it retained majority government.

Even the commonwealth has recognised the need for reform of our freedom of information laws and, as a first step, has introduced the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 in the past fortnight. Like the Canberra Liberals' bill, this bill seeks to fulfil an election commitment of the Rudd government. In terms of conclusive certificates, the commonwealth's bill goes further than the one that I table today. It also eliminates the use of conclusive certificates in matters of national security. In doing so, however, it exempts a range of security agencies from the freedom of information process.

The bill that I present today does not go as far as eliminating the use of conclusive certificates in matters of national security. This is a matter requiring further consideration in light of the commonwealth's approach before we make any changes in this very important area.

As I said earlier, this bill is the start of a much broader review of our FOI laws in the ACT. The commonwealth has recognised this need and has also embarked on a full review process, as too have the Queensland government and the Victorian government. However, any review we undertake must engage the community, since it is the community that is served by the Freedom of Information Act.

One of the areas of review relates to existing conclusive certificates and whether and when they should be revoked. This is a matter I intend to pursue on behalf of the Canberra Liberals and, if required, I will introduce further reforming legislation in the new year to address this issue.

Freedom of information is a right and not a privilege for the people of the ACT. In an environment of openness, accountability, transparency and good governance, governments should not be afraid to provide citizens, the people who elect them, with access to the documents that affect their lives. In truth, there are some exceptions to this rule, but these exceptions should only be made in the best interests of the citizens and with the community at the top of our mind. Exceptions should never be used to hide bad government decisions. They should never be used to put up barriers between governments and citizens. They should absolutely never be used by ministers and bureaucrats to hide behind as a shield for professional negligence or recklessness.

If ministers and bureaucrats are prepared to take decisions that affect the lives of citizens, they should be prepared to show citizens how those decisions were made. Good information and good advice will lead to good decisions, and the opposite is also true. But rather than use FOI laws to protect their patches, governments, ministers and bureaucrats should use FOI laws as a positive demonstration of that transparency and accountability we all talk about but sometimes do not like in action.

Recently, Mr Philip Dorling in the *Canberra Times* addressed what needed to happen to ensure that we have FOI reform. I note in passing that it is ironic to see Mr Dorling's by-line on issues relating to freedom of information when one realises that in a former life he was a member of the Chief Minister's Department and he in fact was the signatory on conclusive certificates that prevented me gaining access to documents in relation to school closures. But that is all forgiven now, as Mr Dorling in his new life has shown a great deal of perspicacity. I think that the headline of his

article summed up what is really needed for FOI reform. He says that FOI reform needs in government a change in culture. For the ACT, Mr Speaker, that culture change starts today. I commend the bill to the Assembly.

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

Adoption Amendment Bill 2008

Mrs Dunne, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MRS DUNNE (Ginninderra) (10.50 am): I move:

That this bill be agreed to in principle.

This bill was prepared during the term of the Sixth Assembly by my former colleague Mr Stefaniak, who was to have presented this bill in the last sitting week. However, it was overtaken by other Assembly business and I am pleased now to be able to present this bill as a legacy of Mr Stefaniak's work.

This bill seeks to achieve two things. Firstly, it removes the requirement for a court to be satisfied that there are "exceptional circumstances" to justify an adoption order for a person aged 18 years or over. It does, however, retain the requirement that the court must be satisfied the person is of "good repute". The requirement for "exceptional circumstances" is redundant and could be discriminatory if there are no particular "exceptional circumstances" applying in a particular case.

It is especially redundant when consideration is given to the fact that the relevant section of this amendment applies to adult persons. It should simply be sufficient that the parties involved in an adult adoption would be of one mind in relation to that adoption.

Additionally, for a court to adjudge whether there are "exceptional circumstances" would require a degree of subjectivity on the part of the court. It could potentially result in long legal arguments and could result in considerable cost to parties who simply wish to form a new family arrangement or, more probably, formalise an existing one. It is simply not fair for our law to set a bar so high as to prevent families from being families.

The second amendment removes the prohibition on adoption orders in respect of a person who is or has been married. Quite simply, there is little or no public policy benefit in excluding married or previously married persons from adoption. The New South Wales Law Reform Commission in 1997 said "the exception is discriminatory". New South Wales subsequently removed the provision and currently only the ACT and the Northern Territory carry the provision. Again, it is an insurmountable and utterly redundant barrier to people who may wish to form or formalise a family structure and relationship. Who are we to judge that a married or previously married person should be ineligible for adoption merely because he or she is or was married?

On the whole, those two amendments will also help to make smoother the sometimes difficult situations that might arise where, but for a formal adoption, an intestate death in the family means an unadopted family member may suddenly find themselves on the outer when it comes to distribution of the estate. This notwithstanding that member may, for all intents and purposes, have been a member of that family for a long period.

These amendments will modernise our law and bring us up to speed with almost every other jurisdiction in the country. I commend the bill to the house.

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

Law Officer Amendment Bill 2008

Mrs Dunne, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MRS DUNNE (Ginninderra) (10.55): I move:

That this bill be agreed to in principle.

This is a simple bill which has significant consequences—consequences that will create more certainty for all people in our legal system in the ACT. This bill seeks to achieve one thing—that is, to make the Attorney-General more accountable for the delivery of justice in the ACT. It does this by requiring the Attorney-General to ensure that litigation started and conducted on behalf of the Crown in right of the territory, the territory itself, a minister, or a person suing or being sued on behalf of the territory is started and conducted in accordance with proper standards.

The bill empowers the Attorney-General to set those standards of litigation by way of model litigant guidelines using the vehicle of a notifiable instrument for the purpose. It is worth noting that we already have model litigant guidelines and this legislation is designed to raise the status of those guidelines. Anyone performing territory legal work would be required to comply with these guidelines. However, for individuals who act on behalf of the territory in litigation matters, the bill also provides protection from civil liability for those individuals who act in good faith and with honesty. The territory will be required to shoulder the burden of civil liabilities where these might arise.

Importantly, this bill requires the Department of Justice and Community Safety to implement measures to ensure compliance with the guidelines. The department will also be required to report on those measures, as well as any breaches of the guidelines, in its annual report.

I turn briefly to the broader impacts of this bill. In summary, model litigant guidelines require government to behave at the highest possible standard in all its legal dealings. Civil Liberties Australia CEO Bill Rowlings, in an article entitled “The very model of a model litigant”, published in the *Public Sector Informant* on 4 November 2008, noted in relation to the Commonwealth that “it is not supposed to win at all costs”. I

think this is something that we in the ACT should take to heart. The article also noted the view of Civil Liberties Australia president Dr Kristine Klugman, when she said:

Increasing numbers of 'little people' come to us complaining about how they were mistreated by the government in court cases, tribunals and general dealings where someone's pension or entitlement depended on interpreting the law.

I am sure that the Attorney-General is saying, "But hang on, Mr Speaker, we already have model litigant guidelines." And one might ask why we are proposing to take this step, given that circumstance. The ACT is in good company, along with many other jurisdictions in Australia which have model litigant guidelines in place. But the answer as to why we are doing this is simple. The Law Officer Amendment Bill enshrines in legislation, in a very public and transparent way, the already existing policy of the ACT government to comply with the model litigant guidelines. Further, and more importantly, it enshrines in legislation the responsibility of the Attorney-General, both directly and through his department, to ensure compliance with those guidelines.

For further transparency, the bill requires the guidelines to be published in a notifiable instrument, thus further raising its public profile as an important policy position. It prevents any potential for the guidelines to be buried and forgotten at the back of someone's filing cabinet, only to be dredged out again when the file is sent off to the archives. In other words, the bill acknowledges the importance of the model litigant guidelines and raises them to a new level of public awareness.

The bill creates more certainty for people involved in litigation with the territory. It gives them hope that they will be treated fairly and equitably. It gives them more confidence that they can, in fact, pursue legal matters with some hope that they will be on a level playing field in the courtroom. As Dr Klugman puts it:

It is totally inequitable when a 200kg gorilla like the government acts irresponsibly towards little people in society, who are absolutely powerless by comparison. Bad government behaviour should never be overlooked, even if it is legal.

This bill is the stone in David's slingshot against the Goliath of government, and I commend the bill to the Assembly.

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

Legislative Assembly (Members' Staff) Amendment Bill 2008 (No 2)

Mr Smyth, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR SMYTH (Brindabella) (11.01): I move:

That this bill be agreed to in principle.

I am very pleased to present this bill today. Members would be aware that on Monday of last week the Clerk advised all members that legal advice had been received that members would not be acting legally if they sought to allocate their salary or part of their salary allocation to another member. I think it is a most disturbing development. Members have been pooling their salaries for many years—indeed, I believe it dates back probably to 1993 or 1994, as far as I can trace back—to enhance the effectiveness, particularly of those who do not have the resources of the bureaucracy to support them in their endeavours in this place.

Equally worrying to me is that the regular direction that is issued by the Chief Minister under section 10 of the LA(MS) Act to put in place the annual salary arrangements for members has used almost identical wording for many years. We now find that members in a number of Assemblies have been acting illegally and I think it is very disconcerting. Indeed, this legal advice begs the question of why it was provided, who asked for it to be prepared and why the question was asked in the first place.

In part, my concerns relate to the limited information we now have about this matter. In the Clerk's advice of 1 December he says that section 8 of the determination precludes the pooling of members' salaries. I am not a lawyer but, as I read section 8 of the 18 June 2008 determination, where the wording appears to be the same as in previous determinations, I have difficulty in seeing how members cannot act in the way in which they have been doing for some time. Even if I am wrong—and I repeat that I am not a lawyer—we need to clarify this situation urgently.

My bill will resolve the issue. In effect, it is very simple. It will amend the LA(MS) Act in two substantive ways. Clause 3 will add a new paragraph 10(3)(a) and this will explicitly permit a member of the Assembly to transfer part or all of their annual salary allocation to another member. In essence, it will enable what we have all been calling for, for a very long time—pooling of resources. It will enable parties within the Assembly to use their very limited resources, I believe, in a far more effective manner.

Clause 4 will add a new paragraph 20(4)(a), and this will permit members to reallocate their salary allocation for the purpose of engaging consultants and contractors. Again, this provision will enable parties to use their limited resources more effectively.

I was most surprised and concerned when I learned of the legal advice relating to the pooling of members' salaries. As I said, I was surprised that the legal advice had been sought and concerned that the legal advice considers the pooling was not lawfully effective. I would note that I have not seen the legal advice, so I cannot comment on it in any detail. However, as I said, I have concerns and I do not know why the question was asked and who sought the advice.

I do not want my concerns, however, to distract from the outcome that I am seeking on behalf of all members who wish to pool their resources. Ultimately, our objective is to enable members to be as effective as possible in performing their roles as elected members. I do understand that there are discussions between the government, the

Liberal Party and the Secretariat on issuing a modified determination that would enable it to occur.

Again, that is taking some time and this is an issue that I believe truly needs to be resolved, and long term, to remove any doubt of the intent of the LA(MS) Act and the intent of this place. Long term, the best way to do this is to resolve this in the legislation to make it quite clear that we in this Assembly endorse the practice of the pooling and that it is quite legal to do so under the act. With that in mind, I commend the bill to the Assembly.

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

Education Amendment Bill 2008

Ms Hunter, pursuant to notice, presented the bill.

Title read by Clerk.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.06):
I move:

That this bill be agreed to in principle.

This bill amends the Education Act 2004 to ensure that any decisions to amalgamate, close or consider closing a government school are made in a rigorous, thoughtful and transparent manner. The Greens are committed to reviewing the impact on children, families and communities of the *Towards 2020* school closures. We are also determined to ensure that such a false and ill-considered process can never happen again.

This bill amends those sections of the current Education Act that govern the amalgamation and closure of government schools. In drafting it, we have tried to respond constructively to the anger and frustration continually expressed to us by parents, students, teachers and other members of the school communities whose schools were threatened with closure through the shocking and ill-considered *Towards 2020* school closing plan.

Through MLA Deb Foskey's office and later through this year's election campaign, the Greens were made well aware of the inconsistencies in the ACT government's process, the lack of detailed information that the government could provide to justify its approach and its eventual decisions and the thin rationale that it could provide on the ongoing costs to families of these decisions and their unhappiness.

As the process unfolded through 2006, the ground continually shifted from benchmarking to cost saving to educational outcomes. None of these rationales ever stood up across the board. Rather, they appeared to be a fairly random collection of reasons, some of which were more or less defensible, on some occasions perhaps.

This is, of course, one reason why the ongoing secrecy of the document that drove or was perhaps the excuse for this plan has been so aggravating and why, in a few

months when there is some independent arbitration in place to make a judgement on what is in the public interest to disclose, the Greens will support action to have the bulk of this notorious functional review released.

Another element that appeared quite unfair was the perfidy of what appears to have been a sham consultation process where the core group in a school community were surprised to discover that their seemingly successful and vibrant school was at risk of being shut down, was offered the opportunity to demonstrate its ongoing viability on some level or another and then either executed or reprieved at the end of the year.

Of course, some of those schools were really bargaining chips or pawns in a greater game. Dickson College springs to mind. It would have been stupid on all fronts, educational and political most obviously, to close Dickson College but the threat to Dickson provided a distraction and the relief of having that school saved probably softened the blow of the loss of some of the others. And the work that so many of those core school community groups put in to demonstrate both the important role they played in the communities and the way they could expand on that role into the future was heart wrenching, because it seemed so much of that very strong, creative, community-building, visionary work was pointless.

The issue of whether those schools should and could be reopened is not the point of this bill. One of the outcomes of experiences such as that and of the closure of schools after this battle on seemingly random grounds, for some, was undoubtedly traumatic. People involved want to fix up the process for others. People want the lesson to be learned from their unhappy and unjust experiences. They want subsequent school communities to feel as if they have been treated with more respect if and when the issue of school closures comes around again. For some of them, that is the best outcome now that we can deliver.

We are also of the view that the way to develop a good process in an area as complex as this is to run a process that allows for all relevant stakeholders, particularly those who are most aware of the consequences of the core process, to get involved. Our plan then is to refer this bill to the education committee in the next sitting period, once the committee is up and running. Those community groups, the ACT education department and experts in education and community development can all contribute to a fairly open process. Of course, we are also determined to put something concrete on the table as a starting point, because it is much easier to finetune or even reshape a concrete proposal than it is to just go fishing for change.

While in the first instance we were happy to consider some simple, broad-brush amendments as a starting point, it became clear that a lot of pertinent thinking had already been done. So, in finalising this bill, the Greens sought some guidance from some school and community groups.

Specifically, this bill does a number of things. It begins by requiring government to raise the issue of closure and amalgamation with the school community before any decision is made and to work with the relevant school community on other strategies to address any problems or perceived problems with the school's enrolments or performance. This is a key, proactive step which the ACT government was either too scared to do in the lead-up to 2006 or was too driven with its own secret goals to be

prepared to embark on. This bill also specifies an independent cost-benefit analysis to look at the educational, social, environmental and economic impacts of any mooted closure.

Schools perform a number of roles in our community and, while the educational outcome of our students is a paramount focus for the school system, that is a complex, socially and culturally embedded thing. While the government at different times suggested it looked at the broader impacts of its school closure decisions, the Greens are not convinced that the economic, cultural and social impact of the schools closures in Tharwa and Hall, for example, were considered against the saving that the closure of these schools was claimed to deliver.

This bill also introduces a number of time lines. The Education Act, as it exists, provides for a bare six months notification. A number of the many problems of 2006 relate to that timing. It is also worth remembering that, when the 2004 act was introduced, the issue of those time lines was raised with the then Labor government by the P&C, which was advised that the six months was only indicative and any closures, if they were to happen, would have a much longer time frame than that. This was far from the reality. And the rush at both the front and the end of the consultation process was all about using the six-month minimum time frame in order to control the process.

This bill also requires the government to demonstrate to the school community how its views have been taken into account in making the relevant decision. That, of course, is an element in all good, respectful consultation processes. It is perhaps the most offensive aspect to those communities who have worked so hard to feed in or engage with and respond intelligently to government decision making when their input appears to be ignored.

In this case, school community groups were left bewildered and bitter that the important and researched evidence they presented about demographic change, community support, alternative administration models and so on was seemingly dismissed out of hand. It is not always possible to take on board everything that those people might offer. But it is vitally important to consider that contradiction seriously and to demonstrate that consideration in your response. The Greens are serious about using the Assembly and its processes to engage constructively with them.

This bill has been drafted with some guidance from our colleagues in the community, and it is now, in effect, open for more feedback and engagement. I think I need to make it clear that this is a forward-looking amendment that is important for the whole Canberra community.

Badly handled and inappropriate decisions to shut or amalgamate schools have flow-on impacts for the whole community. Community fabric is something that has been somewhat disregarded during the past 20 years of individualised, unsustainable economic growth. In the next few years, in response to the twin pressures of climate change adjustment and economic slowdown, I believe we will find ourselves once again looking for local connections, more highly valued social and community engagement and activity and the value of local schools, particularly government schools, to support the social infrastructure that we need. And that will become more

and more apparent. So the statutory processes will put government into a collaborative and creative investigation of alternatives to closing or amalgamating schools. And this is an important goal of the bill.

I do not think we yet know the long-term impact of the 2006 closures, but the new Kingsford Smith P-10 school already has a bit of a concerning impact. In the first instance, enrolments above year 7 have not come in. That is probably because most kids want to stay in their current high school, with their existing circle of friends, subject choices and associated arrangements. Year 7 enrolments at that school, of course, are fine, and there is undoubtedly a flow-on impact to nearby schools. I would be interested to know what the enrolment for competing year 7s are in nearby schools, both government and non-government, and what strategies have been put in place to ensure their survival. I am also interested to know how the forward planning is going for those primary schools in the shadow of Kingsford Smith.

Looking again at the impact of the 2020 plan, we can see that the impacts are still flowing through. Four new early childhood schools are to open next year. The impact on those schools' communities has already been substantial, but what does the department plan to do if enrolments are too low? Similarly, what is the long-term plan for those school sites which no longer have schools but have kept their preschools? These are all questions that need to be guided by good legislation.

This bill would make a substantial improvement to the existing act but it can and should be substantially improved. We intend to do that work over the next few months and look forward to the support of other parties.

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

Government Agencies (Campaign Advertising) Bill 2008

Mr Seselja, pursuant to notice, presented the bill.

Title read by Clerk.

MR SESELJA (Molonglo—Leader of the Opposition (11.17): I move:

That this bill be agreed to in principle.

Today I present a bill that is designed to put an end to the misuse of taxpayer money to run political advertising under the guise of government information. That this happens is clear and has been the subject of debates and promises on both sides of politics for some time. Few have managed to actually do anything concrete to address the problem. Today, in this reformed Assembly, the Canberra Liberals once again take the lead to do exactly that.

As I said, incumbent governments are notorious for using taxpayer money for campaign advertising purposes. It is not limited by jurisdiction or country or political persuasion. It is an insidious undermining of a fundamental, democratic principle: the level playing field.

It is important at the outset that we define the sorts of advertising material we are talking about. It is true that in a free democracy the public is entitled to be able to access information about what the government is doing, what rights have been altered and what recourses are available. We are not talking about that advertising. We are talking about advertising that presents opinions as fact, partisan positions as preferable, slogans instead of substance or is simply self-serving.

As I said, that this occurs is undeniable. Scholars, commentators, political players and the general public have all commented on the fact. In research note No 2003-04 into federal government advertising, Dr Richard Grant noted:

The distinction between government and political advertising is often blurred. This creates claims of political bias ...

He also notes the steady increase in government campaigns and the notable spike during election years. Professor Sally Young of Melbourne University, in her book *The Persuaders* and other articles, notes that the use of government advertising budgets allows governments to run permanent campaigns and gives incumbents a massive advantage. In fact, our current Speaker has noted this trend and said on 4 August this year that the Stanhope-Gallagher government was “using taxpayer funds to advertise itself”. He went on to say:

Over the weekend, I received two glossy brochures in my letterbox advertising the government. One was on the government’s new health investment, reinforcing the money already spent on TV advertising. The second was on schools in the area. This is on top of the glossy brochure advertising the Budget that came around two months ago.

After comparing Stanhope to the federal government, Mr Rattenbury continued:

These brochures do not contain important practical information like how and where to access services, or deadlines for enrolments in school, they are simply self-promotion for the government.

The community rightly became cynical about the Howard government when it adopted this practice, and the Labor government in Canberra is inviting the same response.

The Greens call on the government to stop this blatant political advertising and instead focus on providing services and real information such as where we can get easy access to a doctor and a dentist, and how we can enrol our kids in our local neighbourhood school.

I wholeheartedly agree. Let us look at some of the advertising we have seen by the Stanhope-Gallagher government in the lead-up to the last election. After we ran a campaign on housing affordability, using money we had raised to promote our policy, we were met with a barrage of press and TV advertisements from the government talking about housing affordability and Own Home. You could argue that citizens are entitled to be aware of these schemes. However, they were two full colour facing-page advertisements in the *Canberra Times* and TV ads promoting the virtues of the scheme, not just the existence of it. Of course, the timing can be nothing less than suspect.

Then we had puff pieces on health. We had already seen the health program during the budget release, yet we had large, full colour advertisements in the *Canberra Times* and a full mailout in a format that looked remarkably like the list of achievement ads that the government ran under their own name during the campaign proper. These were two election issues and the money used by the government promoted election issues campaigns. Moving a policy forward does not change this fact.

The bill presented today is a real tool that can actually bring some restraint to this practice and accountability to the people. When developing the idea we noted that the federal government, after many failed attempts over the years, instituted guidelines to rein in the practice. We have researched this and taken a more direct and more powerful approach. Our bill aims to hold ministers and governments accountable for the money of the people that they spend with the strength of statutory regulations and requires all government advertising campaigns to meet certain standards, to curtail certain practices and to subject their campaigns to independent scrutiny.

The bill promotes a number of important principles. First, the bill ratifies that members of the public have the right to access information and that governments have a legitimate purpose to run education and information campaigns. But, importantly, the bill sets out in law that the campaigns must not be used for campaign purposes.

The bill insists that campaigns that are over \$20,000 must be reviewed by the Auditor-General to determine whether they comply with the new act. This is an important, independent assessment and one of the most stringent safeguards against exploitation of any jurisdiction in Australia. The bill also requires that ministers prepare a statement of total costs so that an assessment can be made about whether the campaign represents fair value for money and whether the spending could be better placed on providing the actual services instead of merely promoting them.

The bill creates an obligation that governments develop and adhere to guidelines that are consistent with the purpose of the act and must include provisions to the following effect:

- Information on a government campaign must be relevant to current government responsibilities—for example, information about existing or new government policies or policy changes for which there is legislative authority, an appropriation or a current government decision to implement; information about government programs or services or changes to programs and services for which there is legislative authority, an appropriation or a current government decision to implement; scientific, medical or health and safety information or information about government performance to facilitate accountability to the public.
- Information in a government campaign must be presented in an objective and fair way and not include comment or opinion or statements promoting the government's performance, for example, objective facts and explanatory information are included; material presented as fact is based on and conforms with accurate, verifiable facts; factual comparisons are presented in a way that is not misleading and state the basis for comparison and existing policies, services or activities are not presented as new.

- Information in a government campaign must not include slogans or other advertising techniques, for example, jingles.

The last principle is important, because jingles and slogans are clearly part of the armoury of the advertisers, not part of the business of government. One of the reasons the line is blurred between government and election advertising is how similar the two look and feel to the consumer. If a campaign is truly designed to educate or impart information, jingles and slogans need play no part. For example, even during elections, there are strict guidelines on how messages can be used on taxpayer funded broadcasters such as the ABC. We propose similar limitations on using taxpayer funded advertising in any medium.

Campaigns must not be directed at promoting the government or a political party in any way. Occasionally a proposal such as this one today has been criticised even by federal members of my own party for failing to address the proposition that promotion of a government activity is, by default, promotion of a political party.

Our bill seeks to remove that by insisting that advertising promotes only the policy itself and not its proponent. Specific examples include mentioning the party in government or the party leader by name; deriding the views, policies or actions of others, including policies and opinions of opposition parties or groups; including party political slogans or images designed to influence public support for a political party, candidate for election, minister or member of the Assembly or mentioning or linking to a website of a politician or a political party.

Information must be produced in an efficient, effective and relevant way. Mr Rattenbury, as I noted earlier, noted the needless excess of some government advertising, which could not be justified on any communicative basis. This bill seeks to reduce the glitz and get governments to stick to the facts. We do not need glossy brochures when a simple one would suffice. We do not need Hollywood TV ads when a voiceover would impart the same information.

Government ads must be clearly identified. This is a requirement currently, but we are suggesting that an advertisement is identified as a government campaign at the start as well as the end.

There should be recognition of diversity. As is sensible in campaigns aimed at information, rather than influence, this bill asks that campaigns be reflective of the diversity of the community and with full access to all.

Lastly, and most importantly, there should be no government campaign advertising 12 weeks out from an election. One of the most blatant misuses of taxpayer advertising dollars is the use of constant or even increased spending in the run-up to an election. We observe the convention that advertising should not be used during the campaign proper, but we can all cite examples of government expenditure leading right up to that campaign, whereupon it is changed to almost identical looking campaigns of the incumbent party in a seemingly seamless transition.

In the ACT we know well in advance what our election date will be. This simple safeguard will prevent government's coordinated use of taxpayer and political campaigning to gain political advantage. The bill also contemplates that the unexpected happens and does give the minister power to create exemptions in exceptional circumstances.

This bill is one of the most progressive and protective of its kind anywhere in the world. We can lead the way. This bill, based on a longstanding community outcry, academic comment and, finally, federal action will achieve real improvements in accountability and also faith in government advertising.

In 1998 a Victorian Auditor-General's report noted:

... addressing the public perception of bias is as important as improving the openness and accountability of the advertising framework itself.

We believe government advertising should only be used to inform the voters, not to influence their votes. We believe this bill will be a sound step to a better democracy. I commend the bill to the house.

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

Climate Change (Greenhouse Gas Emissions Targets) Bill 2008 (No 2)

Mr Seselja, pursuant to notice, presented the bill.

Title read by Clerk.

MR SESELJA (Molonglo—Leader of the Opposition) (11.28): I move:

That this bill be agreed to in principle.

I am of a generation that does not need convincing on environmental issues. I do need convincing that governments of all persuasions around the country are taking meaningful action to address the issue. In our new Assembly we have a chance to make a real difference, to do things differently, more cooperatively and more effectively.

Early this year my colleague Mrs Vicki Dunne presented a bill to enact real climate change targets that would make a definite difference. That bill was voted down by the Stanhope-Gallagher government. I now seek to re-present that bill and hope that in a new Assembly we can take a new look at this issue and commit ourselves to real change.

A bill presented by the government sets targets for the year 2050 with no interim targets. Presumably Mr Stanhope is hoping to grab the credit and then leave his successor to deal with the actual problem. Once again we feel that it is the Stanhope-Gallagher government grabbing a headline instead of committing to change. Once again, we have posturing but no positive action, and action is what is needed.

As has been said in this chamber only this morning, there is the technology and the intellect to meet this challenge. What we have not had to date is the will to make it happen. On behalf of the Canberra Liberals, we do have the will. We have the will to do more than take a broad approach with meaningless statements, but to put clear targets on the record.

This bill will set targets for reductions in greenhouse gas emissions and require that we report on progress made. Setting targets will send a message that we take this issue seriously, and we commit ourselves to a solution seriously. Setting targets will encourage investment in our economy by encouraging the green economy and green collar jobs. Setting targets will achieve real change in our energy use in a way the Canberra Liberals believe to be the most effective to encourage all of us to do our parts in our homes and our lives, but that governments can and should lead the way by cleaning up our own act.

That is why we promoted green bins for all homes during the last election campaign. It is why we proposed insulation for householders who need it most. That is why we committed then, and commit now, to making this government work towards achievable and aspirational goals.

Our bill sets a new principal target to reduce greenhouse gas emissions to 60 per cent of 1990 levels by 2050. Clause 6(2) sets an interim target of 30 per cent reduction by the end of 2020. There are related targets in clause 7 aimed at assisting the ACT in meeting its principal targets. The targets are for 20 per cent of all electricity used in the ACT to be from renewable sources by 2014 and a 20 per cent reduction in the per capita use of electricity by 2020.

Another important inclusion is the requirement to report on progress. It is all too easy to pass a bill, hold a press conference and then retreat to our offices to congratulate ourselves on a job well done when the job is not done at all. It is part of effective management that progress reports are issued and acted upon. The bill requires the minister to report annually on the targets included in annual reports.

The reports must include information such as the level of greenhouse gas emissions, the level of renewable energy and the level of per capita energy use. The report must also include an analysis of current measures being used to address the targets and a review of emerging technologies that may change that progress. It is truly a future-focused and forward-thinking bill.

The minister must table an annual report in the ACT Legislative Assembly within three months at the end of the reporting period, conduct a review of the targets every two years and present the results to the ACT Legislative Assembly within three months.

As I stated at the outset, I do not need to be convinced of the need for action. I do seek the approval of the house for this important legislation to make us accountable to our electors now and our children in the future. I commend the bill to the house.

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

Duties (First Home Owner Exemption) Amendment Bill 2008

Mr Seselja, pursuant to notice, presented the bill.

Title read by Clerk.

MR SESELJA (Molonglo—Leader of the Opposition) (11.33): I move:

That this bill be agreed to in principle.

Housing affordability is one of the most pressing concerns facing Canberrans. One of the biggest inhibitors to home ownership has been the government itself. In a town where the government has an extraordinary ability to set and control housing affordability parameters, the Stanhope-Gallagher government has taken scant action of any substance to address the problem. Yes, we had a paper with an endless raft of rhetoric and a whole dictionary of weasel words. We have land rent. The great Australian dream is to own a home, but not the land it sits on! We have mandated affordable homes, if you will put up with their choice of suburb, their choice of block, their size of home. The bottom line is: the biggest hurdle is how much money a first homebuyer has to stump up to this government and how restrictive this government has been in releasing land.

After Mr Stanhope denied there was a problem on the record several times this year in media releases and in debates, we have seen the debate shift. Recently there have been reports that the housing affordability crisis was lessening, using the same old indicators that lump existing homeowners in with those trying to get over the Stanhope-Gallagher hurdles to get into the market in the first place. And we see this government belatedly try to paper over the problem with their favourite tactic: blurring.

Mr Stanhope has played selective statistics when it comes to housing affordability all year. He refuses to acknowledge data which looks at the costs for first homebuyers in Canberra, such as reports published by the ABS, the Housing Industry Association and the Commonwealth Bank. Mr Stanhope plays games of picking his statistics selectively, only ever quoting from one report by the REIA which lumps in all homeowners, including older and wealthier Canberrans who have almost paid off their mortgages. The *Australian Social Trends* publication issued by the Bureau of Stats shows that, on average, first homebuyers in the ACT committed “substantially larger than the average amount” committed by some of their interstate counterparts. Part of the reason for this is the outrageous levels of stamp duty paid by first homebuyers.

We have seen recent reports from the Housing Institute of Australia revealing that Canberra had slipped behind only Brisbane as the most unaffordable city in Australia. In this indicator, there had been a massive decline in affordability over the last seven years, with a drop of 59 per cent under the watch of Stanhope Labor. Affordability in the ACT slipped another 16 per cent in the March quarter, more than any other Australian capital city, according to the HIA report.

Other recent indicators suggest Canberra's housing affordability index has been slipping. With an affordability index of 84.9, we were much less affordable than Sydney, Melbourne, Perth, Adelaide and Hobart. The recent quarter saw Canberra become less affordable than Perth and Sydney, a position it has not been in for years. Much of this has happened as a result of the mismanagement of land by the Stanhope government over a period of time. Much of it is a result of the outrageous levels of taxation that are applied to first homebuyers in the ACT.

The Canberra Liberals' policy to abolish stamp duty for first homebuyers is a clear and effective way to assist young families in the fight to make housing more affordable. Mr Stanhope responded to our announcement by saying, "We're making great progress, and entertaining stunts like lifting the threshold to \$500,000, forgoing \$30 million in revenue in just a vote-buying grab, won't work, won't affect affordability." It is a sign of how out of touch he is that he believes stamp duty makes no difference to affordability.

We do understand that the existing tax is grossly excessive and is a serious impediment to young Canberrans who aspire to own their own first home. Let me give a few examples of just what an impact Stanhope Labor's stamp duty has on the real lives of young homebuyers. These are some scenarios that are pretty typical of first homebuyers:

- Dave is an APS5 on an income of \$56,000 and Jenny is an APS6 on \$68,000. They have one child. They are buying a \$410,000 house, with three bedrooms, in Woden. They are not eligible for any stamp duty concessions. They will pay thousands in stamp duty.
- Greg and Helen earn \$90,000 from their small business, plus \$40,000 working part time. They have two young kids. They buy an ex-govie for \$386,000. They are not eligible.
- Hamish and Lisa are EL1s. They have one child and twins on the way. Lisa will soon leave work for six months, then work part time while their kids are young. They are buying a four-bedroom home in Gungahlin, with a small yard, for \$480,000. They are not entitled to any relief from this government.

This bill represents real and effective relief. Under my bill, new stamp duty exemption will extend to first homebuyers who already meet the eligibility test in the ACT for the first homeowners grant. The eligibility criteria include the following:

- An applicant must be at least 18 years old and an Australian citizens or permanent resident;
- none of the applicants or applicants' domestic partners can have previously owned a home either jointly or separately or with another person; and
- an applicant must occupy the home for a continuous period of at least six months, beginning within one year of settlement or completion of construction.

The bill will provide a concession to almost all first homebuyers, excluding only those who can afford to buy more expensive homes. This bill provides eligible purchasers with an exemption from conveyancing duty on homes valued up to \$500,000. It also provides a concessional rate of duty for homes valued between \$500,000 and \$600,000. The concessional rate will be set at \$26.25 for every \$100 between \$500,000 and \$600,000. This taper rate is a smoothing mechanism that will avoid distortion of market negotiations above the point where the exemption cuts out. This taper rate ensures that duty on \$599,999 homes aligns closely to the normal duty applicable for a sale at \$600,000.

Many first homebuyers purchase a block of land, pay stamp duty on the conveyancing and then proceed to build their first home. The Canberra Liberals will ensure these first homebuyers are also relieved from excessive taxation. The Canberra Liberals will exempt first homebuyers from duty on the purchase of vacant land up to \$300,000 and a concessional rate will apply between \$300,000 and \$450,000. A taper rate will apply of \$11.83 per \$100 over the \$300,000 threshold. This will align the concessional rate with the normal rate of duty once the concession cuts out at \$450,000.

The bill does not affect the ACT homebuyer concession scheme, since this existing scheme is tailored towards low-income individuals rather than first homebuyers. This is still a very appropriate policy response for persons who are on below average incomes. Under Labor, only the lowest income earners pay a concessional rate of stamp duty. For a couple with no kids, the concession scheme is only available if their combined income is under \$120,000. Two APS6 workers could well fail to qualify.

The point, of course, is that many of these people suffer a significant drop in their income once they buy a home and have children. They are paying the mortgage for the next 30 years. We should look at the entirety, rather than just cutting people out of concessions, as is currently the case. That is why we believe in the principle that the vast majority of first homebuyers deserve not to pay stamp duty.

The Canberra Liberals recognise that a whole new generation of would-be buyers are struggling to enter the Canberra market and many are giving up on the dream of a future in Canberra. First homebuyers are usually young and they therefore have limited savings and no existing home equity with which to fund stamp duty. Housing prices in the Canberra market are prohibitive enough for first homebuyers, without government providing an extra barrier to market entry. This policy will give back to young Canberrans the second-to-none dream of home ownership.

We have seen some reports that home prices are easing in the Canberra market, but still the suburb of Banks at the far southern end of Canberra's urban sprawl has long been regarded as among the most affordable of our suburbs. A search of the allhomes website reveals that the cheapest three-bedroom townhouse costs \$319,000. The website's online mortgage calculator tells us that stamp duty will account for \$10,545, legal fees \$800, loan application fees \$655, with a minimum deposit of 10 per cent of \$31,900. So the couple that saves for their deposit of \$31,900 will, in fact, have to save another \$10,500 in order to satisfy the government's taxation rates.

Mr Stanhope says that land rent is the solution. Treasury modelling assumes that only 120 people will be helped a year. That is only four per cent of those who would

benefit from no stamp duty. And I believe that young people could be pushed into negative equity under the Labor land rent plan. We have seen reports in the *Canberra Times* that existing homeowners are under stress and credit is becoming more difficult to obtain.

In the new financial situation in which we find ourselves, how many banks are willing to lend on house-only mortgages? We still have not heard from the government as to where these lenders are who are going to lend under their land rent scheme. All through this year we have seen the Stanhope-Gallagher government grab headlines instead of supply solutions.

Two main hurdles facing first homebuyers are the supply of land in the ACT and the substantial upfront impost insisted upon by this government. I have heard Mr Stanhope claim that not taxing a first homebuyer is unfair. This statement defies logic and beggars belief. How fair is it to tax first homebuyers by \$10,000 or \$15,000 for the privilege of buying a home? How fair is it to lead our most vulnerable homeowners into a scheme that could cripple them economically? How fair is it to replace hopes and dreams to budget bottom lines?

It is time this Assembly looked at the real solutions to problems that are staring us in the face, to dispense with weasel words and to stop playing games with people's lives. This stamp duty, removed by many more progressive jurisdictions throughout the country, is what is unfair in the system; that is what must be changed. That is why I commend the bill to the house.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

Universal Declaration of Human Rights

MS BRESNAN (Brindabella) (11.44) I move:

That this Assembly:

(1) notes:

- (a) that 10 December 2008 is the sixtieth anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights; and
- (b) that 9 December 2008 is the sixtieth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide;

(2) pays tribute to those Australians who played leading roles in the development and adoption of these important instruments of international law and who, since then, have contributed to their implementation;

(3) recalls that the adoption of the Declaration and the Convention was a response to the suffering of those who had experienced human rights violations, especially the barbarous acts perpetrated during World War II;

(4) recognises, with regret and disappointment, that in the intervening sixty years violations of human rights including acts of genocide have continued to occur around the world;

- (5) affirms that the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want is the highest aspiration of the common people;
- (6) declares its own faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women; and
- (7) recommits itself to the principles contained in the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and to their promotion within the Australian Capital Territory.

Today is the 60th anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights, the UDHR. When it was drafted, many people hoped that the UDHR would be the document through which the UN would preserve world peace, protect individuals from arbitrary and abusive exercises of state power and deliver equitable, economic and social development for all of humanity. This extraordinary level of expectation and idealism needs to be understood in context.

Much of the world had just been devastated by the Second World War less than a generation after World War I, the war to end all wars, had ended. Undeniable evidence had emerged of the horrors of the Nazi program involving the mass murder of various ethnic and political minorities, including Jews, leftists, homosexuals and gypsies. It was also obvious that many other governments and individuals had collaborated with the Nazis in their genocidal schemes.

The UDHR has already achieved much. It has strengthened the global fight against the death penalty and torture and for the promotion of equality for women and minorities. It has also decreased the likelihood that rights violations can be committed with impunity. Most importantly, it has united individuals around the world in the fight for equal access to human rights. It has inspired or been incorporated into the constitutions of approximately 90 countries, and it forms the basis of both the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social and Cultural Rights.

However, Claire Mallinson, director of Amnesty International Australia, has stated:

60 years after the UDHR was signed, people are still being tortured in at least 81 countries, they face unfair trials in at least 54 and are not allowed to speak freely in at least 77. The right to health, adequate housing, water, food and education are all protected in the UDHR. And yet every three seconds a child dies from poverty. Every night 800 million people go to bed hungry, and one in six of us live in slums. These are human rights scandals of shocking proportions.

Today is rightly a day of celebration, for much has been achieved under the auspices of the United Nations and the various legal, economic and social advances inspired and generated by the UDHR. But as is so often the case in the field of human rights, it is also a day of mourning for what could have been and what must still be striven for. The glass truly is only half full.

Today is also a day to reflect on the massive disconnect that exists between political rhetoric and effective action by governments of all persuasions. As Mary Annual Glendon said, the chief obstacle to realising the principles embodied in the UDHR “is a feature of the human condition that appears, alas, to be universal: the gap between what we say we believe is right and what we actually do”. Consider the following quote from former US President Ronald Reagan:

For people of good will around the world, the UDHR is more than just words: It’s a global testament of humanity, a standard by which any humble person on Earth can stand in judgement of any government on Earth.

The UDHR may enable people to stand in judgement but it certainly does not empower them to enforce that judgement.

We have continued to see human rights abuses in countries such as Argentina, with the disappeared, and the genocide carried out by the Khmer Rouge in Cambodia. In more recent years, the world has stood by and watched horrors in Rwanda and now the Congo. We have seen democratic governments, including the US and the UK, engage in practices such as rendition. Often women and children are the most frequent victims of human rights violations. Rape has been used as a weapon, children have been forced into work or to become soldiers, and religion is misused to curtail the rights of women in countries such as Iran.

These examples are reminders that idealism and optimism are fine words and the passage and ratification of international human rights documents must always be tempered by a solid understanding of the immoral world of realpolitik and self-interest which continues to pervade international relations.

Australia too has been complicit in many human rights abuses in the past, either by its active involvement or by its silence. Our history is a source of both pride and shame, and both must be acknowledged. The black-blindfold view of history condemns us to repeat the mistakes of the past. In international law, countries are judged by their actions, not by their words.

Calls for the industrialised world to devote resources in a proactive way to address systemic problems which generate poverty, oppression and conflict are usually rejected as being unrealistically expensive. We are all witness to the huge disparity between military and humanitarian expenditure. A fraction of these expenditures would provide high-level security, safe water supplies, education, communications infrastructure, health care and housing for the vast majority of the world’s population. Does anyone seriously doubt that the world would be a safer place if the world were a fairer place?

At its root, the human rights doctrine, exemplified by the UDHR, is the legal crystallisation of the ethos of a fair go. We have retreated in Australia, under governments of all persuasions, from an assumption that governments and courts are moving inexorably towards embodying the ethos of a fair go.

In Australia, the rights of other Australians or those who seek refuge in this country have been encroached on. The Australian policy of mandatory detention of refugees is, according to HREOC, in breach of articles 9(1) and 9(4) of the ICCPR, based on the UDHR and ratified by Australia in 1980. Article 2(2) of the ICCPR requires state parties to take legislative and other measures necessary to protect the rights set out in the convention.

Despite this, Australia is the only advanced liberal democracy in the world without a bill of rights or dedicated human rights law. As a result, minorities, refugees and Indigenous people continue to face many disadvantages and individuals are exposed to abuses of their freedoms, such as occurred recently in the cases of Cornelia Rau and Mohammed Haneef.

The Howard government's 2007 Northern Territory (Emergency Response) Act explicitly overrode the Racial Discrimination Act 1975, which is a direct enactment of Australia's obligations under the Convention for the Elimination of All Forms of Racial Discrimination. The enactment of a national human rights act would make the introduction of such legislation, which effectively legalised racial discrimination, much less likely.

It has been argued by opponents of human rights legislation that it is not necessary in Australia; it is merely more red tape which creates work for lawyers; and the fundamental rights are already sufficiently protected by a system of government and its mechanisms of accountability. Recent history should teach us that this complacency is misguided. The rise of terrorism and the fear which it generates have created a political climate where this fear can be manipulated. In addition, parliaments can be reactive, often requiring intense media coverage for action to protect individual liberties.

The Stanhope Labor government is deservedly proud of its legacy in introducing the landmark ACT Human Rights Act, with the support of the Greens. I look forward to working with my colleagues from both Liberal and Labor sides of this the Seventh Assembly to carry on the good work done by our predecessors. The ACT can rightly claim considerable credit for the spread of human rights legislation in Australia. While we cannot guarantee rights on a national level, we can and should continue to act as an example to other jurisdictions in the human rights area.

The next logical step so far as our own legislation is concerned is to explore entrenching it by the process outlined in section 26 of the ACT (Self-Government) Act. This is all the more important as the act has not been unanimously supported in this Assembly. The rights it protects are so fundamental and universal that Canberrans must be able to rely on it far beyond this term of government. Other steps which need to be taken are to make more of these rights actionable in the breach and to move ahead with incorporating economic, social and cultural rights into the act.

The previous shadow attorney-general was not a supporter of the ACT Human Rights Act, yet his Charter of Responsibilities Bill had merit, for rights, arguably, cannot exist without corresponding responsibilities. In this regard at least, he was echoing the sentiments of Mohandas Ghandi, who urged us to remember that respect for human

rights ultimately depends on engrained habits and attitudes having more to do with duty than entitlement. While Bill's bill may have been impractical in operation, it did at least engender debate on the issue of how society goes about trying to ensure that a respect for the rights of others is held and practised by as many people as possible. Tolerance and respect are far more powerful than mere legislative prescriptions. Aldus Huxley warned us that "mere paper restrictions designed to curb the abuse of power already concentrated in a few hands are but the mitigations of an existing evil". Prevention, he said, is always better than cure.

To this end, the Greens have consistently argued that more needs to be done to educate people about the importance of human rights and to engage the broader community in the debate over human rights issues and legislation and public policy. The current Labor-Greens agreement contains provision that will ensure that the normative and educative effects of human rights compliance statements will begin to foster a deeper acceptance of human rights, both in the ACT public service and the broader community.

I urge members of this Assembly to support the Women's International League for Peace and Freedom in their efforts to focus attention on the UN charter and the principles by which this world's nations ostensibly agree to be bound. As they say, it is time to undertake a universal periodic review of all UN member states, of how they live up to their commitments, not only in the human rights field but under the United Nations Charter as a whole. The price of freedom is eternal vigilance. But vigilance without wisdom and action is futile.

I am happy that today we pay tribute to those who have not only seen the threats to our freedoms but have also selflessly given their time, effort, money and emotional commitment to further the cause of human rights. I commend this motion to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (11.55): I am very pleased to speak to this motion today and to acknowledge the 60th anniversary of the Universal Declaration of Human Rights. I am grateful to Ms Bresnan for proposing it.

Six decades ago, Australia was one of a handful of countries given the task of drafting the Universal Declaration of Human Rights—or, at least, what is now known as the Universal Declaration of Human Rights. Today, on the 60th anniversary of the signing of that declaration, our commonwealth government has set in train an inquiry that I hope will result in a national bill of rights for Australia.

There are, as we know, some who doubt the value or virtue of bills of rights or documents such as the universal declaration. Indeed, there are some even in this chamber who doubt it. They are entitled to that view and to the freedom to express it freely and openly. They can do so because the rights enshrined in the declaration, and subsequently enshrined in laws, charters and constitutions across the world, explicitly champion the rights of freedom of speech, of belief and of expression. The very charter that the critics deem worthless is the source of their freedom to question its value.

Momentum has been building in this nation for an explicit charter of some kind. We in the ACT led the way in 2004 with the Human Rights Act, a direct descendant of the universal declaration and of the many international conventions that have followed it down the decades, securing for the vulnerable and marginalised of our world the same rights enjoyed by the wealthy and privileged. Victoria has followed our lead. Other states have begun their own explorations, and now, under Father Frank Brennan, we are to have a national conversation on a national bill of rights.

Sixty years on, the language and intent of the universal declaration are as powerful and as plain as it was when it was drafted, in the wake of a global war by men shocked into togetherness by the sheer divisiveness of the years that had just passed. They were brought together by a shared recognition that no species could allow such dreadful events to recur, and a belief that humanity was capable of choosing for itself standards below which it would refuse to stoop.

Our experience in the ACT as a pioneer legislator for human rights in this country has generally been a positive one, and it continues. In less than a month, amendments to our act come into force which take human rights in this territory to a new level, creating a statutory obligation on public authorities to undertake their work consistent with the principles found in the Human Rights Act. Also created will be a statutory right of action that will allow individuals to take alleged breaches by a public authority to the Supreme Court. The next challenge we have committed to as part of the five-year review of the act is the consideration of economic, social and cultural rights in addition to the existing civil and political rights for which we have already legislated.

While I do not want to labour the point, it is worth remembering, in the context of the conversation which is about to begin around a national bill of rights, that the rights extended by our local law are only available for enjoyment until the day a commonwealth government decides that it does not like a particular law passed by an ACT government and overrides it. I believe the momentum for a national charter of some kind is greater now than at any time in my memory.

At the federal level, we have a government willing to engage in robust conversation with our friends and neighbours regarding human rights, and determined to engage in another conversation here at home. Perhaps, on the 61st anniversary of the universal declaration, we will have cause for another celebration.

MR SESELJA (Molonglo—Leader of the Opposition) (11.59): It is a pleasure to speak to this motion today, and I commend Ms Bresnan for bringing it forward. The United Nations General Assembly Universal Declaration of Human Rights was truly a historic occasion and it is worth, on this 60th anniversary, reflecting on, I suppose, what led to it and also how far we have come. I think that is very much what this motion is aimed at doing.

World War II was a time of some of the greatest atrocities seen in human history. We are all aware of the Holocaust and the great suffering imposed upon people of the Jewish faith and the Jewish nation during World War II, but there are also so many others who suffered as a result of a runaway dictator, in the form of Hitler, and in so

many other ways through World War II. So it was timely in 1948 that we had the UN Declaration of Human Rights.

We in the Liberal Party very much affirm the rights that are outlined, and it is worth reflecting on some of those rights. All human beings are born free and equal in dignity and rights, free of discrimination based on sex, language, religion, political or other opinion, national or social origin, property, birth and other status. Everyone has the right to life, liberty and security of person and are not to be subjected to arbitrary arrest, detention or exile, not to be held in slavery or servitude, or subjected to torture, cruel, inhumane treatment or punishment. There is the right to recognition as a person under the law and they are not to be subjected to arbitrary interference with their privacy, family, home or correspondence, nor attacks upon their honour and reputation.

There is the right to equal protection under the law, the right to the presumption of innocence and the guarantee of defence, the right to a fair and public hearing by an independent tribunal, the right to the penalties applicable at the time at which the offence was committed, the right to free movement within each state, the right to leave any country and return to their country, the right to seek and enjoy asylum from persecution in other countries, the right to a nationality, and not to be arbitrarily deprived of it. There is the right to marry and found a family, with marriage entered into freely and family being the natural and fundamental group unit of society, and there is the entitlement to the protection of society and the state.

There is the right to own property, the right to freedom of opinion and expression, the right to peaceful assembly and association, the right to take part in government, the right to equal access to public services. There is the right to rest and leisure, the right to a standard of living adequate for wellbeing of a person and his family. Motherhood and childhood are entitled to special care and assistance. There is the right to education. Parents have the right to choose the kind of education for their children. There is the right to freely participate in the cultural life of the community. There is the right to social and international order, and the declaration also refers to limitations on the exercise of freedoms in laws designed to secure the rights and freedoms of others.

This is a declaration that, of course, was an aspirational declaration at the time, and we believe still remains an aspirational declaration. We will have debates in this place, we will have debates in parliaments around the country, about the best way of applying this. We will have debates about bills of rights, whether they should be legislated, whether we should have them at all and how extensive they should be, and whether they should be enshrined in the constitution. That will be a national debate that we will have now, and we look forward to being part of that.

But it is worth reflecting also on how far we have fallen short as a globe over the last 60 years in living up to it. We do not have to look very far. We can go back to Rwanda, we can go back to the civil war in the former Yugoslavia, we can go back to Chechnya. We can go to so many other trouble spots in the world, even in the last 10, 15 or 20 years, where we have seen great atrocities, and where we have seen the capacity of human beings, unfortunately at their worst, to do great evil to their fellow human beings.

This is something on which there needs to be the will of governments around the world to act. There are times when governments do need to act to protect vulnerable citizens in other nations, and we see from time to time that that needs to be done. In fact, we saw, without a UN resolution, in the former Yugoslavia, NATO coming in to protect human rights in the former Yugoslavia, in defence of the people of Kosovo. We have seen so many times in the world the last 10, 20 and, in fact, 60 years, where individual regimes have fallen short. So we do need to continue to be diligent in protecting human rights.

We have a very strong legal system in this country. There are always arguments about how we can make it better. In the Canberra Liberals we have some scepticism around bills of rights. We have some scepticism particularly where there is the possibility of the law-making power being handed over to judges. We believe judges are there to interpret and apply law; parliaments are there to make laws. Sometimes, particularly when we have constitutional bills of rights, but also potentially with legislated bills of rights, we see that right to make laws on behalf of the people blurred or taken away in some way, and that is where our concerns are.

But these are arguments at the margins. We all share the ideals that are in this charter. I certainly believe that Australia, for all its failings, has been a leader when it comes to human rights. If we compare the Australian experience—as I say, with some significant blemishes along the way—we see that Australians enjoy freedoms that most citizens of other countries do not enjoy. We enjoy the right to participate in our democracy. We enjoy the right to be protected by the law. We enjoy the right to due process. We enjoy all of these rights through a very strong legal system, through the rule of law being followed. We can always do better, but we should not forget that Australia is a place where human rights are largely respected, where average citizens are protected from injustice and where we do not see the kind of human rights violations that we have seen around the world and that, unfortunately, we are still seeing around the world.

I would like to thank Ms Bresnan for bringing forward this motion. It is a timely reminder. It is an opportune time to reflect on how far we have come—and we have come a long way. Australia, even in these 60 years, has come a long way. We can compare our treatment of our Indigenous people 60 years ago to how they are treated now. We have seen constitutional changes, we have seen legal changes, that have seen equal rights given to all of our people, whereas that was not the case before. So we have made progress. We have got a long way to go. With respect to how we treat our refugees and migrants, there have been mistakes in the past. Treatment of our refugees has been harsher than it should have been. I acknowledge that, and I believe that we are moving in the right direction in that regard. I think we can still go further to ensure that asylum seekers who come to Australia, within reasonable, lawful, orderly limits, are treated fairly and reasonably.

We all have a responsibility to promote human rights. We have a responsibility to build on this. We will have debates about how this is best implemented, as do all nations around the world. Rights balanced with responsibilities: it always needs to be looked at in that context. But this is a worthwhile motion. It is a motion that we support wholeheartedly, and we look forward to the ongoing dialogue to ensure that

Australians, including Canberrans, are able to continue to enjoy human rights, to continue to have their fundamental rights protected now and into the future.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.08): I join with Ms Bresnan, Mr Stanhope, Mr Seselja and others in commending this motion. It is fitting that we debate this motion today, given that it is this place which was the first of all Australian states and territories to legislate to give formal statutory effect to human rights in the territory and to effectively establish a bill of rights for our own community, based on, of course, the rights outlined in the Universal Declaration of Human Rights.

That declaration was adopted and proclaimed by the United Nations General Assembly on 10 December 1948. As other members have recognised and noted, the declaration came about following the depravity, inhumanity and complete devastation of the Second World War. In that time, the declaration sought to ensure that never again were human beings as individuals treated with the complete and utter contempt and depravity that we saw in that horrible conflict.

In the period since this declaration, little over half a century, it is fair to say it has had a profound impact on the standards by which human rights and human behaviour are measured. It has allowed a myriad of cultures and people of profoundly diverse backgrounds to unite with a consistent understanding of what is acceptable and what is not when it comes to according people dignity and respect. It has provided a very valuable pathway to building a world where human beings can fulfil their full potential and an opportunity for the world to work against oppression and see peaceful co-existence.

There has been quite a bit of discussion—locally, nationally and internationally—about the value of such declarations. Some say that it has achieved little, given its possibilities, and others note that rogue states—states that do not give proper regard to the rights and responsibilities of their citizens—feel bound to defend themselves when they are accused of being in breach of the declaration. And that, in and of itself, is a measure of its success as an important political and moral statement. Whatever the assessment, we cannot underestimate the impact that the document has had. It has been translated into all the languages of the world; it is an international bill of human rights that has had an immense impact on, and greatly influenced the development of, human rights at the local, national and international level.

Ms Bresnan's motion recognises and pays tribute to those Australians who have played leading roles in the development and adoption of these important instruments of international law.

I want briefly to acknowledge the very important work of a leading member of the Australian Labor Party in this regard, Dr Herbert Vere Evatt, who was a leader of the Australian Labor Party, a foreign minister in an Australian Labor Party federal government, and who became the first President of the United Nations General Assembly. HV Evatt, or Doc Evatt as he was known, was instrumental in driving the establishment of the United Nations and in the making of this very important declaration of rights. He and many other Australians before and after him

have played a very significant and important role in the development of these instruments and organisational structures, and it is fitting that we pay tribute to them today, on this 60th anniversary.

The declaration, of course, informs our own Human Rights Act. In that act are enshrined the civil and political rights which are in the International Covenant on Civil and Political Rights that sit under the universal declaration.

I would like to speak briefly today about how in the ACT we are continuing to bring real and practical effect to these rights. On 1 January next year, amendments to the Human Rights Act come into effect which require compliance with human rights in the territory to go to a new level. The amendments provide a statutory obligation duty on public authorities to undertake their work in a manner consistent with the human rights principles contained in the act and they also provide, for the first time, a statutory right of action for an individual to take in the courts if they believe there has been a breach of human rights by a public authority. All government agencies, departments and statutory organisations will be bound by this statutory duty to respect, have regard to and uphold the rights of individuals when it comes to the exercise of their functions.

Another less well known but important element of these reforms is to also provide for non-public entities to opt into this obligation. As Attorney-General, I will be pursuing with significant non-public entities their interest in opting in to the Human Rights Act and their willingness to commit to being bound by these principles of respecting and upholding human rights. There are many significant private service providers in the ACT that should potentially give serious consideration to this. So these are some important reforms that are emerging as a result of the government's ongoing commitment to enshrining and building a human rights culture here in the ACT. The right of action and the public obligation or statutory duty on public entities are two such concrete examples of that work.

In the time remaining to me, I would like to speak briefly on the debate about the appropriateness or otherwise of enshrining these rights in instruments such as the Human Rights Act. I note Mr Seselja's comments earlier in the debate about there still being some contention around this issue—and well there is. But I think it is worth reminding members that the defence often given in response to the claim that we need a bill of rights is that the common law and the existing framework of responsible and democratic government that we have in Australia provide citizens with adequate protections and that there is not a need to enshrine them further in pieces of legislation or bills of rights. I would reject that, and I would remind members why that argument does not hold up. It does not hold up because parliaments can legislate away rights. Indeed, it is something that we do quite often. Often, the legislating away of those rights is proportionate and reasonable, and indeed that is the requirement on us here, under the Human Rights Act. But anyone who suggests that the common law can provide a safeguard against abuse by the executive or others fails to acknowledge that the legislature can remove those rights.

The Human Rights Act in the ACT is so important because it places an obligation on us as legislators to not disproportionately or unreasonably restrict the rights of individuals. We have the obligation to maintain and protect those rights in law and to

do so consistent with human rights jurisprudence and consistent with regard to the principles of proportionality.

Those are the very important benefits that come with the establishment of the Human Rights Act. The common law is no defence if parliaments choose to remove common law rights, and you can do so simply through statute. So there is a need to ensure that those people—ourselves—who make such laws also are bound by these principles. And that is why the Human Rights Act here in the ACT is so important. I commend Ms Bresnan on presenting this motion today and wholeheartedly endorse it.

MR RATTENBURY (Molonglo) (12.18): I rise to speak also in support of this motion. I think the 60th anniversary of the Universal Declaration of Human Rights is a very important moment for us to stop and reflect on what has been achieved in those 60 years and what remains to be achieved. I invite all members in this place to take that opportunity to reflect on the event of this anniversary and on the opportunity of discussing it in light of Ms Bresnan's motion.

As has been touched on already, the universal declaration was drawn up at a very necessary time as a response to the Second World War and the dreadful atrocities that were seen at that time. I think that that history and those lessons that humanity learned during those years are reflected very well in the preamble of the universal declaration. I would particularly like to quote today article 1 of the universal declaration, where it simply says:

All human beings are born free and equal in dignity and rights.

It goes on, but they are the key words that I wanted to emphasise in the context of today's discussion. Ms Bresnan's motion calls on the Assembly to recommit itself to the principles contained in the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and to their promotion within the Australian Capital Territory. The point I particularly want to highlight again is the language that all human beings are born free and equal in dignity and rights. In my mind, and I think in the mind of common acceptance, that does refer to all people, whether they are gay or lesbian, whether they are suffering from HIV or AIDS, no matter their religious beliefs, no matter where they came from, and no matter which political party they may choose to belong to.

Upholding the universal declaration requires constant vigilance. As Amnesty International have observed in their press release marking the 60th anniversary, this anniversary is not only a time for celebration; it is also a time for action. I think that is a timely call to us in this Assembly to reflect on those words and to make a personal commitment to that action.

The Amnesty website also has this line, which I thought summed it up very well and would like to repeat in this place:

Every single person has rights—that is the essence of our humanity. Each of us has the duty to stand up, not just for our own rights, but also for those of others.

Those of us in this place who have been fortunate enough to be elected have a particular responsibility to stand up for the rights particularly of others. In light of the discussion in this place in the last 24 hours or so, I particularly wanted to reflect on that point, to invite all 17 of us to be constantly vigilant and to be constantly mindful of the need to protect the rights of all members of our society, no matter what context those rights come up in.

Personally, I am committed to remaining constantly vigilant. I invite all members of this Assembly to join me in doing so, to reach out beyond their own personal understandings, their own personal beliefs, their own personal experiences and their own personal values and to join me in undertaking that constant vigilance. I commend this motion to the Assembly.

MS PORTER (Ginninderra) (12.22): I am happy to support this motion today. The Universal Declaration of Human Rights was a bold vision of a future in which people would enjoy freedom of speech and freedom from fear and want. It was written, as we know, as a response to the atrocities committed during World War II, but it is just as relevant today. It provides the people of the world with a path to follow. However, in itself it is insufficient.

The world has been transformed since this document was written, but its application is just as important today as it was in 1948. It was born out of a horrific period in the history of humankind. Unfortunately, in the intervening years not all people have followed the path that was so clearly mapped out for us.

As we have heard just before, Doc Evatt was a Labor man who was a champion of the act at the time, the universal declaration. Australia strongly supported the adoption of the Universal Declaration of Human Rights. The Australian Dr Herbert Vere Evatt was a protagonist in its formulation. He was the then Minister for External Affairs in the Curtin and Chifley governments, and he was a Labor man who realised some of the party's highest ideals. He proved to be a champion of the small countries at the conference and played a leading role in the Charter of the United Nations that was completed three months later, with provisions for protection of the poor, disadvantaged and oppressed. As these provisions were not originally envisaged by the powerful players involved in the charter, this was a great victory for the Labor movement.

Perhaps as a consequence of the leading role that he played in the charter, Doc Evatt was elected president of the General Assembly of the United Nations, a position he held when the Universal Declaration of Human Rights was passed. He worked tirelessly on the declaration, and his efforts deserve the ongoing recognition of all people who believe in this remarkable document.

Freedom from want is an important facet of the document, and Doc Evatt was a man before his time in identifying poverty as an issue that had a real application to other problems such as global security. Dr Evatt made the following statement in 1945:

The nations must not fumble this second chance to create a system of international cooperation within which they can live together as friends. While security is the first task, it is not enough to plan for security alone; economic and

social conditions are potential factors in international relations. Poverty and unemployment are the worst menace to peace.

Australia's position as a middle power that punched above its weight was evident even at this moment. Our contribution to this process was not confined to the efforts made by Doc Evatt, however. Australia was one of the eight states given the responsibility of drafting the declaration, and we should be aware and proud of the impact that our young nation had in such a historically significant moment.

The ACT has made a strong contribution in upholding the values articulated in the Universal Declaration of Human Rights, as you heard from my colleagues before. The ACT quickly embraced the spirit of article 14 of the declaration. We can recall that refugees and migrants from war-torn Europe helped to build our city, literally. In 1948, Australia and Canberra were still in the grips of the White Australia policy. Now we are proud to have a beautiful multicultural city enriched by peoples whose heritage comes from every part of the world—something we can celebrate each year through our wonderful Canberra Multicultural Festival.

However, in 1948 Indigenous Australians were not counted as citizens, either in this city or in this country, but the referendum of 27 May 1967 that granted Aboriginal Australians citizenship rights in 1968 remedied this infringement of human rights.

I am proud to say that in the year 2000 Canberra was the first Australian city to adopt a Human Rights Act, as has been mentioned by my colleagues. We know that other states have followed our lead, and now it is being considered by the federal government, and we are very proud of this. But, of course, acts give no guarantees. It should be noted that Zimbabwe has a particularly impressive bill of rights, and I am sure that members are well aware of the human rights abuses that have taken place in that country in recent years.

Each government, each party, each organisation and business, and most importantly each individual, has a responsibility of ensuring that these basic human rights are upheld. Gandhi once said:

You must be the change you wish to see in the world.

As members would be aware, human rights are upheld in this place not only in relation to the spirit of the act but also consistent with the letter of the act. Fortunately, we now have a Human Rights Act in the ACT. However, there is a long way for us all to go, not only here in the ACT and across the nation but around the world. Equality for women is far from universally achieved, and we understand that we still have a long way to go in this area. But we are taking steps each day. Many organisations in Canberra work to support victims of rape and domestic violence. Women are not always safe in our community, and individuals as much as governments and community groups have the duty to ensure that women can take their rightful place in the community, as well as men, of course, and remain safe.

Many Canberrans are dedicated to providing services to disadvantaged families, supporting the rights of children, parents and carers. Some work to rehabilitate the victims of torture and trauma, some for international peace, some for understanding between religions, all of which are fundamentally linked to human rights.

Earlier this year the commonwealth government apologised to the stolen generations. The ACT seized the moment and the Assembly restated its apology of 1987. We continue to work for equality between Indigenous and non-Indigenous Australians. There remains much work to be done in this area to close the gap between Indigenous and non-Indigenous Australians in health, education and housing. The effort required is significant and must be pursued and sustained in a way that transcends political cycles.

Article 25, clause 1 of the Universal Declaration of Human Rights states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services ...

The Rudd government, through the ambitious targets set and agreed to by the Council of Australian Governments, has demonstrated its commitment to closing the gap that exists in those areas. These are the building blocks for social and economic independence for Indigenous people. The ACT will continue to practically demonstrate our determination and commitment to meeting these objectives.

The prosperity we enjoy here in Canberra is not shared by everyone everywhere. As a city and as a country we must do more to realise economic rights for all people.

Article 16 of the Universal Declaration of Human Rights refers to the right of humans to form families. Article 16.3 states:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

This article should not be understood to exclude same-sex couples. The Civil Partnerships Act of 2008 was another demonstration of how the ACT is working towards fulfilling the tenets of the declaration.

I affirm my support for human rights, for human dignity for everyone in our community in the ACT, in our nation and in the world. I support this motion brought forward today and I encourage the Assembly to adopt this motion as we celebrate the 60th anniversary of the Universal Declaration of Human Rights.

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

Sitting suspended from 12.31 to 2 pm.

Standing and temporary orders

Statement by Speaker

MR SPEAKER: Members, before I call the Leader of the Opposition to ask the first question, I have a brief statement to make.

Members will be aware that yesterday we adopted new temporary orders for the remainder of the Seventh Assembly, two of which relate to question time. The first amendment is to standing order 118. It requires that answers to questions must be directly relevant to the subject matter of the question. Accordingly, where I believe that an answer is straying into areas that were not directly relevant to the subject matter of the question, I will remind the member or minister answering the question to come back to the subject matter of the question.

The second amendment also relates to standing order 118. It allows members who believe that a response given to a question was in the form of a ministerial statement to seek my leave to respond to the statement at the conclusion of question time for a maximum of five minutes.

I seek the cooperation of all members in ensuring that the new rules are able to work as smoothly as possible.

Questions without notice

Budget—strategy

MR SESELJA: My question is to the Treasurer. Treasurer, yesterday in your statement to the Assembly you said:

Going forward, we will underpin our budget policy with a focus on the sustainability of high quality services and fiscal discipline.

In the same statement you also said that the ACT:

... will be affected by rapid changes in global share markets and problems with credit markets as they impact on the national economy and trickle down to the ACT.

Treasurer, what macroeconomic policies will you implement to deal with these important issues?

MS GALLAGHER: I thank the Leader of the Opposition for the question. These are the challenging issues that present themselves to me as the new Treasurer. There is no doubt that when we put together the budget of last year we were operating in very different circumstances than we are operating in now. If we look at things such as the Reserve Bank interest rate changes, I think there has been a three per cent reduction this year in interest rates. That has a very significant affect on our budget and we are expecting further interest rate reductions which will continue to affect our budget.

When you look at how the Australian share index has performed over the last 12 months, nobody could see the depths to which the share market fell, even in the last couple of months. If we look at what is happening across the world, across all the share markets and affecting all the OECD countries, again you will see results that have not been seen before. They are unprecedented. They are the challenges that face the ACT government and, more broadly, face the Assembly. How do we deal with them?

Mr Smyth: Yes.

MS GALLAGHER: Exactly. All of those matters are currently before the government as we work towards putting our budget together for next year. That will be the challenge. How do we do that? How do we look at protecting ourselves from situations like this? Can we protect ourselves from situations like this? Can our small budget be protected from what we are seeing globally? The immediate answer would be no. But are there other measures we can take and policy decisions we can make that will provide further protection in the future? At the same time, how do we provide the level of government services that our community expects and deserves without increasing rates and charges and without increasing taxes? I know this is very important to the Liberal opposition. How do we continue to invest when other people are not investing?

All of those questions are currently before the government, and I imagine they are currently before everyone in this Assembly as we work together in this new spirit of a collaborative Assembly to deliver what the people of Canberra deserve. They deserve a budget that is sustainable in the long term and they deserve a government and a parliament that invest to keep the community strong, and that is what we will be doing.

MR SPEAKER: Supplementary question, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Treasurer, what microeconomic reforms will you use to support the broader policy framework that you will be implementing?

Mr Barr: When you guys support none.

Mr Smyth: That is witty.

Mr Seselja: She hasn't given us one.

MS GALLAGHER: I am not in a position to. I have been Treasurer for three weeks. We are in unprecedented times. I am taking advice, as every minister would, on what we need to do to ensure that over the long term our economy is protected, our budget is sustainable and the people of Canberra get the services they deserve. That is my answer to the question. It obviously has not answered the question to your satisfaction, but that is the answer today.

Government—policy

MS PORTER: My question is to the Chief Minister. The ACT government has played a leadership role in socially progressive policy making over recent years. Could the Chief Minister explain the advantages that flow to ordinary Canberrans from this approach?

MR STANHOPE: I thank Ms Porter for the question. As all members of this place are aware, the ACT government has a strong commitment to socially progressive policy making. It is a commitment that flows in a direct line from our belief in the

observance of basic human rights. For many of us, at most times the protection of rights will never become an issue. This is perhaps especially the case for those of us who are white, male, middle-class, heterosexual and healthy. But there are some among us whose rights are vulnerable and who, for reasons of gender or faith or sexuality or race or infirmity, depend on an explicit statement of their rights. This is why, in 2004, the ACT government introduced the Human Rights Act, incorporating into local law the applicable rights enshrined in the International Covenant on Civil and Political Rights.

Our long-term aim was to build a culture of tolerance and respect for human rights in all of our dealings with each other, a culture where socially progressive policy making was possible. In legislating, we broke the long cultural deadlock over bills of rights that had persisted in this nation. And we proved that the sky would not fall as a consequence.

It is evident that many, I think it is fair to say most, of those who occupy the benches in this new Assembly are conscious of the importance of formally recognising and protecting basic rights—accepting, of course, that the Liberal Party opposed our Human Rights Act and has consistently spoken against it. Equally, it is evident that not all share the conviction, although I do note, with the new leader, a growing willingness to accept, at least at face value, human rights and the need for us to be responsive to and respectful of human rights.

While this side of the chamber is united in its commitment to human rights, and to the pursuit of socially progressive policy making that flows from living that commitment, I have to say that those opposite have wasted no time in revealing divisions that are quite fundamental ones on this issue of respect for basic human rights. For one of our new members, the youngest member of the opposition, our record of socially progressive policy making makes us a “social laboratory”. The only thing missing from Mr Coe’s cliched mantra is his analysis of which among us are the guinea pigs and which are the rats. Mr Coe went on in his opening remarks to ridicule the development of a human rights compliant prison—

Mr Smyth: Relevance, Mr Speaker. The question was about the government’s social policy, not about Mr Coe’s maiden speech.

MR STANHOPE: and, by implication, of course, to damn everything there was about the culture of respect for human rights reflected in a socially progressive policy which we as a government have pursued. Of course, I think it is fair to say that his leader, who has recently and publicly been positioning himself as the champion of human rights, a republic and everything else that might shine in soft focus, might know a rat when he sees one.

Socially progressive policy making by this government, including legislating for a Human Rights Act, legislating to recognise same-sex relationships, creating an elected representative body for Indigenous Canberrans and allowing women reproductive control over their own bodies, has improved the capacity of many Canberrans to enjoy the rights that come naturally and easily to most of us, most of the time.

I must say it was refreshing—and I think the first time, at least in eight years, or perhaps since Kate Carnell graced this place—to see, meet and hear a member of the Liberal Party espousing socially progressive views, convictions and values in Mr Hanson. I congratulate him. I think he is the first Liberal in eight years to stand in this place and publicly support a woman's right to choice. I congratulate Mr Hanson on that, and welcome him most particularly to the progressives within the chamber—a true small “l” liberal in the Robert Menzies mould. I do hope that slight departure from support for gay and lesbians and the removal of discrimination for gay and lesbians that seemed to dissipate a bit between the chamber and the press gallery at lunchtime, as Mr Hanson made the long walk past his colleagues, ashen faced as they were at the prospect that one among them supported a woman's right to choice, who dared to express support for gays and lesbians in this place, who dared to suggest—

MR SPEAKER: Order! Chief Minister, I think we've made a bad start on the new standing order.

MR STANHOPE: What new standing order?

MR SPEAKER: Section 118—directly relevant to the question.

MR STANHOPE: It was about socially progressive policy, Mr Speaker. I think if you look at the question, you will see that my comments are particularly relevant to the issue about this government's support for socially progressive legislation. It is appropriate that I point to Mr Coe's lack of support for anything that is apparently socially progressive and Mr Hanson's quite explicit support for policies that actually would lead him to be most welcome within the Labor Party. (*Time expired.*)

Schools—Birrigai outdoor school

MS HUNTER: My question is to the minister for education and concerns the Birrigai outdoor school. Noting that the highly regarded Birrigai outdoor school and Tidbinbilla park were amalgamated this year and presently operate under a joint management model and that the position of principal at the Birrigai outdoor school is being advertised as a manager, to be supervised by the general manager at Tidbinbilla, can the minister explain to the Assembly how the educational priorities and values of the Birrigai school and its program will be sustained and improved, given that the duties of the school's leader will no longer centre on school education? If not, does this mean the ACT education department has abandoned its commitment to outdoor and environmental education at Birrigai?

MR BARR: I thank Ms Hunter for the question. I will go to the second part of her question first. Clearly, no, the ACT department of education has not abandoned its support for outdoor education. In fact, given the significant investment both in the rebuilding of Birrigai and in the associated investment through the Territory and Municipal Services portfolio in Tidbinbilla, what we are seeing is an enhancement of not only of the education facilities and cooperative work in the relationship between the two agencies but, I believe, a broader enhancement of the facilities for all Canberrans.

This new work in the relationship between Tidbinbilla and Birrigai has significant advantages in a number of portfolio areas that I have responsibility for, not least of which is educational tourism, whereby the new facilities, the interpretive learning centres and the capacity to work across the facilities in terms of student accommodation, new learning opportunities and the new ACT curriculum framework, with its particular focus on these areas, provide, I think, great opportunity for growth.

Whilst I understand that there might be a perception from just looking at a strategic diagram of how the management of Birrigai will operate in the future, this was a matter that was negotiated thoroughly over a 12 to 18-month period in moving to the new structure. It was done in consultation with key stakeholders and it was the belief of all those involved in the process that a closer working relationship was needed with the parks and conservation area within Territory and Municipal Services. That may have moved into a new agency, although I would have to check the detail on that in terms of where those people are now employed. But that relationship and the building of a stronger relationship with education was very important to expanding the quality of programs on offer.

It might be appropriate for a more detailed briefing on the new model to be made available to Ms Hunter, but I do not agree with the premise of her question that this means in any way that we are undermining the focus on outdoor education or that this will result in a diminution of education services. In fact, I believe it will result in an enhancement, and a very significant enhancement, and that is why we went down this path.

MS HUNTER: I have a supplementary question, Mr Speaker. You have just mentioned, minister, that you had sought the views of stakeholders. Can you advise the Assembly if the views and assessment of past and existing Birrigai staff and school groups who have enjoyed their experiences at Birrigai were sought before the decision to reshape the role of the school and its staff was made, and what those views were?

MR BARR: Sure. I do not have them in front of me—I can make them available in some detail to Ms Hunter—but in broad terms there was strong engagement through a number of phases of this project, because, as members would be aware, the facilities were destroyed in the bushfire, were rebuilt from scratch in many instances and in fact were a significant enhancement on what was there before. In moving towards this new model, a lot of consideration was given, as I indicated in my previous answer, to what new opportunities there would be.

The General Manager of Australian Capital Tourism is involved in terms of the educational tourism opportunities that are there for school groups outside the ACT to access these facilities and it is something that we want to build on. We have significant capital investment in the new facilities. The Chief Minister and I had the great pleasure of opening them—about 12 or 18 months ago, from memory. But in terms of the detail of stakeholder comments, I will have to take that part of the question on notice and get back to you, but that information is available and I am very happy to provide it to Ms Hunter.

Budget—strategy

MR SMYTH: Mr Speaker, my question is to the Treasurer. Treasurer, yesterday, in answer to a question from Mrs Dunne in relation to your statement on economic cycles, you said:

... I do not think there is uniform agreement about what constitutes an economic cycle.

Treasurer, what are the different views of economic commentators on what constitutes an economic cycle?

Mr Corbell: Mr Speaker, I raise a point of order. I do not see how this relates directly to the Treasurer's portfolio responsibilities. Mr Smyth has asked a question in relation to commentary in the academic community about what an economic cycle is. I do not think that falls within the direct portfolio responsibilities of the Treasurer.

Mr Seselja: Mr Speaker, on the point of order: if economics and economic cycles, as are referred to so often by the Treasurer and others, are not part of her Treasury portfolio, I think most people would be surprised. I think it is a real stretch for Mr Corbell to suggest that economic cycles and questions around them and what goes to informing them are somehow outside her responsibilities as a minister.

MR SPEAKER: I agree, Mr Seselja. The Treasurer has the call to answer the question.

MS GALLAGHER: Thank you, Mr Speaker. I thank the shadow treasurer for the question. I am happy to forward you a list of relevant reading material from the academic literature to make my point.

MR SPEAKER: Mr Smyth, do you have a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, why did you use the phrase "economic cycle" when you had no idea what it means?

MS GALLAGHER: Well, I do have an idea what it means, and that is why I used it.

Mr Smyth: You do, but you just cannot tell us.

MS GALLAGHER: I did. I told you yesterday my view of it.

Schools—enrolments

MS LE COUTEUR: My question is to the Minister for Education and Training. Can the minister advise the Assembly what impact the new Kingsford Smith superschool has had on year 7 enrolments in neighbouring west Belconnen high schools and what the fall in enrolments has been?

MR BARR: I will not have the full information on enrolments in the surrounding high schools until a bit later this year. Obviously, schools continue to take enrolments, and are able to do so, throughout the school year, so I will not have a final set of numbers on that for some time. However, I can advise and remind the member that the Ginninderra district high school that used to operate on that site, before it was closed and rebuilt as the Kingsford Smith school, obviously provided the high school service for that catchment. So there was a high school there before. In times past that high school had up to 1,000 students.

It is worth noting that at the time of closure in 2005 enrolments had dropped to about 180, meaning that of course it was very difficult to operate an effective education program and, secondly, that the local community had voted with their feet and were going to attend other schools. In that west Belconnen area, though—and this is why the government invested so much money in the jewel in the public education crown in west Belconnen—it is the only public high school, so it is a necessary piece of infrastructure. I anticipate that, as has been the trend when new schools have opened with world-class infrastructure, there will be an impact on the surrounding schools.

Our assessment—and this has certainly been borne out by some anecdotal evidence in discussions with parents and community members in the context of the election campaign—is that the new facilities are perhaps appealing to parents and students who were in the non-government system. It may well be that this new facility serves the purpose of producing a significant return to public education in west Belconnen and will be a significant step forward in the government's overall agenda, which is to ensure that our public education system is as strong and competitive as it possibly can be and that that system is able to draw students away from non-government schools because of the quality of education provided. This world-class facility will be an important addition to the suite of public education facilities in west Belconnen and we look forward very much to its opening in 2009.

MR SPEAKER: A supplementary question, Ms Le Couteur.

MS LE COUTEUR: Yes. What strategic planning has the minister undertaken to assess the long-term sustainability of all government schools in the west Belconnen area?

MR BARR: I thank the member for the supplementary question. A considerable amount of strategic planning was undertaken, firstly, by the department of education, going back to the earlier part of this decade, in relation to their projected enrolments for public schools in that region. It is worth noting, in the context of school-aged children in the ACT, that we have witnessed in the past decade something like an eight per cent reduction in the overall number of school-aged children as our city continues to age. So the overarching feature on education provision in the territory is one of declining school-aged population. Even with more recent increases in birth rates, they are still nowhere near matching what was the case 10, 20 years ago. So we know that, projecting forward, there will be fewer school-aged children.

What there is, though, is regional difference. Where we see significant growth, undoubtedly, is in Gungahlin but also, as new suburbs come on line in west

Belconnen—I am thinking particularly of west Macgregor—there will be an increase in the school-aged population in those areas that will partially offset the ageing of the other surrounding suburbs.

Of course, government planning policy plays an important part in that future infrastructure. Future infill development in some of those west Belconnen areas has the potential to again mitigate the decline in school-aged population. Where we go with new land releases will have an impact in terms of our strategic planning, not just in west Belconnen but elsewhere in the city.

The government then, following that piece of work earlier this decade, undertook—and it has been referred to today—a further significant piece of work in relation to the Towards 2020 program, looking at where our school needs will be over the next 10 to 15 years. As part of that exercise, firstly, there was the commitment to a \$45 million new school on the site of the Ginninderra high school but also further investment in public school infrastructure and further mapping of future needs. Again, it was against the backdrop of a decline in school-aged population but pockets of growth, most notably in Gungahlin.

If I were to sum it up, the difficult decisions the government took in relation to school closures were all about reinvesting in our public education system and providing schools where the students are. Undoubtedly, that is in Gungahlin.

Bimberi Youth Justice Centre—opening

MR COE: Mr Speaker, my question is to the Minister for Children and Young People. Minister, I refer to the official opening of the Bimberi Youth Justice Centre on 3 December 2008, six weeks prior to the ACT elections. Today, more than three months later, the facility is not ready to receive youth offenders. Minister, why did the government open Bimberi, to great fanfare, when either it did know or should have known that the facility would not be ready for offenders for some time?

MR BARR: I thank Mr Coe for the question and for his interest in youth justice matters. It is pleasing to see that his so very compassionate opening speech yesterday extends to people who are unfortunately engaged in our juvenile justice system.

I will forgive Mr Coe, due to his inexperience, for perhaps not being aware that in opening a new facility such as Bimberi there would be a commissioning period. We are currently in that period where staff familiarise themselves with the new facilities and the practices and procedures that are necessary for a facility of that type.

I am sure the shadow minister would not want us to rush residents into the new facility and risk that facility not being ready and staff not being appropriately trained. I am sure we would not want to see—I am sure the shadow minister would join with me in this—a situation where the process was rushed and something went wrong.

I believe it is appropriate that there is a period of commissioning. I indicated when Mr Coe raised this in the media last week that the residents will be in place in Bimberi prior to Christmas, but I am not going to publicly name the date, for obvious security reasons. I will be visiting the new facility myself later this week—

Opposition members interjecting—

MR BARR: If the Muppet gallery will ever be quiet. It would appear they are not that interested in the answer.

MR SPEAKER: Mr Barr, I do not think “Muppet gallery” is a necessary description.

MR BARR: I withdraw that. If the opposition were interested in the answer, perhaps they would interject a little less, Mr Speaker.

As I was saying, I will be visiting the site later this week. The residents will be in place prior to Christmas, but I will not be naming the date that residents move, for obvious security reasons.

MR SPEAKER: Mr Coe, do you have a supplementary question?

MR COE: Yes. Minister, will the government have another official opening when it is actually ready?

MR BARR: The facetious nature of the shadow minister’s question should be noted. If that is the seriousness with which he is going to take his portfolio responsibilities, then I think he might want to think again.

Of course there will not be another opening. There was one opening of the facility when the construction was complete. It would not be appropriate, with residents in the building, to hold a media circus. I do not believe it is appropriate to hold another opening so, no, there will not be. The residents will take up their accommodation prior to Christmas on a date that I will not be making publicly available, for obvious security reasons.

Alexander Maconochie Centre—opening

MR HANSON: My question is to the Minister for Corrections. The ACT government officially opened the Alexander Maconochie Centre on 11 September 2008—

Members interjecting—

MR SPEAKER: Order, members! I cannot hear the question being asked. I call Mr Hanson.

MR HANSON: I will start again, Mr Speaker. The ACT government officially opened the Alexander Maconochie Centre on 11 September 2008, five weeks out from the ACT election. As of today, nearly three months later, the facility is still not ready to receive prisoners and recent reports suggest it will not be ready for another three months. Minister, why did the government open the prison—to great fanfare—when it should have known that it would not be ready to receive prisoners for some time?

MR HARGREAVES: I thank Mr Hanson for the photocopy of Mr Coe’s question. I think we need some history to show the relevance of when we need to have

milestones appear, and official openings are regarded as milestones along the way. We know, for example, that in 1998 the then Chief Minister or Treasurer—whatever he was; now Senator Humphries—actually allocated money so they could start thinking about the centre. But he also put—

Mrs Dunne: I raise a point of order, Mr Speaker. This question is about the opening of the Alexander Maconochie Centre. Mr Hargreaves's references to funding in 1998 are not directly relevant to the question.

MR HARGREAVES: Mr Speaker, the whole issue is around the relevance of the date.

MR SPEAKER: Minister, please come to answering the question.

MR HARGREAVES: Absolutely. The thing was that those opposite, when in government, took three years and eight months, actually, to do a lot of talking about the prison. They had in fact put in what we call an off-budget provision to fund the building of it—

Mrs Dunne: Mr Speaker, on a point of order: this is not relevant to the question asked by Mr Hanson.

MR SPEAKER: Yes, minister, please come back to answering the question.

MR HARGREAVES: And the thing was that all of those things that they did were with fanfare—

Mr Seselja: He is ignoring your ruling, Mr Speaker.

Mrs Dunne: On a point of order, Mr Speaker: if Mr Hargreaves has a problem with your ruling, he should move a motion of dissent; otherwise, he should answer the question.

MR HARGREAVES: On the point of order, Mr Speaker: I cannot get four words out before the jack-in-the-box here takes up into the skies and asks you for another ruling. I would just ask her to wait until I have done five words, perhaps.

MR SPEAKER: Minister, it is not in order to call an opposition member a jack-in-the-box.

MR HARGREAVES: I withdraw the inference.

MR SPEAKER: And I ask you to come immediately to answering the question.

MR HARGREAVES: Okay, Mr Speaker.

Mr Barr: A jackass.

MR HARGREAVES: A jackass? No, I will not go there. Mr Speaker, the issue about the official opening of the prison is to indicate that it has got to a certain point where

the people of the ACT can actually be involved and can see it emerging out of the ground. We also know—

Opposition members interjecting—

MR HARGREAVES: I wish I had some table tennis balls—pop, pop, pop! The thing about it is this: once it is at a certain point in construction you then have to go through, as my colleague Mr Barr said, the commissioning stage. Those guys over there think it is the same as any old building you officially open and then a month later you pop in there. It is not like that. These are secure facilities and once you get to a point where you can say that it is officially opened—it is officially there—it does not mean the doors are open. Only a goose would think that the doors are open. What happens then is that the final tendering with the contractor has to take place. That takes a 20-day period, there is a five-day crash test and then there has to be about a month for the actual officers to go in there and do a dry run. Then you have to start bringing in the prisoners slowly.

Those people opposite would have us open the doors now. That is the implication that they are coming into this chamber with. They are saying, “You have got to a certain point. How about we open the doors and we will pop them all in from BRC?” Mr Speaker, when the Liberal government in Victoria did that when prisoners were moved from Pentridge to Port Phillip Bay, there were 13 deaths in 18 months. I am not going to be responsible for one.

If these people want to be responsible, let them wear it. But I am not going to do it. I am not going to have one prisoner in there until the security system has been proven and crash tested.

MR HANSON: My supplementary question to the minister, and you could say it is a photocopy of the last one of Mr Coe’s; so I hope I do not get—

MR SPEAKER: Order, Mr Hanson! Ask the question; no preamble.

MR HANSON: Will the government have another official opening when the facility is actually ready to be opened and receive prisoners?

MR HARGREAVES: Mr Speaker, no.

Schools—Birrigai outdoor school

MS BRESNAN: My question is to the minister for education and concerns Birrigai outdoor school. Noting the significant investment that the ACT education department has made in the Dairy Flat facility at Jerrabomberra wetlands and through Birrigai in the development of very successful environmental land management programs for students as young as preschoolers, can the minister advise the Assembly of the status of and future plans for those programs and the educational-environmental implications of any decision to cease or reduce the educational programs that have been conducted there?

MR BARR: In response to Ms Bresnan's question, again, I go to the second part and utterly reject the assertion that the government have, through the process that we have been through around the management structures, in any way sought to reduce the level, quality or extent of education programs as part of our significant capital investment in those facilities. It would be incongruous for the government to invest such a large amount in the infrastructure and then determine that it would not offer, or would in any way reduce, the educational programs. That is just so illogical as to beg the question—and I am concerned that this has not been raised with me before by the Greens—as to why the Greens party believes that this is the case.

It would seem, given the thrust of questions in question time today, that an urgent briefing on this matter needs to be provided to the Greens, and I am very happy to facilitate that, whereby some of the detail that they are seeking in relation to future education programs can be provided. I do not, obviously, have that in front of me today, but I will make sure it is available to Ms Hunter and Ms Bresnan.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Yes. In relation to that, can the minister provide to the Assembly all information relating to school and preschool feedback on programs conducted at Birrigai and Jerrabomberra wetlands?

MR BARR: Yes.

Alexander Maconochie Centre—opening

MRS DUNNE: My question is to the Chief Minister. Chief Minister, during the election campaign, we saw the Stanhope-Gallagher government officially open the Alexander Maconochie Centre which was not ready to accept prisoners and will not be for another few months. We also saw the opening of Bimberi when it was not ready to accept young offenders. Chief Minister, why were these facilities officially opened when they were not ready, other than as a pre-election stunt by the Stanhope-Gallagher government?

MR STANHOPE: I thank Mrs Dunne for the question. The minister, Mr Barr, has just answered the question quite comprehensively in relation to Bimberi, and the answer was quite complete.

The answer is that we, quite rightly and appropriately in relation to both Alexander Maconochie and Bimberi, allowed for a commissioning period, as you would. A corrections facility, most particularly the Alexander Maconochie Centre—a high-security prison, a men's prison, a women's prison, a remand centre, a very complex complex that caters for every category of incarcerated person within the responsibility of the ACT—requires the most sophisticated systems and the most detailed understanding and the highest level of training imaginable.

We will have incarcerated at the Alexander Maconochie Centre a number of murderers, a number of life-sentenced murderers. We will have incarcerated at the Alexander Maconochie Centre a number of people who represent extreme danger to

this community who have, through their behaviour and actions, killed Canberrans, maimed Canberrans, raped Canberrans, and we are bringing them back to the ACT as a reflection of the commitment by us to accept full responsibility for those in our community who have transgressed and who have been sentenced to imprisonment. To suggest that we should take that responsibility in a light-hearted or flippant way, that we should actually crash through without a major commissioning, without ensuring that our training is absolute and complete, really is quite remarkable.

Mrs Dunne: I raise a point of order, Mr Speaker. My question was: why was the facility opened when it was not ready? The Chief Minister is going on at great length about the commissioning process which starts when the facility is ready to be opened. My question was: why did you open it before it was ready to be commissioned?

MR STANHOPE: We can clean up this misunderstanding which has now occupied three questions from the opposition. I will clean it up quite simply. The commissioning starts when the construction finishes. The construction has finished. The buildings, the complex, the facility are capable of being opened. Having been opened, the commissioning begins. The commissioning process allows—

Mrs Dunne: Six months to commission?

MR STANHOPE: I think you are all aware of the issues in relation to the security system and the fact that as a result—

Mrs Dunne: It was not ready but you opened it.

MR STANHOPE: There was actually work being undertaken on security systems. And why not? They were working there the day we visited. Chubb were there working, refining the systems. They understood, we understood and the general understanding was that the work would be completed consistent with the contract. It has not been. As a result of the foresight and the good management of JACS officials, there were default clauses built into the contracts with Chubb, and all the costs of the delay have been met by Chubb.

Mr Hanson: Why is the money in the appropriation bill?

MR STANHOPE: Because of the delay. We have a contract with New South Wales. I think the other great mystery that has occupied the minds of members of the opposition is that, when the contract with New South Wales is terminated as a result of the bringing home of ACT prisoners to the ACT—the contract will be terminated and no more payments will be made to New South Wales—those payments will be payments made directly to the management of Alexander Maconochie.

In the context of the default and the extra costs which the ACT is incurring as a result of the failure by contractors to finalise, consistent with contract dates and details, issues like security, we will be pursuing those costs against the contractors that actually have not satisfied their contractual obligations. We are covering a cost, a cost owing to New South Wales as a result of the extension of a contract which we did not expect to have to extend, and we will pursue full recovery of those costs in due course against the contractors that have led to the delay in our capacity to house offenders within Alexander Maconochie and, indeed, Bimberi, which is a different situation.

So that you understand: construction has finished; commissioning starts; commissioning is a process that is vital to the successful operation of a corrections facility, most particularly Alexander Maconochie. It is as simple as that. (*Time expired.*)

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Thank you, Mr Speaker. Chief Minister, what confidence can the ACT community have in the Stanhope-Gallagher government to deliver infrastructure projects on time when you have clearly failed on these projects?

MR STANHOPE: I think it is relevant to any discussion of infrastructure to have regard to the record of successive governments, this government and the previous Liberal government, in relation to the delivery of infrastructure. In this last year we delivered, I think, somewhere in the order of \$340 million worth of infrastructure—

Mrs Dunne: Mr Speaker, I ask for your ruling on whether reference to the record of the previous Liberal government some seven years ago is directly relevant to my question.

Mr Barr: What confidence can people have in us to deliver compared to the alternative?

Mrs Dunne: No, that was not the question.

MR SPEAKER: I agree, Mrs Dunne. It is not directly relevant to be trawling through vast tracts of history at this point unless there is a direct point you wish to make of comparison.

MR STANHOPE: Well, there is. The question was: what confidence should there be or should the people of Canberra have in this government? That asks for a comparison, a relative. It is a question about relativities: what level of confidence in this government? It is a far higher level of confidence in this government than in the previous government. What are the relativities here? What is the comparison? Should the people of Canberra have confidence in this government? Yes, they certainly should, particularly compared with the previous government, the previous Liberal government. I think that is relevant and I think that is appropriate. The question begs that sort of comparison.

In this last year this government has delivered somewhere in the order of \$340 million of capital works—on the ground, delivered, done, sealed, dusted. The Liberal Party in its last term of government did not deliver—

Mr Seselja: I raise a point of order, Mr Speaker.

MR STANHOPE: in the entire term did not deliver—\$340 million worth of capital works.

MR SPEAKER: Order, Chief Minister!

Mr Seselja: The question was very specifically about delivering infrastructure on time. He is not addressing that either by way of comparison or in any other way and so he is not directly answering the question.

MR SPEAKER: Chief Minister, come directly to the point.

MR STANHOPE: I will, as I have. I am very pleased with our record over this last year of a massive—and I think this goes to the point—infrastructure program, unmatched, unparalleled, in the history of self-government: over \$340 million delivered over this last year, and we will deliver more in this period.

In the context of Alexander Maconochie, it was delivered on budget and it was delivered on time. In the context of that we do remember the continuing campaign by the Liberal Party. Actually, Gary Humphries supported it and endorsed it, and every Liberal since Gary Humphries has opposed it. In which election campaign did the Liberals promise the prison? It was quite remarkable the imperatives of politics and the change in whim—

MR SPEAKER: Order! Chief Minister, we have spoken about this a couple of times already.

MR STANHOPE: Yes, I think I have made the point: this government has a proud record of delivering infrastructure, a record year over the last year. In a single year we delivered more capital than the Liberal Party delivered in its entire last term of government.

MR SPEAKER: Members, I draw your attention to the presence in the gallery of Ms Dundas, a former member of the Assembly, and on behalf of all members I extend a warm welcome to Ms Dundas.

Schools—enrolments

MR DOSZPOT: My question is to the Minister for Education and Training. Minister, yesterday, in answer to my question on enrolments at Kingsford Smith school, you stated:

Every parent was given advice of provisional enrolment when they approached the school.

Parents have advised us that they were not given adequate notice of provisional enrolment at Kingsford Smith school. As a result of this failure, some students cannot now enrol in their preferred units at their existing school because they are already full. One student had to enrol in sewing because that was the only remaining elective course available. Minister, why weren't parents given adequate advice of provisional enrolment when they approached the school?

MR BARR: In response to that, it is obviously a matter of interpretation as to what constitutes adequate advice. People will have differing views on that. The advice I have been provided by the school and by the education department was that they were

quite clear in the advice they provided around accepting provisional enrolment. It is unfortunate if students' elective choices at other schools are being affected, but that actually would go to highlight the point in relation to why years 8 to 10 cannot go ahead at Kingsford Smith. With a year 10 program with six students, there would be no electives, because you simply cannot offer the range of elective choices with six students.

Again, no-one is arguing that those year levels should be offered at Kingsford Smith, given the level of interest expressed. I certainly would agree that it is unfortunate if students' elective choices have been impacted, and I will seek advice from the schools where those students are enrolled to see if it is possible to address their concerns around electives, because it would be unfortunate if students were not able to get into the electives of their choice. I am not sure that I would agree with Mr Doszpot's example. I think sewing was the example he used—that there is anything wrong with sewing and that it should be used in a disparaging way. I think I myself might have undertaken some home economic studies at high school, and I don't think it is inappropriate for students to be undertaking that sort of study. But, of course, I do recognise that if that is not a subject that a student is particularly interested in, it may not be the most engaging piece of learning for them. But I don't think it is reasonable to use it in the disparaging way that the shadow minister just has.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Mr Speaker, I take offence. I did not use it in any disparaging order at all. I was simply—

MR SPEAKER: Order! Mr Doszpot, no preamble or comments. Straight to the question, please.

MR DOSZPOT: Minister, what action will you take to minimise the inconvenience to the students who had provisionally enrolled in years 8, 9 and 10 at Kingsford Smith school and their parents? And I compliment you on sticking to the proper answer before you diverged in a very insignificant way.

MR SPEAKER: Order, Mr Doszpot!

MR BARR: I thank the shadow minister for his advice on answering questions. Given the situation and the unfortunate circumstances, as I indicated yesterday, and have publicly on a number of occasions, it is disappointing that there were not sufficient enrolments. It certainly would have been preferable for there to be sufficient enrolments and for the school to have operated across all those year levels. So I certainly apologise to anyone who has been inconvenienced. The education department and the relevant schools have undertaken to work with the students and the parents affected, to ensure that the full educational opportunities that our magnificent public education system provide are available to all of those students, and individual support will be available through the schools and the department.

Given the advice that the shadow minister has provided around electives, I will certainly seek to follow up with the department and the schools in relation to what could be done to ensure that students are able to access, if not necessarily the electives

of their first choice, then their second. Of course, it is worth noting, and I am sure anyone who has been educated in the ACT system would know, that from time to time it is not always possible that you get your first choice in electives, given that there are some courses that are very popular within our school system.

Electricity—feed-in tariff

MS BURCH: My question is to the Minister for Environment, Climate Change and Water. Minister, can you please inform the Assembly on the progress of the government's implementation of the feed-in tariff?

MR CORBELL: Thank you, Mr Speaker. I thank Ms Burch for the question. I am pleased to report to the Assembly on the government's progress in implementing our nation-leading feed-in tariff.

The feed-in tariff scheme was passed by the Assembly in July 2008 and was initially due to be implemented by the middle of next year. In accordance with the agreements the government has entered into, I am pleased to report that the feed-in tariff is on track to be implemented by 1 March next year.

This important piece of legislation will, for the first time, provide a real incentive for households and small to medium building owners to install renewable energy generation and receive a premium price for the energy that is created through those installations.

This new regime does require a range of amendments before it can be made operational. I can inform the Assembly that the government intends to introduce an amendment bill early next year to provide for a range of matters, including capping the scheme, clarifying generator eligibility and reimbursement arrangements. This will ensure clarity and consistency in application of the tariff prior to its implementation.

The government is also very keen to ensure that householders and the broader community are aware of how the scheme will operate. To that end, the new Department of Environment, Climate Change, Energy and Water will be undertaking a public education campaign from the beginning of next year to outline the various aspects of the operation of the feed-in tariff and how householders and other building owners can take advantage of that.

It is one of the 43 strategies outlined in the ACT government's climate change strategy, *Weathering the change*. This important piece of legislation will mean that for the first time householders will get a real and significant incentive to install photovoltaic or other forms of renewable energy generation on their roof. They will be paid at the gross amount for the production or generation of that energy and they will be able to offset that against the cost of their electricity bills.

I have to say that the government is continuing to receive a high level of inquiries from members of the public, indeed, other entities—private building owners and so on—as to how and when the scheme will be introduced. It is going to serve as a very real and significant kick along in the development of a renewable energy industry here

in the ACT and we hope and are confident that it will lead to a significant boost in the level of micro generation here in the ACT. The government remains committed to it. Detailed work is currently underway within my department. I look forward to discussing those matters further with members of the Assembly early next year in anticipation of a 1 March start date.

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

Personal explanation

MR DOSZPOT (Brindabella): Under standing order 46, I seek leave to make a personal explanation about the last question that I asked and the response that I got from the minister.

MR SPEAKER: Does the member claim he was misrepresented?

MR DOSZPOT: Yes, I do.

MR SPEAKER: Proceed.

MR DOSZPOT: I simply asked a serious question. It contained a sentence which finished with “one student had to enrol in sewing because that was the only remaining elective course available”. I made no disparaging allusion. I resent the inference that my colleague made and I would like a retraction.

Mr Corbell: No. There is no ground for withdrawing the statement. There is no standing order for a retraction.

Mr Stanhope: We hear your explanation, Mr Doszpot.

MR DOSZPOT: You would like to hear my explanation?

Mr Stanhope: No, we just did. The statement is for the purpose of an explanation.

MR SPEAKER: Mr Barr, do you wish to clarify your position?

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Mr Speaker, I was simply observing in my response to Mr Doszpot’s question an imputation that I got from the question. I certainly do not wish to offend Mr Doszpot. If he has taken offence, I apologise. I do note in making an apology that it was felt necessary in the question to make that reference to a particular subject.

Paper

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General’s Report No. 7/2008—Proposal for a gas-fired power station and data centre—Site selection process, dated 9 December 2008.

Portfolio responsibilities Ministerial statements

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): Mr Speaker, I ask leave of the Assembly to make a ministerial statement concerning my portfolio responsibilities.

Leave not granted.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections): Mr Speaker, I seek leave to make a ministerial statement on my portfolio responsibilities.

Leave not granted.

Universal Declaration of Human Rights

Debate resumed.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (2.55): Down you go. If you can't take it, don't dish it out.

Mr Speaker, I rise to speak on this motion to talk about human rights. We have, in fact, a number of institutions which have been founded and constructed on the very basis of human rights. This jurisdiction, as has been said before, was the first to enact a Human Rights Act recognising the fundamental essence of humanity and the difference between humans and other species—recognising that it does not matter whether you embrace a particular religion, whether you are a particular colour or whether you are left-handed or red-headed. It does not matter.

We all have inalienable rights: the rights to respect, to dignity and to freedom of expression. Our corrections institutions and the programs that support them and underpin them are all about the preservation and, should I also say, the celebration of human rights.

I know that some of those opposite were around when the Human Rights Act was debated here and opposed it. There are some who opposed the creation of our correctional facility at the AMC. Mr Smyth, for example, opposed it in an election campaign. He wanted to take \$100 million worth of capital and apply it to a recurrent problem that he perceived at the hospitals, thereby showing a distinct lack of understanding of the budget.

In that campaign he said, “We will take \$100 million from that prison project and apply it to hospital nursing and the lack of beds.” That was how he saw it. He was happy, as were his colleagues, to have people wallow in that human cesspit known as Goulburn Jail. That is not an embracing of the dignity of human beings.

Mr Hanson: What was the BRC?

MR HARGREAVES: To answer the interjection, the BRC was created in 1975, the same year that Katingal prison, on which it was based, closed. It, too, was an inhuman facility, and that is why this facility, the AMC, is being built. It is a simple fact though, as Mr Hanson knows, because he has been there, that the AMC is clearly being built—it has been built; it is now being commissioned—as a human rights compatible facility. That applies to the colour of doors, to the ability to see hills and to have fresh air—the ability to be incarcerated in an institution that has no bars in it so that you are not treated like an animal in a cage. There is no razor wire, which is another expression of being sent to jail for punishment, instead of as punishment. We believe in human rights and the dignity of the human being and that the deprivation of liberty is, in fact, the punishment. People do not go to jail for punishment.

We also believe in the dignity and the respect which are the due of people with a disability. There is an enormous amount of activity that pays respect to people with a disability. I remind members, at least those of us who are old enough to remember, which means 16 of us, at least, of the days when people with Down syndrome were looked upon as monsters. Those days, thankfully, have gone. I ask members to reflect whether they have the same attitude to people with cerebral palsy in wheelchairs. I suspect there are people in our community that do not.

Previous governments have not paid due respect to people. For example, the best way to build esteem and to build people up is to pay them for something that they have done. Talk is cheap. You can say, “Good on you. You are doing it hard, and we respect you.” That does not change their esteem one jot. But if you say to someone who is sitting in a wheelchair, “Thanks for doing that job; here is a couple of quid for doing it,” then their personal esteem goes through the roof and they feel good about themselves.

People with a disability have a right under the Universal Declaration of Human Rights to move freely and equally within our society. Gone are the old days of EEO—equal employment opportunity—which actually did nothing more than single out people as disadvantaged: women, disabled people and ATSI people. We have come a long way, but we have not finished yet.

It is important when we talk about the Universal Declaration of Human Rights that we look at our inner soul, that we look at ourselves, inside our own eyeballs, and say to ourselves, “Why do I get upset from time to time? It is because I am not treated with the respect and the dignity that I expect.” We should do that for others. That is why we should be celebrating this charter and that is why every government in this country should have, as its starting point, this declaration. I am absolutely proud to be a member of the first government in Australia that talked about and did enact a Human Rights Act.

I see in the press today that discussion is going on on the national stage. Father Frank Brennan, a Jesuit, has been asked to oversee, as it were, this process and to talk about whether we need a human rights act and whether we need a charter. That conversation is long overdue. It is really interesting that it is taking place now after the commitment of Jon Stanhope and the Labor government to actually introduce it.

I might now, for the record—no doubt, to your absolute delight—recognise that this move forward had the support of Kerrie Tucker and Deb Foskey in my time in this chamber. It is noteworthy that those opposite opposed it. Yet here they are, speaking on a motion about the Universal Declaration of Human Rights. I could stand here for another 15 minutes and tell you all the things they have done to oppose the movement towards recognising human rights that this government has introduced. I think their record is appalling. Their record for fairness is appalling. Their record of supporting even themselves is appalling. Had it not been for that sort of stuff, Trevor Kaine would not have left and Helen Cross would not have left. Alistair Coe would not have left—yet.

I wait to see what happens. This stuff that you guys have just done yesterday was played out with Helen Cross. Let us see if it repeats itself. In fact, I will put five bucks down now. I know we are not allowed to gamble, Mr Speaker, but I will put five bucks down now and I will take it up. We had better get another chair. I have been in three Assemblies and, in each one, one green bottle has fallen off the wall—I am sorry, Mr Speaker—one brown bottle has fallen off the wall. I reckon I will go out of political life watching the brown bottles fall, one at a time, each Assembly. They have no right to talk about it.

MRS DUNNE (Ginninderra) (3.05): I will not reflect on the unprofessional approach of the Minister for Corrections. It is with a great deal of pleasure that I rise to congratulate Ms Bresnan on this motion today, 10 December, which is Human Rights Day. Today marks its 60th anniversary. There was an event in the reception room at lunchtime which I had hoped to attend, but the constraining hour and a half over the luncheon period and other commitments kept me from it. I hope that it was a success. I understand that the attorney was speaking about some of the developments that he touched on here this morning in relation to the new amendments to the act which will come into effect on 1 January.

The Universal Declaration of Human Rights is an important document. I was listening to a program on the radio on the weekend in which Eleanor Roosevelt referred to it. I am sure I am misquoting her here, but she used words to the effect that she hoped it would become the international Magna Carta for all men. That is a high-flown aspiration, and in many ways this is an aspirational document. You touched upon this yourself this morning, Mr Speaker. It is an aspirational document. It is something that we need to aspire to. It was useful to note, for instance, that when the declaration was passed by the UN, there were a number of abstaining voices, and they were mainly from the communist bloc countries.

I will come back to the communist bloc countries when I come to some of the comments that Mr Corbell made. But, for the most part, this was a declaration of people who had obtained maturity in their democracy, who did not want to go back and repeat the problems that they had lived through in the preceding decades. It was a time when emotions and blatant abuses of human rights were raw in people's minds.

I think from time to time we actually have to go back and reflect on what motivated these people and to congratulate them on their farsightedness because, even though they were responding to very immediate actions, they created a document that has

stood the test of time. Sixty years later I do not think that you will find people in the world who are attuned to the needs of people and the way that they interact in a democracy or in their societies and in their nations that can find much to fault with it. I think that was because of the great minds that were brought to bear on it.

It is useful to note some of the great philosophers and thinkers of the time were involved in the creation of this document. The great French thinkers and philosophers, Jacques Maritan and Rene Cassin, who was one of the founders of the Christian Democratic Movement, and the philosopher and politician Charles Malik of Lebanon were important people who had significant input.

This was not a document crafted by bureaucrats. I do not mean to disparage bureaucrats. It was a document that was crafted and overseen by people who were deep thinkers and who were able to put a timeless element into this, and this is the important thing. The other thing about it—and I think that this is something that is interesting in the current debate in Australia—is that this was a declaration; it was not a treaty. It was nothing that required people to sign up to something that was binding. It was a declaration of aspirational views. This is something that we need to reflect on as we, as a nation, decide whether we have a bill of rights or some other element, and this is part of the work that Father Brennan has to take on board.

Mr Speaker, I want to comment on a couple of things that were said this morning. Both you and Ms Bresnan, in her opening remarks, talked about constant vigilance and that the price of freedom is constant vigilance. In some of the failed states, especially in Africa in the conflict in Rwanda and the current conflict in the Congo we see the price of our not being vigilant as a group of nations. There is much that we can do, and there still much to achieve, but this does not mean that we should give up hope because not everyone meets our aspirations for the best possible behaviour. There is much work to be done, but we also need to draw comfort from the fact that there are many nations in the world for whom protection of human rights is the bread and butter of political processes. I think that is one of the things that we need to dwell on here and to reflect on.

Mr Corbell gave a spirited defence about how the common law does not provide safeguards and that we need something more substantial, that we need legislation such as we have in the form of the human rights legislation in the ACT. I do not want to say this in any way as a criticism of the human rights legislation, but legislation itself does not provide the safeguard. The safeguard is about the culture and the intent of the people who implement it.

Ms Porter referred to the fact that Zimbabwe has a fine and beautifully crafted declaration of human rights. But that does not do anything for the people of Zimbabwe who are facing death by cholera and death by starvation because of the out of control inflation and the complete failure of the system of government. It is also worth noting that most of the eastern bloc countries that were members of the Soviet bloc had, in their way, in various forms, declarations on human rights. But that did not save those people from the gulags, from enforced famine, from death or from persecution, depending on which part of the eastern bloc you lived in, for 50 or close to 90 years.

Mr Doszpot yesterday spoke about the experience of his family under a despotic Soviet regime. His family and those like his family were not protected by the declarations of human rights that underpinned the Russian occupiers of Hungary. It did not save people from the gulags, it did not save people from the pogroms and it did not save people from the enforced famines that we saw in the Ukraine.

What is important about Ms Bresnan's motion today is that it reminds us that the most important thing about ensuring the furtherance of human rights is that we adopt the culture, the mindset that the benefit of our people is first and foremost. To echo what Ms Bresnan said in her opening remarks, we must be constantly vigilant. We cannot just sit back and say, "We've got a piece of legislation; everything is fine and dandy." If we are not constantly vigilant, no piece of legislation, by itself, will protect the human rights of the people of the ACT or of any other jurisdiction.

MR DOSZPOT (Brindabella) (3.14): I stand to support the motion by Ms Bresnan. I listened to her explain in detail her rationale, and I support her wholeheartedly. Mrs Dunne just mentioned her family. My family was the same. I spoke only yesterday about the issues that face refugees and people from various countries who are fleeing their country because of persecution—religious, political, whatever. We do have to give them the compassion and the understanding that they are missing in their own areas.

Can I also say, in regard to the affirmation of human rights, paragraph (5) of the motion states:

affirms that the advent of a world in which human beings will enjoy freedom of speech and belief and freedom from fear and want is the highest aspiration of the common people.

Paragraph (6) states:

declares its own faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.

Mr Speaker, I draw your attention to the fact that it is okay for us—and it seems that we are—to be very selective in the way that we are applying some of these human rights even in this Assembly. I am a very new member of this Assembly. I came here on the understanding that we do have rights to speak about issues that we believe in without being ridiculed for those very issues. Yet we are in a position where members opposite have been ridiculing one of our members for having dared to express a certain point of view. I would like to see where human rights declare that you have every right to be afforded dignity and worth, as long as you speak of our values.

I think it is very appropriate that we also have a look at the way we act and we deal with matters in this Assembly at a time when we are debating a very important anniversary—the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights. I know I am skirting the topic fractionally, but I do believe that something we ought to consider is the way that this Assembly conducts itself.

MS BRESNAN (Brindabella) (3.17), in reply: I would like to welcome and thank the other members of the Assembly for their support for this motion. I would just like to echo the views of Mr Corbell that we do need to continue to advocate on a national level for national human rights laws and that this would obviously better entrench the principles which are outlined in the UDHR.

As Mr Hargreaves and Mrs Dunne also noted, there will be a discussion happening now nationally through the human rights panel. Also, as Mrs Dunne noted, it is all very well to have legislation but we still need to make sure we are vigilant and that we have processes in place which do look at the culture in our society and make sure that those principles in law are followed.

As the opposition leader, Mr Seselja, also noted, we need to have the political will to act on human rights abuses. As we speak here today, human rights abuses occur on a large scale across the world. I believe we have an obligation, no matter where the abuses occur, to take responsibility for that. And parliaments all around the world must follow their words with strong actions.

Motion agreed to.

Strategic and Functional Review of the ACT Public Sector and Services

MR SESELJA (Molonglo—Leader of the Opposition) (3.18): I move:

That this Assembly calls on the Chief Minister to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly before the end of this sitting day.

I am moving this motion today because the people of the ACT deserve to know what is contained in the functional review that was conducted in 2006. The continual lack of transparency displayed by the Stanhope-Gallagher government over the last term has caused distrust and a lack of confidence in our system of governance. This document is at the heart of that distrust.

There is a list of actions taken as a result of this review, actions that the people of the ACT are still scratching their heads about. They have been left in the lurch, treated like children, not told the rationale for these actions. These actions in the period after the functional review was released include but were certainly not limited to the closure of 23 government schools, disbandment of the sustainability expert reference group, cuts to numerous advisory bodies, huge cuts to the ACTION bus network, dropping the employer superannuation contributions from 15.4 per cent to nine per cent, cuts to tourism, increases in rates and taxes, cuts to business assistance programs, abolishing the Emergency Services Authority, indexing rates by WPI rather than CPI, reducing sports grounds.

These are just some of the measures of the 2006 horror budget, a horror budget the Chief Minister said was necessary. Frankly, we have to take his word for it because the document, the review that the horror budget was based on, has never, ever been

made public. It has been kept secret. These are far-reaching, brutal budgetary measures based on a secret review. That this should happen in a jurisdiction where people expect openness and transparency, where we have a government that over and over has talked about commitment to openness and transparency, prompts us to ask: why has this been allowed to happen?

That is why we are moving this motion. We are moving this motion because the people of Canberra have suffered as a result of all of these decisions and suffered as a result of their schools being closed. They have seen services cut back. They have seen their taxes increase. They have seen a failure to deliver on all key service areas. The reason given is the secret review, the secret Costello review.

It is worth looking at how we got to the point that led to a secret review ending up in a horror budget. We saw the government squandering good times. We saw, between June 2002 and June 2004, the government turn a modest surplus of \$12 million into a deficit of \$291 million. We saw the government simply relying on the property boom. Even in these good times, they struggled to deliver surpluses. They relied on the property boom. They had \$1.6 billion in additional revenue.

It must be said that we know little of the Costello review. The Chief Minister came and told us that we as Canberrans, not his government, had been living beyond our means. This is in the context of a \$1.6 billion revenue boom, revenues over and above what has been budgeted for; yet the Chief Minister's excuse when he cannot deliver services, when he raises taxes, when he closes schools, is that we, Canberrans, have been living beyond our means—not the government, mind you.

We know that the former Treasurer, in fact, warned of excessive spending in a number of areas. This is from an article from Chris Uhlmann:

There is some evidence the now-retired Treasurer, Ted Quinlan, was warning his fellow ministers that their spending was unsustainable. In a letter to the then Minister for Urban Services, Bill Wood, he expressed concern at a capital works program Wood's department was proposing. Quinlan ... said he was committed to ensuring capital works costs did not continue to increase ... In interviews since his retirement, Quinlan ... has indicated he also raised the issue of runaway recurrent spending in Cabinet but his protests were ignored.

The process by which this government operated was: in these good times, with the revenue streaming in from property, with the revenue streaming in from GST, they would spend, spend, spend. It was not targeted spending; it was not spending that set up the ACT for the long term. It was, as was suggested by the former Treasurer, Ted Quinlan, wasteful spending; it was spending for the sake of it.

Then we got to this crisis point where they asked for a functional review so that they could figure out all the things that they had been doing wrong and the government could find a way of getting out of the economic hole and the budgetary hole that it had dug. But it must be noted that it had dug this budgetary hole during the good times. It does put into some context, I think, as we face the challenges of a slowdown, how this government will be prepared to deal with it when they were not able to deal with an economic boom, when they were not able to deal with a revenue boom such that it had to have this horror budget on the back of this secret report.

We have heard the government use the issue of cabinet-in-confidence to defend its position. It has used the term “cabinet-in-confidence”. Cabinet-in-confidence is designed to protect free speech by allowing participants to speak freely in the cabinet. It is not to hide all of the documents that the government wants to hide. That is how it has used cabinet-in-confidence in this case.

There was a previous functional review, I believe, by a previous government. That review was made public. They could have tried to apply cabinet-in-confidence to that. They could have tried the same trick as has been applied by the Stanhope-Gallagher government but they chose not to. They put the functional review out to explain the rationale for the decisions that needed to be taken.

That would be the responsible course, so that people could actually examine what is in this functional review that is causing these issues, that is causing services to be cut back, that is causing taxes to increase. It is only reasonable that we should see these documents, that we should see this review. We know there has been, certainly, agreement amongst all of the non-government parties in this place on this issue. In fact, the words of this motion that I am moving today are the exact words, the identical words, that were used by Dr Deb Foskey, the Greens member in the previous Assembly, calling upon the ACT government to table the strategic and functional review.

I turn to this issue because I have seen the amendment circulated by the Greens. I have expressed concerns about amendments before—and I include this amendment—at a number of levels. One, I think it is a stark difference to the position that the Greens took in the last Assembly. In the last Assembly the Greens took the position that it was reasonable, despite all the objections put by the government, despite their hiding behind cabinet-in-confidence, that this should be tabled, that this review should be made public.

This amendment that has been circulated would suggest that the Greens are no longer committed to enforcing this on the government; they are no longer committed to voting for the government to release the functional review. And I would put it to my Greens colleagues that it will not reflect well when a party is prepared to vote for something when they know that it will have no impact, when they know that they do not have the numbers. In the last Assembly they voted for it. Dr Foskey knew that, even with getting together with the opposition, we were still going to fall one vote short.

This time we have a different scenario. We have a scenario where, if the Greens support this motion today, it will get up. We are committed to voting for it. If the Greens support it, there will be the numbers to get it through the Assembly. I would put to the Greens: what has changed since the last Assembly? Why is it no longer imperative that this functional review be tabled? And why would you vote for something when you know you cannot win a vote, and not vote for it when you know you can?

There would be some explaining for the Greens to do in relation to that if they do not support the motion in its current form. Remember: the words of this motion are the

same as Dr Foskey's motion; they are the Greens words. These are the words that they believed in prior to the election. In fact, there was much talk at the last election about openness and transparency, and one of the things that the Greens certainly stood on when they went to the people was the fact that they tried to keep the government accountable; they stood on the fact that they had called for things like the functional review and voted in favour of forcing the government to release the functional review.

We remain committed to it, because we do not buy the government's argument that cabinet-in-confidence must apply; we do not buy the government's argument that they can hide behind cabinet-in-confidence in this case. Previous functional reviews have not been treated in this way. There is no reason why this functional review has to be treated in such a secretive way.

So I would say to other members of the Assembly, particularly the Greens, that I have not heard an explanation. I look forward to hearing an explanation. If they are to not vote for this motion, they will be saying to the people of Canberra, "We were happy to vote for it when we did not think it would get up, when it could not get up. But when we had the chance to get it up, when we had the chance to enforce the accountability on the government, we voted against it; we voted against openness and transparency."

The Costello review was a major issue in the last term of government. It was a major issue on which, time and time again, we heard from the Greens representative in this place that it represented the government's closed approach, their secretive approach. To endorse that in any way by not supporting this motion, I think, will be a major backflip. But it will also send some very mixed messages to the community that the Greens believe that they will vote for it when they cannot get it up but they will not vote for it when they can enforce this transparency and openness on the government.

We are committed to transparency. We spoke at length yesterday about new standards of openness and accountability. This one is a hangover from the days of majority government when they used their majority to prevent scrutiny. They particularly did it in relation to the rationale for the horror budget of 2006. We believe that, with the changed Assembly, there is an opportunity to enforce accountability on this government. We will be supporting this motion. We will support it in its current form, and I would call on all members of the Assembly to support the motion.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3.31): Of course, it is in the interests of the opposition in this instance to seek to subvert the principles of cabinet confidentiality on the whim that they have adopted. I think I can say that particularly because this is an opposition that has accepted there is little or no prospect of it ever forming government and ever having to form a cabinet in relation to which it would expect the long held Westminster conditions and traditions around cabinet confidentiality and solidarity to apply to its decision making.

The precedent that the Liberals seek to establish here today is, I believe, an extremely dangerous one, and it is truly disruptive to good government. Today it is the functional review; tomorrow what? Will it be the next issue that happens to take the

fancy of the Leader of the Opposition? Will it be the next thing from which they perceive they might extract some political points? It really is no way to do business.

It does subvert parliamentary democracy. It sounds a death knell for frank and fearless advice from government agencies. You only need to ask senior government officials about the implications of releasing documents such as this that were prepared on the basis that the information would remain confidential—attract the confidence that documents prepared for cabinet traditionally attract.

This document was certainly prepared by consultants in the first instance. The preparation was headed up by consultants. It was a consultancy assisted by a raft of senior ACT public servants, the majority of whom continue as senior ACT public servants, each and every one of whom in the giving of the frank and fearless advice which constitutes the strategic and functional review believed that the advice that they were giving would be and would remain confidential. What public servant would speak his or her mind in a cabinet submission if he or she believed that it would end up with Mr Smyth poring all over it, or the Leader of the Opposition sniffing for traces of political advantage?

You have to accept some of realities in relation to this. I was a public servant for 25 years and I know this to be the case. The ACT government adheres to the highest standards of accountability and transparency, but we also maintain a respect for the traditions of parliamentary democracy and the operations of the Westminster system under which all Australian governments operate and which, of course, all the governments operating under the commonwealth system abide by. These are the Westminster traditions that have supported and sustained the strength of our democracies, a significant plank of which is an adherence to the notion of cabinet confidentiality.

Cabinet meetings are crucial for discussing government policy. They enable ministers to share opinions and advice on issues, to debate those opinions, to consider competing pieces of advice from agencies with their own distinct philosophies and priorities and then to make executive decisions—decisions that they make collectively. That is why we adhere so rigorously to the notion of cabinet solidarity. It is because of the nature of the advice, the importance of the decisions and the importance for cabinet to accept as a whole responsibility for those decisions.

To simply gnaw away at that, to remove those fundamental planks that have sustained our democracies and supported our democracies and that are the reason that our democracies are so strong, destroys the inherent nature of our Westminster system and our strict adherence to it. ACT governments of all persuasions over the life of self-government during the last 20 years have adhered to these protocols and to these principles.

This is not something that is new or unique to this government. These are the protocols and the practices that were employed by Kate Carnell during her two terms of government. The arguments I make today are the arguments that Kate Carnell stood in this very spot and made. She stood where I stand now and she made this same argument about the importance of Westminster, the importance of cabinet confidentiality, and the importance of frank and fearless advice. This motion seeks to

subvert all of those fundamental principles that are basic to the strength of our democracy. Motions such as this seek to weaken it.

The Westminster system allows the executive government of the day to receive and consider frank and fearless advice and it allows policy options to be debated freely within cabinet. It would be a significant departure if we were simply to abandon those principles for political advantage, and that is what the Liberal Party today seeks to do. The findings of the functional review are there for any Canberran to see in the contents of the 2006-2007 budget papers. The financial implications and the basis of the decisions flowing from the functional review were reported transparently and openly in the budget papers.

The mania of the Liberals to see the documents really does verge on pathology—and pathology, of course, is dangerous and catching. That is what I mean about setting a precedent. The government is content to abide by the decisions of an independent arbiter. We have committed to that in our agreement with the Greens. Whilst I have to say that it is a significant departure from principles that I have adhered to strictly and always supported, it is a departure which we accept as an existing reality.

I do believe that this is an incredibly important issue and an incredibly important debate. The precedent sought to be set by the Liberals is extremely dangerous, self-serving and a position which in government they stood against fiercely, vehemently and consistently through their then leader Kate Carnell. She was a leader of some stature and capacity, of course, who led the Liberal Party with distinction. She did respect the Westminster system and the convention and the operation of the cabinet. She defended them in just the way that I have today. Of course, she would have rejected and been appalled by the arguments which the Leader of the Opposition seeks to make today in relation to this issue.

I will conclude on this point: there are a significant number of individuals who in good faith involved themselves in this process, who worked hard on this process, on a very clear understanding and commitment that their involvement in the development of the strategic and functional review report would be treated confidentially. It would be a major breach of that trust, faith and commitment under which they operated for that commitment to be broken in this way for the purpose of political advantage.

There is a question of honour involved in this particular decision as well. This is a question of honour. Commitments were made and understandings were given and granted to people participating in this process that their contributions would be treated as confidential. I could provide advice from some of those involved in this process if you wished—one of them has contacted my office today—that their participation in this review and report was confidential. They would regard it as a major breach of trust for that understanding to be broken in this way. Thank you, Madam Assistant Speaker.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.39): This document has a long history in the Assembly. It was written in 2006 and it has been the subject of much debate, both in and out of the Assembly. Motions calling for its public release have previously been debated. The public accounts committee of the previous Assembly called for the release of the strategic and functional review to

assist it in scrutinising the appropriation bill and a motion was moved by the previous Greens' member, Dr Deb Foskey, on this issue. Mrs Dunne also introduced the Government Transparency Legislation Amendment Bill during the last Assembly, which also required, amongst other things, the publication of the review.

We have heard the arguments from all parties explaining the range of reasons why the public should be entitled to read this document or why it should be protected from release because it should be afforded confidentiality as a cabinet document. The government had told us that the functional and strategic review has informed a number of major financial and budgetary decisions. Yet the public accounts committee, which has the job of scrutinising exactly those expenditures, was not given access to it. Therefore, members of the Assembly have not been given the opportunity to provide their views and properly debate the merits of the decisions taken by the government and the executive.

Tomorrow we will be debating the adoption of the Latimer House principles by the Legislative Assembly. These principles place particular importance on the need for the legislature to contribute to and thoroughly scrutinise appropriation decisions and bills rather than leaving this solely to the executive. As everyone in this place is well aware, open and transparent government is a key part of the Greens' agenda for this Assembly and a range of measures has and will be introduced to prevent events like this from occurring again.

There are some very severe impacts that the community has felt as a result of this review. The community has felt the results of the functional review and has never had the opportunity to see it. Not only that, we certainly never saw a social impact analysis. We do not know what criteria the functional review applied to its topic. We do not even know what the terms of reference were or who was consulted. We have reason to believe that some of the assumptions on which the review was based are deeply flawed.

When the last Assembly debated a motion on this issue Mr Stanhope said:

This is a cabinet document. Members are well aware that documents prepared for cabinet, under ACT legislation, are embargoed for a minimum period of 10 years. The government will not be tabling this document today. The motion is, as we all know, simply base politics—at its best; it is vexatious at worst—and displays a complete lack of understanding or support for how cabinet government works.

I find this statement most disappointing and take the opportunity to assure members of the public that the Greens will do all we can to ensure this will not be the case in this Assembly. Standards of accountability will increase significantly and no longer will the government treat the Assembly with the contempt apparent in this statement. This motion is not base politics and it is an insult to the democratic institution that we are part of to suggest that it is vexatious.

As members of this Assembly we have a responsibility to do all we can to access as much information as we can to allow us to make the best contribution to policy formulation that we can. We do recognise that there will be a tension between cabinet-in-confidence material and what should properly be in the public domain.

Certain material should enjoy cabinet protection such that it can be considered and debated confidentially. However, this applies to only a limited class of material and should be the exception rather than the rule.

In this case, a report was prepared by a consultant and relied on for a number of decisions that have significantly impacted on the lives of many Canberrans. We are happy to accept that there may be elements of the report that should be protected, but this does not mean that the whole report should be kept secret. The default presumption should be that information is made publicly available unless there is a legitimate and substantial reason why release is not in the public interest.

The High Court of Australia considered this issue in the case of *Egan v Willis*, which was reported at 195 CLR 424. The case is also the catalyst for the amendments in the New South Wales Legislative Council that we are set to follow in the next sitting. Justices Gaudron, Gummow and Hayne, at paragraph 42, found:

A system of responsible government traditionally has been considered to encompass “the means by which Parliament brings the Executive to account” so that “the Executive’s primary responsibility in its prosecution of government is owed to Parliament”. The point was made by Mill, writing in 1861, who spoke of the task of the legislator “to watch and control the government: to throw the light of publicity on its acts”. It has been said of the contemporary position in Australia that, whilst “the primary role of Parliament is to pass laws, it also has important functions to question and criticise government on behalf of the people” and that “to secure accountability of government activity is the very essence of responsible government”. In *Lange v Australian Broadcasting Corporation*, reference was made to those provisions of the Commonwealth Constitution which prescribed the system of responsible government as necessarily implying “a limitation on legislative and executive power to deny the electors and their representatives information concerning the conduct of the executive branch of government throughout the life of a federal parliament”.

The Greens will be seeking to enforce this limitation and to provide a mechanism for ensuring that those situations are determined by an independent arbiter so we do not have a repeat of this situation in the ACT.

I would also like to point out the costs that went along with that particular court case. I think some millions of dollars were spent. That certainly is not a situation that we want to put the ACT into. We do not want to put the ACT into a lengthy court case. Therefore, I move the following amendment to the motion, which has been circulated in my name:

Omit all words after “That”, substitute:

“this Assembly:

- (1) notes the consistent refusal of the Government to publicly release the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly; and
- (2) in the event the Chief Minister fails to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly by the

end of the sitting day, this Assembly undertakes to refer the question of the public release of the *Strategic and Functional Review of the ACT Public Sector and Services* to the independent legal arbiter to be created by this Assembly during the February sitting.”.

Madam Assistant Speaker, the reason we have moved this amendment is to respect the ALP-Greens’ agreement and the process that was set up to address this situation. We have made an agreement to institute a standing order specifically designed to address this type of situation. There will be an independent arbiter to assess the validity of the competing arguments for privilege or for public release.

The amendment to the standing orders will provide an outcome very similar to standing order 52 in the New South Wales Legislative Council. I seek leave to table a copy of that standing order for members’ reference in considering the amendment.

Leave granted.

MS HUNTER: I table the following document:

Order for the production of documents—Copy of standing order 52 of the New South Wales Legislative Council.

Whilst we have in the past supported the essence of the motion being debated today, and we continue to do so, we feel that it is more appropriate that an independent process be allowed to run its course, rather than the Assembly making specific demands today. We do not want to see a repeat of the enormous waste of public resources represented by the Egan case.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.47): The government will be opposing the motion, but we will be supporting the amendment circulated by Ms Hunter. I will speak to both at this point in time.

As you would be aware, Madam Assistant Speaker, and as Ms Hunter has just gone to, we are now developing the position of an independent arbiter as provided for in the parliamentary agreement between the Greens and the government. This position would be the appropriate position and provide the appropriate process to deal with requests such as this in the future.

This historic parliamentary agreement is underpinned by a range of principles to which the government commits in good faith. The right of the cabinet or the executive government to consider issues and make decisions in confidence is an important aspect of the Westminster system. This principle is recognised in ACT legislation under which documents prepared for cabinet are embargoed for a minimum period of 10 years.

The strategic and functional review is a cabinet document. There is no question that it was prepared for cabinet consideration and was not intended for public release. This was emphasised at the time the review was announced. The Chief Minister has reiterated this position previously on the floor of the Assembly and, indeed, earlier in this debate.

The government understands members' interest in the functional review and the Leader of the Opposition's motion underlies that interest. That the review continues to attract a great deal of interest, particularly from the opposition, is not unexpected for such a wide-reaching, timely and necessary review of government services. But all governments should have the capacity to review their operations and examine the efficiency and effectiveness of services they fund and deliver for their communities.

This type of review is not new. Responsible governments do these reviews from time to time. I would guess that every government before the Stanhope government did these reviews from time to time. But they were to assess the efficiency and effectiveness of their services, structures and systems to ensure the sustainability of services to the community. In undertaking such reviews, governments do need the capacity to make difficult and often hard decisions around resourcing. These decisions need to be made within the confidentiality of cabinet.

Cabinet meetings are a crucial vehicle for discussing government policy, enabling ministers to share opinions and advice on current issues, debate those opinions and make budget decisions. The functional review's terms of reference were deliberately wide ranging to look deep into the ACT public service and the government services provided by departments and agencies. The review's task was to give cabinet the very best information on the future directions of the territory.

It was also to give firsthand frank advice on the potential risks facing the territory in the medium and longer term. The government was not afraid to receive frank and hard advice and it did not back away from the changes needed to bring the territory's structures, finances and services onto a sustainable footing. The government has restructured the territory's finances without compromising the services it delivers. In fact, services in priority areas have been enhanced. Expenditure has been more tightly controlled and efficiency gains directed to front-line, high-priority services. The government strategy has proven to have worked. It has provided a buffer for circumstances such as those we now find ourselves in and it is due to the government's financial management that the underlying budget structure is sound and able to ameliorate the impact of unprecedented fiscal shock.

Despite the recent global financial crisis, our economy does remain strong. Unemployment levels are amongst the lowest in the country and activity in our construction industry continues to be high. What is important are the decisions that the government made and what is important are the outcomes for the community. The functional review was but one part, albeit an important part, of the decision-making process.

What is relevant are the decisions that this government made, irrespective of what the review recommended or did not recommend. What is relevant is the record investment in education. One new state-of-the-art school is being built every year. What is important is the massive school upgrade program. Every school in the territory is being upgraded. What is important are the measures announced in the previous budget, a \$300 million infrastructure investment in health. What is relevant to focus on is the \$1 billion infrastructure investment program. For the Leader of the Opposition to focus on the release of the report of the functional review is very simplistic:

\$242 million for climate change initiatives is what matters; \$250 million for transport infrastructure is important to the territory. A new women's and children's hospital is what matters to the community. The government is more than happy to be accountable for the outcomes it has achieved for the community and for the economy through the decisions we have made.

The question for the Assembly today is that it can focus on the release of a two-year-old review, or we can look ahead to building the territory's future. I believe the community would prefer the Assembly to focus on building the territory's future and the future for our coming generations. That remains the position of the government. However, we do acknowledge the agreement we have with the Greens and do acknowledge that the appropriate place and process for this decision to be reviewed is as set out in the amendment moved by Ms Hunter—that is, that the question of the public release of the document be referred to the independent legal arbiter to be created by this Assembly during the February sitting.

MR SMYTH (Brindabella) (3.53): It is interesting to traverse the ground that we traversed not four months ago when Dr Foskey had the courage to call for this. She had the courage to call for this because she believed the public needed to be informed, because the public, through individuals and groups, had told an organisation like the public accounts committee that they doubted the veracity of the data in the report. The data has never been tested because the data has remained hidden. We have just had the Treasurer say: "Don't concentrate on the past. Look forward to the future." The present is based on the reforms of 2006 and the budget, moving forward, is still based on those reforms. If those reforms are based on assumptions that are wrong, we put ourselves in an even more parlous position as we move forward. That is the basis for the release of this document.

The community has a right to know what the assumptions were, what data was used and how it was interpreted. And if it is accurate, the government should not have any problems with releasing it. But the government knows that it is not accurate, because when the budget was released in the flimsy summary, numerous groups said, "That information is not correct." And that is why this document is important.

Mr Stanhope spoke of honour. He said we need to honour our agreements, but when he was the Leader of the Opposition he promised to be more honest, more open and more accountable. He promised not to hide behind commercial-in-confidence and cabinet-in-confidence. He said, "We will give you information," and since he got to that chair, he has refused to do so. On the morning of the 2004 election, he said that the people of Canberra had nothing to fear from majority government. When he got that majority, he stopped listening; he knew he could not be held accountable because, as we can all do the maths, nine seats beats eight any time.

But Dr Foskey and the opposition did not stop trying. Those who were not here and do not have the history need to know what we tried to do. There were some motions, there were calls for it, there were requests for it. The public accounts committee, on 19 March this year, wrote to the Chief Minister and said:

The Legislative Assembly Committee on Public Accounts has a broad responsibility to consider any matter pertaining to the public finances of the ACT, including:

(iv) ... matters relating to economic and business development, small business, tourism, market and regulatory form, public sector management, taxation and revenue and sustainability.

Pursuant to these responsibilities the Committee wishes to examine the *Functional Review of the ACT Budget* also referred to as the Costello Report. The committee believes that consideration of the *Review* clearly falls within its terms of reference.

Therefore the Committee requests that you provide it with a copy of the *Review*.

Yours sincerely

Dr Deb Foskey.

What was the Chief Minister's response? Well, it was short and sweet:

Thank you for your letter of 19 ... requesting a copy of the Functional Review ...

As I have previously informed the Assembly, the *Strategic and Functional Review of the ACT Public Sector and Services* was prepared for Cabinet consideration.

He said, "We will not be releasing the document." It was interesting, because when we got that, the PAC considered that. We thought about what had been written. Again, PAC wrote back. The public accounts committee wrote back to the Chief Minister, and if you have not read these letters then you need to see them and you need to read them. Dr Foskey, a Greens member, was the chair. I note that this morning someone referred to her as the courageous Dr Foskey. Yes, she did have courage because she stood by her convictions and she went after the things she knew to be wrong. She did not stop and she did not squib it and she did not hide behind agreements. I will read what Dr Foskey said in this letter, on behalf of the PAC:

Thank you for your letter of 2 April ... in which you decline to provide the Committee with a copy of the *Functional Review of the ACT Budget* on the grounds that it is confidential to cabinet.

The Committee takes this as an assertion of public interest immunity on your part. Parliaments and their committees in Australia have traditionally found that public interest immunity claims, properly grounded, may be sufficient reason to decline to supply a document to a committee. The Committee does not believe that in this case your claim is properly grounded.

I draw to your attention the current approach to claims of public interest immunity based on cabinet confidentiality in Australian courts and in the ... Senate. Both the courts—

and there is a reference to Odgers, and if you want to refer to Odgers, I can give you all the references if you want to read them and be informed—

and the Senate are clear that only documents that record or reveal *cabinet deliberations* are protected.

This document is not a cabinet deliberation. This document is a report to cabinet. It is not protected, it is not covered and it should be tabled today. The letter goes on:

The document requested does not reveal cabinet deliberations, it provides information which Cabinet chose to consider. This Committee fails to see why the ACT should follow a more restrictive approach to public interest immunity than other jurisdictions.

Why are we restricting ourselves today? The backflip on behalf of the Greens has yet to be explained, and it must be explained. The letter goes on:

Release of the *Functional Review* ... to the Committee is clearly in the public interest.

So what did we get back from the Chief Minister? This is the best bit. The committee got a letter back from the Chief Minister dated 21 July. He said the same thing—Westminster, cabinet confidentiality. But he then went on to say, “We’ve exempted it.” I will read the second-last paragraph of the letter from the Chief Minister.

In the case of the *Strategic and Functional Review of the ACT Public Sector and Services*, the Chief Executive of Chief Minister’s Department issued a conclusive certificate on 6 June 2006 under subsection 35 (3) of the *Freedom of Information Act* ... stating that the “Functional Review is an exempt document ...

This certificate still applies.

This is the man who was the Attorney-General at the time. This is the leader of the ACT Assembly. This is the man who purports to represent the law, yet he confuses the FOI Act. He confuses the fact that the committee has asked for a document under the standing orders of the Assembly, and now, apparently, according to this, the Chief Executive of the Chief Minister’s Department can exempt documents from the eyes of the Assembly. What preposterous nonsense! It is the same nonsense that he purports to put on the table today when he says, “Let’s have respect for Westminster.” This is the man who, under the Westminster system, was given the courtesy by a fellow government of a draft document, in confidence, affecting the national security of Australia, and because it suited him, he put it on his website.

Mr Seselja: Honour.

MR SMYTH: That is respect; that is honour. That is absolutely honourable! That is absolutely respecting Westminster! This is the man who talks about honour; this is the man who has no honour. For the interest of members, I note today that the now Attorney-General has put out a press release saying they are going to get rid of conclusive certificates. In that case, if you are, then your defence that says, “We won’t release the document because it’s covered by a conclusive certificate,” just dissolved. Chief Minister, release the document.

I now move to the amendment from the Greens. What we have not had from the Greens today is the explanation of their backflip and the internal inconsistency of their amendment. Let us look at it. The first part “notes the consistent refusal”. Let’s just

delete that because they are not insisting that it be tabled today. Just delete it. The second part states, "In the event that the Chief Minister fails to table the strategic and functional review by the end of the sitting day." Nobody is requiring him to do that; so it is not a matter of "in the event". He will not table it this afternoon. So let us be honest here. Why don't we just amend this and say, "When the Chief Minister fails, we will go to this standing order that does not exist, that has not been formed, that does not have a process, that has not been funded and will not happen until some time next year"? That is accountability from the Greens. Be honest with us. Change it to "when" the Chief Minister does not do this, because he is not going to do it.

Mr Rattenbury: Are you formally moving an amendment?

MR SMYTH: You say you will continue to support the essence of the motion. Well, as one of you said this morning, Dr Foskey had courage. Have that same courage now. Principles now apparently go out the window when it will cost, when you might have to fight something in the court, when you will hold the government accountable. "Well, that's too hard. We won't stick to our principles." Or: "It's not in the agreement. It's not in the agreement; it can go out the window as well." Well, perhaps the agreement is a poor agreement.

What we should have is a clear explanation in this place of why, just four months after Dr Foskey moved exactly the same motion, the Greens do not support it today. The proclaimed courageous Dr Foskey of the inaugural speech this morning has just been let down. She has been dishonoured because her tradition just stopped, because there is no accountability. The Greens talk about taking out insurance. Insurance for what—the continuing practices of the government in their arrogance not to be held accountable by this place? At the end of the day, this is the highest court in the territory. We are the people who make the laws. Our job is to hold the government accountable, and we should do that. We cannot do that without the information they have hidden for more than two years. This motion, when it is amended today, will allow them to hide for a further period of time.

MR RATTENBURY (Molonglo) (4.03): I rise to address the fact that there is more than one way to skin a cat, so to speak. We just had a long dissertation from Mr Smyth on whether the Greens in fact have the courage to go through this process. What I would say is that the Greens, as we are in most other matters, are committed to long-term thinking. We are committed to more than just today's political point scoring; we are committed to more than just tomorrow's headline; we are committed to getting real outcomes.

Rather than relying simply on having the numbers on the floor of the chamber, which at the moment may be the case or may not be the case, we are committed to setting up a system that will last for assemblies to come. We are committed to setting up a system that will work, no matter what the numbers are on the floor of this chamber, no matter what the political affiliation is of the 17 members who are elected here. That is why we have been committed to setting up the process to get an independent arbiter.

It takes great courage to go for long-term solutions and not just to go for what will appear in tomorrow's newspaper. It takes courage to sit down and actually put in

writing what you are committed to doing over the next four years, as the Greens have done in our 16-page agreement with the Labor Party. It takes courage to put in writing, commit yourself and to sign on the dotted line to get certain outcomes. That is what the Greens have done, because we believe in the long-term solutions and in getting real outcomes that will continue to deliver for the ACT community over a sustained period of time.

We have already had a win on conclusive certificates, which Mr Smyth just referred to, because as a result of the Greens-Labor agreement, the government will support the removal of conclusive certificates. I think this is a significant improvement to transparency in the ACT. The Greens have only been in this place for a couple of weeks and we are already seeing the removal of conclusive certificates. Whether it will be through Mrs Dunne's bill which she tabled yesterday—and, giving credit where it is due, Mrs Dunne has been raising this issue for a significant time—we will be pleased to support either her legislation or an amalgamation with what the government brings forward. Amendments have already been made to the standing orders as a result of having Greens in this place. The Greens have already improved transparency and accountability in the Legislative Assembly, and will continue to do so over the next four years.

That is why we are putting forward this amendment, because we have committed to having an independent arbiter to adjudicate on these matters into the future. It requires integrity to stick to that position and not to stand here today, in speaking to a motion, and having regard to the politics of tomorrow's newspapers, simply take a stand that is inconsistent with the agreement we have already signed up to. This is as much about integrity as it is about the courage that the Greens have already shown.

That is why we have put forward this amendment. We believe this amendment is a good outcome for the ACT. It will set a precedent that will mean that, in the future, we do not have to have these debates, that we can focus in this Assembly on the matters of the day and that we can rely on independent arbiters to give us a consistent, well-thought through and applied approach to these kinds of documents in the future, which we believe is an important approach.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.06): I am pleased to make a contribution to the debate this afternoon. There is no doubt that it is contested ground between the legislature and the executive when it comes to the release of executive documents. It is not just contested ground in the ACT, it is contested ground in parliaments around the country and, indeed, around the commonwealth in particular where these matters are tested most frequently and most regularly.

I think it is important to note in this debate that it is contested ground and that there are reasons on both sides of the debate why a certain approach is believed to be the appropriate one. From the legislature's perspective, it is, of course, a recognised matter of importance and significance that the parliament has the ability to call for documents. That is an important check and an important power available in a Westminster democracy. Equally, there are principles at play, as the Chief Minister has outlined, on the importance of responsible cabinet government and the need for

advice to be given to ministers in confidence, in a frank and fearless manner, so that ministers can make decisions with the best possible advice and uphold their responsibilities as members of a cabinet government.

So these two competing pressures are significant ones. The parliaments and the executives need to resolve and find a balance in how these two competing pressures are accommodated. That will provide the Assembly, the legislature, with the ability to access documents in a timely way and to see as much information as is reasonable, without constraining the ability of collective cabinet decision making and responsibility to work effectively. These are the two tensions that we are debating this afternoon.

I think the approach adopted by the Greens is one that deserves to be commended because we will, I am sure, see disagreements in the future between this government, the opposition and the crossbenchers on which documents should be released to the legislature. But what we have agreed, as a governing party and as a crossbench party, is that we will establish a mechanism to resolve these disputes through an independent arbiter going forward. That mechanism is the one that should be seen as the real win for the Assembly and for governance in the territory overall.

It is not about some cheap political point scoring like we have seen from the Leader of the Opposition today about securing a particular document. Whatever the outcome is on that particular debate, without a mechanism to resolve these disputes and see us moving forward, we will see the same grandstanding, we will see the same cheap political point scoring on each and every occasion. But it will not move the whole matter forward as to how we resolve this tension between the legislature and the executive.

That is why the Labor Party has agreed, in its agreement with the Greens, that the way to resolve these disputes about which executive documents should be made available to the Assembly, and how calls for documents should be resolved, is to establish the independent arbiter approach. I am disappointed that the Liberal Party seems to be unaware of these developments, particularly given the fact that it is spelt out publicly in an agreement between the Labor Party and the Greens and it would not take much work to go and look at the standing orders of the New South Wales upper house to understand how it works.

As I have indicated as manager of government business in meetings with all parties prior to this sitting, it is the government's intention to move forward with an amendment to the standing orders to put in place that disputes mechanism, that call for documents mechanism, and to do so in the February sitting. It was my desire to have it in place and put forward as part of the package of amendments to the standing orders that were debated and passed by the Assembly yesterday. That unfortunately was not possible due to some issues of finetuning that needed to be resolved on this mechanism. But it is the government's ongoing commitment that that mechanism will be in place, will be debated and passed by this place in the February sitting. And we stand by that.

I think it is probably worth outlining to members how that mechanism would work. In general, the mechanism in the New South Wales upper house provides for a member

who calls for documents to move a motion which, if adopted, calls for the production of certain documents. The executive then has two choices: one is to simply provide the documents and say, "There is no dispute about that; the documents will be provided," or, alternatively, to say, "No, we believe these documents are protected documents, they are executive documents, and their release would be detrimental to cabinet government and the free and efficient operation of cabinet government and we do not believe they should be made available."

In those instances, the documents themselves still need to be made available to the Clerk, in that case, of the New South Wales upper house. The documents then are held by the Clerk. They can be viewed by any member of the New South Wales upper house but they cannot be copied or published; and a dispute as to whether or not they should be published and made more broadly available, publicly available, is referred to an independent arbiter appointed by the presiding officer of the upper house.

The New South Wales upper house rules provide that that independent arbiter must be a retired judge or a QC or senior counsel. They determine whether or not there are grounds for the government's claim of executive immunity for those documents. They provide a report to that effect to the presiding officer. That is made available to members and then it is up to members of the upper house in New South Wales to determine whether or not they want to continue to press their claim for the publication of those executive documents.

Remember: those documents will have been made available to members; they are able to be viewed; so members can make their own judgement as to whether or not the documents attract a claim of executive privilege or executive immunity. Members will have available to them the report of the independent arbiter on the government's claim in that regard.

I think that is a good process. It will be a process that, I am sure, in some instances in the future, will make this government uncomfortable, as it will make any government uncomfortable. But the process is a good and fair one and it allows an independent arbiter to report to this place on whether or not the claim of executive privilege is warranted. That is the mechanism that the government and the Greens have agreed should be put in place to resolve disputes such as the dispute we have had running in this place for some time on the release of the functional review.

The Treasurer has gone into detail as to why the government believes the release of that particular document is not warranted. We are prepared to subject that document to the processes of that independent arbiter and to the mechanisms as proposed in the New South Wales upper house and outlined in the agreement between the ALP and the Greens.

I think in all of this debate it is worth reflecting that there are two sides to this debate and that each has legitimate claims. The challenge for us as legislators, as members of this place, is to agree on a mechanism that will allow these disputes to be arbitrated and go forward, rather than point scoring, rather than quick, political opportunism to try to draw points away from one party and towards another. Let us agree on a process. And we have an agreement to do that. We will do that.

I think that is the sensible, informed, considered and constructive way forward. That is the nature of the amendment the Greens have proposed today. I think it reflects the spirit and the letter of the agreement they have entered into with the government.

Equally, the government intends to honour its commitments in that regard by putting in place this mechanism and supporting it in a change to the standing orders. So that approach, I think, will serve this Assembly in good stead, not just in relation to this document but moving forward as we deal with other disputes on similar matters.

MR HANSON (Molonglo) (4.17): The words I want to speak are directed more to the crossbench than to the government in this case. In this case I would not be expecting the government to come forward and want to be more open and accountable and release documents. They have a track record on this. So what I want to do is focus my words, through you, Madam Assistant Speaker, to the crossbench, because this is an issue of openness and accountability. We have certainly heard a lot of rhetoric, a lot of words, from the crossbench, from the Greens, on this issue.

I have only been in the Assembly for a day and a half, but I have heard a lot of debate. It is a new experience for many of us here. In light of what I have heard over the last day and a half, I would like to use some of those examples to lead forward why I think we need to see this document straight away. I will not be supporting the amendment.

If you contrast the rhetoric of the debate with how those debates finish, it is illustrative of what is occurring in this Assembly as opposed to what we thought might be occurring in light of the Greens agreement, in light of the election result and so on. It started yesterday with the inaugurals. The other new Liberal members and I got to speak, and all of us spoke about a desire for more accountable and open government. Indeed, in my inaugural speech, I made three key points. The second one was the objective to keep the government honest and accountable. This goes to the heart of the matter for the release of the document.

One of the next items we considered was the establishment of committees. It goes to the matter of why we have these committees. It is about openness, it is about scrutiny and it is about accountability. I note the enthusiasm with which the crossbench have embraced the committee process in that aim to make the government more open and accountable to scrutiny.

I then refer to the next item that we discussed yesterday, which is the Labor and Greens agreement. I will quote to you from that. This is about accountability:

The purpose being to improve accountability and practice in the relationship between the Executive, Parliament and the Judiciary in the ACT, and improve the involvement of non-executive Assembly Members in the development of legislation, policy and service delivery to the people of the ACT.

I would contend it is difficult to do that if you do not have access to appropriate information.

Another aspect was:

Endorse the Commonwealth (Latimer House) Principles on the Three Branches of government...

I will quote from that. It is:

...the entrenchment of good governance based on the highest standards of honest probity and accountability...

Further, the agreement talks of:

Higher standards of accountability, transparency and responsibility in the conduct of all public business;

So it is not just stuff that is behind closed doors; it is all public business.

In terms of committees:

To bring about a new role for Committees and Committee Chairpersons, recognising the Committee system of the Legislative Assembly is a vital tool in providing oversight and scrutiny...

So, again, we need the scrutiny. I continue:

Assembly Committees to perform a dual role, being scrutiny of Executive decision making, and collaboration with the Executive...

What we see here is a government that is hiding the documents that have informed so many of their important decisions, decisions that are impacting on the lives of Canberrans now. Schools have been closed and, as we said, bills have been rushed through the Assembly.

So what we have is a situation of the reality versus the rhetoric. We see the words put forward, the agreements put forward, the debate put forward in the election and in this Assembly from the crossbench but then we see the reality. We saw that reality with the appropriation bill and the motion that was put forward by the shadow treasurer, Mr Smyth, wanting to have more scrutiny, more accountability of the appropriation bill.

Initially, the government tried to block the debate. Before we even had the debate about that motion, they tried to block it. Interestingly, the crossbench, in the interests of accountability, had obviously already made their decision but only allowed that debate to occur on the understanding that they had already made the decision that they would not be supporting the debate. So, in this case, clearly, a decision had been made behind closed doors and not in the Assembly. We were not going to be listening to the debate and, indeed, it was not long after that that the debate was actually gagged.

On day one, we heard a lot of rhetoric, a lot of good intent, but, when it came to the test, whether we were going to have more accountability and scrutinise this

appropriation bill, we failed the test. If you refer back to the meetings that we have had, was it that urgent? I am not sure.

To day two, then: the day started in a similar vein, where we had statements of openness and accountability. Indeed, I refer to Ms Hunter's inaugural speech where she talked about Greens principles, open and participatory government. Ms Le Couteur in her speech commended the leadership and courage of Dr Foskey. Mr Smyth eloquently discussed how Dr Foskey had fought in the last Assembly for the release of this document. I fear that, although we have had the rhetoric saying that she was courageous and she showed leadership, already the crossbench is failing to live up to those ideals.

Ms Hunter then introduced a bill for an act to amend the Education Act. I rightly agree with her. She criticised the government for the ongoing secrecy of documents related to school closures. So she certainly is saying to us that she supports more open and accountable release of documents by the government, but maybe not in this case or not now.

We then move to the motion from Ms Bresnan on human rights. There was some eloquent debate from a number of members. It was about the underlying principle of democracy and open government. One of the principles when you are talking about human rights is that justice delayed is justice denied. I think that, in this case, to deny the release of this document denies the ability of the opposition and the crossbench and the community to examine the underlying reasons for a number of the decisions that have been made by this government.

If the government, supported by the crossbench, is going to rush through appropriation bills that have, as a large part of their rationale, this particular document, why is it then not the case that we would have a look at this document straight away? It seems to be odd that we would rush through an appropriation bill, something that is going to impact on people's lives, whilst we are going to delay the measure that is very much to the heart of accountability, which is the underlying reasons for the decisions that have been made in a large part of that appropriation bill.

In conclusion, I say that this Assembly now has another test; it has a test again on whether it is rhetoric, whether it is a matter of posturing or whether this Assembly is truly going to be what it purports to be—that is, a house of account where we are going to embrace more open and accountable government.

MR SESELJA (Molonglo—Leader of the Opposition) (4.25): We will not be supporting this amendment. Mr Smyth has outlined a number of the reasons. I pre-empted some of those in my initial speech, and I certainly put these views to Greens members privately. The amendment essentially does not even call for the document to be delivered. It is a curiously drafted amendment because it says, "We won't support a call for the Chief Minister to table the document but we will say that if he doesn't table it, and we haven't asked him, we should go through this other process." I think they would have been better off simply voting against the motion as a whole, because I do not think this amendment makes any sense, and we certainly cannot support it.

That is quite apart from the fact that we believe that what we were calling for prior to the election and what the Greens were calling for prior to the election—that is, that the government should make this document available—still stands. It is as valid a proposition now as it was prior to the election. It is as valid a proposition now as it was when Dr Foskey wrote, on behalf of the public accounts committee, on several occasions to the Chief Minister, asking for it, and it is as valid a proposition now as it was when Dr Foskey moved a motion in the Assembly containing the very same words. It is a very curious position that has been taken by the Greens.

We see a split between Mr Corbell and Mr Stanhope on this issue. Mr Corbell, for once, perhaps, showed a touch more reasonableness than Mr Stanhope, because Mr Corbell in his speech said that there were legitimate claims on both sides—that the executive had some legitimate claims and that the legislature had some legitimate claims here. Mr Stanhope took an absolutist position that we are all wrong, that these documents should never be released, that it would fundamentally undermine Westminster democracy and that it was a question of honour. That is an interesting proposition coming from the Chief Minister, isn't it? A question of honour. This is the man who released documents that were given to him in confidence because he felt it was in his short-term political interests. He could not be trusted. He showed no honour in placing those documents on his website. This is a man for whom honour and truthfulness seem to be a foreign concept.

Mr Corbell: On a point of order, Madam Assistant Speaker, that is casting a clear aspersion on the Chief Minister's character, and it is quite disorderly. I would ask you to ask Mr Seselja to withdraw.

MADAM ASSISTANT SPEAKER (Mrs Dunne): What do you consider is disorderly, Mr Corbell?

Mr Corbell: Mr Seselja indicated that the concept of honour and truthfulness were alien to Mr Stanhope's character. I think that is most disorderly, and I would ask you to ask Mr Seselja to withdraw it.

MADAM ASSISTANT SPEAKER: Mr Corbell probably has a point, Mr Seselja. Could you withdraw.

MR SESELJA: To the extent that it was disorderly, which has not been pointed out to me, I withdraw.

Mr Corbell: No, without qualification.

MR SESELJA: No, hang on; it has not been pointed out to me.

Mr Corbell: On the point of order, when withdrawals are asked for, it is the common form in this place that they are withdrawn without qualification. It is quite disorderly to withdraw them with qualification, and Speakers of all persuasions previously have asked that they be withdrawn without qualification.

MADAM ASSISTANT SPEAKER: Mr Seselja, could I ask you to withdraw any imputation on the Chief Minister's character.

MR SESELJA: I withdraw, Madam Assistant Speaker. We always have a bit of a chuckle when we get lectures like that from the Chief Minister. We certainly do chuckle when he preaches to us about honour. There is no doubt about it; it makes us all have a bit of a laugh to ourselves, given his behaviour over a long period of time.

Mr Corbell did take a more reasonable approach than the Chief Minister, and I commend him for that. We do not agree with him on this particular point, but he took the approach, and he did actually touch on a very important point, which is that there are some legitimate claims on both sides in these arguments. We are saying that the legislature should be able to make these decisions, particularly when, as outlined so well by my colleague Mr Smyth in relation to Odgers *Australian Senate Practice*, this is clearly not about internal deliberations of cabinet. We do not want to know what individual cabinet members thought about the functional review and thought about the response to the functional review. We do not need to know what was said in cabinet. We are not asking for that. But it is reasonable that this kind of advice, that this kind of report, is made available.

The logical conclusion from the Chief Minister's quite dogmatic position is that governments would never have to release anything, because this practice would lead to them stamping anything that they thought was vaguely sensitive as "cabinet-in-confidence", and in some way bringing it before cabinet and applying this 10-year rule. That is a totally unreasonable proposition.

Unfortunately, we also have a significant shift and a significant backdown by the Greens. I think that it is important for non-government members to genuinely keep the government accountable. It is important to stick to our positions that we take to the election. I think that is of critical importance. But if you find yourself agreeing with the government often enough, if the government is often happy with your decisions when you are a non-government member, you start to question over a period of time whether you are really keeping them as accountable as you should.

We saw—and Mr Hanson touched on this in his speech—the issue already of the appropriation bill being rammed through, with debate gagged, and that was supported by two parties in this house, the Labor Party and the Greens. When you talk about openness and accountability, at the first opportunity, the debate was gagged. With the second opportunity, involving the Costello report, we saw prior to the election a very clear position from the Greens. In fact, it is fair to say that there was an amount of running on their record. I heard a lot from the Greens about their experience in the Assembly, that they were building on that experience in the Assembly and that they were building on the work that had been done. And much of the record was about keeping the government accountable.

One of the main things that Dr Foskey did to try and keep the government accountable, having considered the position, was to take advice and consider this through the committee process as well as through the Assembly. Having done that, she came to a reasonable conclusion that this type of document should not be protected by cabinet-in-confidence. We should not simply be able to stamp whatever we like as cabinet-in-confidence and therefore prevent its release. She came to this conclusion. The Greens did run on that. They ran on accountability; they ran on their record in the Assembly.

And their record in the Assembly is one of voting for this. It is a record of voting for this very motion that we are debating today and which the Greens are seeking to amend through Ms Hunter's amendment.

We do not agree with the amendment. We do not believe it makes sense. We believe it does give the government the out that they are looking for. We also believe very strongly that it is one thing to talk about keeping the government accountable, but if you agree with them on all of these things, particularly things like ramming through legislation and hiding documents, they will continue on their merry way in much the same way that they did. There might be a few changes at the edges, at the margins, but I do not think that is what the people of Canberra voted for. They did not vote for changes at the margins; they voted for significant change. They were very unhappy with what they had from the government in the last Assembly.

What we are seeing to date, post election, is that not much has really changed. Are they still able to ram through legislation without any debate? Yes, they are going to do it this week. Are they still able essentially to decide how many sitting weeks we are going to have? Yes, it appears so. Are they able to continue to hide documents which go to the fundamental decision making of government and go to the fundamental delivery of services in the ACT? Yes, they are. They are continuing along their merry way. So the question for the Greens as this Assembly progresses will be: do they want to allow them to continue on their merry way with a few statements of principle along the way, a few minor changes, or do they actually want to keep them accountable? The story to date, this week, is that the government will continue pretty much as it has in the last term with, of course, the need for a few more negotiations before they get to their desired outcome.

MS BRESNAN (Brindabella) (4.35): I just want to acknowledge that we agree with many of the arguments raised by Mr Smyth; they are compelling and they do reflect the position adopted by the Greens in the past. Having said that, this is a new Assembly, there are new mechanisms and there will be new mechanisms put in place to resolve disputes. We are honouring our commitments to accountability and transparency and in the next sitting period this will be resolved. I have to say it does not seem that the opposition has read the agreement because this amendment will be set up for the long term. As we have said previously, this is not just about some point scoring in the Assembly; it is about putting in place a long-term process so that we do not have this situation happening. We are not stopping the document from being released, and if the opposition had looked at the agreement closely, it would see that it is about putting in place independent arbiters so that we have a process in place to look at documents.

In relation to Mr Seselja's point about the sitting week, as with the changes to the standing orders, the increase in hours results in about an extra 3½ weeks of sittings. So I think they may also want to do their sums in terms of sitting weeks.

Question put:

That **Ms Hunter's** amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

Disability employment services

MS PORTER (Ginninderra) (4.41): I move:

That the Assembly:

- (1) congratulates the federal government on the announcement of its new disability employment services model; and
- (2) encourages the ACT Minister for Disability and Housing to support this model by moving towards its implementations.

I am pleased to move this motion today, coming shortly after the International Day of People with Disability. Last Wednesday, 3 December, the Minister for Employment Participation, the Hon Brendan O'Connor, announced the federal government's proposed new model for disability employment services to coincide with the International Day of People with Disability. It is proposed that these services will begin on 1 March 2010 and can be considered as part of the federal government's overarching strategy for developing greater social inclusion in Australia.

I congratulate the federal government on its new disability employment service model. I also note the intention of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector, Senator Ursula Stephens, to build relationships across government, in active cooperation with governments of all states and territories, as well as the non-profit sector, consistent with the Rudd government's aim to empower the states and territories to provide innovative ways of implementing federal government policy.

Recently, I attended two ministerial conferences on ageing on behalf of the ACT government, as the Minister for Ageing was not available to attend at the time. This gave me a good opportunity to explore and discuss the many issues that face us in the ACT and across Australia in relation to social inclusion and exclusion. It is obvious that this is an area of concern both to the commonwealth government and to the states and territories.

Last Wednesday, I went to a well-attended breakfast and celebration for the International Day of People with Disability, organised by the peak body at that time. I also attended a celebration by Capital Careers during the day. Capital Careers is one of the many organisations, both profit and non-profit, that play a role in offering training and development for people with a disability to enable them to participate in the paid workforce—an important aspect of participation in our society.

Like all Australians, those with a disability want to contribute to their full potential, and should be able to contribute to their full potential, in all aspects of their work life, leisure and community life. The proposed model for new employment services for people with a disability is aimed at ensuring that people can genuinely engage in the economic life of our nation. I often raised the issue of social inclusion in the previously Assembly, and I believe that all people, whatever their circumstances or abilities, need to have an equal opportunity to participate in our society.

Despite having enjoyed over a decade of unprecedented economic prosperity, it is concerning that severe disadvantage and social exclusion still exist in Australia. What do I mean when I refer to “social inclusion”? As is often the case, it is easier to describe something by that which it is not. Social exclusion can be seen in non-participation in the workforce, non-attendance or inability to succeed in education, being confined to one’s own home for any reason, or in a care facility, lack of engagement in the community, a lack of access to social networks, and a lack of access to technology or transport.

Socially excluded citizens often live on the margins, not fully engaging in the community. An individual may feel socially excluded because of their financial circumstances, their disability, their lack of education in areas such as literacy and numeracy or through illness, their living conditions or lack of transport. People from culturally and linguistically diverse backgrounds may have difficulty with a new environment, a new language and a new culture.

Disadvantage is obviously a key factor and the complexity of this problem needs to be better understood. In Professor Tony Vinson’s report entitled *Dropping off the edge* he used data to map areas of disadvantage in Australia. Importantly, it was found that disadvantage was intergenerational and not just seen in identified geographical areas. As I said, it is a complex problem that requires flexible solutions that focus on causes and on specific solutions for a diverse range of problems. As I have often said in this place, there are no simple solutions to complex problems.

As a member for Ginninderra, I will remain committed to people in my community having access to their government, and I am committed to representing their needs. Members would hopefully be aware that during the last Assembly I made more representations to the government and other stakeholders on behalf of the community than any other member of the Assembly. Most of the matters that come to me through my mobile offices, telephone or email are of a local nature and they are often matters that affect people’s lives in a very personal way. A broken footpath or shrubbery hanging over a path may not seem earth shattering to some; however, I know that if someone does not feel safe to walk down a footpath or go out in the evening, this can lead to their becoming socially isolated. I am pleased to say that my representations

have, for the most part, brought about very positive outcomes for many hundreds of Canberrans.

Many government-funded programs in the community sector reduce isolation—for example, increasing the capacity of the regional community services to provide individual transport trips and the recently provided community buses. In addition, we all know what a wonderful success the ACT government gold pass for ACTION buses has been, with 5,660 signing up for their gold passes at last count. We now have 111 of our buses with full disabled access across the regular fleet of 389 buses, and there will be an additional four new buses in service by next January. In addition, ACTION has 18 special needs transport mini-buses that are wheelchair accessible. By December 2022, all buses will be fully accessible.

As I said, the not-for-profit organisations conduct many programs supported by the ACT government to assist people to remain actively engaged. One example of this is a program conducted by Volunteering ACT, Connections. This program links volunteers with people living with a mental illness to enable the person to better integrate back into the community after an illness or to maintain links during a time of recovery and times when they are well. This is sometimes critical to their returning to their normal day-to-day lives, which may include paid work.

The ACT government also runs services directly through its departments, such as a mobile library service. This service provides library books that are delivered to people's own homes. Southside Community Services also conducts adult literacy and numeracy programs. We can all imagine, I am sure, how difficult life would be if we were not able to negotiate some of the everyday things in life, such as reading a road sign or the price of goods in a supermarket. This program assists people to gain these important skills in the privacy of their own homes or in the volunteer's home. This method of tutoring, of course, is much preferred by adults with a lack of literacy or numeracy skills.

The Rudd federal government has developed a new approach to the problem of social exclusion, proposing solutions that place a value on each Australian and that put the people themselves at the centre of government policy formation and implementation. This new model stresses the need for individually tailored employment services, indicative of the people-centred approach that is being emphasised.

Programs will offer 18 months of individually tailored assistance, but also will allow for a further six months of assistance if a job seeker is close to achieving a job placement at 18 months. I am happy to say that this new approach signifies the end of an era when individuals that shared similar problems were grouped together in a single entity and given a solitary, broad solution to problems which were assumed to be of a uniform nature. The Rudd federal government stresses the importance of dealing with causes and seeking to adopt a "person-first" approach. I do not doubt that this will be very effective.

This model provides for result-based incentives through bonus outcome payments to reward skills development, education and training, with the greatest rewards given to those providers who will find sustainable jobs for job seekers. This model demonstrates the federal government's determination not to have its policies consumed by red tape and it is aimed at achieving tangible results.

This new approach allows for flexibility and seeks to build relationships across the federal government, in concert with the states and territories, as I said previously, as well as with the non-profit sector—and I mentioned before how many programs the non-profit sector offers in this regard. It demands that we talk about people and with people, not about problems; and, as I said before, not about groups of people that seem to have similar problems and seem to be a homogenous group.

I applaud this vision. I understand that in the ACT we have a responsibility to ensure that our vision of social inclusion, our vision of a harmonious society, continues to be implemented. After all, this is the nation's capital, where we should be aiming for best practice and leadership.

No facet of a person's life can be seen in isolation from any other, and this new approach by the federal government, which will be implemented, hopefully, through all state and territory governments, reflects that, as it is based on looking at the individual and at what the individual faces. As I said previously, small things like being fearful of going out by oneself, being fearful of going out at night, being unable to have appropriate transport, being unable to read or have numeracy skills—all of these things can impact on someone who may already have a disability or a reason for not being able to find work. And it makes matters much worse. It is very important that each individual is looked at having regard to their own particular circumstances so that we can continue to provide appropriate employment for all people in our community, and everyone can be economically connected.

We are very fortunate in this city in that we have worked very hard to establish its reputation as a welcoming and supportive destination for people from many nations who come here to live and to work. It is clear from what we have achieved. Of course, we all know about the wonderful multicultural nature of our city. We can talk about the popularity of Canberra's annual Multicultural Festival that Mr Hargreaves will be launching this coming Friday. This demonstrates how we as Canberrans cherish our city and cherish its inclusiveness and its harmonious nature.

It is clear that people in the ACT strongly desire and support events, programs and policies that contribute to a more inclusive society. I am sure that this new model that the federal government is proposing is something that we will be looking at with interest. It is extremely important that we all work together, and this new era of cooperation between the states, territories and the federal government is very welcome. As I said, when I attended the meeting of the ministerial council on ageing and discussed matters with my territory, state and federal government colleagues, I found that there is a lot of cooperation going on now. I am very hopeful for the future in that regard.

I reiterate my support for the proposed new model for disability employment services and encourage the Minister for Disability and Housing to support this model so that the ACT leads the way in the development of a fully inclusive Australia.

MS BRESNAN (Brindabella) (4.55): I would like to thank Ms Porter for bringing this matter to the attention of the Assembly. Improving employment opportunities for people with a disability is a vital aspect of improving the quality of life for everyone

in our community. Employment is a key part of community wellbeing and it impacts not only the financial aspects of life but also social inclusion.

The ACT Greens have a long history of pushing for programs and measures to improve the employment prospects for people with a disability, including measures by Ms Tucker and Dr Foskey such as championing employment funding for people with a mental illness.

The new disability employment services model discussed by Ms Porter is outlined in the second discussion paper from the Department of Education, Employment and Workplace Relations released on 3 December 2008 and is based on a series of consultations and research from the first paper released in September. Submissions on the second paper close at the end of January 2009 and it will be interesting to note the comments on the model outlined by DEEWR.

The measures outlined in the proposed new model are welcome. These include:

- the uncapping of services from March 2010 with the aim to reduce the incidence of people being turned away and waiting times of over a year and, hopefully, to also prevent people being referred to inappropriate employment streams, which did occur under the previous employment programs;
- improved flexibility and allowance for a safety net for episodes, with two programs allowing better flexibility and more recognition of the individual needs of each job seeker; and
- better outcome-focused incentives and less red tape.

These changes, once analysed and improved by ongoing consultation with providers, job seekers, employers and members of the community, will help to make employment more accessible for people with a disability. Disability employment groups must, however, continue to be consulted to ensure that the processes are leading to better employment outcomes for people with a disability.

The improved flexibility provided by the new programs in the new proposed model is welcome. Understanding the often changing needs of many people with a disability is vital for their employment options and for many aspects of their lives. I have heard anecdotal evidence that some people with a disability believe that there is a disincentive to find employment, as their access to subsidies for health care and various aids may be lost due to their increased income. This is something that needs to be kept in mind for those entering the workforce and, while it is not specifically mentioned in the priorities framework, this is something that the department will need to be aware of and disability and employment groups will need to keep a watch on. It is important to consider that for people with episodic conditions it may be necessary to ensure that they are still able to access income support when or if they become unwell.

Employment for people with a disability is a matter for all jurisdictions and, as mentioned in the discussion paper, assistance for job seekers and for employers needs to be targeted to individual needs and to the local environment. That is about making sure that the system is people centred and not focused on people fitting the system.

The ACT government should be doing what it can to support improvement in disability employment services. Such support can include a number of things. The ACT can be working towards improving public transport options. It can work with the community sector to improve accessibility to information and to disability services in the ACT. We can take steps to assist carers. Indeed, helping people with a disability into the workforce helps to ease the strain on carers. So providing assistance and information to carers about disability employment services is a useful way for the ACT government to contribute to the successful functioning of the federal model. The ACT can also support initiatives such as social firms or enterprises that provide employment opportunities for people with a mental illness. I note that this is something which is underway in the ACT.

I would also like to note the following points on the Advocacy for Inclusion website:

Why is work important?

Employment is a valued social role, our society values work and workers, so people who have a disability who are able to participate in employment, and do, are seen as valuable members of society.

Employment presents the opportunity to learn new skills, many of which can be carried into other aspects of life.

Are there negative aspects of work?

...

- Some places of employment do not see the full potential of people who have a disability to participate in the work community.

...

What can we do to change this?

Increased opportunities to fulfil respected roles in the community are important to valuing people who have a disability. Community opinions need to be changed regarding people who have a disability so that they are valued participants in all aspects of community life.

Even though many people who have a disability may need support to enter and participate in the workforce, such participation should centre on high expectations, learning new skills and contribution to the workplace. This will promote more valued social roles for each individual and for all people who have a disability.

In researching this motion, my staff were advised that Advocacy for Inclusion have made a submission to the original discussion paper, and I am sure that they and other community groups in the ACT will keep an active watch on the progress of the changes to disability employment services and do what they can to improve them. The ACT government should continue to work with these groups and individuals to assist participation in the workforce and social inclusion generally. I support this motion.

MR DOSZPOT (Brindabella) (5.01): Ms Porter has congratulated the federal government on the announcement of this new disability employment services model, and I concur fully. We are always happy to see additional support being given to the disability sector in the ACT.

The additional funding for the disability sector is welcome, but how much of this funding will be wasted on red tape and bureaucracy? By way of example, this announcement regarding the national disability agreement comes 12 months after the Rudd government had promised to fast-track the renegotiation of the next disability agreement previously known as CSTDA.

Disability services are an area of critical need, and, as Ms Porter has stated, she would like to encourage the ACT Minister for Disability and Housing to support this model by moving towards its implementation. We wholly support this worthwhile suggestion. In fact, I would like to make some practical suggestions to the minister. I would like to see the ACT's share of this additional \$1.3 billion funding be used to implement some direct action by creating job opportunities for people with disabilities. The minister and I were at a function just recently where the question of the number of people with disability in government employment was raised, and I think we are both of the opinion that that is an area that we should be able to address or the minister should be able to address.

I would also like to suggest further direct action to provide some ongoing relief for parents with special needs children who require assistance with after-school care or, especially, with school holiday care provision, which, at the moment, as I understand it, is not available. I have had a number of constituents come to me with this request, and I would like the minister to take note of this and see what is possible to be done with the additional funding. The federal government is banking a lot on this new agreement by claiming that there will be improvements in many areas of disability service provision. Can the minister for disability give us some indication of what plans are in place to utilise this additional funding?

In conclusion, can the minister give the people with disability, their families and carers any information regarding what current federal responsibilities will be transferred to the ACT government?

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.03): I am delighted to support Ms Porter's motion congratulating the Rudd Labor government on this proposed new disability services model.

I begin by responding to a couple of points that Mr Doszpot made, and I welcome his expression of support; it is refreshing, let me say, and I hope that this is not going to be something that will be strange to us. I am looking forward to it. At the end of the day, these people need us more than we need them, and we need to respond.

Firstly, the discussion on the new version of the CSTDA, the commonwealth, state and territory disability agreement, with regard to ageing—and I know this is a little bit off the beat—talks about the federal government being responsible for services for people over 65 with a disability and the states and territories being responsible for people under 65 with a disability. So we are looking at the extent to which that may be applicable.

We are looking at a series of models, and, funnily enough, it is not us that is doing the looking at it; it is the disability community. For example, the Disability Advisory Council, under the chair of Sharon Sobey, is doing a bit of work, and there are a number of such bodies around the town doing some work on that.

Mr Doszpot's suggestion that the ACT's share of the \$1.3 billion be spent on the creation of job opportunities I do not think is a silly suggestion at all. We have to be very careful, however, that the jobs that are created are sustainable jobs and not just token jobs. Way back when we talked about opportunities for people with a disability we talked about sheltered workshop stuff, and that just does not work. We need to give them proper, sustained jobs.

The attack on the government not having a good track record in this regard was actually a reference to the federal government. The ACT government's track record on creating jobs for people with a disability is very good and comparable across the country. I know in my own department of disability, for example, there are heaps of them. In ACTION we have got heaps of them. In the library service and in Canberra Connect there are heaps of them.

With regard to after-school care, I need to check on that. I will not commit to that; I need to check its relevance in terms of the independent support packages for people with disability. It depends on the level of disability to what extent the after-hours school care applies. But I take the point on board—it is in my head—and I thank Mr Doszpot for that.

As Ms Porter informed the Assembly, it is proposed that services under this initiative will commence on 1 March 2010 following a final consultation period. The model serves to enhance the provision of employment services for people with disabilities. This will ensure that all job seekers with a disability can access individually tailored employment services.

The new model is outlined in a discussion paper released by the federal Minister for Employment Participation, the Hon Brendan O'Connor MP. Importantly, the discussion paper followed broad consultation with key stakeholders, including people with disabilities and their advocates. It clearly identifies the shortcomings of the current employment system, including its inflexibility for both employers and employees as well as its bureaucratic nature. This has meant that some job seekers have had to wait for services.

There have also been major issues resulting from the capping of services. The proposed new model will substantially improve services for job seekers with a disability, as well as their family and carers, employers and employment service providers. It will see an uncapping of services enabling all eligible job seekers with a disability, including school leavers, access to a place in employment services.

Also, services will be tailored to better meet the needs of job seekers with a disability and to be more responsive to employers. There will be stronger incentives for providers to place job seekers in training, contributing to enhanced longer-term employment outcomes for job seekers. Importantly, and this is something Mr Doszpot

did talk about, red tape will be reduced and administration streamlined, allowing providers more time to help people with a disability to find employment. As Minister O'Connor noted when announcing the new model, people with disabilities want work—and we know that employment is one of the most significant ways people can participate socially and economically in their communities and one of the best ways to break down stereotypes and prejudices and to promote social inclusion.

The new system will operate alongside general employment services but will be focused on providing employment services specifically for people with disabilities. The ACT Labor government has a strong belief that people living with a disability should be given the opportunity and support to achieve their full potential and be valued as equal participants in our community. That is why this government has many initiatives underway in the ACT aimed at fostering social inclusion for people with disabilities.

As members will be aware, last week we celebrated the United Nations International Day of Disabled Persons. I would like to take this opportunity to congratulate the many people who organised and assisted with a range of events held in the ACT and, equally, the many people who participated in the events. In Australia the day is referred to as the International Day of People with a Disability, as I mentioned, or I-Day. I-Day aims to promote an understanding of disability issues and to mobilise support for the dignity, rights and wellbeing of people with a disability. It also seeks to increase awareness of the community benefit of enabling and encouraging people with disabilities to participate in all aspects of political, social, economic and cultural life—a phrase that I know the Greens party use quite a lot, the triple bottom line approach.

This year the I-Day theme was dignity and justice for us all. That was the breakfast that we were referring to earlier on. Disability ACT hosted three events: a breakfast, a photographic exhibition and a fun day in the park. Fittingly, the celebration breakfast was held at the High Court of Australia. Seventy people attended that breakfast, which featured a keynote speech from the Human Rights Commissioner and Disability Discrimination Commissioner, Mr Graeme Innes AM. Graeme is a person with a disability himself; he is blind. He is a marvellous ambassador for human rights. His long record of initiative, activity and advocacy in the field of disabilities speaks volumes of his passion and experience in this area.

The photographic exhibition entitled *A Different Focus* features the acclaimed work of two people with disabilities, Jessica Irwin and Jenni Heckendorf. The Sunday Fun Day Community Festival was presented at the Stage 88 arena at Commonwealth Park and featured a diverse range of performers, stalls and family entertainment. These events all celebrated the power of inclusion and assisted in further raising the profile of people with disabilities as active and engaged members of the community.

Through my portfolio tasks, my contacts with people with disabilities have shown me that they have a strong permanent need to feel valued—and one of the best ways is for them to be employed and to be paid a wage. The act of receiving a pay cheque is a simple basic human illustration of acknowledging a job well done. Talk is cheap; rewards work and esteem climbs.

With this in mind I would like to speak about a wonderful initiative that goes to the heart of the social inclusion of people with a disability. This is the business leaders innovative thoughts and actions program, or BLITS as it is known. Its core objectives are threefold: to identify, support and promote new and innovative partnerships, projects or products that increase the participation of people with disability in the community, to find new and innovative projects and events to showcase business opportunities in the disability sector and to improve the perceptions of business operators towards people with a disability in the workforce and the community.

It is a wonderful initiative, and I would like to draw member's attention to the BLITS champions. The champions are members of the business and general community who share the BLITS values, aims and objectives and generously support our efforts in myriad ways and in their daily life, and they come from everywhere. We have got Doug Edwards, the Chief Operating Officer of Prime Television; Christine Faulks, CEO of the Canberra Business Council; Jeremy Lasek, and we all know Jeremy; Eoghan O'Byrne, General Manager of Canberra FM; Chris Peters; Simonne Shepherd; Ivan Slavich; and Fiona Wright. So, you can see from that that it is a broad spectrum of people from all over the place.

We can see that the ACT Labor government has already put into place initiatives to make the ACT community a welcoming and socially inclusive one. We will continue to further our work in this area. The ACT Labor government will work closely with the Rudd government to ensure the success of this new employment model. This is a very positive step, and I would encourage Canberrans to read the discussion paper, which is available at www.workplace.gov.au, and contribute to the development of this important initiative.

I thank Ms Porter once again for bringing this into the public arena. Disability is something that I would like to have not discussed at all. It should just be that being red-headed or being left-handed is a big deal. I want to see physical and intellectual disability treated the same way—just part of being us—and the normalisation process that goes with it, and I think we are a long way down that track.

Mr Doszpot: Mr Speaker, I seek leave to speak again; I am addicted.

MR SPEAKER: On what grounds do you seek leave?

Mr Doszpot: To seek clarification from the minister. It is a minor point, but I think clarification is required.

MR SPEAKER: Is leave granted?

Mr Hargreaves: Without precedent.

Leave granted.

MR DOSZPOT (Brindabella): Minister, the only question I have got is: when you started your response you mentioned that the national disability agreement will come into force on 1 January 2010. I think that is probably a mistake.

Mr Hargreaves: Yes; it is 2009.

MR DOSZPOT: That is all I am trying to clarify. I was just trying to make sure. People are looking for relief in a lot of these areas, and I do not think 2010 would have been appropriate; it is too long to wait. Thank you for that clarification.

MS PORTER (Ginninderra) (5.14), in reply: I would like to thank members for their contribution to this debate. I thank Ms Bresnan for her support. We welcome the Greens' support in this area and in the implementation of this model in the ACT. Thank you for that. Also I would like to thank Mr Hargreaves for his support. I am sure that being the Minister for Disability and Housing now—

Mr Hargreaves: Again.

MS PORTER: Again, but also Minister for the Ageing, you have a logistical understanding of how these models can be successfully implemented. Thank you for your positive response to this.

I would like to thank Mr Doszpot for your words as well. I would just like to point out that I know that you are concerned about the red tape. We are all concerned about red tape in this place and it can frustrate many of us at times. But this model is a model which aims to reduce red tape. We welcome that in this new model.

As I said, I thank members for their support of this motion and for their comments in relation to the new model and what the ACT might be able to introduce through cooperation with the commonwealth, states and territories.

I mentioned before how important the not-for-profit organisations are in realising the programs that can increase our life chances, especially for people with disabilities in all areas of their life. If in only one aspect of our daily living we experience a disadvantage or a barrier to access, it can prevent us pursuing any type of work, be it paid work or unpaid work. All the pieces of our life's jigsaw have to be put together to make it work.

As I said previously, there are many areas of our daily living that affect us. It is not just the fact that there might not be a job there; it might be that we cannot get to that job or that we have not got sufficient training or support, say, with our family or, as Mr Doszpot, mentioned carers. They are a very important aspect in this whole jigsaw, as we put things together. We may not have the support of people for us to be able to go out and take on a paid job.

There are many barriers that we face and many barriers all of us as individuals face in our community but this is particularly so for people with disabilities. That is why we really welcome this model that is put forward by the Minister for Employment Participation. We welcome the fact that this work will go on between all states and territories and the commonwealth and that an overarching strategy will be developed for greater social inclusion in this particular area across Australia.

I know that this is not the only area of social inclusion that the federal government is concerned about. There are many areas that it is concerned about and it will continue to look at those different models to face particular issues.

I also welcome the fact that this is a person-based model and not a model that groups people as homogenous groups but deals with people as individuals and looks at their total life chances and builds on those. So I am really pleased that this model is going ahead. I thank members today for their positive response.

We have just seen the Pacific Games here. I note that numbers of young people that participated in the Pacific Games were young people with disabilities. So we need to make sure that we have access to participation in all aspects of our lives. So thank you very much, members, for your support and all your ideas. I commend this motion to the Assembly.

Motion agreed to.

Economy—outlook

MR SMYTH (Brindabella) (5.19): I move:

That this Assembly:

(1) notes:

- (a) the failure of the Stanhope-Gallagher Government to recognise the changes that were taking place in the ACT and national economies during 2008;
- (b) that the lack of appropriate action by the Stanhope Government will probably lead to the ACT Budget moving into deficit during 2008-09;
- (c) that the Chief Minister promised, during the 2008 ACT election campaign, that a re-elected Labor Government will not take the budget into deficit; and
- (d) that the Treasurer has subsequently stated “there is a very strong chance ... the budget for next year will be in deficit”;

(2) regrets the failure of the Stanhope-Gallagher Government to use an additional \$1.6 billion in additional revenue to either secure the future of the ACT economy or improve essential services for Canberrans; and

(3) condemns the Stanhope-Gallagher Government for its inaction in dealing with developments in the ACT economy.

The motion comes at a critical time for the ACT economy and for the ACT community because, if we are to deliver high-quality services and provide good infrastructure to the people of the ACT, it does depend on the strength of the economy and the ACT budget.

The global financial crisis has developed to an extent that I think no commentator anticipated. And this has necessitated a dramatic response from governments around the world. Global economies, both developed and developing, are now experiencing a slowdown of economic growth, with some in recession, such as Japan and probably

the USA and now Canada. While Australia is quite well positioned nationally to withstand the impact of these international developments, we are not immune and we have seen some of the consequences for Australia in terms of the 40 per cent reduction in interest rates and the reduction in many asset values, particularly for equities, commercial properties and residential properties.

But where does the ACT sit in the midst of these developments and, in particular, how did the ACT economy get to the point where it is now, where we are facing, for example, a deficit in our budget for the year 2008-2009? The journey has been a sad and sorry saga. The ACT has come through a period of extraordinary economic activity that has led to a boom in revenue, particularly from GST collection and from property transactions. And this boom has been in the order of \$1.6 billion above expectation—\$1.6 billion above what was estimated for the period 2002-03 to 2006-07.

At an early point in this period I recognised the significance of this boom. I recognised the importance of the ACT government husbanding this unanticipated revenue and I made many comments over time but in particular in my budget reply to the 2004-05 ACT budget. I started by saying that it was a budget of missed opportunities.

Almost quite identically, the editorial in the *Canberra Times* after that budget was headed “Budget misses opportunity”. The quote from the *Canberra Times* is quite instructive. This was in May 2004. The *Canberra Times* says that the budget is:

... a bit disappointing for anyone hoping for some leadership, inspiration or a public dividend from an economy essentially in good shape.

In the last four years, we have not seen a change.

I spent some time in that budget reply detailing how the Stanhope-Gallagher government had failed to take full advantage of the ACT’s revenue boom, detailing how funds had been frittered away on what I described as “short-term expedient spending”. We should all regret that the Stanhope-Gallagher government did not do more, much more, over the past five or six years to position the ACT much more strongly to withstand external shocks, unlike the case we find ourselves now in, where we will have paper-thin surpluses at this point in the next couple of years, bordering on \$10 million, \$11 million and \$12 million. That is not having the ACT economy or budget in a position to withstand external shocks.

But of course you realise why the Stanhope-Gallagher government was not able to do this. On the one hand, there was little strategy to guide how spending would be undertaken. We just heard in the previous debate how Mr Quinlan revealed that what he could not do was stop the reckless spending of his colleagues. And the reckless spending has continued for seven years. We now find ourselves where we have spent in the good years and we are not well positioned for the down years.

Indeed, we saw how lacking in strategy the Stanhope-Gallagher government has been, with its appalling decisions that were particularly revealed in the 2006 ACT budget—the savage cuts to schools, to business programs, to sports programs, to tourism

funding, to services like SAAP, to ACTION, to other essential services that look after the community. In fact, we can now see that the cuts in the 2006 budget were the wrong decisions at the wrong time. For instance, the government is now hastily re-establishing business programs and hastily recommitting to a tourism budget.

We know that the Costello report on which the cuts were based was badly flawed. It is still unfortunate that we cannot see that report. So much for transparency and accountability!

It is sufficient to conclude that the Stanhope-Gallagher government failed to use the bounty from the good times to invest wisely for the poor times. Economies inevitably move in cycles. The Treasurer today could not define what an economic cycle was or how long it would last. I am sure she is confused with an electoral cycle which of course is four years. While we wait with bated breath for more pearls of wisdom from the Treasurer about economic cycles, given the recent history, it is difficult to work out where the ACT actually is at the present.

We only have to look at the last three or four months, where in the lead-up to the ACT election we had the Chief Minister telling the electorate on 28 August 2008 that the ACT “is experiencing a period of sustained economic growth and prosperity”. We are having sustained growth. In August—September, October, November, December—four months ago, we were living in a period of sustained economic growth. This was from a man who at that time was the Treasurer but who obviously could not read the front page of any of the morning papers as the world melted down in the global financial crisis.

Then again, on 10 September, the Chief Minister said that the pre-election budget update “will show a slight easing in the budgetary position”. On 17 September, the Chief Minister told us that Labor’s fully-funded election promises “would maintain a forecast budget surplus for each of the years of the next term”. Labor’s fully-funded election promises would maintain the surplus. What he said was that they had a plan that was contained in their election promises and that that alone would guarantee the surplus for each of the next four years. It is in a press release: “ACT Labor pledges continued responsible spending and budget surpluses”. They pledged budget surpluses. I will read some of the paragraphs, because they are just delightful to read:

ACT Labor today pledged to keep the budget in surplus in each year of the next term of government and called on the Liberal Party to make the same commitment.

Treasurer Jon Stanhope said ACT Labor had made the tough decisions that had put the ACT on a sound and sustainable financial footing and allowed it to make massive fully-funded investments in health, education and community safety.

“A sound and sustainable financial footing”, which is why we have seen them, since the election, scurrying around for urgent crisis meetings with the business community and particularly the tourism community that they have ignored for four years. Then he goes on to say in his third paragraph:

ACT Labor had no intention of squandering the stability in order to buy votes in the lead up to the October 18 poll, and he pledged—

Mr Stanhope, the then Treasurer pledged—

that Labor's fully-funded election promises would maintain a forecast budget surplus for each of the years of the next term.

So much for a pledge from the Chief Minister! He goes on to say things like they have been financially responsible. I think we now know that that is not true, because now, a matter of weeks later—and, as the alert amongst us will observe, just after the ACT election—we have been told by the Stanhope-Gallagher government to prepare for budget deficits. Indeed, they now walk away from that pledge that their promises and their promises alone would maintain a budget surplus for each of the years of the next term.

We have heard Ms Gallagher in this place already say, "I think what Jon said was our policies of commitment would not take us into deficit," and, "There are forces outside our control." I read an article from the *City News*:

Actually, I think that Jon's statement is right," Gallagher insisted. "We will not take the Budget into deficit—our policies and commitments won't, but there are forces outside our control here."

Parallel that to the statement where Mr Stanhope pledges that Labor's fully funded election promises would maintain a forecast budget surplus and what we have is a pattern emerging here. We have a pattern of promises and commitments and pledges that are broken almost immediately upon the re-election of a Labor government. In 2004, after having promised not to close a school in the next term of office, 2004 to 2008, just six week after that election result had arrived, the government started planning to shut schools. That will culminate in the closure of 23 schools in the ACT.

Here we have a Chief Minister who says on 17 September, "Our promises alone will keep us in budget surplus." Here we have in an article, on 4 December, the government is already starting the spin, "It is beyond out control; it is out of our control." It is curious, when you reflect, that, in the good times, apparently everything good that happened in the economy, every bounty that was reaped by this government, every extra dollar that came into their coffers, was the result of their policies and the things that they had done.

No credit was given there to the external sources like the economy of the rest of the world or the fact that the Howard Liberal government had done so well in turning around the ACT economy. It was in their control when the good things were happening but it is out of their control when the bad things are happening, when the downturn finally comes in that economic cycle that the Treasurer struggles with. Is it any wonder that the Chief Minister took the opportunity—and he did with health in 2001—to slide that poisoned chalice across to Ms Gallagher? And there it will remain.

On 25 November 2008, the Chief Minister said that the prospect of going into deficit "is a very live consideration". More recently we have the new Treasurer—she who has little idea about her portfolio, and she admits it—saying that there was a very strong chance that for the next year the ACT budget "will be in deficit".

What was going on in the real world during this period and not in the mind of the Chief Minister and former Treasurer? We know from the reports coming out of the Reserve Bank—and I can only assume that Treasury sees these reports and sends briefs of them to the former Treasurer—that the economic situation was deteriorating quite dramatically and quite rapidly. I think we all know that.

We struggled with it during the ACT election, where the global financial crisis was on pages 1, 2 and 3 and if we were lucky the Assembly was on pages 4, 5 and 6. You could not have been unaware of it. We were aware of it. We knew we had to have stronger surpluses. We committed to stronger surpluses. Our surpluses were better, were bigger than the government's. And we knew that we had to constrain spending. We knew that we had to redirect money up, and we did that. And we knew that things were not as good as the Chief Minister was saying they were. But no, he persisted right up to the end in saying that everything was okay.

We know the reports coming out of the Reserve Bank. On 7 October, just before the election, just before some of these statements were made, the Reserve Bank put out a bulletin. I read it. I am sure the Chief Minister would have got a press release which said:

The recent deterioration in prospects for global growth, together with much more difficult market conditions even for creditworthy borrowers, now present the risk that demand and output could be significantly weaker than earlier than expected.

No. What did we have from the Chief Minister on 15 October, just a week later? He said, "Only a Labor government can deliver a commitment to manage the economy responsibly and deliver future budget surpluses and a commitment to helping business attract the skilled workers they need." This guy is in fairyland.

Things have changed dramatically. Where was the Chief Minister when these changes were occurring? What does this mean for the ACT and where are we heading now? What we have is a deficit looming and what we have is a Treasurer who is not across her brief. We only have to look at the situation that she was left with and her answer, as again, we heard today. Again, Ms Gallagher in the *City News*:

Our surpluses have been fairly small—\$74 million, going down to \$50 million and, kind of, hovering around that in the out-years.

It is not hovering around that in the outyears. She goes on to say:

Now we have lost \$30 million in GST revenue, a one per cent reduction cuts \$15 million off our bottom line, and our share portfolio has been affected.

They are just fundamental facts. People know that these things occur. Yet we have this fantasy maintained that we are in a fundamentally sound position. Then we have got the comments from the Treasurer about how she will address this. She goes on to say:

From my short understanding with Treasury this seems to be what the whole budget is—it is all estimates and guessing and where things are going to fit to their best understanding at that point in time.

They are not the Treasury officials who have briefed me in the past. I can tell you they are very expert and are very capable in doing their job.

What we have is a deficit looming, courtesy of the policies from this government. The former Treasurer and this Treasurer, the Stanhope-Gallagher government, were saying, even six or eight weeks ago, that we were in a sound financial position. What we have to have is a sound and appropriate policy response, a policy response that recognises the ACT is a very small fish in a very big pond and that the federal government has already taken action at the appropriate level, at the national level. We have to have a consistent policy from the government—something that we are not getting.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.34): As this is the new Seventh Assembly, I was rather hoping for a new approach from the opposition in the interests of collaborative and cooperative work. But this is probably the third time Mr Smyth has read the *City News* article in the last two days?

Mr Smyth: No, no. It is the only time I have read it out. That's the only time I have read it out.

MS GALLAGHER: Well, the Liberal Party then. I am glad to see you read the *City News* and read articles about me. It is quite flattering, Mr Smyth. I predict that over the course of the next four years that *City News* article will be read upwards of 20, 30, 40, 50 times just to support the points that you are going to make. I only caught the last three or four minutes of Mr Smyth's speech. But knowing the way that Mr Smyth organises his speeches, he says it all in the first four minutes and then repeats himself until his time goes down to zero. So I am sure I captured the general thrust and theme of the speech which was basically to have a go at me for my inexperience, to say that we should have seen these things coming, the fact that—

Mr Smyth: But you would be guessing, wouldn't you?

Ms Gallagher: I do not know whether you went to the actual point that you saw this all coming?

Mr Smyth: Guess work?

MS GALLAGHER: That is right, you did. You said that you saw all this coming, which is why you were looking at delivering stronger services—bigger and stronger than the government's. It gets into a very boy game there doesn't it—mine's bigger than yours, mine's stronger than yours. But let us actually look at what you did in the election campaign, and this is the weak point for you. Was it \$440 million worth of savings over the forward estimates period; \$35 million worth of savings this financial year—slashing and burning government spending this financial year?

Mr Seselja: There is no slashing and burning. Not one job, Treasury said.

MS GALLAGHER: Not one job? Tell that to the nurse you were going to sack from the Alexander Maconochie Centre.

Mr Seselja: You do not believe Treasury? Were you guessing?

MS GALLAGHER: You tried to get away with this in the election campaign and you lost there.

Mr Smyth: It is a fact. Remember? It is a fact.

MS GALLAGHER: Not one job, we were told. Jobs were going to be lost in your slash and burn.

Mr Seselja: That is not what Treasury said.

MS GALLAGHER: Well, I will not go into what Treasury would say. It is not fair to pull public servants into a political discussion but jobs were going to be lost. There is absolutely no doubt. Spending was going to be cut. This was all your big effort if you won government to invest in and to support the local economy, was it?

Perhaps you could argue this if you showed in your response to the global financial crisis that you were obviously completely aware of and completely understood the impact on the ACT economy. Perhaps you could argue this if you had responded to that in any way that was different, but you did not. You can take the next four years to beat us up and to have a go, but your surpluses would not be surpluses. They would not be stronger and they would not be bigger.

I hate to break it to you, but the impact of those external factors which you so succinctly quoted from the *City News* would have affected the Liberal Party as well. I hate to say it. You would not have been exempt from the global financial crisis. If you were in government, this motion could equally be applied to you. That is the point I am trying to make here.

I will try not to respond to the members who are attempting to interject because I know that is unparliamentary. Mr Seselja looks relaxed and comfortable there wanting to bait me, but I know it is unparliamentary to respond to those interjections; so I will not do it.

The ACT government has already forecast a moderation in economic growth in the 2008-09 budget. The budget presented forecasts for gross state product and state final demand that were below trend and at the time the ACT economy had been expected to moderate in line with the national economy in response to high interest rates. Only in the past few months has the full implications of the global financial crisis started to become more apparent. Governments around Australia and the world are significantly revising down their budget positions just a few months after they prepared their 2008-09 budgets.

Just yesterday, as you will all know from reading the *Australian Financial Review*, which I am sure Mr Smyth does, the Queensland government released its budget update. It revised down an initial surplus of over \$800 million to around \$50 million. The Victorian and national governments have also significantly revised down their surpluses, while in New South Wales the budget has been revised into significant

deficit of more than \$900 million just a few months after the presentation of the budget.

The Governor of the Reserve Bank, Mr Glenn Stevens, was quoted only last night—I am sure Mr Smyth will be fully across his speech—at the Australian business economists annual dinner as saying:

I need not remind this audience of the international financial turmoil through which we have lived over past almost year and a half nor the intensity of the events since mid-September this year in particular.

I do not know anyone who predicted this course of events. This should give us cause to reflect on how hard a job it is to make genuinely useful forecasts. What we have seen is truly a ‘tail’ outcome—the kind of outcome that the routine forecasting process never predicts.

Except for Brendan Smyth and the Canberra Liberals, of course; he just forgot to put that.

Mr Smyth: And the *Canberra Times*.

Mr Seselja: It was on the front page of the *Canberra Times* right through the campaign.

MS GALLAGHER: Right, the full impact, yes. Sorry, you just might have forgotten to put your name there, Mr Smyth. You might have to go and contact Mr Stevens and say, “But I saw it. I saw it; I just didn’t tell everybody what it was.” I saw you do the claw in question time, actually. You make an attractive Julie Bishop.

The International Monetary Fund forecast for global growth for 2009 has been revised from 3.8 per cent down to three per cent in the space of six months. The OECD are now forecasting that 21 out of 30 member countries will go through a protracted recession of a magnitude which has not been seen since the early 1980s. Highlighting how quickly things have changed in the Australian economy, the Reserve Bank of Australia was warning of the adverse impacts of capacity constraints and skill shortages arising from strong demand when it last raised interest rates in March this year.

Furthermore, it was even considering interest rate rises as late as May this year. Yet by December it had been compelled to cut them by an unprecedented three percentage points. This is a massive turnaround by Australia’s central bank, reflecting a turn of events that the opposition somehow expects the ACT government to have foreseen—as, of course, they did.

The full impacts of this unfolding global financial crisis were unforeseeable by all sectors, public and private, across the globe. This is evidenced by significant declines in markets around the world with fiscal stimulus and bail out packages being delivered across a number of countries, including China. The Reserve Bank target cash rate was on the increase at the time of the 2008-09 budget. It has been reduced by an unprecedented 2.75 per cent since the time the pre-election statement was released.

I do not think anyone here can remember interest rate cuts of that magnitude in such a short time. Throughout the year, and in particular in the lead-up to the pre-election update, every time it appeared that the markets had stabilised there was a plunge. For example, the ASX all ordinaries index fell from around 6,000 in late May to around 5,000 in July, a fall of 17 per cent to the lowest level since 2006. From July 2008 to September 2008—

Mrs Dunne: That was before the ACT election.

MS GALLAGHER: Thank you, Mrs Dunne. Nice to see you are listening. Just before the beginning of the caretaker period the index was relatively stable at 5,000; so that does not go to support your point. However, if you are still listening, over the ACT election period the index again fell sharply. In the space of a month, the index fell from around 5,000 to 4,000, a fall of an additional 20 per cent.

The index rallied in early November reaching around 4,300. However, as it turned out the rally was only brief and the index quickly plummeted to 3,400 a few weeks later, a fall of another 20 per cent. Would Mr Smyth have foreseen all of this during the caretaker period? Would he have foreseen that the all ordinaries index would fall by around 30 per cent in just a couple of months? Your motion certainly implies that this was foreseeable.

Lehman Brothers collapsed around the second week of September. This is the investment bank that predates the American civil war. This is the bank that weathered the Great Depression. Was the collapse of such an institution foreseeable? Within one day the Dow Jones industrial average lost 500 points and within one day about \$700 billion evaporated from investment portfolios.

These are the external factors—the unforeseeable factors, uncontrollable factors—because of which the territory budget will almost definitely fall into a deficit position. What is important to note is that this position is mainly being driven by external factors, not reckless spending as the opposition would have you believe. This includes decreased GST revenues from the commonwealth—once again, members should note that this revision came just a few months after their budget—declines in economic activity, particularly housing market impacts on conveyance revenue; declines in financial market impacting on investment returns; and lower interest rates impacting on earnings on cash balances. These factors are simply beyond the scope of the ACT government to change and influence.

If we go to what the Chief Minister said during the election campaign, it was that government spending would not put the budget into deficit. Those words were true then and they are true now. The words, the principle, the sentiment stand and they will continue to stand. This government will not spend beyond its means and the nature of its spending will be appropriate for the economic and social circumstances in both the shorter and longer term.

What has changed since the government went into caretaker mode, and since the election, is the magnitude of the global financial crisis and the impact on consumer and business confidence and decision making. These circumstances were

unforeseeable and they are beyond any individual government's control. If financial and economic circumstances are demonstrably beyond the control of the government of the United States of America, of the British government and of the Australian government, it is a bit rich to suggest that the ACT government can tame financial markets and any flow-on effect to the real economy.

I turn to what I think was the last part of Mr Smyth's motion. We have this mantra, I notice, in the use of that term "Stanhope-Gallagher government" in all your press releases and stuff. It is actually good; it supports our election campaign theme. So we are very happy for you to keep using that Stanhope-Gallagher government expression. The motion states that we have squandered \$1.9 billion in additional revenue.

In the first instance it is useful to test the credibility of the figure and, therefore, the credibility of that part of the motion.

Mr Seselja: Are you flattered by the Stanhope-Gallagher government, then?

MS GALLAGHER: Well, I don't respond to interjections but I think if you look at our campaign strategy you will see that we are not unhappy with your use of the Stanhope-Gallagher government at all.

By "additional revenue" the opposition's Treasury spokesperson presumably means that revenue received has been higher than forecast. Presumably, this is based on an exercise of comparing the original forecast with the final outcomes in the previous year. That is how you get close to this figure. I am advised that this figure would include around \$450 million in superannuation investment returns, it would include around \$100 million in asset revaluations and it would include around \$45 million in cross-border receipts. And Mr Smyth appears to suggest that these are all windfalls or free money.

The territory received higher than forecast payments because we delivered higher than forecast services to cross-border residents. The investment returns go to superannuation accounts. The asset revaluations relate to accounting adjustments. These are non-cash and cannot be spent unless, of course, Mr Smyth is suggesting we should sell those assets.

The opposition's Treasury spokesman may have done the maths correctly but it is meaningless. It is important to make this point because to suggest that all of this was available for services is simply wrong. Nevertheless, our record on improving essential services for Canberrans is unparalleled. It was this government that dealt with the chronic neglect of essential services to meet those most vulnerable in our community.

Again, we can list them: mental health, child protection, disability services, health funding. All of these are labelled reckless spending by the opposition. I do not think that the community thinks it is reckless spending. According to the opposition, you would think that we had spent all of our surpluses. Well, we didn't. We did the responsible thing and we provided for a large capital investment program, which I think is the envy of other jurisdictions at this point in time. It kicked off in this year's budget and it will run across the next four years. This was the responsible thing to do.

The program gives business the assurance of significant levels of work that will come from this government. These investments will add to the productive capacity of the territory and they will also directly translate into jobs for the private sector during design and construction phases.

Everyone can read about this in budget paper No 5, which provides a detailed list of our capital program over the next four years. We created this capacity to do this and we will spend the surpluses wisely on investments that add to our economic capacity, which is perhaps more relevant now than it has ever been.

In short, I think you can see that the government will not be supporting Mr Smyth's motion. It is incorrect in almost every aspect of its formulation. I hope that I have addressed the matters to a sufficient level in the Assembly.

Standing orders—suspension

MRS DUNNE (Ginninderra) (5.49): I move:

That so much of the standing and temporary orders be suspended as would prevent completion of debate on notices Nos 12 and 13, private members' business.

This motion for the suspension of standing orders, if it succeeds, will mean that we will not go to the adjournment debate at 6 o'clock; rather, we will complete the important business on the paper today.

The Liberal opposition has made some strong commitments to members of the Assembly to work hard to ensure that the business on private members' days is completed on every private members' day. We need to start today and to carry through with this. There is substantial business. We would envisage that this may not happen on every private members' day but there was a substantial amount of work that was unscheduled or would not normally be scheduled, including inaugural speeches, and the introduction of an inordinately large number of bills that took up a large amount of time.

The matters being brought forward by non-executive members today are very important. Therefore, it is important that we take the time to get to the end of the notice paper. It will mean that we might have to sit through until half past seven to get these matters addressed. It is very important that we start this new norm in the ACT Assembly—everyone talks about the new norm—as we mean to go on. In the same way that we have committed ourselves to openness and accountability and to better scrutiny, that scrutiny starts, probably most importantly, on private members' day, when the majority of members of this Assembly get a chance to have a say and to raise issues which are important not just to the Labor Party but to the entire community.

These are the issues that should be addressed, and that is why we seek to suspend the standing orders in order to allow us to finish the debate on the ACT economy and the recession and on the important issue of health performance indicators and the need for

health performance indicators. This is an important matter, and I commend the motion to the house.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe

Mr Doszpot

Mrs Dunne

Mr Hanson

Ms Seselja

Mr Smyth

Mr Barr

Ms Bresnan

Ms Burch

Mr Corbell

Ms Gallagher

Mr Hargreaves

Ms Hunter

Ms Le Couteur

Ms Porter

Mr Rattenbury

Mr Stanhope

Question so resolved in the negative.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.56): Let me say at the outset that the Greens oppose this motion. It is disingenuous of Mr Smyth to suggest that there were warnings about the economic climate in which we now find ourselves which the ACT should have heeded previously in the 2008-09 budget. Most of the world has been caught out by what has happened, and the ACT unfortunately has been caught out as well. Indeed, it is hard to believe that any government that had seen this crisis coming would not have taken urgent and drastic action to insulate our budget from the effects of the global economic crisis.

Very few people really saw the global economic crisis coming in advance. Those that did and articulated their opinion were dismissed by most people as misguided and disconnected from reality. Many within the Greens were among those voices in the wilderness, and I do not remember anyone from the Liberal Party making similar criticisms of the global economic system and warning of a market collapse caused by the weight of speculation and inadequately secured debt.

The impact of the economic crisis on the ACT economy is, in many ways, outside the control of the government. Property and land sales around the country are falling, just as they are in the ACT. With respect to the contribution to the ACT's economy which relies on stamp duty, if land value decreases, so do land tax and rates and revenue. So with falling property sales, we will see a decrease in revenue. This is not something that could have been prevented. The portion of our budget that is funded by GST collected by the federal government is also outside the control of the ACT government. The projected fall in revenue from the GST is not something that is a result of any lack of foresight on the part of the government.

I would like to take issue with the motion's statement that "the lack of appropriate action by the Stanhope government will probably lead to the ACT budget moving into deficit during 2008-09". It seems clear to me that many fairly conventional economists of high profile, such as Chris Richardson from Access Economics, have been arguing quite emphatically that it is appropriate for governments in

circumstances such as this to move into deficit; that when the private sector is contracting, the public sector might be seen to be compelled to expand. And if that produces a deficit at that contractionary stage of the economic cycle then we can be fairly confident that a government will be in surplus during the expansionary stages.

There might be another economic philosophy which is all about never running deficits, but this is not a philosophy that is being supported by many economic commentators who are supportive of government spending and maybe going into deficit. The key issue for these commentators is that it is the right sort of spending. I will go into what the right sort of spending is later in my speech.

At this stage, it is more important to look at what we can do to deal with the economic situation we find ourselves in than it is to blame the government for not having the foresight about the global economic crisis that no other government in Australia had either. We need to map out the way forward. In the 1930s, Franklin D Roosevelt brought in a program of public works spending which lifted the United States out of the Great Depression. This, of course, was the New Deal.

Today, we face some significant issues which, taken together, provide us with a challenge which will require an effort similar to that which was needed to end the Great Depression. We face the global economic crisis coupled with increasingly scarce fossil fuels and the huge problem of climate change.

At 6 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment

Legislative Assembly—ministerial statements

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.00): This evening in the adjournment debate I want to reflect on the approach adopted by the Liberal Party today in relation to ministerial statements and to again express the disappointment of my colleagues and me at the refusal of the Liberal Party to permit ministers to make ministerial statements.

It seems to me that the Liberal Party are yet to conclude what their view is on this matter. Yesterday, we saw them agree to the Chief Minister and the Deputy Chief Minister making their ministerial statements, but today we saw the churlish refusal of the Liberal Party to permit Mr Hargreaves and me to make them. I wonder what their position will be tomorrow when, as was indicated last week, Mr Barr seeks to make his ministerial statement. Maybe they will decide it on the toss of a coin, Mr Speaker.

It is a disappointment because I was hoping today, as Attorney-General, and in the capacity of my other key portfolios, as Minister for the Environment, Climate Change and Water and Minister for Energy, to talk about the future directions I have for my portfolios and to provide that information to the Assembly.

Mr Smyth: Well, you could have sought leave.

MR CORBELL: I hear Mr Smyth interject that I could have sought leave. Well, I did seek leave, and Mrs Dunne refused it. So I find it very interesting that they do not even know what they are doing amongst themselves.

It was an important statement that I hoped to make. It outlined a range of initiatives across the portfolio—the law reform agenda, issues around reform of legislation, issues around implementation of public safety initiatives, and the government’s commitment to honour its election promises in a whole range of areas, notably, but not exclusively, in terms of moving to a 24-hour-a-day, seven-day-a-week police presence at the Gungahlin police station. Of course, in relation to Environment, Climate Change, Energy and Water, there were key initiatives around the implementation of the feed-in tariff, solar power plant, greenhouse gas emission targets, and a whole range of other measures that I would have thought would have been of interest to members in this place.

Of course, it is a sweet irony that the opposition criticised this government for withholding or not providing information to this Assembly, but when ministers try to do just that, through a ministerial statement, they are refused the opportunity to do so by the Liberal Party. I think they need to adopt a consistent approach.

In relation to the objection from the Liberal Party when it comes to the provision of ministerial statements and their view that ministers should provide copies of statements in advance of leave being sought, I outlined the government’s position on that yesterday, but I reiterate that our view is that we will endeavour to provide details around the subject matter of ministerial statements so that the relevant shadow minister is at least aware that the minister is going to be talking about X or Y particular matter. But to provide the full details, sentence and word, of the statement is, we believe, unreasonable.

Further, I note the claim, “Well, this occurs in the federal parliament.” If the Liberal Party are going to adopt that approach, perhaps they also want to adopt some other approaches adopted in the federal parliament, such as the amount of time available for private members’ business in the House of Representatives in the federal parliament. They pick and choose, of course, Mr Speaker.

That is a disappointment to the government, but we will endeavour to make ministerial statements when we believe it is necessary and important for the Assembly to be aware of proposed actions and directions of the government. I can only hope that the Liberal Party will see fit to cease their churlish approach on this matter and simply grant leave in the same way that leave is granted for a range of other matters in this place on a routine basis. I will now table a copy of the ministerial statement that I wanted to make today but was denied leave by the Liberal Party to do so. I present the following paper:

Ministerial statement—Portfolio responsibilities—Mr Corbell.

Legislative Assembly—ministerial statements
Legislative Assembly—inaugural speeches

MRS DUNNE (Ginninderra) (6.05): I will first address the matter raised by Mr Corbell before I go to the matter which I was going to address. The view of the Liberal Party for a long time—and Mr Corbell is aware of this, because I raised this with him at the beginning of the Sixth Assembly—has been that the practice that has been undertaken in the House of Representatives and in the Senate for a long time should be adopted in this place. I raised this matter again with Mr Corbell at the government business meeting last week. He said he would get back to me on the subject. I raised this matter again with Mr Corbell's office on Tuesday morning and my office got a reply back quite late in the piece.

Yesterday, we gave leave and, in doing so, Mr Seselja and Mr Smyth both spoke about the Liberal Party's approach to ministerial statements. As a result, the Liberal Party's approach to ministerial statements, which will stand, is simply this: if the Leader of the Opposition or the appropriate shadow minister does not receive a copy of the statement within a reasonable time, under an embargo which will be honoured, as it would always be, we will not provide leave. Ministers are free to seek to suspend standing orders.

Mr Barr: What's a "reasonable time"?

MRS DUNNE: We have said two hours. If Mr Corbell has not transmitted that to you, that is a failure on Mr Corbell's part. That is our position and it has been the position for at least four years, to my knowledge, and we are sticking to it.

We gave leave yesterday so that it was absolutely clear to every minister what our position was. Mr Corbell and Mr Hargreaves had the capacity to come to the Leader of the Opposition and say, "This is what we are going to say in two hours time." It would have been on an embargo basis, and that would have been honoured. They failed to do so and they did not get leave. They could have sought to suspend standing orders but they did not. And that will be the case from now on. If there is no information ahead of time, no copy ahead of time, there will not be leave for ministerial statements.

It is interesting to note the inaugural speeches that we have heard in the last little while. There have been some highlights, of course. There was a certain notoriety, which is to be expected from the Labor Party, with people smacking members around for having the temerity to express their views on their beliefs. It was interesting to see how people went scurrying off to the media to put a particular spin on the comments made by some members in this place yesterday when expressing their beliefs.

There were other things that we heard most people talk about at great length. People talked about accountability. I really did appreciate Ms Le Couteur's presentation on greenhouse issues and how we should be more committed to addressing these issues, and it segued very nicely into the reintroduction of our greenhouse targets bill later in the day. But there was a lot of emphasis on hard work. People talked about how hard they are going to work in this Assembly. In addition to being accountable, we are

going to be hard working. I think it is ironic that, at the first opportunity today to actually get through a program, we squibbed it; we've got to bundy off and go home.

It was really interesting to hear all the people, including Ms Burch, talk about how hard we are going to work for the people of the ACT. So I thought it was ironic that, at lunchtime today, during the meeting of the scrutiny of bills committee, Ms Burch, part of the way through the meeting, excused herself and went off. I thought, "Gosh, Ms Burch must be very busy if she couldn't sit through the first meeting of the scrutiny of bills committee." This is a very important issue; we are all ingenues and neophytes when it comes to the scrutiny of bills.

I thought it was somewhat discourteous to the adviser to the committee that all of the members could not sit through and listen to his first exposition. But it was particularly galling some time later, when I did manage to sneak out and go to lunch—and I do note that many of the staff of the opposition did not have time to do that—to see Ms Burch dining at the Waldorf. I think it is pretty poor that the Assembly staff, the people who put themselves out, did not have time to go and have lunch, and that the adviser was prepared to sit there through the lunch break, but Ms Burch could find time to have lunch. (*Time expired.*)

Legislative Assembly—ministerial statements

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (6.10): I thank Ms Hunter for allowing me to go first. I too would like to give the Assembly the ministerial statement that I was prevented from giving before. One of the results of the petulant action by Mrs Dunne was that she denied the shadows in her own team getting a window into what the government intends to do for the next four years. That was a classic piece of good work, I reckon.

It also, however, quite unreasonably denied the same information to the Greens Party. I know Ms Bresnan has responsibility for many more portfolios than I have, and she may have liked to have had the information and to go away and digest it.

Mrs Dunne talks about having the two-hour notice and all this sort of thing. I notice there was no offer for them to have a reciprocal arrangement because that just would not happen. She talked about how everything could be under an embargo. We all remember when Mr Pratt was given some security information under embargo, and then we all of us, who did not get it, read about it in the *Canberra Times* the next day. Do forgive us for a lack of trust, guys. I notice the three new guys are here—thank you for that—and the others have scurried off like cockroaches.

This petulant dummy-spit cannot go unchallenged. It is just not on. It also shows that Mrs Dunne, who is a former whip, should have known better. There is another process, which is probably a better process, which could be discussed—Ms Gallagher and Ms Hunter might like to have a chat about this possibility—and that is that, when ministerial statements are made, at the conclusion we say, "I move that the Assembly take note of the statement." That means it can be adjourned and then discussed later in detail after people have had an opportunity to digest it and not for a mere two hours before the event.

I happen to know that my diary does not allow me to just stop dead in the water two hours before coming down to this chamber. But then again, I did not have six weeks off after the election. I did not go down the coast. I sat in my office and was out in my constituency and took calls and letters from Mary Porter and calls from Ms Burch. Did I hear a thing from the opposition? Nothing, diddly, absolutely sweet nothing!

Mrs Dunne says this has been their position for four years. Let me tell you, I have been in this place for nearly 11 years and Mrs Dunne has occupied a chair in this place—not one in the Assembly, necessarily—and this is the first I have ever heard of it. This is the first that she has ever said, “We want something two hours before.” It is a load of absolute poppycock.

What I wanted to do today was—certainly to put some environment around it, some context—essentially say what we were trying to do with regard to the ageing portfolio, which I am new to. I wanted to talk a little bit about that. I wanted to talk about the housing portfolio, where we are moving in terms of the national affordable housing agreement. I wanted to talk about the developments in the national disability agreement that are going forward. I wanted to talk about my responsibilities to make sure we have a safe workplace in the ACT. We are the second biggest employer in Canberra and I am aware of our responsibilities in that regard. I thought it was reasonable that this Assembly knew that.

Also it is convention that, at the beginning of any parliamentary term, the ministry lays out, and the collection of the ministry lays out, the government’s agenda going forward. That is a useful process and the detailed ministerial statements later on are where in fact we can drill down much more heavily into detail. I think we will be able to do that.

But let me tell you, the new-look Assembly, based on trust and mutual respect reflected in the agreements, is clearly not being embraced in its intent, its philosophy, by the old guard across the chamber. I make this appeal to the new guard: change them, get rid of them. I present the following paper:

Ministerial statement—Portfolio responsibilities—Mr Hargreaves.

It is in the hands of the attendants at the moment. (*Time expired.*)

Legislative Assembly—ministerial statements

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.15): It is interesting that this afternoon we have heard some discussion on ministerial statements. Yesterday Mr Smyth had out the *House of Representatives Practice* and was talking about what happened at Parliament House, at the federal parliament. And it seems to be the practice that ministerial statements go out earlier so that there is time to be able to look at them and respond in a considered way.

The Greens do have some sympathy with this position and we certainly would like to explore it. But I do think there are a number of issues that do need to be teased out here. The first is the issue of trust that has just been raised, that if there is an embargo it does need to be respected.

At the same time, we need to be looking at what are the reasons for making a ministerial statement. Mr Hargreaves has just told us that it is to lay out, I guess, the plan, the blueprint, for what is going to be happening in the Assembly under different portfolio responsibilities. I think this information is really important to have. I think many of us would have quite liked to hear each minister's vision of the next four years, what plans and ideas they have, and a bit of an update of where those portfolios are up to are after the caretaker period, the election and so on.

I guess what we would like to see, though, is that the purpose of a ministerial statement is very much respected and that ministerial statements are used for that purpose and not for campaigning-type speeches. And there was a little bit of that that went on yesterday. We in the Greens are all new to this Assembly and what astounded us was the responses and how much time that took up yesterday. Many of us have reflected on our first day in the Assembly. We felt that there were many, many hours that were wasted when they could have been spent on productive business of this Assembly. So I guess I am just sharing with you a reflection after the first 48 hours but particularly that first day.

We would very much like to explore this issue. We very much want to look at what the practice at Parliament House is. We do need to deal with issues of trust, issues of embargo and so on, issues of the purpose of ministerial statements and, I guess, how that is responded to. Generally we would like to see, in this new spirit of cooperation, as I have heard it said many, many times today, that we do use our time effectively. We are very much aware of our responsibility as elected members of this Assembly and to be able to get efficiently through the business will be very much something that we will strive for.

Legislative Assembly—sittings

MS BURCH (Brindabella) (6.18): I have a very brief statement in response to Mrs Dunne's quite irrational statements questioning my hard work in my first sitting. Mrs Dunne made comment that I left a committee meeting early. I want it on record that Mrs Dunne was indeed late—a few minutes early one end, a few minutes late at the beginning. Mrs Dunne also then made comment that she caught me having lunch. I thought that was what the lunch break was indeed for. For her to see me, she also must have been strolling past the Waldorf on her way to a good feed. So I ate lunch at lunch. Early, late—I think the argument that she put forward today can be mirrored back because she is guilty of the same.

Legislative Assembly—sittings

Economy

Legislative Assembly—ministerial statements

MR COE (Ginninderra) (6.19): I rise to talk about the time that we spend in this Assembly and the time that we do not spend in this Assembly. Next year we plan to meet for 13 measly weeks. We get paid by the people of Canberra to make decisions in this place, to discuss decisions in this place and to go and get on with the job. What we have here is a number of weeks in a full calendar year which is comparable to the number of weeks in an election year.

Each private members day, we would like to be able to discuss all the motions on the agenda. I think that is a fair thing. The people of Canberra have many issues and they take it up with their local member. That is what we are here to do, to raise these issues. So it was disappointing, when we sought to suspend standing orders today, that it was not accepted.

Going to the economy and going to what the Treasurer has been doing over the last few weeks or not doing over the last few weeks, not recalling this place, it would have been great if we could have met a few weeks ago to talk about these pressing issues, to talk about these pertinent issues. But the fact is that Minister Katy Gallagher was on holidays too. She was having a great old time and not worrying about the economic crisis that we are in. But that is not surprising.

For the last seven or eight years, the government have not recognised the economic crisis we are in. They talk about the share price and the share portfolios. Share portfolios have plummeted. Yet for the last six or seven years, they have gone up and up and up and up, but where have been the surpluses to match that, to prepare us for this rainy day? No, they are nowhere to be seen.

In fact, in 2001, when the government was elected, the all ordinaries share index was about 3,000. Earlier this year or late last year it peaked at nearly 7,000. Now it has suffered considerably. But where was the growth in the surplus to match the all ordinaries growth? If they are going to talk about declining share portfolios now and the impact that has on our fiscal policy, surely they can talk about the impact of the share portfolios in the times of good share-index growth.

Now to the budget cycle: the budget cycle has been another matter that Minister Gallagher has struggled to comprehend. It was either not very well defined or then it was an electoral cycle; so it was four years. I wonder whether, before 2004, it was three years. I wonder whether in England it is five years. I wonder in states where there is the facility to call elections at the whim of the government it is at the whim of the government or is it four years.

Ms Gallagher: What do you say it is, Mr Coe?

MR COE: I would say that the budget cycle goes down into the bottom of the trough, the trough of a depression, to the top at times when there is plenty. But then again I would not expect this government to know much about economics. That is certainly the impression in the community and that is certainly the impression that I had, which was one of the motivating factors as to why I came into this place.

It is a closed shop. As a newcomer to this place, it is exactly what I expect it to be. It is exactly what the people of Canberra expect it to be. It is a group of people that cannot even give a copy of a ministerial statement two hours beforehand to the other members as a courtesy. They cannot even do that. They talk about a mere two hours. Now we are getting it a mere two hours after what it was going to be. And they think that is an outrage. They are giving it to us at 6 o'clock instead of giving it to us at 4 o'clock. I find that very similar to the same case, the same argument, for giving it to us at midday instead of giving it to us at 2 or 3 o'clock.

It seems to me that this place really does need a shake-up. It needs to concentrate on things that matter—things like infrastructure, things like education, things like healthcare. These are the things that the people of Canberra expect this place to talk about. And it is no wonder the gallery is completely empty. This Assembly does not matter to them because we do not concentrate on the things that matter. We should be concentrating on what I am talking about now, which is the need to get on with the job.

So I would urge the government to reconsider their attitude to this place and I would urge the Greens to do the same. I urge the Assembly to sit longer hours, to sit more weeks and to do the things that we are meant to do in this place.

Legislative Assembly—sittings

MS BRESNAN (Brindabella) (6.24): In relation to that, I will, again, refer to the extra sitting hours, which I did refer to earlier in the Assembly. We have five extra hours per week, this is through the Greens agreement, I might add, on top of the current 18 hours per week, which is a 28 per cent increase in sitting time. Again, I note, if the opposition would like to look at these figures, an extra five hours per week over the 14 weeks of the sitting year is an extra 70 hours per year. This is equivalent to another 3.9 sitting weeks per year. So I think they need to look at that.

I will quickly make reference, which I am sure is appropriate, to the admin and procedure meeting. We did have a discussion, all three parties, about allowing for each party to have an item of business today, respecting the fact that we had three inaugural speeches. We all agreed to respect that. So it is disappointing that this was not, at the end of the day, respected.

I guess that, for us—and Meredith reflected on the last two days—when we do have meetings to come to an agreement and that is not respected is disappointing. I can assure you, we will be endeavouring to get through six items of business in the normal private members day, and I hope the other parties will, too.

Economy

Legislative Assembly—sittings

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (6.25): I am prompted to rise in the adjournment debate this evening to respond to a couple of the claims that were just made by our new colleague Mr Coe on matters of economic management, particularly in response to his claims about the alleged fiscal prudence of the Liberal Party and their position and historical record on these matters in the Assembly. Although I probably recognise that, when the Liberal Party were last in government, Mr Coe would still have been at school, he might do well to recognise and go back and look at the budget positions that were arrived at by the Liberal Party during their time in government. I think it would be fair to observe that at not one point in their time in government did they ever achieve a budget surplus. This government has delivered a budget surplus in every year it has been in office.

There has been a lot of commentary about whether money was put aside in the good times in order to ensure that we are in a strong fiscal position for periods of economic decline, as we are in now. It would be worth observing that the government's capacity to fund a billion dollar infrastructure plan is off the basis of a cash surplus from previous years. We are one of the few governments in the country, in fact—indeed, in the world—who have a level of cash reserves in the order of three-quarters of a billion dollars, financed from the past surpluses. So in any discussion of putting money aside in the good times in order to assist the community through periods of economic decline, this government passes that test manifestly.

When compared with the financial record of those opposite, I do note that, in the major structural reforms that occurred in the 2006-07 budget, every—and I repeat “every”—single piece of significant structural reform in our budget was opposed by the Liberal opposition. For them to come into this place after the election and seek to suggest that the government was spending in a profligate manner and like a drunken sailor—I think they were the terms Mr Smyth used—after having only a matter of hours earlier tried to run the argument that the functional review and all of the decisions associated with that budget were wrong, those decisions that went to the heart of addressing the imbalance between revenue and expenditure in the territory and seeking to address the fundamental discord that had been there since self-government, fundamental structural reform that was opposed every step of the way by the Liberal Party, means their credibility on any of these economic matters is zero.

Brendan Smyth would be the only Liberal in Australia who wants Julie Bishop to stay as shadow treasurer. The reason for that is that that means there is a worse shadow treasurer in Australian politics. Brendan Smyth, who continues along what has been a sad and sorry tale in this place, ranting and raving, and walking both sides of the street on matters of fiscal policy, microeconomic reform, macroeconomic policy—and note all of the tricky questions that were coming in question time today—when it comes to the substance of actually supporting serious microeconomic reform, and just one example would be reform of the taxi industry, the Liberal Party squibbed it—squibbed it consistently. And they will continue to try to score cheap debating points in question time, throwing around, bandying around, terms like microeconomic reform. But when it actually comes to implementing a piece of microeconomic reform, where are the Liberal Party? They go missing.

So the real test of our three new members here who have stuck it out for this adjournment debate—and I congratulate them on that—is to see whether they can apply a bit of policy substance rather than just rhetoric.

Question resolved in the affirmative.

Assembly adjourned at 6.30 pm.