



Debates

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Thursday, 11 December 2008

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Thursday, 11 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, in what is becoming a slightly unusual tradition, I would like to speak about my tie again today.

Today I am wearing the centenary of Canberra 2013 tie, kindly provided to me by the Chief Minister's office. All MLAs will be receiving a tie—female MLAs will receive an equivalent scarf—prior to Christmas. The word from the Chief Minister's office is that they hope you will wear them with pride between now and the city's centenary in 2013. All members should have them in time for their Christmas functions.

Inaugural speeches

MS BRESNAN (Brindabella), by leave: I would first like to acknowledge that we are on the land of the Ngunnawal people and pay my respects to their elders, recognising the continuing custodianship of this land.

It is a great honour to be here today as a member of the ACT Legislative Assembly, and there are many people I wish to acknowledge and thank. Firstly, I want to thank all the people involved with the ACT Greens election campaign, including our hardworking volunteers who were instrumental in helping us achieve this historic election result for the Greens. I would like to specifically thank my fellow ACT Greens candidate in Brindabella, Sue Ellerman, for her work during the campaign.

I would also like to acknowledge that we now have seven female representatives in the Legislative Assembly, which is a great achievement in terms of moving towards equality in the representation of women in politics. I would also hope that in the not too distant future we would see greater representation of other groups, including Aboriginal people and culturally and linguistically diverse groups that reflect the diversity in our community.

I would especially like to acknowledge my parents, Ann and John Bresnan, who are here today and who have come down from Queensland. My parents have always been supportive of me no matter where my life was heading or what career direction I had decided to take. It is that encouragement and support that has enabled me to get to where I am today.

My mother, grandmother and I were all members of the Australian Greens when they held their inaugural conference as a national party on the Gold Coast many years ago. Three generations of women from my family were represented at that meeting and I am extremely proud to be representing my family as a member of the Greens in the ACT Legislative Assembly. My grandmother passed away a number of years ago but I know that she would be very proud of me today.

I received many well wishes from members of the Gold Coast branch of the Greens during and after the election result and I thank them greatly for their support. Queensland is where I grew up and spent my formative years. I studied environmental science at university, but also became very interested in the social impacts of policy, including impacts on Indigenous people. It is this interest and background which has led to my work in the health sector.

I have to say Queensland will always be a part of me, mainly in my unwavering support for my beloved Brisbane Broncos and Queensland Maroons, but I can assure the people of Canberra that I will be cheering on the Canberra Raiders on most occasions, except, of course, when they meet up with my Broncos!

My story is similar to so many others. I came here from interstate, but found a beautiful city, an inviting city. I immediately knew this is where I wanted to live and now Canberra is very much my home. I have now been given the chance to offer Canberrans something in return—an opportunity to help in the governance and development of this territory.

I am extremely honoured to be representing the people of Brindabella and the ACT in this Legislative Assembly. I stood for the Greens in the ACT election in 2004 and learnt much from Deb Foskey and the late Charlie Pahlman and have greatly benefited from their experience and knowledge.

I would like to acknowledge the amazing work of Deb Foskey during the last Legislative Assembly. Deb's work, and the work of her office staff, was instrumental in establishing the Greens' strong position on many social and environmental issues, and the four new Greens members in the Legislative Assembly will do all we can to maintain and build on this work.

Each of the ACT Greens MLAs is acutely aware of the trust the people of the ACT have given to us through the 2008 election result. We are fully aware of the responsibilities and expectations that come with this and we will be working over the next four years to achieve some real and lasting achievements for the ACT community.

Some of the most important issues for me concern how we treat the most vulnerable people in our community. In times of economic prosperity, and even more so when we are in such a state of financial and social uncertainty, there will always be people who need assistance, compassion and understanding. As a society we will be judged by how we treat people who are vulnerable, and we should remember that in any particular circumstance or situation we could be there ourselves. People should not be punished forever for something which has occurred in their life, and people should be given a second chance—to make something of their life and become participating and contributing members of society.

I am extremely lucky to have never had to worry about having a roof over my head or knowing where my next meal would come from. I have always had the support of family and friends when things haven't been easy. Many people that we represent here are not as fortunate. That is why building and maintaining a proper support base, including health, housing, employment and other services, is critical to my agenda.

People with mental illness are a particularly vulnerable group and one in which services and assistance have not kept pace with their needs. Before I was elected I was acting as Director of Policy and Projects at the Mental Health Council of Australia, and before that worked with health consumer groups at the Consumers Health Forum of Australia. My work with these organisations has greatly influenced my understanding of what we can achieve and what we can reform.

One in five people will experience a mental illness in any given 12-month period. The ACT is one of the highest funders of mental health services in Australia. However, there is still a great need for services and to adopt a person centred and consumer centred approach to the way services are delivered to people.

We have an opportunity in the ACT to achieve change in the way mental health services are delivered. It will require a great amount of commitment and political will to create this change. However, the issues affect far too many people and families to ignore the fact that change is desperately needed. There would be very few people in the ACT who do not have a family member, friend or work colleague who has a mental illness.

As a part of the ACT Greens agreement with the ALP there is a commitment to continuing to increase the proportion of the health budget spent on mental health, with a goal of reaching 12 per cent of overall health funding. By 2012, 30 per cent of mental health funding should be allocated to the community sector for the delivery of services. While this may be seen as an aspirational goal, it is achievable and we need to make progress towards this goal not only to improve the delivery of mental health and other services to people with mental illness but also to make a difference to the overall impact on the health system. Preventative health is an important area in many areas of the health system, including mental health.

Educating people about mental illness is also extremely important, to remove the stigma associated with mental illness, which is why we also have in the agreement with the ALP recurrent funding for mental health training for emergency services workers and teachers, commencing in 2009-10.

The Greens will also be working to ensure that the human rights aspects of the Alexander Maconachie Centre are upheld, as many people with mental illness end up in the prison system. We will be working to ensure that, along with the operation of the AMC, the ACT has strong programs in place to prevent reoffending while people are in prison and upon their release. As a part of the ACT Greens-ALP agreement we also included consulting with and providing additional resources for the ACT Magistrates Court Forensic Mental Health Team.

Policies around social inclusion are important in all aspects of policy development, including health, housing and transport, so that we consider the interests of all people in the community and work towards the aim of not excluding people from the benefits of policy programs, no matter what their circumstances are. This is something I will be carrying into the portfolio areas I am a spokesperson for.

Protecting the interests of future generations is an essential part of the way we work as elected representatives in the ACT. Creating a city and future that future generations

will be proud of and thank us for should be one of our greatest considerations. In this, dealing with the impacts of climate change is one of the greatest challenges of our generation. This is an area where we all have to work together to achieve real change.

The Greens will work to have productive working relationships with both the Labor and Liberal parties and engage on issues that produce outcomes that enhance the lives and services of the people of the ACT. And, of course, I will always have an eye out for policies and programs which are good for the residents of Brindabella. Thank you.

MR RATTENBURY (Molonglo), by leave: My fellow members, thank you for granting me leave to make my inaugural speech in the Legislative Assembly. I acknowledge my many family, friends and fellow Greens who have joined us in the Assembly today.

I would like to congratulate the other new members of the Assembly on your recent election, particularly my three colleagues from the Greens. The class of 2008 is a large one, and I look forward to working with you, alongside those members who were already here.

I enter the Assembly with a great sense of responsibility and a great sense of optimism—responsibility because of the great challenges we face; optimism because I do believe that there are solutions and that a better future is possible. I am here to make that optimism a reality.

I believe that climate change and our response to it will be the defining issue of our times. Combined with the current upheaval in the global financial system, and the flow-on effects of that, it is easy to become disheartened, to see the challenges as insurmountable, to think there is little point in trying to make a difference. Yet the two issues are linked together in a way that also provides a point of hope. The point of convergence, that beacon of hope, is that together we need to define a different future.

Climate change is driven by our relentless consumption of fossil fuels and subsequent overloading of our atmosphere with greenhouse gases. Similarly, the global financial system is teetering on the brink because of willingness by the greedy and the foolish to build empires on things that do not exist or, perhaps even worse, on derivatives of things that do not exist. There can be no future for this kind of economic model.

But a different future is possible. The answer lies in a green new deal. This visionary plan, laid out by top global economists from the United Nations Environment Program and from Deutsche Bank, echoes President Roosevelt's New Deal to work America out of the Great Depression and would tackle the economic crisis and the climate crisis together.

Such a plan would see a massive investment in energy efficiency, renewable energy, alternative transport and forest protection, creating high quality, permanent jobs in a thriving, prosperous green economy.

The best path to recovery is to use the same solutions to benefit both crises simultaneously, boosting our economy by breaking through the capacity constraints holding back the transition to a zero emissions economy.

How does this global big picture relate to Canberra and the decisions we must take in this Assembly? Because by embracing it we define the brightest future for this city.

This is the Greens' vision for Canberra—a city that can cope with the pressures of the 21st century, a city that fulfils our hope that a better future is possible, a city that our children will thank us for.

Our vision is a city where we do not build motorways through our nature parks; instead, it is a city with a modern mass transit system, where we can get a ride more than once an hour and where if a family need a car they need only one. Right now, 81 per cent of Canberrans have little choice but to use their car to get to work. We can offer them a better alternative.

Our vision, as Caroline so clearly articulated yesterday, is for a city powered by clean, limitless energies that do not imperil our way of life on this beautiful planet. Canberra is well placed to embrace these technologies.

We can also make our homes and workplaces more energy efficient—cutting our greenhouse emissions, lowering our energy bills and making our lives more comfortable.

We can build a city that is a hub for the industries of the future—a place of excellence in innovation and sustainability, leading the way in tackling climate change and protecting the environment, and creating jobs that will see our young people want to stay in Canberra.

We can build a city that uses its wealth wisely—a city that invests our savings ethically, that steers clear of those empires built on nothing and that refuses to invest in companies and products that ignore their social and environmental impacts and that threaten life on this planet.

It is this vision, this commitment to the future, that makes me proud to be elected to this place as a member of the green party. As in so many of the elections held in Australia over the last year, the results in the ACT election demonstrate that people are fed up with an old style of politics. They hunger for vision, they hunger for leadership and they are looking for a genuine commitment to protecting this fragile earth. And they are turning to the Greens as the party who can deliver the Australia they aspire to.

In this Assembly it means that we will not simply keep the bastards honest—that is not enough. The crossbench is a stepping stone to a new style of politics, a stepping stone to that different future. Being the first Green Speaker in any parliament in the world is but one example of this.

Much has been made during the election campaign of my connection to Greenpeace. To some, my so-called “radicalism” has been a point of celebration; to others, derision. Well, if it is radical to think that we should live in a world without pollution, if it is radical to think our forests are more valuable than just being clearfelled to be pulped into single-use tissues, if it is radical to believe that humans must live within the

means our planet can sustain, then it seems I might be a radical. If it is radical to believe in a better future, if it is radical to want to play a part in changing it myself, and if it is radical not to choose the path of the majority, then I am happy to be tagged as a radical. But in reality these things are not radical; they are the responsibility of all of us if we are to hand our children a planet at least as good as the one we inherited. I do not think that is such a radical idea.

David McTaggart, one of the founders of Greenpeace, said in an interview with *Time* magazine published in 1989:

You've got to be prepared to keep the No. 1 thing in mind: you're fighting to get your children into the 21st century, and to hell with the rules.

The sentiment of those words is as true today as it was then, even if the time frame has changed a little. I share that philosophy. I think it is fair to say that the rules that have got us to this point have not delivered. We clearly need to change the rules.

During the recent public discussion about whether I should wear a tie in the Assembly, one caller to talkback radio made the comment that it was the tie-wearing people of this world who had got us into this mess and that maybe it was now time to give those who do not wear ties a go. He makes a powerful point. In wearing this tie in celebration of the centenary of Canberra, I hope he does not consider me to have crossed that line.

Whilst on the subject of Greenpeace, I would like to pay tribute to those who continue to give their all each day in the fight for the future. Greenpeace exists because this fragile Earth deserves a voice. You “warriors of the rainbow”, you have my utmost admiration. To my many friends around the world—there are too many of you to name—I thank each and every one of you.

I would particularly like to take this opportunity to state my solidarity with Junichi Sato and Toru Suzuki—not well known in the ACT but, following a Greenpeace undercover investigation in May 2008 that exposed the embezzlement of whale meat from the taxpayer-funded whaling program, Japanese authorities responded with a politically motivated prosecution, arresting Junichi and Toru and raiding the offices of Greenpeace Japan. The two have now been awaiting trial for nearly six months under arduous bail conditions. Their trial is expected to begin early next year and they are both facing up to 10 years imprisonment.

I also pay tribute to two friends whom we lost from the Greenpeace family this year—Hans Monker and Sjoerd Jongens. These two fine fellows were some of the most dedicated and innovative people I have ever met. We sailed to Antarctica together, and they were not only colleagues but also friends. In their absence, the world is a lesser place.

I have always thought that the title of AB Facey's book *A Fortunate Life* summed up my own experiences. Although I grew up in a single-parent household, through my mother's hard work and courage, that never seemed anything but normal to me. My sister and I grew up under the loving and watchful eye of my mother and our broader family—an idyllic life in the coast town of Batemans Bay, where the biggest problem

was the annual overcrowding of our little town by the influx of tourists from Canberra at Christmastime. Little did we know that that source of tourists would soon become our home.

Again supported by my mother's wisdom and courage, I competed for and won a scholarship to attend Canberra Grammar School. Our little family moved up the Clyde to start a new life in Canberra. We settled in Richardson, at that time the most outer suburb of Canberra. There were no shops in the suburb back then, simply the "blue bus" providing the daily conveniences of life.

That was 1984, and since then Canberra has become part of my soul. Our family stayed, I went to university here, made many friends, met my wife here and started my career here. After nearly five years working overseas, I have returned this year to the place that I call home.

Canberra is a wonderful city to live in. As a triathlete, I have cycled, swum and run through much of our city over the years. It has given me a wonderful perspective on the place, one that makes me feel very privileged. I have always thought that one of the best aspects of our city is being able to head out the front door and in a short time go for a long run through one of our nature parks, through the grassy woodlands, under the flight path of the rosellas and cockatoos, past the families of kangaroos. Just two weeks ago I saw an echidna behind Mount Ainslie late one afternoon—an inspiring reminder of our status as the bush capital.

As someone who grew up at the beach, however, I have to say that if only Canberra were physically located by the ocean it would be absolutely perfect!

But, despite all of those wonderful attributes, Canberra is a city of great contrast, and we have much to do to improve it.

In August this year, the commissioner for the environment released the *ACT State of the Environment Report 2007/08*. The commissioner stated bluntly in the first sentence of her press release:

Canberrans are consuming natural resources at an unsustainable rate.

That is a stark observation and a fact that this Assembly must address. The ACT is the most wasteful jurisdiction in Australia, with each of us spending an average \$1,475 per year on unused items. Our waste stream is a wonder to behold, although not of the good variety. In the 12 years from 1994-95 to 2006-07 our total waste increased by 87 per cent, during which time our population grew by 10 per cent—a striking comparison.

And as Canberra families struggle to deal with the economic downturn this means that many other Canberrans can look at how they spend their money, whether they are buying things they do not really need and choose instead to help others who are in need. There are 16,000 households in Canberra in the lowest Australian income group. By choosing to change our habits, by becoming a sustainable city, we have a better chance to help them as well as the environment.

At this point there are some important people I would like to acknowledge, a number of whom are in the gallery today: firstly, my mother, for whom there is not enough I can say. She is responsible for shaping the important values and strengths that I bring to this place. And, if that is not enough, she also worked long and hard on the election campaign to make sure I got here.

To my friend and wife, Nicky: I thank you for all of your love and support, the many adventures and the things you have taught me. To my sister Tammy: thank you for your friendship and support, as well as your tireless efforts as well to get me elected.

To Bob Brown, a man who has given so much of himself in defence of our little blue planet over so many years: I wish to thank Bob for the enormous legacy he has given all of us and personally thank him for his support, friendship and encouragement.

To the rest of my friends in the Senate, Sarah, Christine, Rachel, Scott, Ben, Russell and the rest of the team: your work inspires me every day. I am proud to call you friends and I am proud that in the big house on the hill you are standing up for this planet.

To those Green members who came before us in this place, Kerrie Tucker, Lucy Horodny and Deb Foskey: I thank you for blazing the trail and for your commitment and passion to our party and all the things we believe in.

I would like to thank the members of the ACT Greens who had the faith to preselect me, and those who worked so hard on the campaign. Whilst it is an enormous team effort, for which I am grateful and humbled by, I would particularly like to mention Tom, Sky, Greg, Simon, Keira, Stu, Ebony, Annie, Emily, John, Tim and Shannon.

Finally, I would like to extend my thanks to the more than 16,000 people who voted for the Greens in Molonglo and the nearly 33,000 across the ACT who chose us on your ballot papers. I thank you for the faith you have placed in us and can assure you we will work with energy, vision, commitment and passion to honour the opportunity you have given us.

I would like to conclude with one final thought. It is interesting being labelled a so-called “environmentalist”. It is a tag which draws a range of responses amongst people you meet. Most important to me, however, it means two things: firstly, that I understand the problems that we face; and, secondly, and far more importantly, that I understand that the solutions to these problems are ready and waiting—waiting for people with the courage of their convictions to do something about them. For me that is what the next four years in the Assembly will be all about. Thank you.

Crimes (Bill Posting) Amendment Bill 2008

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, 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) (10.28): I move:

That this bill be agreed to in principle.

This bill amends the Crimes Act 1900 to address the problem of illegal bill posting. It works in two ways. First, this bill extends the operation of the strict liability offence of “defacing property” found in section 120 of the act to include bill posting. As a result of that amendment “on-the-spot” fines of \$200 can be issued by the police or the city rangers to people caught bill posting.

The government is conscious of the potential human rights implications of this aspect of the bill, particularly the possibility that the right to freedom of expression is being curtailed. However, I consider that the extension of section 120 of the act, as proposed by this bill, is proportional to the problem being addressed and thus does not infringe individuals’ human rights.

First, the provision does not provide for a blanket ban on all bill posting. The government has provided locations, such as public noticeboards and information pillars, where advertisements, posters and placards can be affixed without fear of prosecution. I have also asked TAMS to look at options to increase the amount of public space available for bill posting.

Almost all of the posters which are currently illegally affixed are advertisements for events or entertainment venues and are thus commercial in nature. Bill posting is really a form of advertising, where the business taking the commercial benefit from the advertisement shifts the costs from themselves and passes them on to private property owners or the government without recompense.

Alternative means of expression available are more effective at letting interested parties know about events and venues, such as electronic social networking, SMS phone messaging or internet advertising; all of which are cheap and can now be accessed by mobile telephone.

In addition to the cost borne by innocent property owners or the government, the removal of posters and placards can cause damage to property—and this is of particular concern in relation to heritage-listed properties such as the Melbourne Building, which are frequently the target of illegal bill posting. Further, the glues used to affix placards, when indiscriminately painted onto surfaces, or splashed onto the ground, quickly become discoloured with dirt and, in the case of starch-based adhesives, attract vermin. For these reasons I consider this aspect of the bill is appropriate.

The second aspect of this bill is the creation of a new offence which focuses on the actions of event organisers and promoters. The bill establishes a duty on event organisers to take reasonable precautions to ensure that their event is promoted without illegally affixing bills to places and buildings. If an organiser recklessly fails

to comply with their duty they commit an offence. The penalty is \$10,000 for an individual and \$50,000 for a corporation.

Event organisers and promoters have a civic responsibility to ensure they carry out their advertising within the law. The bill recognises that often the physical act of putting up advertisements or placards is carried out by third parties or subcontractors, and it is therefore unfair to impose liability on event organisers without giving them an opportunity to prove that they took reasonable steps to stop the offence of illegal bill posting being committed. I commend the bill to the house.

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

Dangerous Substances and Litter (Dumping) Legislation Amendment Bill 2008

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, 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) (10.32): I move:

That this bill be agreed to in principle.

This bill amends a series of acts and regulations with a view to decreasing incidents of illegal dumping and to facilitate the recovery of costs involved in removing illegally dumped material from public property.

Illegal dumping continues to be a problem in parks and reserves around Canberra. Unfortunately, this appears to be an upward trend, despite the fact that much of what is being dumped can be recycled. Canberrans are among the best recyclers in Australia and most Canberrans responsibly dispose of their rubbish. However, there is an element within the community that does not get the message that recycling makes sense. Worse, there are some in the community who are prepared to endanger themselves and others by dumping dangerous material such as asbestos in Canberra's parks and open spaces.

The Dangerous Substances Act 2004 already contains offences dealing with the exposure of the public, property or the environment to significant harm as a result of the improper handling of dangerous substances. That act includes a definition of what constitutes a dangerous substance, which includes asbestos, various poisons, flammable liquids and the like.

This bill inserts a number of examples into key provisions of that act to clarify that the handling of dangerous substances includes the disposal of those substances by dumping. The bill doubles the penalty for aggravated littering under section 9 of the Litter Act 2004 and introduces new offences that focus on the act of dumping of

quantities of litter. These new offences are intended to deal with the dumping of things like waste from businesses, waste oil, builders' rubble, old appliances and whitegoods. The bill does not alter the current offence provisions for small littering such as the dropping of a wrapper or a cigarette butt.

The bill also streamlines the process under the Litter Act 2004 whereby the territory can recover the cost of removal of illegally dumped waste and the restoration of public areas affected by the illegal dumping from perpetrators.

The bill also enables the police to use their powers under division 2.3 of the Road Transport (Safety and Traffic Management) Act to impound motor vehicles used in the commission of various offences under the Dangerous Substances Act and the Litter Act 2004. I commend this bill to the house.

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

Road Transport Legislation Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, 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) (10.36): I move:

That this bill be agreed to in principle.

This bill amends provisions in the Road Transport (Driver Licensing) Act 1999 and the Road Transport (Driver Licensing) Regulation 2000 dealing with demerit points. The amendments in this bill were contained in the Road Transport Legislation Amendment Bill 2008, which was introduced in June 2008 but which was not debated before the term of the previous Assembly expired.

Under the demerit points scheme, if a person incurs more than the specified number of demerit points for that person's licence category within a three-year period because the person has committed traffic infringements that attract demerit points, the person's licence will be suspended or cancelled. When the relevant number of demerit points has been recorded, the person is sent a notice advising that the person's licence will be suspended, or cancelled as the case may be, from the date of effect set out in the notice.

The proposed amendments in the bill apply where a person, whose licence has already been suspended, nevertheless continues to drive, incurs demerit points and reaches the relevant number of demerit points to trigger a demerit points suspension—or, for restricted or probationary licence holders, a licence cancellation. Under the current legislation, a driver in this situation will not be sent a notice about the impending demerit points suspension until the person's existing suspension is lifted, which may

be several months after the driver committed the infringement that triggered the demerit points suspension.

The proposed amendments will require the Road Transport Authority to send an interim notice to drivers in this position, to inform them that they have incurred the demerit points. The notice will tell them that their licence will be suspended or, in the case of probationary and restricted licence holders, cancelled. It will also tell them that the impending licence suspension or cancellation for excessive demerit points is in addition to the existing licence suspension, and that they will be sent a further notice about the demerit points suspension or cancellation when their existing suspension ends.

The new notice requirement will ensure that drivers are fully aware of the effect of reaching the demerit points limit for their type of licence, and will enable affected drivers to make more informed decisions about their options, including future transport arrangements, before the demerit points suspension or cancellation takes effect.

For example, a driver may decide to take steps to bring his or her existing suspension to an end by paying any outstanding fines, thereby bringing forward the start of the demerit points suspension. Alternatively, eligible drivers may take the opportunity to enter into a good behaviour undertaking, under section 19 of the Road Transport (Driver Licensing) Act, when their current suspension ends. While these options are already available, the amendments will ensure that affected drivers have sufficient notice of the impending demerit points suspension to make informed decisions about their options.

The bill also makes minor drafting amendments to the Road Transport (Safety and Traffic Management) Act. These technical amendments simplify the drafting of several provisions in the act and provide a generic description of the traffic light offences in division 1 of part 6 of the Australian Road Rules, which contains the basic traffic light offences such as failing to stop at a red light and proceeding through a red light or a red arrow. The proposed amendments do not affect the content of the Australian Road Rules, which will continue to apply to ACT drivers. I commend the bill to the Assembly.

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

Revenue Legislation Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.40): I move:

That this bill be agreed to in principle.

The Revenue Legislation Amendment Bill 2008 was introduced into the Assembly on 3 July this year. However, as the government moved into the caretaker period and the Assembly adjourned, the bill was not debated and consequently lapsed. I now re-present the bill as the Revenue Legislation Amendment Bill 2008 (No 2).

The bill amends the Duties Act 1999 and the First Home Owner Grant Act 2000. This bill is a clarifying instrument, designed not to impose any new revenue measures, but rather to provide greater certainty to taxpayers. It makes explicit certain elements that have been inferred from current legislation, and also removes an inconsistency in relation to recovering the first home owner grant from a third party.

The bill contains two amendments. The first of these relates to duty on an application to register a motor vehicle under the Duties Act. If no duty was payable in another jurisdiction because the registration was exempt or not liable to duty and such a registration is dutiable in the ACT, duty is payable on the application for re-registration of the motor vehicle in the ACT. The amendment inserts an example to clarify this duty liability when transferring registration from another jurisdiction. The amendment also clarifies that if duty was paid in another jurisdiction, duty is not payable on re-registration in the ACT.

The second amendment contained in this bill relates to the First Home Owner Grant Act. The amendment allows the commissioner to require a third party to pay an amount owed by a grant recipient, where the third party is a debtor of the grant recipient. The amendment also provides objection rights for the third party if they are dissatisfied with the commissioner's request for them, instead of the grant recipient, to pay the recoverable amount. These provisions align the debt recovery provisions in the First Home Owner Grant Act with similar provisions in the Taxation Administration Act 1999. I commend the Revenue Legislation Amendment Bill (No 2) to the Assembly.

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

Crimes (Murder) Amendment Bill 2008

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.43): I move:

That this bill be agreed to in principle.

The Crimes (Murder) Amendment Bill introduces an amendment to the Crimes Act 1900 so that there is a third fault, or mental element, for the offence of murder. I am pleased to be introducing this amendment today consistent with the commitments the Labor Party gave during the recent ACT election.

Murder is regarded as the most serious of all criminal offences. There has been strong concern voiced in our community over recent months that our legislation does not adequately cover the circumstances in which the taking of a life can be classified as murder. This bill is a response to those concerns.

The current provision for murder allows it to be found when the person who causes the death of another does so with the intention of causing death, or being reckless as to the likelihood that death will result from their actions. The third limb that is contained in the bill is that a person who takes a life when they had the intention to cause serious harm to another is also guilty of murder.

Serious harm is harm that endangers or is likely to endanger life, or harm that is, or is likely to be, significant and longstanding. This amendment bill will bring the ACT into line with all other Australian jurisdictions. It is a further step in ensuring that the laws of the ACT reflect the wishes and views of the broader ACT community. I commend the bill to the Assembly.

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

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.46): I move:

That this bill be agreed to in principle.

Today I present the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008 (No 2). This bill was first presented on 3 April 2008 but lapsed at the end of the Sixth Assembly. The bill makes a number of amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 that are complementary to amendments already made in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995.

The scheme for classification of publications, films and computer games is a cooperative one, underpinned by the commonwealth act and the states and territories classification enforcement legislation. The Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 provides for the implementation in the ACT of the classification material in accordance with the national classification code and the guidelines made under the commonwealth act. In particular, it provides restrictions and conditions on the sale and possession of films, computer games and certain publications, the way in which material may be advertised and exemptions of material and organisations from the classifications regime.

The commonwealth act establishes the Classification Board, which is responsible for deciding the classification of material, and the Classification Review Board. The act also sets out the types of classifications, procedures for the classification of publications, films and computer games, requirements for approval for advertisements for materials, including advertisements for unclassified films, and review of classification decisions.

The commonwealth act was amended to give effect to the decision to integrate the Office of Film and Literature Classification into the Australian government Attorney-General's Department. Amendments were also made to improve the functioning of the national classification regime.

Chiefly, the amendments ensure that the scheme adequately keeps abreast of technological changes in the industry, including the ability for manufacturers to place more material on individual DVDs. When compilations of classified films are put together onto one DVD, or additional material such as extra scenes, out-takes or interviews are added to the DVD after it has been classified, the previous provisions of the act made it necessary to reclassify the compilation as a new film.

The amendments to the commonwealth act mean that the administrative burden of reclassifying material that has already been classified will be reduced. The bill puts in place amendments that flow from the administrative changes I have mentioned and amendments that ensure that the types of modification permitted to classified material, production of compilations or inclusion of additional related material will not result in enforcement action.

The Classification (Publications, Films and Computer Games) (Amendment) (Assessment and Advertising) Bill 2008 (No 2) enables unclassified films and computer games to be advertised prior to classification in accordance with specified conditions. Previously, these products were only available for classification very close to their release date because of concerns about piracy.

At the same time, the prohibition on unclassified advertisements in the products restricted the ability of industry to market them effectively. The amendments require a new advertising scheme message to be displayed with the product, directing consumers to check classification. I will be involved in the development of the advertising scheme, along with the other state and territory censorship ministers.

This bill puts in place amendments that ensure that the advertisements for unclassified material under the new scheme will not result in enforcement action and that breaches of the new advertising scheme can be enforced. I commend the bill to the Assembly.

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

Freedom of Information Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.50): I move:

That this bill be agreed to in principle.

The Freedom of Information Amendment Bill 2008 (No 2) introduces amendments to the Freedom of Information Act 1989 to remove the conclusive certificates in relation to executive documents under section 35 of that act and internal working documents under section 36. It does not affect conclusive certificates in relation to national security considerations.

I am pleased to be introducing this bill today in fulfilment of an election commitment made by the Labor Party in the most recent ACT election. As the government, the ACT Liberals and ACT Greens committed in election statements to the removal of these conclusive statement certificates, I will not dwell on the reasons for such removal, except to state that the removal of these conclusive certificates will promote and enhance open government and open up decisions to merit review. It is consistent with changes flagged in other Australian jurisdictions, including the commonwealth, on which the territory's act is based.

The bill, however, makes provision to exclude certain documents from coverage under the FOI legislation, and I am aware that the Assembly may be concerned about the proposed removal. In this regard I am referring to the exclusion of question time briefings, incoming government briefings, annual estimates briefs and cabinet notebooks.

The removal of conclusive certificates for executive documents has raised the question of the status of these documents in relation to the appropriateness of disclosure. Few jurisdictions in the Westminster system, with good reason, release these types of documents under FOI legislation, finding exemptions and exclusions to refuse access. This is not the experience of the territory, where opposition parties—and I include Labor in this—have traditionally requested and received such documents.

However, I draw members' attention to the findings of the Queensland Freedom of Information Independent Review Panel, chaired by Mr Solomon, which reviewed Queensland's Freedom of Information Act and reported in June 2008. The report at chapter 8.3 provides a comprehensive and detailed study of the issues about such documents and argues that to preserve and promote individual ministerial responsibility, to ensure free, fearless and frank advice, certain communications between government and its public service advisers must be protected. This reinforces the personal, individual responsibility of ministers and their ability to govern effectively and to account to parliament and its committees appropriately. It is in the public interest to preserve the confidentiality of this kind of advice.

We all know when in government that the effectiveness of these documents is compromised by the knowledge that such documents may be disclosed under the legislation as it currently stands. The government is committed to a review of the FOI act and wide consultation on a range of possible reforms. The issue of how cabinet or

executive documents are dealt with and whether and when it is appropriate to put such documents on the public record without waiting for an FOI request for disclosure will be considered. I note that the Queensland government is adopting the recommendations of its most recent review to push such documents out into the public arena as a matter of course.

The amendments proposed in this bill are not inconsistent with the operation of FOI legislation in other Australian jurisdictions or, indeed, elsewhere where the Westminster system prevails. It will not remove the transparency of open government but will enhance individual responsibility of ministers by allowing them to be properly and fully informed on all issues. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee Scrutiny report 1

MRS DUNNE: I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 1, dated 10 December 2008, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 1 contains the committee's comments on three bills and eight pieces of subordinate legislation. I commend the report to the Assembly.

Legislative Assembly—committees Access to records

MR RATTENBURY (Molonglo) (10.56): I move:

That this Assembly authorises officers of the Legislative Assembly Secretariat to have access to the records of all Assembly committees from this and previous Assemblies for the purposes of conducting a review (as part of a project involving the Australian National University's Parliamentary Studies Centre) of the effectiveness of the committees' oversight of government statutory appointments processes.

I move this motion in my capacity as the Speaker on behalf of the Legislative Assembly. Members, earlier this year the Assembly Secretariat was asked to participate in some Australian Research Council research being undertaken by the ANU's Parliamentary Studies Centre. The three-year research project is aimed at strengthening parliamentary institutions and is focused on revising and renewing political science theories of parliamentary capacity building. It is also aimed at improving governmental and non-governmental strategies of democracy assistance through analysis of success and failure in institutional strengthening of parliaments based on lessons arising from the Australian change process.

The Secretariat has commenced research on eight projects, and it is hoped to have the research completed before the end of 2009. The papers produced as part of the research will be placed on the Parliamentary Studies Centre website, and it is envisaged that some of the more noteworthy papers will be featured in a book on the whole project. It is hoped that the research will highlight some of the innovations and strengths that the ACT Legislative Assembly has in relation to parliamentary democracy.

In relation to the specifics of the motion that I am moving today, the Assembly is the only jurisdiction in Australia that enables the legislature to scrutinise statutory appointments made by ministers. It has had this system in place since the Assembly passed the Statutory Appointments Act 1994 in 1994. As shown in the Secretariat's annual report that I tabled on Tuesday, Assembly committees examined 149 statutory appointments last financial year.

The method that the Legislation Act 2001 sets out for the process means that only the individual committee and the individual minister proposing the appointment know about the appointment, what comments were made and whether the committee agreed or disagreed with the proposed appointment. The only documentation for this process is held with either the individual committee or the individual minister.

Whilst committees are able to access records of previous committees, no-one else is able to examine this process across all the committees. It is for this reason that I am moving the motion today. Should the Assembly pass the motion, I believe it will shed some light on what is a unique process in a parliamentary democracy. I commend my motion to the Assembly.

Question resolved in the affirmative.

Climate Change, Environment and Water—Standing Committee Reference

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.59): I move:

That this Assembly:

- (1) notes:
 - (a) expert scientific evidence confirms that human activity is causing a significant increase in global temperatures, which will have a dramatic impact on the sustainability of existing ecological systems and human settlements;
 - (b) climate change is one of the greatest economic, social and environmental challenges facing the ACT community, and must be addressed accordingly and that it is imperative that the ACT moves to a low carbon future both swiftly and equitably;

- (c) Australia is a signatory to the United Nations Framework Convention on Climate Change and that the most recent Conference of the Parties agreed that emissions reductions of 25-40% will be necessary by 2020 (compared to 1990 levels); and
 - (d) the scientific understanding of climate change is evolving rapidly, and the ACT Climate Change Strategy and its greenhouse gas reduction target should be responsive to the best available scientific knowledge and experience to contribute to a safe climate outcome;
- (2) resolves that the Standing Committee on Climate Change, Environment and Water inquire into and report on:
- (a) an appropriate target to be established in legislation, including:
 - (i) an appropriate date for the peaking of greenhouse gas emissions in the ACT;
 - (ii) an appropriate target for the reduction of greenhouse gas emissions in the ACT by 2012; and
 - (iii) an appropriate target for the reduction of greenhouse gas emissions in the ACT by 2020;
 - (b) appropriate monitoring, reporting and review processes to accompany the target; and
 - (c) the following issues associated with achieving the greenhouse gas reduction target:
 - (i) the efficacy of existing programs within the current ACT Climate Change Strategy Weathering the Change, and the need for additional programs in the Strategy;
 - (ii) the ACT's future energy supplies, taking account of the draft ACT Government Energy Strategy due to be published in late 2008 and options for sourcing or producing sufficient renewable energy to meet the needs of the ACT;
 - (iii) climate change impacts on the sustainability of existing ecological communities;
 - (iv) social equity and economic issues, costs and opportunities in achieving this target;
 - (v) the relationship between the ACT's legislated target and policy and measures agreed to and implemented at a national level;
 - (vi) the acceptability of local and offshore offsets;
 - (vii) the need to ensure that the ACT does not transfer its greenhouse emissions to other jurisdictions;

- (viii) the adequacy of existing data collection and methodology for the purpose of establishing a baseline year of 1990 or 2000 and for future monitoring and reporting purposes; and
 - (ix) any other related matter; and
- resolves that the Committee shall report by 30 July 2009.

This motion seeks to establish an inquiry into a legislated greenhouse gas reduction target for the ACT. The motion notes the overwhelming scientific evidence that moving to a low-carbon future is one of the greatest challenges of the global and the local community. It further acknowledges the United Nations convention to reduce carbon emissions and the government's goal of producing a 60 per cent reduction of greenhouse emissions by 2050. Finally, it seeks the views of the community as to how a legislated greenhouse gas reduction target can be delivered effectively and, if so, what programs should support it.

The establishment of the Assembly inquiry to hear the views of the community is in stark contrast to the approach adopted yesterday by the opposition. Yesterday, we saw the opposition introduce a bill proposing a legislated target, but without the benefit of hearing the views of interested community members or other stakeholders.

Climate change is one of the most critical issues facing us today. Climate change is setting the policy agenda internationally, nationally and here in the ACT, and we need to work at all levels to reduce greenhouse gas emissions. Everyday decisions by individuals, governments and businesses are the building blocks as to how we reduce carbon and other greenhouse gas emissions.

In accordance with the commitments entered into between the Australian Labor Party and the ACT Greens, I am pleased today to be proposing these terms of reference for inquiry and report. The government is committed to the responsible management of the ACT, considering not just today's needs but also how our actions contribute to the long-term impact on our natural environment, quality of life and economic activity. A greenhouse reduction target is one means to help the transition to a low-pollution society. This inquiry will look at the benefits of a legislated greenhouse reduction target for the ACT, assisting the government to establish effective initiatives to lower the ACT's greenhouse gas emissions.

Currently, the government has a target that provides for a 60 per cent reduction of 2000 emissions by 2050, and to limit 2025 emissions to 2000 levels. Under the United Nations Framework Convention on Climate Change, a target has been established for industrialised countries to reduce carbon emissions by around 25 to 40 per cent of 1990 levels by 2020. The ACT Greens have outlined their view that a target of a 60 per cent reduction of year 1990 greenhouse gas emissions by 2050 is appropriate.

This inquiry represents an important step in moving towards an established and agreed legislated greenhouse gas reduction target. It will also consider the most appropriate baseline year for an ACT target of either 1990 or 2000. This should be informed by data availability and monitoring and reporting needs. The government will be considering the report from the Assembly committee in the second half of next year. The terms of reference for the new Assembly committee are comprehensive and

not only cover the setting of an appropriate target but also include the design of policies and programs to enable Canberrans to reduce their greenhouse gas impact.

In Canberra, we have a high level of awareness of climate change, but people want to know more about the role they can play in tackling this challenge of truly global dimensions. We want to see more Canberrans generating renewable energy. We as a government are implementing a feed-in tariff that will be in place by March next year to promote that. The government is also implementing its election commitment of bulk purchasing photovoltaic cells to bring down the cost of adding solar power to individual homes.

Households, the private sector and government will have increasingly interrelated roles in the move to higher levels of renewable energy. Renewable energy will be a central plank in helping the ACT community to achieve its greenhouse gas reduction targets. At a national level, the release of the commonwealth government's white paper on the carbon pollution reduction scheme in 2008 will outline the final design of that scheme and the medium-term target range for reducing Australia's carbon pollution.

A key question for this inquiry is the extent to which the ACT government should move beyond the commonwealth's targets and initiatives. We need to focus on what the ACT government can effectively influence to contribute to a real reduction in Australia's emissions. We want programs and policies that have goals that integrate with the work of the commonwealth and other jurisdictions but are not necessarily constrained by the approach adopted by the commonwealth.

The new Committee on Environment, Climate Change and Water will help support the Assembly to make these difficult decisions. They will be complex matters, and it will need to undertake significant work in grappling with this complex issue.

I highlight that the proposal also recognises the need to contribute to a safe climate outcome. The evolving and emerging view amongst many scientists is that we can talk a lot about targets but ultimately the outcome is to achieve a level that provides us with a safe climate: a safe climate that does not put in jeopardy or undermine our ability to maintain existing ecosystems; a safe climate that does not jeopardise our ability to have reliable food, water and energy supplies; and a safe climate that does not contribute to social disintegration and lack of social cohesion.

I think that paragraph (1)(d) of the proposed resolution is in many respects the most important, because the issue of a safe climate will drive all of our thinking. Whether the target is at X level or Y level, unless it achieves a safe climate outcome, we will not be achieving the outcomes that we want.

The government recognises, as a result of the election, the broadening scientific consensus and the community understanding and acceptance of the significance of this issue, that we must work harder and faster to address the issue of climate change in our community. We are only a small jurisdiction, and our emissions as a percentage of the country overall, let alone the globe, are small. But we do have the ability to make a difference, and we do have the ability, more importantly, to show leadership. I think that is the challenge for this Assembly, for this territory and for our community—to show leadership.

I am committed, as the minister responsible for climate change in this government, to show that leadership, to push the boundaries and to look at new and innovative ways of addressing this most pressing of social, economic and environmental challenges. It is, simply speaking, the most serious and dominant matter that this and future Assemblies will have to face, over the next couple of decades in particular.

I heard recently a scientist from the United States say that this generation alive on the globe today is the most important generation in human history. He said we are the most important generation because what we decide and do now will determine whether or not the globe is fit for habitation in 50 and 100 years time, or whether it has a climate which has escalated out of control, where feedback mechanisms promote forms of climate change and global warming that are disastrous on ecosystems, on human life overall, on our water, energy and food supplies and on our ability to live cohesive, safe and peaceful lives. I think that message from that scientist is one that we should all bear in mind as we conduct this inquiry. I know that the will is there in this Assembly, I know that the commitment is there from members across all sides of this chamber to achieve a significant and important outcome for our community.

I look forward to the results of this inquiry. It is an ambitious time frame given such extensive terms of reference. But I think we need to meet that time frame so that we can move beyond the debate on what the targets should be and get more and more into the detail of making them happen and achieving the emissions reductions that we must achieve. The work of the committee will be important, and I commend the proposed terms of reference to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (11.10): We are very happy to support this motion, and particularly the reference to the Standing Committee on Climate Change, Environment and Water to inquire into this issue. I think it is timely that we have an inquiry. We have heard a lot of talk, both at a national level and at an ACT level, from governments about a response to climate change. So far, we have seen little action. We have certainly been pushing for not just long-term targets but medium-term targets as well.

The importance of the medium-term targets is that it is very difficult for people in the community to take the long-term targets seriously if we do not have the medium-term targets to back them up. In talking about where we are going to be in 2050, Jon Stanhope is not going to be here to answer for that; even younger members of the Assembly like myself are very unlikely to be in the Assembly in 42 years time to say whether or not we reached our 2050 target. So it is important that we have medium-term targets; it is important that those targets are realistic but also that they are ambitious. We need to get that balance.

There is no point putting in a target that we have no way of meeting, but at the same time there is no point putting in a very modest target that we should be able to easily meet. We need to stretch ourselves, and we as a community need to do that. But we also need to do it in a sensible and realistic way. It is worth going through some parts of the motion, and also talking about some of the initiatives we have been pushing for, and I am sure that these will be looked at by the committee because the terms of reference are fairly broad.

I believe that there are a number of ways that we can reduce our emissions. We have set out a plan in terms of house warming, which is about making households more energy efficient. That is one of the simplest and most cost-effective ways of reducing emissions, and it meets a number of important tests. Starting with low-income households, in the case of our policy, it saves households money on their energy bills and it makes homes far more comfortable to live in. Anyone who has lived in a poorly insulated Canberra home with a poor solar aspect, as I have, knows what an uncomfortable place it can be both in winter and in summer. We do have a fairly harsh climate here.

I think the last home I lived in had an energy rating in the minuses, technically. You can actually do that, as I found out when we were selling. They give you a zero, but it is actually a minus when they add up all the bits. It was west facing, it had little or no insulation, it got every aspect wrong; whereas the house we have now has a beautiful solar aspect and double-glazed windows, which makes such a difference and makes for comfortable living in that home.

I think that that is one of the key areas. We know that there are two main areas for emissions—household energy use and transport. With household energy use, insulation and a better solar aspect are the keys, as well as things like double glazing and proper building standards, to ensure that we get our solar aspect right. We have talked about solar aspect for a long time. In new subdivisions, we have not seen the real response to that that we should have seen. There is the ability to give the vast majority of homes in new subdivisions the opportunity to have a good solar aspect. I think that is most important. When it comes to a household, you can do all sorts of things, but if you get the solar aspect right, that puts you way out in front.

We have a policy of rolling out insulation to low-income families and public housing, and I think that is a really important place to start. That household energy use is going to be really important. The other part of the equation for household energy use is where we source our energy, and solar is going to be a big part of that. We have talked about the renewable energy park, leveraging what the private sector wants to do. The private sector wants to invest in these emerging technologies; we just need to assist.

The ACT government needs to find ways of assisting in sensible ways. It will mean an initial outlay, particularly in some capital, but I think that our proposal for a renewable energy park is an excellent one. It builds on some of the natural advantages we have here in the ACT. We have the CSIRO here, we have the ANU here and we have a highly educated population. We do not have lots of dirty industries compared to other jurisdictions. So we are well placed to respond.

We need to look at the other aspect, which is transport. I was pleased with the choice of words by Mr Rattenbury in his inaugural speech today when he spoke about this. He said, “We need to give Canberrans better options.” It is not about saying to people who live in Richardson, in Banks or in Ngunnawal, “Well, we’re just going to force you out of your car and you can use a bus system that doesn’t meet your needs.” What we need to do, first and foremost, is to give people those options. We need to give people the option of an efficient and effective public transport system. People will

naturally choose that. If it is convenient, if it is cost effective, they will choose it, as they do in bigger cities. We know that in larger cities more people choose public transport because of the relative conveniences. In Canberra, which is spread out, and having regard to the way it has been designed, we know there are specific challenges. I think that will be another key part of it.

I will not labour the point. I am very much looking forward to the committee inquiry. I will be contributing to that. The Liberal Party are committed to clear targets, to sustainable transport and to looking at ways particularly of making our homes more energy efficient. We can do that through the planning system; we can do that through all sorts of other levers. We need to encourage sustainable industries.

I am confident that the proposed terms of reference in this motion will give the committee sufficient scope to look at all of these issues and to look at sensible, targeted ways of reducing our emissions. I reiterate the importance of medium-term targets. Long-term targets are all well and good, but we need to have some accountability. Medium-term targets help us to do that. I commend the motion. I am very happy to support it, and I look forward to the inquiry.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.16): The motion being debated today is well overdue. I am very pleased to be able to speak to this motion on what I think are very comprehensive terms of reference and a much-needed inquiry into a legislated greenhouse gas reduction target for the ACT. For many years the Greens have campaigned tirelessly on the need to recognise and take drastic action on climate change. Never before has the earth and all its inhabitants faced such a threat. What we are doing to the planet cannot continue. We are doing irreparable harm and we must now, after so many years of stalling, address the issue, accept our responsibility and take up the enormous challenge that presents itself.

On 4 September 1996 Kerrie Tucker moved a motion calling for the introduction of a greenhouse gas reduction target for the ACT. The Liberal government of the day responded to this motion and created a greenhouse gas reduction target for the ACT, and for its time it was a very good target indeed. Then under the Stanhope government this target and its accompanying strategy were removed. After a few years with no strategy or target at all the Stanhope government finally developed a replacement strategy—the current climate change strategy *Weathering the Change*. This strategy does not have a meaningful target. In fact, the targets in it are embarrassing and do not even come close to fulfilling our obligations. The science is unequivocal. It is simply not adequate. We need to significantly change our responses if we are to play our part and accept our share of the responsibility of preventing dangerous climate change. Of course, setting a target is a delicate, difficult and complex matter. Establishing a target that can actually be implemented and achieved requires not only a great deal of planning and foresight but also much determination and dedication. The Greens are very aware that there is no point in setting a target unless it is accompanied by policies and programs which are capable of being implemented, monitored and adjusted appropriately.

I do not think that any of the parties represented in the Assembly today disagree that urgent action is needed to abate the worst affects of climate change. I think we all understand the significance of the introductory part of the terms of reference, but

expert scientific evidence confirms that human activity is causing a significant increase in global temperatures, increases which will have a dramatic impact on the sustainability of existing ecological systems and human settlements, and therefore the transformation to a low carbon future is one of the greatest economic, social and environmental challenges for the ACT community. We are constantly reminded, each time that another scientific report is released, that the science around likely climate change impacts is changing at such an alarming pace that it is almost out of date by the time we read it. What we urgently need in the ACT is a strategy and target that reflects the most recent science, understanding of the problem and what needs to be done to address it. There are a range of sources readily available—the Intergovernmental Panel on Climate Change, the Stern report, the Garnaut report—all of which give a good analysis of the problem and measures that need to be implemented.

Australia is a signatory to the United Nations Framework Convention on Climate Change agreement in Bali, Indonesia in December 2007 which agreed on the need for targets to reduce carbon emissions by industrialised countries in the range of 25 to 40 per cent below 1990 levels by 2020. However, we must remember and take account of the need to ensure that the ACT climate change strategy and its greenhouse gas reduction target are updated accordingly to properly reflect the most up to date science. The IPCC science is at least 12 months old by the time it is published in their reports.

Dr David Karoly, one of the IPCC lead authors from Melbourne University, gave a paper about this problem last year. He said that 40 per cent by 2020 is not enough. Dr James Hansen, head of the NASA Goddard Institute for Space Studies and Adjunct Professor of Earth and Environmental Sciences at Columbia University, agrees with this position, arguing that we must aim at stabilisation at 300-325 parts per million CO₂ equivalent in a recent paper of his. Currently the atmospheric concentration of CO₂ equivalent is around 385 parts per million.

That said, and the problem recognised, I think that we should all be excited at the creation of the inquiry as well as the creation of a standing committee on climate change and the potential for a great outcome to be achieved. It is a real milestone for the ACT. The broad terms of reference for this inquiry give the committee the scope and responsibility to consider not only the science that should determine what the appropriate emission reduction target for the ACT should be but also the impacts of that target on various sectors of the community and the mechanisms, programs and policies that will have to be implemented in order to achieve this.

Indeed, there is much that we in the ACT need to do. It has been mentioned at some length in the inaugural speeches of Greens members that there are unique and significant challenges facing this community. We hold the unfortunate title of the most wasteful and emissions intensive city in the country. The ACT only has about 1.7 per cent of Australia's population and yet we emit five per cent of Australia's greenhouse gases. Our electricity use is a big factor. The current climate change strategy relies heavily on the New South Wales Greenhouse Gas Abatement Scheme which we have heard both Mr Stanhope and Mr Corbell tell us is such a strong measure. You may have heard Dr Foskey tell the Assembly in earlier years that the scheme is seriously flawed. I am exasperated that the scheme is to continue until 2020 with the existing benchmarks.

This legislation had a greenhouse gas emission reduction from 2005-06 of 4.4 per cent and then from 2006-07 of a further 4.8 per cent. There are no further decreases necessary, according to this legislation before us today. The benchmark is now set until 2012 at a flat 7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population. Extending that benchmark until 2020 is not a strategy, it is status quo. And status quo in terms of greenhouse production is really an increase to the load currently borne by our atmosphere. Actually, it is worse than status quo, given that the ACT government's own projections show that the ACT population is expected to increase by 12 per cent over the next 15 years. The government is planning around an increase of the ACT population to 500,000 by 2030 and, given that these benchmarks are based on a per head basis, the ACT can abide by the scheme's benchmarks and still have a large net increase in greenhouse gas emissions.

This is really the crux of the problem. Members may be interested to hear about the work of the Centre for Energy and Environmental Markets at the University of New South Wales. The centre has done extensive research into various energy efficiency schemes and detailed analysis of the New South Wales-ACT scheme over a number of compliance periods. In combination with the problems I mentioned earlier they found that, despite abatement benchmarks being met, actual emissions have risen. Additionality from the scheme—that is, whether change would have occurred anyway—may be quite low, especially given the federal government's weak mandatory renewable energy target. The abatement certificate database lacks reporting transparency, including uncertainty about the method used to create the certificates, how baselines were calculated and how compliance was achieved. There is evidence of market concentration in just a few types of projects. Waste coalmine gas, landfill gas and natural gas-fired plants make up the majority of certificates.

This scheme does not help progress new types of more sustainable alternative energy sources. The scheme's performance against the criteria of effectiveness in terms of reduction of emissions efficiency or cost and equity is insufficient for the likely abatement task out to 2020. It is economically inefficient due to the low target, high auditing costs and regulatory overheads. Placing a price on greenhouse emissions is an important function of any emissions trading scheme and is necessary for the capacity building within industry and government required for the transition to a less carbon intensive economy. Unfortunately, the GGAS instead places a price on abatement certificates which represent the absence of imputed emissions with respect to a projected baseline.

It is possible that GGAS could delay meaningful action, not only due to the perception that emissions are being reduced but also because firms that base their business plans on it are likely to actively oppose any changes. The numerous design flaws in the scheme point to a poor design process and there is a clear conflict of interest in IPART being the scheme administrator as well as the compliance regulator with full responsibility for assessing the scheme. This highlights the need for good governance in designing the policies required to reduce greenhouse gas emissions. Baseline and credit schemes such as this one have often proved ineffective as there are inherent problems with compliance auditing as well as additionality. This is one of the reasons that the EU Energy Trading System, the proposed multi-state scheme in Australia, and

elsewhere in the world have all chosen a “cap and trade” approach instead, which is based around physical measurable emissions instead of abstract notions of reductions.

We recently heard about the collapse of the certificate market prices. Although the government denies that this is a failure of the scheme, it shows that despite the large number of certificates being produced there is still a consistent rise in emissions. Too many companies produce too many certificates too fast. This oversupply occurred because companies gave away thousands and thousands of free light bulbs, which are not necessarily used, and thousands of shower heads which, by regulations, could not be installed by the company providing them, unless by a plumber. We have no idea what the amount of duplication of certificates is—for example, households getting multiple kits from different companies.

For these reasons we need a stronger greenhouse gas reduction strategy and revising the targets is the first step towards this. This will change. We have heard many options for solutions to the issue that are available to us. We are the sunniest capital city and have the best solar technology being created only some hundreds of metres down the road from this place. We live in a city that was designed for a light rail system and offers great potential for an efficient and effective public transport system. The Greens intend to do all we can to ensure that these options are taken up to the greatest extent possible. We are a wealthy community and we are also a socially progressive community. We are aware of those in our community who are vulnerable and need assistance.

Climate change presents even greater challenges for these people. Not only will they experience the impacts more than most but also they are the least able to respond to these impacts. These terms of reference will allow the committee to consider and develop solutions and initiatives to address these problems. Climate change not only presents a great many challenges; it also presents a great number of opportunities for significant changes to the way we do things. We understand that we are only a small jurisdiction. However, it is only through actions by each and every one of these small jurisdictions that we will achieve global outcomes that count. We have seen in other places around the world and even in Australia strident steps taken towards these changes. On the Gold Coast we have a local council which is a transition town making a move away from reliance on fossil fuels across to renewable energy. We have also heard before about Woking in the UK which has a strong strategy to do the same. Thus it is possible, and this inquiry is a chance for the ACT to explore taking similar steps. The Greens are most pleased to be able to support this motion.

MRS DUNNE (Ginninderra) (11.29): I will make just a few comments on the motion. While Mr Seselja has highlighted the Liberal Party’s support for this motion, I think that it is worth commenting on and perhaps amplifying some of the comments made by Ms Hunter. It is quite ironic that in the three short months since the last time the Assembly sat that there has been a transformation in the Stanhope government in relation to climate change. In the previous Assembly, when we eventually got our climate change strategy, *Weathering the Change*, we had the approach, “You know, we’ve written it, we’ve got the strategy and all we have to do is set and forget and everything will be fine and we can hark back to one of our 43 initiatives in our climate change strategy.” As I have said on a number of occasions, the most inventive thing about the Stanhope government’s climate change strategy is its name. “Weathering

the Change” is a very catchy name—and I congratulate the person who came up with the title—but the content is sorely lacking.

As with many things that we see from the Stanhope government, their commitment is questionable. Only yesterday in question time we had the first drawback from the world leading feed-in tariff. I had the privilege two weeks ago to spend three days at the Australian-New Zealand Solar Energy Society’s 43rd annual conference. The abiding issue throughout all of the high-level and low-level and more technical debates and discussions throughout three days and three or four parallel sessions most of those days was the importance of a feed-in tariff, the general failure of Australian governments and legislatures to adopt a feed-in tariff and the great steps that have been made by the ACT to adopt a gross feed-in tariff at a moderately high level and an open-ended feed-in tariff.

And what did we hear yesterday? We heard the Minister for the Environment, Climate Change and Water say that we had to come back into this place to amend the legislation. We have all known since the day it was passed that there were flaws in the legislation and that it needed to be amended. But they were little technical flaws about whether we should be counting things in kilowatts or kilowatt hours. What was foreshadowed yesterday by the minister was a radical change to a piece of legislation that has not even started to operate. There was a great deal of emphasis, in what the minister said yesterday, on householders and medium sized building owners.

What the Liberal Party said in relation to the feed-in tariff was, “Whilst that is important, the big impact you’re going to get is if you have the capacity for large-scale generation.” The concern that I, as the shadow minister, had was that there were limitations that would prohibit or constrain large-scale generation in the feed-in tariff scheme. Yesterday the minister said, “The new regime requires 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”—yes, we knew that was coming—“for a range of matters”—get this, Madam Deputy Speaker—“including capping the scheme, clarifying generators’ eligibility and reimbursement arrangements.”

One of the takeout messages from the 43rd annual conference of the Australia-New Zealand Solar Energy Society was that capped schemes will fail. They looked at countries that had been innovative—Spain, Germany et cetera—and the criticisms of many of those places, including Italy, was that they had capped schemes that actually limited. Spain had been successful for many years, but it was reaching its cap and there was less scope for innovation because people were reaching the cap. Because there were capped schemes people introduced small-scale arrays, small-scale plants, rather than larger scale plants. One of the takeout messages was that capped schemes will fail us in the future and the message that came from policy makers, whether they be environmental scientists, engineers or economists was that we must eschew a capped scheme in Australia.

The message from that conference the other day was that Australians should be emulating what is happening in the ACT. I am putting on record the Liberal opposition’s concern that even before this scheme sees the light of day the Stanhope government wants to wind it back. The Stanhope government has indicated that it

wants to wind it back; it wants to have a capped scheme. We need to have a lot of public discussion and it needs to be done in an open way. I am putting on the record my concerns about the clear words of the minister for the environment yesterday when he said that they were looking at capping the scheme and clarifying—that is always a weasel word for “cutting back”—generators’ eligibility. I put it on the record that we are concerned about this and we will be watching it very closely. I hope that the minister does not live up to my expectations on this one.

The Stanhope government has always failed to live up to the expectations of the people who have been concerned about these issues. Ms Hunter touched on it. In 2003-04—mainly 2004—Jon Stanhope as the Minister for the Environment went out of his way to constantly and persistently bag the greenhouse gas emissions strategy that had been in place in the ACT for a very long time. There were problems with that; I do not deny that. They were the first steps. It was the first greenhouse gas emission strategy that had ever been instituted in Australia. Yes, there were problems with it; yes, the Stanhope government commissioned a review of that strategy in 2002-03. The review document is worth reading. I commend it to the minister. The library has a copy—if I have returned it to the library. I think I have returned it to the library; I will make sure I do. I commend it to the minister because it has some very good advice about what a greenhouse gas emission strategy should look like. *Weathering the Change* does not meet any of the recommendations in the review strategy.

Ms Hunter is right: the Stanhope government in 2005 threw out the only greenhouse gas strategy that we had at the time and did nothing for two years. We had no strategy; we had no policy. Now we have a very poor policy on the part of the Stanhope government. This inquiry, which is broad ranging, gives us an opportunity to look at all sorts of policy initiatives, some fabulous policy initiatives that were brought forward during the last election campaign, and I would like to compliment the government on its proposal for a bulk-buying scheme—it is an initiative that probably has some merit—but that bulk buying scheme should be underpinned by a range of other things.

People need access to good finance. In the last six months or so I went to a lecture by a German advocate for the feed-in tariff scheme and I said, “What else did you do in Germany?” He said, “We didn’t have to do anything else. Banks will lend people money because the feed-in tariff gives them security.” People need to be able to have access to reasonable funds, because putting a PV array on your roof is not cheap and they need the upfront money. The bulk-buying scheme may address some of that, but it will not address the whole of it.

There are some substantial policies, of which I am extraordinarily proud, that we took to the last election. Mr Seselja touched on some of those—the home insulation policy; our policy for solar Canberra; our policy for climate change Canberra, an instrumentality that would be based on the London Climate Change Agency and the work done in Woking Borough in the UK. All of these are policies which should be looked at on their merits, not in a partisan way. I hope to see the inquiry coming back with really strong recommendations about a policy future which takes into account a lot of the good work that has already been done by members in this place.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.40): I move:

That the time allotted to Assembly business be extended by 30 minutes.

Question resolved in the affirmative.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.40): I thank members for their support of the proposed terms of reference for the new Standing Committee on Climate Change, Environment and Water. I think what is fair is that there is an acceptance that we need to work harder and faster on this question, that we need to revisit and recast the framework in which we as a community work towards reducing greenhouse gas emissions and contributing our part and our leadership in achieving a safe climate for all Canberrans.

I thank members for their support. I particularly thank Mr Rattenbury and Ms Hunter and their staff for their assistance and cooperation in drafting these terms of reference. I think it is a good demonstration of our ability to work well and effectively in fashioning a robust set of ideas and approaches to address this issue. I would like to respond very briefly to the comments made by Mrs Dunne in her speech and her critique of what she feels is a change in direction in terms of the feed-in tariff. Of course, Mrs Dunne simply makes those assumptions because she has no detail, but she is quick to leap to critique without even knowing the detail of what the government is proposing.

The government and members would be aware that there are a range of matters that need to be resolved before the feed-in tariff law can become operational. It is those matters that the government is seeking to address. I would simply ask Mrs Dunne to hold her judgement until she actually sees the detail rather than leaping in in the way she did earlier. I can assure her, and I can assure members, that it is the government's intention to have a progressive feed-in tariff in place in the territory that encourages renewable generation and does so in the way that it was targeted by Mr Gentleman, which was to encourage that micro generation and that medium scale generation which the subsidy, through the tariff, was designed to assist people in terms of meeting the costs of installation. There are a range of other matters at play, of course, and we will have that discussion and that debate in this place, but the government's commitment is to a workable, effective, progressive and innovative feed-in tariff that makes a difference for Canberrans.

This committee inquiry will be a comprehensive and detailed one, and it will be one that will require a significant body of work by committee members. The government looks forward to providing a detailed submission and to working cooperatively and collaboratively with all committee members in achieving a committee report that will well inform the climate change strategy that we will be revising as a result of that and also in informing the final version of the ACT's energy policy when that is complete. I again commend the terms of reference to the Assembly.

Question resolved in the affirmative.

Assembly sittings 2009

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.44): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2009:

February	10*	11	12
	24*	25	26
March	24*	25	26
March/April	31*	1	2
May	5*	6	7
	11		
June	16*	17	18
	23*	24	25
August	18*	19	20
	25*	26	27
September	15*	16	17
October	13*	14	15
November	10*	11	12
	17*	18	19
December	8*	9	10

*Evening sitting—7.30 pm to 10 pm

I seek members' leave to make a small amendment to my motion. Currently the date 5 May has an asterisk appended to it, denoting an evening sitting. The date of 5 May will be budget day. It is not usual for the Assembly to sit after the completion of the Treasurer's presentation speech, and I seek members' leave to omit the asterisk against 5 May in the table.

Leave granted.

MR CORBELL: I thank members. This sitting calendar was circulated to members last week, and I did seek the advice of members on their preferences. I thank the Greens for their response and their feedback. In response to that, I have amended the pattern that was previously circulated, to include a sitting in the week with the dates 10, 11 and 12 February.

As members would be aware, the government also agreed, in its agreement with the Greens, that we would schedule a regular evening sitting. That is shown by the asterisk against the dates identified in the pattern, being a Tuesday evening.

Can I indicate that I note that Mr Hanson has circulated quite a comprehensive amendment. This is not an amendment on which he has given any previous notice to me, certainly not as of the beginning of the sitting this morning. That was despite my repeated requests yesterday to the Liberal Party to provide me with any information on their views as to the sitting pattern and despite my requests last week in similar vein.

It is a comprehensive-change proposal, Mr Hanson. He is seeking to do that without any prior discussion with other parties. The dates he proposes are not acceptable to the government. In particular, a large number of those dates clash with a range of other commitments, particularly a large number of ministerial councils which ministers will need to attend during those dates. The sitting calendar is traditionally developed to try to avoid those clashes wherever possible and to avoid clashes around school holidays and a range of other dates where members will have other commitments.

For that reason, the government will not be supporting those changes. If Mr Hanson had come to me earlier, certainly before this sitting period, we may have been able to accommodate some of those dates, but at this late hour that is simply now not possible. I regret that and I regret that the Liberal Party have not been able to provide more detailed advice prior to the sitting, despite repeated requests to do so. I commend to members the sitting pattern as outlined in my motion.

MR HANSON (Molonglo) (11.47): I move:

Omit all dates after 2009, substitute:

February	10*	11	12
	17*	18	19
March	24*	25	26
March/April	31*	1	2
May	5*	6	7
	11		
June	16*	17	18
	23*	24	25
August	11*	12	13
	18	19	20
	25*	26	27
September	8*	9	10
	15	16	17
October	13*	14	15
	27	28	29
November	10*	11	12
	17*	18	19
December	1*	2	3

*Evening sitting—7.30 pm to 10 pm

Firstly, if I could make a correction to the minister's point about the ministerial councils and the dates that we have proposed, there is no conflict. The dates that have been chosen are in areas on the calendar that was initially put forward by the government, to make sure there was no conflict with those. Secondly, we did have some consultation; we had consultation with the crossbench about this issue.

Certainly I welcome at the outset the increase from 13 sitting weeks, as was initially proposed by the government, to the 14 weeks that they have now negotiated with the crossbench, but we certainly would consider that insufficient and will be calling, as part of this amendment that you see before you, for that to be increased to 16 weeks. Really, we see that as very much the minimum that this Assembly should be sitting.

When you consider what the sitting weeks are—and I note that they are only three days, not five days, which is the normal working week—to be honest, that was somewhat of a surprise to me as I transitioned from my previous career into working in the Assembly. I note that there are other parliaments throughout the world and, indeed, in Australia where a four-day sitting week is actually the norm.

That 42 days, then, that the government is proposing for us to sit constitutes 42 days, which is only 12 per cent of the year. So, by any measure, you could not argue that we are sitting an inordinate amount of time, with 14 weeks. To increase that to 16, I think, would be only a small increase that would go some way to meeting community expectations.

I do understand that there is other work that this Assembly does, in committees, and I understand that the executive also is busy. But to say that 12 per cent of the year only would be taken up with sitting, I think, is unreasonable; it should be more.

I move to community expectations. I think all of the members who are new—eight of us who have come from both the public sector and the private sector—would agree that we would be used to a longer working pattern than that. I use my own experience to draw on. In defence, the average working year has 42 days for leave. So what we are proposing here is that the bulk of our work would be done in a period that is normally allocated in many sectors for leave. If you look at other areas in the public service or private industry, they actually only have four weeks allocated for holidays. So I think that an important part of what we do here is meeting public expectations, and we will fail in that regard if we have only 14 weeks of sitting.

One of the reasons put to me by the crossbench when we had our discussions was the issue of school holidays. I must admit I am quite surprised to find that we will work around school holidays. I cannot think of any other industry in Australia that would make sure that all of its members were free on school holidays. Certainly, that would not confirm to the community norm.

We heard a great deal of criticism yesterday aimed at the opposition from the government about taking holidays. We heard vigorous debate and, in some cases, abusive language used: we are on holiday, in bed and so on. It is interesting, then, to note, that the work pattern proposed by the government would allocate them so much holiday. Between when the Assembly last sat in August and when it will next sit in February, other than this week, is 5½ months. If anyone thinks that that is a pattern of working hard that is being set by this government, then that would be unusual. I would contend that, if this is the sitting pattern that is going to be adopted by this Assembly, then it is the government that is looking to take extended holidays, certainly not the opposition, which is calling for more sitting weeks.

Why is it that the Assembly is so important? It is the primary tool of the Assembly to conduct its business. It is where questions are asked of ministers and, in the new era of open debate that we were calling for here in the Assembly, it is the most important tool whereby ministers can be questioned. It goes to the heart of accountability and scrutiny. It is where bills are debated; it is where we can consider bills that are put forward and debate them in an open forum.

I understand that there will be even more reports now, based on the committee work that is going to be conducted by this Assembly. We are going to have more committee work; therefore, we will need more time in this Assembly to consider those reports in a full and open manner and debate them.

Turning to private members business, it is the only opportunity where the non-executive members of this Assembly get the opportunity to present motions and have a debate on those motions. It is important business of this Assembly. To restrict that to 14 days, as it will turn out, on Wednesdays, is, in my view, insufficient. We have already seen this week that we did not get through private members business. We had five items tabled. We did not get through those. In fact, it was my item, an important issue in health, that we were not able to discuss in the Assembly because there was insufficient time. If we had more weeks—and it goes to the sitting pattern—we would have more opportunity for private members business.

While discussing private members business—we are agreeable to the government's motion that Tuesdays are the days identified for late sitting—noting that we sat late this Tuesday and will be sitting late again today, I question why we did not sit late last night, at the opposition's request, so that we could get through the private members business. That was not agreed to by either the government or the crossbench.

I mentioned briefly before a comparison with other parliaments, and I will allude to a couple. This is illustrative if we look at our federal parliamentary colleagues and how much they sit a year. The House of Representatives sits for 18 weeks a year; 14 of those are for four days. So I question why is it that our federal colleagues can sit for that extended period of time but we cannot. I fail to comprehend why that would be.

You should also consider that a lot of our federal parliamentary colleagues have to come from places like Perth, North Queensland, from all over the country. For us, we who live in the city where our Assembly is located—and, for many of us, in the same electorate—it is far easier. Of all the parliaments in the world, I cannot think of anywhere where it would be easier for its members to sit more. But, as it turns out, we are one of the lower-sitting parliaments in the world. Canada, if we look at international examples, sits for three weeks of every month, except for the months of January and August. If Canada can do it, such a vast nation as Canada, why cannot the city of Canberra? It may be that some of our members are stuck so long on the one-lane GDE that that is taken into consideration, but I do not think that that really is quite the excuse that we are looking for.

As an example of what occurred this week, I refer to the motion put forward by Mr Smyth about the appropriation bill that was due to be debated. The idea would be that that would be put to a committee to be scrutinised so that it could then be put back before the Assembly and passed, which is going to be the new order of business. But we could not do that. Why? It was because we do not have enough sitting days. That was the simple answer. So we could not do that. We have to wait until February. We have to wait a couple of months so that the government can go and have a holiday before we can come back and debate that important issue.

In the last term of the previous Assembly—and I use this as an example—I look at the notice paper from Thursday, 28 August, the last sitting day. I will seek leave to table this document. If you look at the number of items which were on that notice paper, from the executive, there were 43 items. For new private members business, there were eight items; and from old private members business, 33 items. So that is a significant amount of work that this Assembly simply did not get to.

I appreciate that there is a new sitting pattern for the weeks and that will add over the course of the year some 70 hours, but when you look at the work that was not looked at, important work that was put forward by the government, important private members business, consideration of reports, that work simply was not done. So how the government can say that there is going to be sufficient time to do the Assembly's business when in the last Assembly that did not happen just does not add up. The extra pattern that we have got, the extra 70 hours, will not be sufficient.

When you consider that the open debate that we will have now, considering extra reports from committees and the fact that many debates in the last Assembly were gagged and which will not be gagged in this term, you will find that we will have more to debate, more work to do in the Assembly. I see, at the end of the term, what will occur is that we will have a notice paper that is that thick. Instead of the disappointing report that is here, it will be even worse.

In conclusion, I have moved an amendment and the amendment lays out a pattern that does not conflict with executive business. It is a small increase of two weeks. I think it is more than reasonable, given, as I have laid out, the examples, both nationally and internationally, and the ease with which we could sit and the importance of the Assembly and the primary role in the function of the Assembly. I have moved that the amendment be adopted by the Assembly.

MS BRESNAN (Brindabella) (11.59): In relation to what has been mentioned already, the federal Senate sat for 14 weeks in 2008 and plans to sit for 14 weeks in 2009. So I think that is important to note. The number of sitting weeks for the Assembly in 2009 will be 14. So the sitting hours will be equivalent to the Senate's.

Until now, the Assembly would sit for two hours in the morning from 10.30 till 12.30, and then 3½ hours in the afternoon from 2.30 until the adjournment debate at 6. This added up to between 5½ and six hours per sitting day. Altogether, this would add up to 18 hours of sitting time per week. Contrast this with the amount of time that this Assembly will sit during this term as a result of the Greens-Labor agreement.

Under the new sitting hours, the Assembly will now begin half an hour earlier in the morning, at 10. It will have a shorter lunch break of 1½ hours rather than the old two hours. It will finish at 6 in the evening. All up, we will have an extra hour of sitting each day, which means an extra three hours per week. Add to this an extra sitting session from 7.30 to 10 on the Tuesday of each sitting week. This is another 2½ hours for each sitting week. Add this to the extra three hours a week I just mentioned and we have an extra 5½ hours of sitting each sitting week. Considering that a sitting day was only six hours, the new sitting hours of this Assembly gives us almost an extra sitting day per week. All up, this will be the equivalent of an extra four sitting weeks per year.

We should note that obviously there is a considerable amount of committee work as well which we will need to get through. We have an extra standing committee, and there is going to be a number of select committees. These are committees which have been put forward by the Greens and also the opposition, I might note.

In relation to getting through business, I add: I think it is up to all of us in the Assembly to respect the amount of business that we have to get through. This is both executive and private members. And this has been noted in my discussions with the whips and in the admin and procedures committee. So I think we need to respect those discussions, respect that we have to get through the business. As we have noted, we do have an extra four weeks per year. So I think that should be noted.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.01): I intend to close the debate on this motion. I thank members for their contribution. I am disappointed at the approach adopted by the Liberal Party. I think their bona fides can be shown by the concession made by Mr Hanson that he did not seek to consult with the government on this. That really says it all, I think. Despite repeated requests by me and my office for feedback from the Liberal Party, it was not forthcoming until they sought this one-upmanship in the form of this amendment by Mr Hanson this morning.

It is disappointing that the argument is made that, if the Assembly is not meeting, then members are not working. I think that falls into the trap that critics of politicians make all too frequently. It is disappointing to hear Mr Hanson make that same argument. Mr Hanson should know—and if not, I am sure he will learn—that there is a lot more work done in this place than what simply occurs in this chamber. The work of the executive, the work of members on committees, the work of members representing their electorates is significant. And it extends not just during the working week but to weekends and evenings every week of the year. The work of an elected member is not just in this place. And it is disappointing that Mr Hanson fails to recognise that or seeks to use that populist argument to advance his motion here today.

Finally, Mr Hanson also refers to the size of the notice paper as some indication of work undone or not complete. Again, Mr Hanson will, hopefully, understand later in this term that the reason the notice paper becomes large is that members keep items on there that they have no intention of progressing further in this place. Those items become redundant or dated or simply irrelevant to the business of the Assembly. And they choose themselves not to progress that. I think there are some lessons to be learnt still in this regard. I know that, in time, they will be.

I thank the Greens for their support of the motion and for their willingness to talk and consult on a suitable sitting pattern. I commend the motion to members.

Question put:

That **Mr Hanson's** amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr 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.

MR SPEAKER: The question now is that the motion be agreed to. Mrs Dunne.

Mrs Dunne: Thank you, Mr Speaker. What we see is a government which still is not open to accountability. The most important thing about reducing the number of sitting days—

MR SPEAKER: Mrs Dunne, sorry. Mr Corbell has closed the debate; so we are moving straight to putting the question.

Mrs Dunne: Did he close the debate?

Mr Hargreaves: Yes, he has done it.

MR SPEAKER: Do you want to seek leave?

Mrs Dunne: I seek leave to speak on the matter, Mr Speaker.

Leave not granted.

Original question resolved in the affirmative.

Committees—standing Referral of annual reports

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

That:

- (1) the annual and financial reports for the calendar year 2008 and the financial year 2007-2008 presented to the Assembly pursuant to the Annual Reports (Government Agencies) Act 2004 stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts respectively;

(3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2008 and financial year 2007-2008 annual and financial reports at any given time; and

(4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Cleaning Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Construction Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACTEW Corporation Limited		Treasurer	Public Accounts
ACT Gambling and Racing Commission		Treasurer	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Health		Minister for Health	Health, Community and Social Services
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety
ACT Planning and Land Authority		Minister for Planning	Planning, Public Works and Territory and Municipal Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Policing		Attorney General	Justice and Community Safety
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTTAB Ltd		Treasurer	Public Accounts
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
	Arts ACT	Minister for the Arts and Heritage	Education, Training and Youth Affairs
	Business and Economic Development	Minister for Business and Economic Development	Public Accounts
	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
	Occupational Health and Safety Council	Minister for Industrial Relations	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for the Arts and Heritage	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Community Development and Policy—Community and Homeless Services	Minister for Community Services	Health, Community and Social Services
	Disability and Therapy Services	Minister for Disability and Housing	Health, Community and Social Services
Department of Disability, Housing and Community Services (cont'd)	Commissioner for Social Housing	Minister for Disability and Housing	Health, Community and Social Services
	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
	Community Affairs— Indigenous Affairs	Minister for Indigenous Affairs	Health, Community and Social Services
	Community Affairs— Women	Minister for Women	Health, Community and Social Services
	Community Affairs— Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
	Children, Youth and Family Services	Minister for Children and Young People	Education, Training and Youth Affairs
	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Education and Training		Minister for Education and Training	Education, Training and Youth Affairs
Department of Justice and Community Safety		Attorney-General	Justice and Community Safety
	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	Animal Welfare Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Australian Capital Tourism	Minister for Tourism, Sport and Recreation	Public Accounts
	Conservator of Flora and Fauna	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Environmental Protection Agency	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	Heritage Council	Minister for the Arts and Heritage	Planning, Public Works and Territory and Municipal Services

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Treasury		Treasurer	Public Accounts
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Exhibition Park Corporation		Treasurer	Public Accounts
Independent Competition and Regulatory Commission		Attorney-General	Justice and Community Safety
Land Development Agency		Chief Minister	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Nominal Defendant for the ACT		Treasurer	Public Accounts
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Totalcare Industries Limited		Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

Latimer House principles

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.10), by leave: I move:

That this Assembly endorses the following continuing resolution:

**Endorsement of the Commonwealth (Latimer) House Principles on the
Three Branches of Government**

That:

(1) **Preamble**

Members of the Legislative Assembly endorse and adopt the Commonwealth (Latimer) House Principles on the Three Branches of Government as agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

Members do so in acknowledgment that the principles express the fundamental values they believe should govern the relationship between the three branches of government in the Australian Capital Territory.

The Principles

(2) **Objective**

The objective of these Principles is to provide, in accordance with the laws and customs of each Commonwealth country, an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth's fundamental values.

(a) **The Three Branches of Government**

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.

(b) **Parliament and the Judiciary**

(i) Relations between parliament and the judiciary should be governed by respect for parliament's primary responsibility for law making on the one hand and for the judiciary's responsibility for the interpretation and application of the law on the other hand.

(ii) Judiciaries and parliaments should fulfil their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.

(c) **Independence of Parliamentarians**

(i) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.

(ii) Criminal and defamation laws should not be used to restrict legitimate criticism of parliament; the offence of contempt of parliament should be narrowly drawn and reporting of the proceedings of parliament should not be unduly restricted by narrow application of the defence of qualified privilege.

(d) Independence of the Judiciary

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.

To secure these aims:

- (i) Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure:
 - (A) equality of opportunity for all who are eligible for judicial office;
 - (B) appointment on merit; and
 - (C) that appropriate consideration is given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination.
- (ii) Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place.
- (iii) Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought.
- (iv) Interaction, if any, between the executive and the judiciary should not compromise judicial independence. Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties. Court proceedings should, unless the law or overriding public interest otherwise dictates, be open to the public. Superior Court decisions should be published and accessible to the public and be given in a timely manner. An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.

(e) Public Office Holders

- (i) Merit and proven integrity, should be the criteria of eligibility for appointment to public office.
- (ii) Subject to (i), measures may be taken, where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance.

(f) Ethical Governance

Ministers, members of parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.

(g) Accountability Mechanisms

(i) Executive Accountability to Parliament

Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament.

(ii) Judicial Accountability

Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. The principles of judicial accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies. In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness. The criminal law and contempt proceedings should not be used to restrict legitimate criticism of the performance of judicial functions.

(iii) Judicial review

Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of natural justice.

(h) The law-making process

In order to enhance the effectiveness of law making as an essential element of the good governance agenda:

- (i) there should be adequate parliamentary examination of proposed legislation;

- (ii) where appropriate, opportunity should be given for public input into the legislative process; and
- (iii) parliaments should, where relevant, be given the opportunity to consider international instruments or regional conventions agreed to by governments.

(i) Oversight of Government

The promotion of zero-tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process. Steps which may be taken to encourage public sector accountability include:

- (i) The establishment of scrutiny bodies and mechanisms to oversee government, enhances public confidence in the integrity and acceptability of government's activities. Independent bodies such as public accounts committees, ombudsmen, human rights commissions, auditors-general, anti-corruption commissions, information commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances.
- (ii) Government's transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.

(j) Civil Society

Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.

- (3) This resolution has effect from the commencement of the Seventh Assembly and continues in force unless and until amended or repealed by this or subsequent Assembly.

The government is pleased today to move this motion creating a continuing resolution of the Assembly endorsing the Latimer House principles. At their meeting in St Vincent and the Grenadines in November 2002, commonwealth law ministers gave consideration to a set of guidelines on good practice governing relations between the executive, parliament and the judiciary.

The purpose of these principles or guidelines was to establish a framework for the promotion of the rule of law, good governance and respect for human rights. These

guidelines were then drawn up by a conference held in the United Kingdom at Latimer House, Buckinghamshire in June 1998; hence the name. At the Commonwealth Heads of Government Meeting in Abuja, Nigeria in December 2003, the heads of government endorsed the recommendations of law ministers on the Latimer guidelines, which specify the commonwealth principles on the accountability of and relationship between the three branches of government.

These principles are a valuable bedrock statement of principles of governance and the government is pleased to commend them to the Assembly. It is, of course, worth noting that this proposed resolution and the adoption of these principles in the Assembly's standing and sessional orders is a consequence of our agreement between the Australian Labor Party and the ACT Greens on the importance of collaboration and good government in the ACT.

In the ACT, we can be proud of our standard of governance. We can be proud of our independent institutions and the healthy relationship intention that exists between the three branches of government. In that sense, endorsement of these principles will have a different purpose and effect to endorsement in other much more troubled parts of the world. We are not a jurisdiction that sees the compromising of these institutions in fundamental and detrimental ways. Our judiciary is independent and respected. The executive and the legislature work through a healthy tension that provides for good governance overall in the territory.

The resolution undertaken in their first meeting by commonwealth law ministers in November 2002 highlights the diversity of countries which are members of the commonwealth and the diversity in their governance structures and human rights standards. In the government's view, endorsement of these principles in the territory recognises a standard which in many, if not most, respects we already meet. Yet they will serve as a reminder of the standards of governance which we in this Assembly seek to maintain and against which we must continue to measure ourselves constantly.

I think that is what is most valuable in this proposed resolution. We state explicitly that these are the principles against which we seek to maintain the standard of governance in the territory and against which we will judge our ability to maintain a healthy democracy and one which has regard for each of the three arms of government—the executive, the parliament and the judiciary.

I note that Ms Hunter proposes to move a motion following the discussion and adoption of this proposed resolution to look at ways in which we can monitor implementation of or indeed adherence to these principles across the governance of the ACT. The government welcomes that proposed resolution and we will be supporting it when Ms Hunter proposes it.

In the interim, this proposed resolution seeks to give practical and ongoing effect to the principles that I think all members share in this place: an effective separation between the executive, parliament and judiciary; respect for and support of the respective roles each of these arms of government plays in serving the community of the ACT. I commend the proposed resolution to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (12.14): We are very happy to support this motion. I would like to take a bit of time and go through what is in some of the Latimer House guidelines. I suppose I would start with the disclaimer that most of the principles set out in Latimer House are very solid principles. The principles about the relationship between the arms of government, an independent judiciary and the importance of parliament are all strong principles—principles that are the foundation of our legal system here in the ACT and in Australia. But there are a number of more detailed parts of these principles of which the implementation will need some significant debate, depending on how it is proposed that these principles would be implemented into the standing orders or indeed the laws of the territory.

I think the government in particular would have some concerns with some of these principles, and there are some aspects which we would have some concerns with. But I think that the broad principles laid down in Latimer are very strong. It must be said—and I think the Attorney-General may have referred to this in his speech—that many of these guidelines were for emerging democracies or, indeed, nations which did not have a very strong democratic tradition. We need to look at it in that context as well. The Australian legal system, and indeed our inheritance from the British system, has led to a very strong and long-lasting democracy, whilst not being without its flaws. So we do need to look at these principles in that context.

The objective of Latimer House is to develop guidelines on better governance in the Westminster system, particularly focusing on the interaction and separation of the three arms of government—the executive, legislature and judiciary. That is particularly important in the situation in which we find ourselves during this Assembly, with both opposition and crossbenchers able to influence the executive.

I think the important principle is utmost good faith. We need to do more than pay lip-service to the concept but to act upon it above and beyond merely avoiding a breach. I quote from the guidelines:

The successful implementation of these Guidelines calls for a commitment, made in the utmost good faith, of the relevant national institutions, in particular the executive, parliament and the judiciary, to the essential principles of good governance, fundamental human rights and the rule of law, including the independence of the judiciary, so that the legitimate aspirations of all the peoples of the Commonwealth should be met.

Each institution must exercise responsibility and restraint in the exercise of power within its own constitutional sphere so as not to encroach on the legitimate discharge of constitutional functions by the other institutions.

One of the important principles is preserving judicial independence. Of course, we have a strong tradition of judicial independence here in Australia and in the ACT. It talks about this point in a number of respects. It says:

While dialogue between the judiciary and the government may be desirable or appropriate, in no circumstances should such dialogue compromise judicial independence.

I think that we are well served in that regard. On the point of judicial appointments, though, I think there is scope for us to be more open. We believe that the executive should still have the ability to make judicial appointments. I do not favour that being outsourced to a commission-style arrangement. Outgoing Justice Michael Kirby made some comments in the last day or so in relation to that point and supported the principle that the executive should appoint the judiciary.

We do believe—and we led a debate on this during the year—that there can be more openness in the way that is done. We suggested moving that to, for instance, the Standing Committee on Legal Affairs, and for the legal affairs committee to look at proposed judicial appointments. That would shed some light on the process. That would make it more transparent but it would ultimately still leave the executive to make the final decision on judicial appointments.

The Latimer House principles talk about funding of the judiciary. Of course, we can look at the broad concept that, in order for the judiciary to do its job, it needs to be supported by agencies such as the DPP. We have seen the inadequate funding of the DPP, which has led to some negative headlines in recent times. That is obviously a concern, and, in relation to these principles, if we do not properly fund the DPP then we may not be able to have as well functioning a judiciary as possible; therefore, as well functioning a legal system. That is something that will be a challenge for this government moving forward, particularly in endorsing these principles.

Independence of parliamentarians is another key part of the principles. It must be noted—and I have made this point to Greens members privately—that we do see through our standing orders some concern about freedom of speech in this place. The principle that I refer to in particular is the sub judice principle and how that is applied. We saw in the Assembly the absurd situation during the last term where Dr Foskey was debating the SLAPP legislation and, through the standing orders, was prevented from talking about the case that led to some of the SLAPP legislation being mooted because there was ongoing litigation in Tasmania.

It does seem extraordinary to me that, in the ACT Assembly, the place where freedom of speech should reach its pinnacle in the ACT community, members of parliament would be restricted in speaking about a principle like that simply because there is some litigation going on in Tasmania. I think that is an absurdity.

Mr Corbell: On a point of order, Mr Speaker, I think Mr Seselja is reflecting on a ruling of the chair. I know that you were not the chair at the time—

MR SESELJA: I'm not.

Mr Corbell: He is suggesting that the ruling by the chair was absurd and I think that is disorderly—

MR SESELJA: No.

Mr Corbell: even though it is a ruling from a previous Assembly but it is disorderly. The ruling was made by the chair, by the Speaker at the time.

MR SESELJA: I will clarify, Mr Speaker, if I could.

Mr Corbell: I think Mr Seselja should withdraw that. It is not appropriate and it is disorderly.

MR SESELJA: I will clarify, if I could, Mr Speaker.

MR SPEAKER: Yes.

MR SESELJA: It is not a reflection on the ruling of the chair. Indeed, I believe the chair had little choice given the nature of the new standing orders and the way they are framed. So there was nothing against Mr Berry, the former Speaker; I believe it is something we need to look at in the form of standing orders in order to endorse these principles properly.

That is something that we do need to look at. If we are serious about these principles, if we are serious about the independence of parliament, if we are serious about freedom of speech in particular—and freedom of speech should be at its greatest in this place—then we should not be restricting members in that way. I do not think in the way that it is currently drafted that the chair of this Assembly, the Speaker of this Assembly, has much scope for determining that, but I think that is something we need to look at urgently when we review the standing orders, in order to really make this work.

Another key principle that is talked about in Latimer is having women in parliament. We have a very good record here in the ACT, one of which we can be proud. There are seven women members at the moment; we have had two female chief ministers and a female Speaker. That is a record we can be proud of. We can certainly build on that, if we look right here at the ACT. In fact, the Latimer principles go further and talk about political party structures and having women in key positions. Certainly, we in the Liberal Party in the ACT, with a female president currently, honour that. We do not do that through affirmative action here. They do that in some Liberal divisions, I understand, in Victoria. I think it has been the case since the 1940s. But we believe very much in that principle. In the part of Latimer that refers to this, it says:

To improve the numbers of women members in Commonwealth parliaments, the role of women within political parties should be enhanced, including the appointment of more women to executive roles within political parties.

That is one that we wholeheartedly approve of. Judicial and parliamentary ethics: we note and approve the appointment of an ethics adviser in the Assembly. With respect to parliamentary ethics, the guidelines state:

- (a) Conflict of interest guidelines and Codes of Conduct should require full disclosure by ministers and members of their financial and business interests;
- (b) members of parliament should have privileged access to advice from statutorily established Ethics Advisors;
- (c) whilst responsive to the needs of society and recognising minority views in society, members of parliament should avoid excessive influence of lobbyists and special interest groups.

Turning to accountability mechanisms within Latimer—accountability of the executive to parliament—the guidelines state:

Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament. These should include:

- (i) a committee structure appropriate to the size of Parliament, adequately resourced and with the power to summon witnesses, including ministers.

We have gone some of the way towards that here in the ACT. We have a reasonable committee structure. I would question whether we have properly resourced it over the years, particularly in the last few years. I know that is part of the Labor-Greens agreement, but we want to see that implemented in a genuine way, so that committees are actually resourced to do the job with which they are tasked. We saw too often in the last Assembly committees not being able to complete nearly enough work, simply because of the lack of resources.

Also, that power to summon witnesses, including ministers, is very important, and I would want to see that strengthened. I think it is a little bit unclear. There has been a bit of a tussle between the executive and committees in relation to the delivery of papers and the summoning of witnesses. So we might need to look at how that is strengthened in order for this to work.

There are a number of other parts to the accountability mechanisms which I will not go through in detail. Looking at law making, there is a requirement that laws should be scrutinised and debated and, particularly important, there should be consultation. We have seen just this week that principle already being tossed out, despite the changes to the standing orders.

As I flagged earlier, whilst these principles are very good in terms of governance, and I believe that many of them are very strongly implemented here in the ACT and in Australia generally, there is some scope to strengthen that. We do have concerns about how some of these may be implemented in practice, and that is why, when Ms Hunter moves her motion regarding committee consideration of the implementation of the principles, we will be very keen to look at some of the detail.

Some of the statements within Latimer do cause me some concern, and do cause the Canberra Liberals some concern. The encouragement of a very expansive reading of bills of rights by the judiciary is one cause of concern for us. We would not want to see a situation where judges are making laws as a result of that. That has been our concern for some time. I acknowledged when we last spoke about this issue that we have not yet seen evidence of it in the ACT, but in the implementation of these principles we would reserve the right to not support implementation which encouraged excessive judicial activism, and that is one of the issues there.

The principles talk about representation. We have talked about representation of women in parliament, and representation that balances the regional and ethnic make-up of a community. Obviously, the only way to enforce that properly would be through some sort of affirmative action. We would have concerns about the level of affirmative action.

These are some of the concerns we would have, but that debate can be undertaken once we have a more concrete idea of how these principles would be put into practice. We are very happy to endorse the broad principles of Latimer House. They are about good governance. They are about the relationship between the arms of government. I believe that we have a very good system here, one we can certainly build on, and we will continue to monitor this debate and look at the details very closely.

MR RATTENBURY (Molonglo) (12.28): Firstly, let me apologise to Mr Seselja for my slightly clumsy exit from the chair whilst he was speaking. I had thought he had finished the point.

In speaking to this motion, I would like at the outset to note the particular interest of my predecessor, the previous Speaker, in this debate. Mr Berry gave papers to both the 38th and 39th Presiding Officers and Clerks Conference, outlining the Latimer House principles in developing a legislature's budget. I highly recommend those to all members of the Assembly. I note also that the previous Speaker of the House of Representatives, the Hon David Hawker MP, took a strong interest in the use and application of the Latimer House principles.

The ACT Greens are, of course, very pleased and enormously proud to have brought about this motion endorsing the commonwealth Latimer House principles on the accountability of and relationship among the three branches of government. Today is a momentous day in the history of the Legislative Assembly, not only because of the new composition of the chamber, but because of the new direction we are taking for the operation of government and the parliament of the ACT.

The commonwealth Latimer House principles describe best practice for the relationship between parliament, the executive and the judiciary and provide guidelines which are designed to ensure protection of the sovereignty of parliament and the independence of the judiciary—two critical components of democratic governance.

The principles underline the importance of separation of powers but also acknowledge the complexity of the relationship between the three branches of government. They accord a high value to integrity and strong oversight agencies, which are critical components of an emerging fourth sphere of our system of democracy and protection of human rights. As has already been mentioned, the Commonwealth Heads of Government Meeting endorsed the principles in Nigeria—

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

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Gas-fired power station and data centre

MR SESELJA: My question is to the Chief Minister. I refer to the Auditor-General's report on a proposal for a gas-fired power station and data centre. The Auditor-General found:

Government agencies did not always exercise care to ensure arm's length dealings with ActewAGL, and its consultants.

Chief Minister, why did not government agencies exercise care to ensure arm's length dealings with ActewAGL and its consultants?

MR STANHOPE: I thank the Leader of the Opposition for the question. Mr Speaker, I am sure you would understand that is not a question I can easily answer, in the context of decisions or actions that may have been undertaken or pursued or decisions taken on relationships or the nature of relationships that members of the Chief Minister's Department or other departments might have had with ActewAGL or with the proponents of this particular development. It is simply not possible for me to put myself in the shoes of those that had those discussions, those relationships or those consultations.

In relation to the Auditor-General's report, the government accepts the report. I am awaiting detailed advice on the content and the findings. I certainly have preliminary advice on the context of the report. I am happy to inform the Assembly that the advice I have received to date is that the government should be disposed to accept all of the recommendations contained within the report. The advice I have received points me to those parts of the report in which the Auditor-General has stated explicitly and up front that all existing government processes were complied with, and complied with by all agencies.

The Auditor-General does then, of course, go on to conclude that she does not believe that those processes were as rigorous as they might be and she does certainly draw certain conclusions or make findings such as that which the Leader of the Opposition has just drawn attention to. The Auditor-General has a view that—

Mr Seselja: It is not only a view.

MR STANHOPE: The Auditor-General has a view. It is not a view necessarily that we all need to accept. The context of a question, "Why did your officials act in this particular way?" is certainly not a question that I can answer, because I was not there; I was not a party to those conversations; my officials were not subject to direction in relation to these issues. They, in pursuing their duty as senior, responsible, dedicated and conscientious servants of the ACT, pursued their responsibilities as they felt appropriate.

In the wash, the Auditor-General, casting an eye over correspondence in relation to these issues, has drawn certain conclusions. I cannot agree with or gainsay some of those, certainly without far deeper understanding of and advice on the particular issues. In that regard, I look forward to meeting with the Auditor-General to discuss these issues. I received an invitation from her today. She advises me that she has extended the same invitation to the Leader of the Opposition and the Parliamentary Convenor of the Greens to meet with her for a perspective on her report and some explanation of the nature of her findings. I look forward very much to that meeting with the Auditor-General. I, similarly, will put to the Auditor-General some of my perspectives in relation to her report.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Chief Minister, what actions will you take to ensure that government agencies have arms-length dealings with development proponents and why has it taken the Stanhope-Gallagher government seven years to do so?

MR STANHOPE: It is interesting, the supplementary question, in the context of a finding that relationships were not at arm's length with proponents and then the other finding that the Auditor-General makes that the government should in fact put itself in the shoes of the proponent. In other words, on this notion of arms-length dealings, these are some of the issues that I look forward to discussing with the Auditor-General.

It is quite interesting that the Leader of the Opposition has in his question and his supplementary encapsulated some of the difficulty and some of the concern that I, and indeed members of the ACT government and the public service, have in understanding the full import or intent of some of the commentary which the Auditor-General makes in the report. The Leader of the Opposition has gone to some of the very difficulty or confusion which I and the government face on reading or having explained to us this report.

Mr Seselja in his question points to the nature of a relationship which was criticised by the Auditor-General for not being at arm's length. In calling for an assurance that relationships will be at arm's length, one has to then go to what is almost the major finding of the Auditor-General in this report—that, in future when a proponent comes to the government and seeks some assistance or facilitation, the Auditor-General recommends that the government should then advocate, with the community, through a consultation or engagement process, the proposal, even in advance of a decision by a proponent to actually proceed with the development or the nature of the development.

Mr Smyth: Perhaps she's saying that you should find out how the community feels.

MR STANHOPE: No. You read the report and take your advice on those parts of the report that suggest to the government that the government should become the agent, the spokesperson, the explainer, the proponent, in that initial predevelopment application consultation with the community.

Quite frankly, these are some of the issues that I quite genuinely look forward to discussing with the Auditor-General when I meet with her in response to her invitation to meet to allow her an opportunity to explain these aspects. I must say I am hopeful that Mr Seselja and Ms Hunter will similarly accept the invitation which the Auditor-General has extended to them today to similarly meet with her for this same conversation. I am hopeful that, through meetings that the Auditor-General now proposes to have with all three of us, we can each come to a clear understanding of exactly what it was that the Auditor-General and her office intended in some of these findings or conclusions.

Quite frankly, on this one that I mentioned about the suggestion that the government should put itself in a position of a significant conflict of interest as between the government and the statutory planning approver, ACTPLA, in relation to proselytising for a particular proposal, I think I can say clearly that I do not believe there is a single senior ACT official—and I include in that the head of the Chief Minister’s Department, the head of the strategic projects group, Mr Dawes, the head of ACTPLA, the head of the LDA, or indeed the head of any ACT government agency or section, that believes the suggestion by the Auditor-General that the government should become the spokesperson for a proponent is sensible or wise. There is not a single senior official within the ACT public service who supports that proposal. When you have got your entire public service suggesting—

Mrs Dunne: That’s a pretty comprehensive poisoning of the waterhole, isn’t it, Jon?

MR STANHOPE: Well, I think it is interesting. I have enormous regard for Andrew Cappie-Wood, enormous regard for Neil Savery, enormous regard for David Dawes, enormous regard for John Robertson. Each of them has suggested that they believe that this suggestion or proposal by the Auditor-General is wrongheaded, and I take seriously that. But it is in that context and in that environment that I look forward to meeting with the Auditor-General. It may be that she can assuage all of our concerns in relation to some aspects of her report and I look forward to engaging with her in a genuine spirit of seeking to understand the nature of her concerns.

Gas-fired power station and data centre

MR HANSON: My question is to the Chief Minister. I refer to the Auditor-General’s report on a proposal for a gas-fired power station and data centre. The Auditor-General found:

The Government did not have sufficient information on the Canberra Technology City proposal prior to lending strong support to it and committing to an option for a direct land sale.

Chief Minister, why did the government commit to an option for a direct land sale without having sufficient information?

MR STANHOPE: I thank the member for his question. It is one of the other issues that I must say we look forward to exploring with the Auditor-General. I have to say that when one goes through the processes, it is quite interesting. The options presented for the government were an option over a piece of land that could be explored by a proponent for a significant development; a direct sale of that land to the proponent in advance of the lodging of the development application. These are the options that I assume the Auditor-General considered. If you go through this logically, what were the options presented to government? To provide an option to auction the land, to actually excise the land, to actually place an advertisement in the *Canberra Times* saying “Auction—17 hectares of land for sale, broadacre, lodge your development application in relation to broadacre, take your chances, direct sale”—

Mrs Dunne: On a point of order, Mr Speaker: I think the answer is not directly relevant to the question, which was why did the government go down a particular path

without having sufficient information. It is really about the information, not the path it went down.

MR SPEAKER: I reject the point of order, Mrs Dunne. Mr Stanhope, please continue.

MR STANHOPE: Thank you very much, Mr Speaker. This is the issue and the difficulty, and I must say I do look forward to exploring this in greater depth. What the government did was that it gave in-principle support to the proposal—

Mr Smyth: Without sufficient information.

MR STANHOPE: That is why it was in-principle, with a demand in the correspondence providing only in-principle support that there be a full cost-benefit analysis undertaken. That is why the option—

Mr Smyth: Was that done?

Mr Seselja: Land for a peaking power station as part of it?

MR STANHOPE: Yes, that is the point. What the government did was that it provided in-principle support only, to express a willingness to engage with this most important project. It then demanded a full cost-benefit analysis of the proponents. It then provided it would only grant an option subject to this lodgement of a development application and the approval of the development application; and, once that process was concluded, it would give consideration to a direct grant by the LDA on the basis on which the LDA always gives a direct grant, and that would be on the basis of the completion of a full due diligence. Talk about ensuring that the public interest is protected at every stage. The process which the government followed guaranteed more completely than any other imaginable process that might have been pursued, other than telling the proponents to go somewhere else, that the public interest was protected.

It was approval in-principle only. It required the granting of an option subject to a commitment to a full cost-benefit analysis. It then required a development application to be lodged, to go through the statutory planning process, which ultimately involved a requirement, a direction, that there be a full environmental impact assessment. The Minister for Health actually provided that there be a health impact assessment in an earlier stage, which was later incorporated into the environmental impact assessment. Subject to the completion of that process, and the agreement to grant the development application, a process which has not yet been completed or concluded—in fact, public submissions are still invited until tomorrow; public consultation continues on this proposal as we speak—and subject to the decision by the statutory planner to approve the development application, consideration would then have been given, subject to the outcome of the cost-benefit analysis, to a full due diligence assessment by the Land Development Agency as to whether or not a direct grant would be approved.

This is the aspect of the report which my officials, which the Chief Minister's Department, the Treasury, the strategic projects group and ACTPLA simply don't understand: we can't imagine, or could not conceive of, a process which would have

better or more fully protected the public interest. We are genuinely at a loss as to what the Auditor-General means in her comment that this process did not protect the public interest. It is a genuine and heart-felt view and concern of all of my officers and officials in relation to this particular chapter of the report. We simply do not understand how the Auditor-General's Office could believe that the public interest in relation to a proposal such as this would have been better met by going straight to auction and having the proponent, probably being the only bidder, bidding for land or a direct grant without those conditions. (*Time expired.*)

MR HANSON: Chief Minister, what actions will you take to ensure that government makes decisions on major projects with better information in the future?

MR STANHOPE: We take this report seriously. As I say, I have already received, as have the opposition and the convenor of the Greens, an invitation to meet with the audit office. I think the first thing I need to do and that my officials need to do is to meet with the Auditor-General so that we can fully understand the nature of her concerns.

Mr Hanson: But you were just rejecting it.

MR STANHOPE: Well, I need to fully understand what she means in terms of her finding. We accept the recommendations. We do. The recommendations are unremarkable and we accept them fully. In answer to your question, the first thing we have done is to accept the recommendations. The second thing we will do is that I will meet with the Auditor-General as soon as next week, I hope, to better understand the nature of her concerns. She might convince in a trice. It might come to me in an amazing flash what it was that she meant—why she feels that an option with approval in principle only, with a requirement for a full cost-benefit analysis, with a requirement for due diligence, with a requirement for the development application to be approved did not protect public interest.

I just cannot understand how it does not protect the public interest. I do not understand how that does not protect the public interest, but I am quite willing to be educated in relation to these things. We accept the recommendations and the recommendations will be acted on and fully implemented.

ACT Legal Aid—funding

MS LE COUTEUR: My question is to the Attorney-General. It relates to the level of funding for legal aid.

There is concern that if the ACT Legal Aid office's workload continues at its current level, the funding allocated to it will run out well before the end of the financial year. It has been brought to our attention that ACT Legal Aid has spent two-thirds of its entire budget in the first three months of this financial year.

Can the Attorney-General inform the Assembly whether ACT Legal Aid has enough funding to continue to provide an adequate level of service for everyone who needs it for the rest of the financial year?

MR CORBELL: Thank you, Mr Speaker, and I thank Ms Le Couteur for the question. Yes, I have met with the Chief Executive of the ACT Legal Aid Commission in the last few weeks. I am advised that the level of reserves available to ACT Legal Aid is being drawn down, but there are a couple of provisos around that that are important to clarify. The first is that Legal Aid receives resources from two sources—from the ACT government for matters relating to general law in the ACT—ACT law—and then it also receives payments for the commonwealth for provision of legal aid on commonwealth law matters only.

In relation to its reserves related to commonwealth matters, those reserves are, I am advised by the Chief Executive of the Legal Aid Commission, adequate. The difficulty, of course, is that those reserves cannot be utilised for non-commonwealth matters, and this is a matter which I and other Attorneys-General are raising with the commonwealth at this time. The commonwealth Attorney-General is open to the more effective utilisation of funds across both state, territory and commonwealth matters, and I hope that we will see a good outcome there.

In relation to the current state of play for the Legal Aid Commission's budget, the key issue is whether supplementation is provided to deal with a number of lengthy and significant criminal matters in the coming months. These are exceptional circumstances, the most particular one being the retrial in the Hillier case, which will be a lengthy murder trial of approximately two months duration. Mr Hillier is represented by Legal Aid on the matter and given the complexity of the case and the fact that it is a retrial, the government will probably have to provide supplementation given the exceptional circumstances in that case. That is a matter that the government is giving consideration to at the moment.

But, aside from those exceptional circumstances, I am advised by the Chief Executive of the Legal Aid Commission that they do have sufficient funds to meet the demand for the remainder of this financial year. The key issue is the exceptional circumstances surrounding the Hillier matter, and the government is giving consideration to that at the moment.

MR SPEAKER: A supplementary, Ms Le Couteur?

MS LE COUTEUR: Mr Corbell, again it has been brought to our attention that people are being forced to represent themselves on criminal matters because Legal Aid does not have the resources to provide representation. Could you comment on that?

MR CORBELL: I am advised by the Chief Executive of Legal Aid that there has been no substantial change to the guidelines that Legal Aid use in determining whether or not to provide a grant of legal aid. So I am not aware of that claim by Ms Le Couteur being substantiated.

The other issue that the Chief Executive of the Legal Aid Commission has raised with me in the last couple of weeks is that the price of procuring a service from the private profession and grants of legal aid to pay lawyers in private practice to represent accused persons are going up. The private profession is charging more and grants of

legal aid are obviously coming under pressure as a result. Again, the Chief Executive of the Legal Aid Commission advised me that that is an issue that can be handled in the short to medium term, but in the longer term there will need to be consideration given to the funding base of Legal Aid, and that is a matter that I am in discussions with him about at this time. I intend to meet again with the board of the Legal Aid Commission in the new year to discuss these matters further.

Carers and volunteers

MS PORTER: Mr Speaker, my question, through you, is to the Treasurer. Treasurer, what has been the community reaction to the government's announcement of the additional emergency assistance funding and other support measures for carers and volunteers?

MS GALLAGHER: I thank Ms Porter for the question. There have been overwhelming expressions of support in the community for the extra funding for emergency relief and for supporting carers and volunteers in our community.

We are fortunate in the ACT that there is a strong willingness within the community sector to work in partnership with the government to achieve the best outcomes for the people of Canberra. We have a long and proud history of working in cooperation with the non-government sector to ensure that we can deliver quality services and assistance to the community, particularly those who are vulnerable or at risk. By making this additional investment in emergency relief and support for our tireless carers and volunteers, we are enhancing the Labor government's commitment to addressing issues of justice and equity.

The response from the community sector has been positive. The ACT Council of Social Services' Ms Roslyn Dundas said:

We particularly applaud the fulfilment of ACT Labor's election promise to provide \$2.5 million to carers and volunteers to help with transport costs, and an additional \$1 million for emergency relief providers who are struggling to meet the increased requests for assistance.

The measures provided are in addition, of course, to the existing funding received by the community sector to support those in need. We currently provide in excess of \$850,000 annually to welfare organisations to provide emergency relief packages to individuals and families experiencing financial difficulty. The extra \$1 million being provided through this initiative will allow organisations to provide assistance to even more Canberrans at a time when many people are feeling the impact of the rising costs of living and the emerging local effect of the global financial downturn.

Our assistance measures have been welcomed by groups such as Uniting Care, Kippax. Their team leader, Gordon Ramsay, said:

The Government's decision to introduce this relief package on the first sitting day of the new Assembly hopefully demonstrates a solid and ongoing dedication to issues of justice and equity. It is a very positive down-payment on the elimination of poverty in this city.

We congratulate the government on this quick action, and look forward to the continued steps over the coming months and years towards enabling all Canberrans to live a decent life.

We know that there is an emerging cohort in the community now seeking assistance due to current financial pressures. This funding will allow community organisations to reach out to those individuals and help them through these tough times.

ACTCOSS has noted:

The ACT Government's Mini-Budget will help reduce the impacts of the global financial crisis on Canberra. These additional funds are being invested in those who need help the most, and will provide some boost to economic activity in the ACT.

By providing this additional assistance at a regional level, we are able to build synergies with our existing programs and link with people's existing supports in other areas.

For our hardworking carers and volunteers, we have recognised that transport costs are amongst the most significant burdens they face. This initiative will provide assistance in the form of petrol vouchers or bus tickets to allow them to continue their important work in the community.

Carers ACT CEO, Dee McGrath, said:

I think what's really good about this is that there is certainly a stronger understanding by governments of the expense of caring for families across the nation. I think all these supports are really valued and welcomed by carers.

Again, Gordon Ramsay:

The support for carers and volunteers is certainly very timely. These people are the lifeblood of our community. The cost to them for the work that they do on behalf of all of us is enormous—it is only appropriate that we as a society support them better.

I am advised that the reaction by volunteer agencies to the announcement that this funding will be coordinated by Volunteering ACT has been positive. We are also pleased that all these funds will be flowing out the door before Christmas, if the Assembly passes the bill later this evening. If it does pass the Assembly this evening, the funds will be able to be made available to all of those organisations on Thursday of next week, well in time for Christmas.

In addition to the emergency relief and support packages, we have announced a number of other measures aimed at stabilising the local economy, investing in the community and delivering on our election commitments. Of course there is the money for the RSPCA and the \$2 million for P&C associations which, I am sure, many of those P&C associations have already spent on the long list of things that they would like to get done across their fields.

So far all the responses to our second appropriation have been positive and I look forward to the Assembly's support for the bill later this evening.

Gas-fired power station and data centre

MR COE: My question is to the Chief Minister. I refer to the Auditor-General's report on a proposal for a gas-fired power station and data centre. The Auditor-General found:

The Chief Minister's Department is responsible for coordination and facilitation of major projects for community and business development in the ACT. However, no formal policies for dealing with strategic projects existed within the Chief Minister's Department.

Why did not the Chief Minister's Department have formal policies or procedures for dealing with strategic projects?

MR STANHOPE: I thank the member for the question. I think it is a fair point. It is a fair criticism, and there is a recommendation that the government has accepted that the government should adopt criteria to define a strategic project and a strategic project facilitation process. I think it needs to be remembered, though, that the strategic projects group was actually only formed earlier this year—I think half way through this particular process. We need to have some regard for the age of the unit. Certainly, the criticism is fairly made that some of the issues in relation to the basis on which the project facilitation unit would operate had not been clarified to the extent that they might have been. It is a reasonable recommendation. It is a fair criticism and the government accepts the criticism.

Having said that, I think it is of relevance—and it is one of the fine ironies, of course—that the Liberal Party in the immediate past election campaign had the strategic projects facilitation unit at the top of its hit list. It was going to abolish the unit—

Mr Seselja: Not true.

MR STANHOPE: Yes, it is.

Mrs Dunne: Point of relevance, Mr Speaker.

MR STANHOPE: This was that part of the Chief Minister's Department—

Mrs Dunne: Relevance.

MR SPEAKER: Chief Minister, I think—

MR STANHOPE: that was actually on the hit list.

MR SPEAKER: Chief Minister!

MR STANHOPE: Of the 200 public servants that were going to be sacked to meet the Liberal Party's election promises, this is where 30 of them came from, I think.

MR SPEAKER: I call Mr Coe to ask a supplementary question.

MR COE: Thank you, Mr Speaker. Given that it is a fair point, what actions will the Chief Minister take to ensure that his department will develop these policies, and why has it taken seven years to do so?

MR STANHOPE: Thank you, Mr Coe. As I did indicate, I think the strategic projects unit was actually established seven months ago. I don't have the capacity to see that far into the future. Seven years ago it had not entered my mind to create a strategic—

Mrs Dunne: So you didn't have a strategy for dealing with it.

MR STANHOPE: I did not have an idea seven years ago that I would develop some operating procedures for a unit that was actually established this year.

Mr Seselja: The question related to policies for strategic projects. You didn't have policies for strategic projects on your list.

MR STANHOPE: You need to go back and re-read the report. This was about the operating procedures for David Dawes' unit, the unit which you actually proposed to abolish if you took government. The recommendation has been accepted. I have acknowledged that. The criticism is well made by the auditor. The criticism is accepted. The recommendation is accepted. Indeed, work had commenced over these last few months in anticipation, perhaps, of this report that this was an area that needed to be addressed, and it is being addressed. I would imagine that the work has probably already been concluded.

Gas-fired power station and data centre

MS BRESNAN: My question is to the Chief Minister and it concerns the Auditor-General's report No 7 2008 into the data centre. Given that the Auditor-General's report raised significant concerns that the direct sale process for the block of land in Tuggeranong was outside the normal process, somewhat rushed, not well justified or documented, are you prepared to apologise to those people in the community who you criticised for raising concerns about the site selection process? Can you advise them what mechanisms you are committed to putting in place to prevent some failure of process and any failure to properly consider the public benefit in the future?

MR STANHOPE: Mr Speaker, I think I have addressed almost every aspect of that question in previous answers to members of the opposition. In relation to—

Opposition members interjecting—

MR STANHOPE: I do not resile from my complete support for the need for an independent statutory planning process; I simply do not. And what we have here, in this sort of self-righteous approach or questioning by the Liberal Party and the Greens

in relation to this issue, is again an acceptance by the Liberal Party and the Greens that it is reasonable and appropriate to subvert an independent planning process. I simply don't accept that. I do not resile from my support for the need to absolutely maintain the integrity of an independent planner at arm's length from politicians—politicians who, in the week before an election, for perceived political advantage, make, for the first time in an entire campaign, a claim in relation to this particular issue. The Greens adopted this issue three days before the election, and now we have this confected—

Mrs Dunne: On a point of order, Mr Speaker: I think Ms Bresnan's question was about whether the Chief Minister would apologise to the community, and we've gone nearly two minutes into the question and we have had anything but. I am just dwelling on whether we would be dealing with an apology.

MR SPEAKER: I uphold the point of order, Mrs Dunne. Come to Ms Bresnan's question, Chief Minister.

MR STANHOPE: Thanks, Mr Speaker; I certainly will. I don't resile from my defence of the independent statutory planning process. The process for determining whether or not the site—

Mrs Dunne: You were asked whether you'd be sorry.

Mr Smyth: This was about a direct grant.

MR STANHOPE: The process for determining whether or not the proposal that is currently the subject of a development application for the site will go ahead has not yet concluded. It may be, were the development application to be continued with, that ACTPLA, the statutory planner, will determine that the use is entirely appropriate, that there are no concerns, that he is absolutely satisfied that all of the environmental, all of the health, all of the planning issues associated with the consideration of a development application for a particular development on a particular site, consistent with the territory plan, have been met in relation to this proposal. The development application is continuing. I do expect, and indeed hope, that it will be withdrawn, but at this stage it hasn't been. Public consultation continues. One of the fine ironies of this debate is that—

Mr Hanson: Mr Speaker, I have a point of order as to relevance. The question is: will the Chief Minister apologise to the community? Yes or no?

MR SPEAKER: Chief Minister, please come to the specific question.

MR STANHOPE: There were six or seven questions.

MR SPEAKER: Ms Bresnan asked a specific question, Chief Minister.

MR STANHOPE: Well, there were five parts to it, but if that is your ruling, I'll answer the question then. Yes or no? No.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Can the Chief Minister advise the Assembly what actions will be taken to ensure that ActewAGL cannot be seen to be treated as a government agency when making an application to develop a project and that due process is particularly and rigorously followed?

MR STANHOPE: In response to the specific question, of course, ActewAGL is a private company, and the ACT government has no capacity to ensure that ActewAGL act in any particular way.

Mr Seselja: That's not what she asked.

MR STANHOPE: No, the question was about ActewAGL.

Mr Seselja: About whether they are treated as a government agency.

MR STANHOPE: The question was quite specific. I don't know whether the question was meant to be about Actew, but in relation to whether it was Actew or ActewAGL, the answer is the same. ActewAGL is a private company over which the ACT government has no capacity to direct, and even if the question related to Actew, the ACT government are shareholders, or the Chief Minister and the Treasurer are shareholders, of Actew, but Actew is a company. So the steps that the government will take to ensure that Actew behaves in a certain way need to be understood in the context of the Corporations Law.

Mrs Dunne: No, that's not what you were asked.

MR STANHOPE: I beg your pardon, Mr Speaker. Could you ask the member to repeat the question?

MR SPEAKER: Ms Bresnan, can you repeat the question?

MS BRESNAN: Certainly, Mr Speaker. Can the Chief Minister advise the Assembly what actions will be taken to ensure that ActewAGL cannot be seen to be treated as a government agency when making an application to develop a project and that due process is rigorously followed?

MR SPEAKER: Chief Minister, is that clear now?

MR STANHOPE: Mr Speaker, I don't know of a single ACT government official or minister that doesn't know that ActewAGL is a private company.

Gas-fired power station and data centre

MRS DUNNE: My question is to the Chief Minister. Chief Minister, on ABC local radio 666 this morning you stated that some of the findings of the Auditor-General concerning the data centre and gas-fired power station project were wrongheaded. I think you used that word again today in question time. In December 2006 you described the findings of Coroner Doogan into the bushfire as wrong and offensive. Chief Minister, why do you find it hard to accept the findings of independent authorities such as the coroner and the Auditor-General when they criticise you or your government?

MR STANHOPE: Thank you, Mr Speaker, and I thank Mrs Dunne for the question. In relation to the coroner's report into the fire, everybody is aware of my views in relation to that. The matter of that particular report, of course, has been taken on appeal by others affected by the report and we await with great interest the outcomes of that appeal. It might be that after that appeal is finalised Mrs Dunne and I might actually exchange further opinions in relation to it. I think we will await the outcome of the appeal in relation to the coroner's report into the fire. I have nothing to add at this stage to comments that I have previously made.

In relation to the Auditor-General's report, as I have said before, we accept all the recommendations. We accept that some very valid criticisms have been made in relation to process, in relation to engagement and in relation to consultation. The Auditor has pointed to issues in relation to some of the operating procedures or decisions around the role and function of the strategic projects group within the government. We accept those criticisms. They are criticisms well made and we have responded and will respond genuinely.

Having said all that, you know, just because a report is written in relation to anything, it does not mean—

Mr Smyth: But.

MR STANHOPE: Well, it is but.

Mr Smyth: You accept it, but you do not really accept it. You are saying but.

MR STANHOPE: Well, no. We disagree with aspects of it. Is there a genuine suggestion from the opposition in this place or anybody in this place that the written word from any statutory authority or official is manna and that it cannot be disagreed with, cannot be debated and cannot be teased out? That is just nonsense. It is the position that someone would put in order to seek particular advantage.

It is quite reasonable and appropriate for me or for my officials, as they have in relation to this particular Auditor-General's report, to say to me in their advice to me, "Chief Minister, we believe all of the recommendations made are reasonable and should be accepted, and we will implement them. However, there are aspects around the context in which some of the recommendations have been made and around the way in which the Auditor-General would assume they would be implemented that raise serious issues of concern to us. They draw conclusions with which we do not agree. They are based on evidence which we do not believe exists or, if it does, we do not believe leads to the conclusion which the Auditor-General has arrived at.

I think it is quite reasonable for my officials to give me that advice and for me to take that advice seriously, and that is what I am saying. I am in receipt of advice from my senior officials in relation to this report which says, yes, many of the criticisms are justified; there are issues we need to respond to, and we will, but there are aspects of the report with which we simply do not agree.

Is it to be assumed that when a report is delivered we just say, “I do not need to read it. It is manna from heaven. Agree with every word.” I am in receipt of advice from my senior officials which advises that there are aspects of this report which cause them quite serious concern if they are to be implemented in the fashion proposed by the Auditor-General. I will flesh out that advice with my officials and, indeed, I will discuss that advice in detail with the Auditor-General when I meet her. At this stage I have been invited to meet her, and I look forward very much to the meeting. I look forward to discussing with her, the Auditor-General, “What precisely did you mean by this statement, and what is your evidence for it?” I look forward to that conversation with the Auditor-General.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Chief Minister, why have you decided to attack the messenger both here and on ABC local radio and undermine her, rather than accept the findings that she made?

MR STANHOPE: I did just answer that question, Mr Speaker. I just answered that question quite fully. I am entitled to actually think for myself, as are my officials. Indeed, I would be devastated if it were seriously to be suggested that the government should, in relation to every report which is delivered to it, accept without comment or question everything that is contained within the report. This is an interesting precedent, which I will raise in the future with members of the Liberal Party, in relation to other reports which perhaps the government is vigorously pursuing to implementation, when you raise objections. The Liberal Party position is that you do not question, you do not ask; you—

Mrs Dunne: No.

Mr Smyth: You’ve said you accept it but then on the other hand you reject it.

MR STANHOPE: That is not what I said at all. That is not what I said at all, Mr Smyth.

Mr Smyth: You accepted all recommendations.

MR STANHOPE: To suggest that every word, every innuendo, every sentence, every finding, should be accepted without question is absolutely remarkable. You know it is nonsense. You know it is confected political nonsense. We have the capacity to think and we have the capacity to act in the ways that we believe to be in the best interests of the community, and that is what we will do.

Environment—emissions trading scheme

MS HUNTER: I have a question for the Chief Minister. The Chief Minister is aware of concerns raised by the Australia Institute, among others, that the emissions trading scheme proposed in Australia will put a floor under emissions as well as a cap and that any significant reductions made, say, in the ACT would simply be matched by the opportunity to increase emissions in other parts of Australia.

Therefore, my question to the Chief Minister is: can you advise the Assembly of the actions you have taken to raise these concerns with the federal government, particularly with the Prime Minister and the Minister responsible for climate change? What course of action have you proposed to address this potential negative impact?

MR STANHOPE: One thing that I have done, subject to the support and agreement of the Liberal Party and the Greens tonight, is establish, for the first time in the ACT's history, a Department of the Environment, Climate Change, Water and Energy and appointed a most capable minister to head that department; so I will ask him to respond to your question as the appropriate and relevant minister.

MR CORBELL: I thank Ms Hunter for the question. Yes, the government is aware of the concerns raised by Dr Dennis from the Australia Institute. I have read with interest his comments on this matter. He is right to identify this as a potential flaw in the proposed trading scheme.

The Council of Australian Governments resolved, at its meeting only in the last week or so, that on the agenda next year would be a more detailed discussion by, firstly, ministers on climate change matters generally. I would anticipate as part of that discussion the ACT would be able to put its views in relation to any potential flaws that exist in the government's proposed trading scheme. Obviously we have yet to see the full details of their proposed scheme. I understand that it probably going to be announced next week. We look forward to seeing the details of that and to be in a position to provide more detailed comment on it.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: The next question was about taking those issues up to COAG.

MR SPEAKER: Ms Hunter, no preamble—straight to the question, please.

MS HUNTER: Will the minister for climate change be taking a strong case around these flaws in the emissions trading scheme to the federal minister for climate change?

MR CORBELL: I guess the short answer is yes, I will be endeavouring to raise this matter with my counterpart in the federal government, and the Chief Minister and Treasurer I am confident will take a similar approach when COAG meets in the new year. As I said, one of the main agenda items for one of the two scheduled COAG meetings next year is climate change and so the emissions trading regime will be on that agenda.

I am currently seeking advice from my department on the range of issues that the Australia Institute is raising. In particular, there is a real concern that if some jurisdictions or some participants in a trading scheme reduce their emissions does that simply free up other polluters to pollute more? That is a very legitimate and sensible critique that deserves further investigation by the ACT as we look at the implications of adopting a target ourselves that may—may—go beyond a target established by the federal government in terms of emissions reduction. But equally I do not think it

precludes us from doing so and I do not accept the full critique by the Australia Institute in this regard.

There is real benefit in demonstrating leadership and potentially establishing targets that do not accord with the federal government if the federal government's targets are too conservative. As I said, we do not know what they will be yet. But if they are too conservative it does not mean that we should simply accept that that is the target and that anything beyond that is a pointless exercise, which is effectively what the Australia Institute is suggesting.

There are other benefits to be gained aside from the obvious and important and vital element of emissions reduction—encouraging renewable energy production, encouraging green economic activity, and encouraging and developing leadership and behaviour change in our community. So there are reasons beyond emissions reduction that also need to be brought into play in this discussion, and that is why I do not fully accept the Australia Institute's argument that a target that goes beyond the federal government's target is effectively meaningless. Emissions reduction, whilst obviously vital, is not the only game in town. There are other outcomes that can be achieved by setting strong targets, and those are the matters that the government is having regard to and we look forward to that discussion also through the committee inquiry that we have established this morning.

Schools—Village Creek

MR DOSZPOT: My question is to the Minister for Territory and Municipal Services. It concerns the site of the former Village Creek school. Minister, in the Tuggeranong Community Council meeting last week it was suggested that ACT Health's equipment loan service would use the site. Minister, at a community consultation meeting held at the Burns Club it was suggested that the site—

Mr Stanhope: I raise a point of order. We are a bit confused about to whom the question is directed. The question is directed at me, but I do not believe it is an issue that is within my portfolio responsibilities. I wonder whether we could clarify who the question is for.

MR SPEAKER: Would you like to start again, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker.

Mr Stanhope: I think the relevant minister is the Minister for Community Services.

MR DOSZPOT: Thank you.

MR SPEAKER: Just ask the question, Mr Doszpot and we might check at the end who is the best minister to direct it to.

MR DOSZPOT: Thank you, Mr Speaker. My question is to the Minister for Territory and Municipal Services concerning the site of the former Village Creek school. Minister, in a Tuggeranong Community Council meeting held last week it was suggested that ACT Health's equipment loan service would use the site. Minister, at a

community consultation meeting held at the Burns Club it was suggested that the site would be used for a drug and alcohol centre. What is the correct version?

MS GALLAGHER: That is a question for the Minister for Community Services. I have heard those rumours as well. They are just not correct. It will be used for the ACT Health equipment loan service once the refurbishment has been done, which is essentially that people will be able to pick up their walking frames, their commodes and other equipment from that site. It will not be used for any other purpose.

Racing industry

MR SMYTH: My question is to the Minister for Tourism, Sport and Recreation, in his capacity as having responsibility for racing and gaming. Minister, there was a meeting of federal, state and territory ministers for racing last week. This meeting was held at a critical time for the industry, given the recent developments with funding for the racing industry in the ACT, Western Australia and Tasmania. Minister, where was this meeting held, what were the items that were to be discussed at that meeting and what were the outcomes?

MR BARR: I was unable to attend that ministerial council meeting as I was attending a meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs. I understand the meeting was held in Melbourne, which was also where I attended the education ministers meeting, but it was not possible for me to be in two places at once. I understand the importance of that meeting of racing ministers, and it was disappointing not to be able to attend, as it would have been my first ministerial council meeting as the minister with responsibility for racing within the territory. But I was already booked into what was the major biennial forum of education ministers, and a particularly important Ministerial Council on Education, Employment, Training and Youth Affairs. As is often the case in our small government with multiple portfolio responsibilities, it is not possible for ministers to be everywhere at once.

I was represented at that meeting by officials from the Treasury department. I understand that the Under Treasurer may have been able to attend on my behalf, as the bureaucratic responsibilities for this area still sit within Treasury. I don't have the agenda in front of me, but I understand that a number of items, most particularly, of course, relating to the challenges that the racing industry faces and issues around pooling agreements, were discussed. I can make that agenda available. I am not sure that there is any particular secret around that, and I can make that available to the shadow minister, if he would like.

Government advertising

MS BURCH: This question is to the Chief Minister. What are the implications of removing jingles and slogans from government advertising?

MR STANHOPE: I thank Ms Burch for the question. I think many of us would—

Mrs Dunne: Point of order, Mr Speaker. I think that the question is out of order. It is asking the Chief Minister for an expression of opinion.

Mr Corbell: On the point of order, Mr Speaker. The Chief Minister is responsible for whole-of-government administration, including government advertising or promotional activity. The question is asking him for an explanation of what would be the impact of not permitting those types of promotional activities in government advertising. It is clearly within his portfolio responsibilities.

Mrs Dunne: Mr Speaker, I don't dispute that it is within his portfolio responsibilities. I am disputing that the tenor of the question is asking the Chief Minister for the expression of an opinion.

MR SPEAKER: Mrs Dunne, there is no point of order. The Chief Minister has been asked about the implications, and I am sure he will answer the question in a directly relevant manner.

MR STANHOPE: I certainly will, Mr Speaker, as I always do. I think that all members would have been struck starkly by a road safety advertisement in yesterday's *Canberra Times* that was placed by the ACT government. It went, "If you speed, it's over. If you drink and drive, it's over. If you drive when tired, it's over. Canberra to the coast and back. Don't go over." It is a wonderful advertisement. I must say that I was struck by how effective it was.

But I must say—I don't know about anyone else in the chamber—that when I read those words in the *Canberra Times* yesterday, in addition to being struck by how effective they were, it was clear to me that the subliminal message was clear; it was stark. The subliminal message was: vote 1, Jon Stanhope. How about an advertisement in today's paper, which was a call for Canberrans to lead healthier and more physical lives. It was there today: "Find thirty. It's not a big exercise."—

Mrs Dunne: Point of order, Mr Speaker. You specifically asked the Chief Minister—

MR STANHOPE: What it says to me quite clearly is "vote for Katy Gallagher".

MR SPEAKER: Chief Minister, resume your seat.

Mrs Dunne: You did specifically ask the Chief Minister to answer this in a directly relevant way. I submit that what he considers might be the subliminal messages of particular advertisements in the paper is not directly answering the question.

MR STANHOPE: It was about the implications. It is clearly relevant.

MR SPEAKER: Chief Minister, come to the point, thank you.

MR STANHOPE: Thank you, Mr Speaker. I will. I just conclude on this other example of what the impact is. How about this advertisement, which was run recently urging Canberrans to sign up to Greenchoice—something that you have done, Mr Speaker. It might be that you responded directly to this ad. "It costs a few cents more but what's the earth worth," it says. I have to say this, Mr Speaker: have you ever heard of a more blatantly political ad? That would top the list. Shame, Simon Corbell, shame!

Slogans and jingles are fundamental to marketing. They raise levels of awareness and recall. An average person is exposed to thousands of advertising messages a day. Government information is there competing with the soft drinks, motor mechanics and cars for a share of the community's consciousness.

I have always thought the point of advertising was to catch attention and to leave a lasting impression. In fact, I would have imagined that when a government was spending ratepayers' money to inform the community about government services and programs, it would have been derelict to do otherwise. Clearly, this is not the view of the Leader of the Opposition.

For the Leader of the Opposition, anything approaching a slogan, anything sounding like a jingle, has no place in publicly funded advertising. "Do the right thing." Not if the Leader of the Opposition has his way. "See yourself in Canberra." Not in Mr Seselja's Canberra where bland is better. "Think water, act water; stop the drop." Sounds a bit catchy to me; just a bit political. Think about it. "Think water, act water; stop the drop." How political is that? That screams from the roof tops, "Vote Labor." Perhaps we should change the words, "Think water, act water; stop the drop." We could change them in Mr Seselja's world to "Canberra residents are strongly advised to consider their water consumption patterns and to adjust their behaviour appropriately." Mr Seselja's "Live in Canberra" slogan could be, "Potential interstate and international migrants are encouraged to consider the national capital as a destination of choice."

Slogans and jingles are not about patting ourselves on the back. They are about best practice marketing. They are about value for money. I was under the impression that best practice and value for money are the things that governments were meant to strive for—even the Auditor-General tells us that—not to deliberately avoid. Don't we want job seekers to be persuaded that great jobs come with the territory? I thought we wanted to attract the best.

The most startling thing is that this apparently serious attempt—

MR SPEAKER: Order! The Chief Minister's time has expired.

MR STANHOPE: to legislate for bad, boring advertising—to codify dumbness—

MR SPEAKER: Chief Minister!

MR STANHOPE: is introduced by a man who has spent the past year—

MR SPEAKER: Sit down, Chief Minister. Don't force me to name you, Chief Minister.

MR STANHOPE: turning himself into a one-word billboard—"Z".

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

Supplementary answers to questions without notice

Budget—strategy

MS GALLAGHER: Yesterday, in question time, I offered to provide a summer reading list for the shadow treasurer. This is just a taste of some academic research around the differences in interpretations, links and times of business cycles. For the information of members, I present the following paper:

Business Cycle—Reference List.

Schools—enrolments

MR BARR: In question time yesterday, in response to a question from Mr Doszpot, I undertook to seek advice from school principals about elective choices for students who were provisionally enrolled in the Kingsford Smith school for years 8, 9 and 10 in 2009. I can advise the Assembly that the advice I have received from my department is that principals of all neighbouring Belconnen high schools have advised that all students that were provisionally enrolled at the Kingsford Smith school will be able to have access to their preferred electives at their present high schools. I am also advised that students have been supported as they choose their electives and with any other aspect of their education that may arise as a result of their continuing enrolment at their current high school.

Papers

Mr Stanhope presented the following papers:

Agreement on Murray-Darling Basin Reform, dated 3 July 2008.

Food Regulation Agreement, dated 3 July 2008.

Gene Technology Agreement, dated 3 July 2008.

Queanbeyan Water Supply Agreement.

Regulatory and Operational Reform in Occupational Health and Safety, dated 3 July 2008.

Ms Gallagher presented the following papers:

Gene Technology Act—

Pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2007-2008, dated 23 September 2008.

Pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 April to 30 June 2008, dated 26 September 2008.

Human Cloning and Embryo Research Act, pursuant to section 50—National Health and Medical Research Council—Embryo Research Licensing Committee—Report to the Parliament of Australia for the period 1 October 2007 to 31 March 2008, dated June 2008.

Mr Corbell presented the following papers:

Classification of Publications—Guidelines, dated 26 March 2008.

ACT Criminal Justice—Statistical Profile 2008—June quarter.

State of the environment report 2007-08

Government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services), by leave: Pursuant to section 19(3)(b) of the Commissioner for the Environment Act 1993, in relation to the government response to the *ACT state of the environment report 2007-08*, I wish to advise members that this report was received by the Minister for the Environment, Water and Climate Change on 7 July 2008 and tabled in the Assembly on 7 August this year.

The report contains 18 major and 60 minor recommendations which will require comprehensive consideration by the government. Due to the ACT election and the consequential change in portfolio responsibility and administrative arrangements, the government will not be able to table its response within six months of the receipt of this report. The government will now provide its response in the first sitting period next year.

Planning and Development Act 2007—schedule of leases

Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Pursuant to subsection 242(2) of the Planning and Development Act 2007, I present the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedules—
Leases granted for the period 1 July to 30 September 2008.

I seek leave to make a brief statement.

Leave granted.

MR BARR: Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter, outlining details of leases granted by direct sale. Section 458 of the Planning and Development Act 2007, as amended by the Planning and Development Regulation 2008, also provides transitional arrangements for all direct grant applications made under the Land (Planning and Environment) Act 1991, now repealed, to be decided under the repealed act. The schedule I have just tabled covers the nine leases granted for the period 1 July 2008 to 30 September 2008. In addition, 42 single-dwelling house leases were granted by direct sale for the quarter.

Portfolio responsibilities

Ministerial statement

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

and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) : I seek leave of the Assembly to make a ministerial statement concerning portfolio responsibilities.

Leave not granted.

MR BARR: I present the following paper:

Ministerial statement—Portfolio responsibilities—Mr Barr.

Supplementary answer to question without notice Racing industry

MR BARR: In question time, Mr Smyth asked me a question in relation to attendance at the racing ministers meeting. I have been advised, and I wish to correct the record, that at the last minute the Under Treasurer was not able to attend the meeting. The meeting was attended by other officials within the Treasury department.

Older Canberrans—empowerment and inclusion Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

The importance of promoting the empowerment and inclusion of older Canberrans.

MS PORTER (Ginninderra) (3.03): I am happy to be able to raise this matter of public importance today. As members would be aware, we have a rapidly ageing population in the ACT, and ensuring that services and support for older people are relevant and accessible is vital. It is also important that every opportunity is given for older Canberrans to continue to fully participate in the community. We are all ageing, but that does not mean that being fully engaged stops at a certain age—for instance, 65. I joined the Assembly in my 63rd year. I had plenty of energy at that time and I still have plenty of energy to meet the challenges that we all have today.

Most of us, in fact, will remain healthy and active for the majority of our lives and we are all likely, on average, to live longer than our parents. It should be noted that it has been found that we will probably need the most assistance in, for example, health care, in the last two years of our lives. So we live longer, healthier, more fully engaged lives now than we ever did before. However, if we are to remain healthy and engaged, we need to be able to maximise our opportunities to be active and to enjoy a good quality of life.

We need to promote positive messages about ageing. Many of us will not retire at an early stage in our lives. When we do retire or scale back our paid work, we should be able to continue to engage in many aspects of our lives that give us satisfaction and utilise our skills and interests. We need to remain connected, and we may need

assistance in remaining connected to our networks of friends, families and community groups.

A socially inclusive society is one where all people feel valued, can easily participate in community life, have their differences respected and have their needs met so that they can live fully and with dignity. The UK Centre for Economic and Social Inclusion defines social inclusion as the process by which efforts are made to ensure that everyone, regardless of their experiences and circumstances, can achieve their potential in life. I spoke about this in this place yesterday. We know that, at the individual level, social inclusion represents the degree by which we feel connected to our communities. At a broader level, it is about the strength within communities and organisations to sustain a positive and healthy community.

In contrast, social exclusion is the process of being shut out from the social, economic, political and cultural systems which contribute to the integration of a person into the community. This can be caused by many factors. Again, I mentioned a few of these yesterday. In a society where people are excluded, social cohesion and diversity are obviously weakened.

Social isolation impacts on people in a number of ways, such as their ability to contribute to their community, their mental and physical health and their emotional wellbeing. This can lead to reduced social and economic participation and to other consequences, such as reduced health for individuals, leading to increased reliance on health care and other formal services.

Australian research indicates it is likely that at least 10 per cent of all people aged 65 and over are socially isolated, with a further 12 per cent at risk. Again, research indicates that older people are at risk of social isolation due to factors such as the death of their life partners, their retirement from the workforce and having to manage on a reduced income. We can also experience social and physical barriers such as age discrimination, fear of crime, reduced mobility and reduced access to health and social services.

The ACT government recognises that the issue of social isolation amongst older people, and conversely social inclusion, is one that is becoming increasingly important as the population ages. As I mentioned yesterday, this matter is of great concern not only to the government of the ACT but also to all the other state governments and our fellow territory government and to the commonwealth government.

As I said, we have a rapidly ageing population. The 2006 census showed that 14 per cent of the ACT population was aged 60 and over. By 2031, the 60 or older age group is expected to represent 27 per cent of the population, and, as I mentioned earlier, people are living longer. Nationally, in the decade to 2005, life expectancy rose by 3.5 years for males and by 2.5 years for females.

The ACT government recognises that this demographic shift involves the need for an increased focus around how older people can stay connected with, and continue to participate in, their communities. This is important not only for individuals but for the wellbeing of our community. For example, older Canberrans make a significant

economic contribution through employment and volunteering. Of course, it is a myth that we rely exclusively on older people to volunteer, as a greater percentage of people who volunteer are in fact middle aged or younger people. Older people, of course, are able to give more time per person as a rule.

In working to promote social inclusion for older Canberrans, we must recognise the factors that may lead to social isolation, as I said before—factors such as health status, mobility, workforce status, language barriers, literacy, abilities with technology and whether they have been a victim of crime, or fear that they may be a victim of crime. Social factors include marital status, family support, having a network of friends and having a connection to community.

This year, the ACT government commissioned a research project on social isolation amongst older people and the report is currently being finalised. In looking at the promotion of social inclusion, I must recognise the important contribution of community organisations such as seniors and sporting clubs, amateur theatre and arts groups, and regional community services, which play a vital role in encouraging older people to be active and to participate.

Of course, there are many hundreds of groups that older Canberrans are involved in and in which they play significant roles. I am pleased that the government has committed to working with the Tuggeranong 55 Plus Club to identify a site for a permanent clubhouse in a convenient and accessible location and has also assisted the Woden Seniors Club to extend its premises to accommodate its growing membership. We are also facilitating the installation of solar panels on the Canberra Seniors Centre.

The government, for its part, is proud to support such initiatives as Seniors Week, which promotes the active participation of older people in our community. The government also funds the ACT seniors card program and has committed to funding an updated ACT seniors card directory for all seniors card holders in the second budget appropriation. The seniors card recognises the lifelong contribution of older people by assisting with access to ACT government concessions and business discounts on goods and services.

The ACT government is a major sponsor of the Canberra Retirement and Lifestyle Expo, which will be held from 15 to 17 May 2009, and will participate in the expo in the stalls showcasing government services. The ACT seniors grants program provides funding of up to \$15,000 for community groups to develop projects that support positive ageing and promote social inclusion. In 2008-09, a total of \$85,000 has been allocated to this program. In 2007-08 \$85,000 was distributed to 10 organisations for projects which included ArtSound Silver Memories Radio Network and the ACT Playgroups Association's playgroup mentors program. I look forward to an equally successful round in 2008-09.

The government has also recently commenced a review of elder abuse programs, which aims to raise awareness and reduce the incidence of elder abuse in the ACT. The findings of this review will inform the model of service delivery for any future program.

Transport plays a vital role in older people's ability to stay socially connected and to participate, especially for older people who no longer drive, and I mentioned this yesterday. I have mentioned the introduction of the gold card, providing free public transport for Canberrans over 75 years old and encouraging them to look at public transport as an alternative to driving. We all know about the success of this program.

In July this year, the government launched the ACT regional community bus service for seniors and other people at risk of social isolation due to limited transport options. It offers a flexible, on-demand service, including pick-up from and drop-off at people's homes. In August 2008, the Chief Minister released the ACT government's integrated transport framework, which forms the cornerstone of a reliable, accessible public transport system for Canberra. In addition to increasing the number of accessible buses, the government will be installing more seats and shelters at ACTION bus stops, which will particularly benefit frail aged passengers.

The government has also committed to assisting older people with their accommodation needs. We have established a mortgage relief fund over four years which will provide interest-free mortgage relief loans of up to \$10,000. The government has also established a homebuyer stamp duty concession program, which aims to assist people to move to more appropriate accommodation. I expect that these initiatives will assist many older Canberrans at risk of losing their family homes due to financial strain because of rising living costs.

On the issue of housing, one of my particular areas of interest is, of course, retirement villages. Following community feedback, I have instigated discussions within government about the review of the regulatory arrangements for retirement villages, which are currently regulated through the Fair Trading Act and a code of practice. As members would be aware, I have received very strong support from stakeholders about the need for change in this area.

Of course, I do not have time to talk about the plans for our health system. We all know that we have many new initiatives in our 10-year plan for health, and the Minister for Health has outlined these in great detail in this place. I am looking forward to these initiatives being funded and also being seen on the ground. Being an ex-registered nurse, I am particularly pleased about the nurse drop-in centres and the consultation that is going on about those at the moment. That initiative with regard to nurses is one example of how we are working to ensure that our older people can remain in the workforce for longer. I think this option will be very attractive to some of our senior nurses who will be looking to work in some of these walk-in centres. They will be able to use their great experience and skills in this area. I look forward to seeing that come to fruition.

Social inclusion of the ACT's ageing population is an important issue for our community. The ACT government has put in place initiatives which address transport, housing and health needs of older Canberrans, all of which will contribute to older people being able to participate in their community. But as we go forward, we will need to work with the commonwealth government. As we announced yesterday, the commonwealth will be working together with us on issues to do with people with disabilities.

Through the ministerial meetings that I have been attending, I know that there are many plans for cooperation between the states and territories and the commonwealth in the area of ageing. I am sure that these will be progressed at the next ministerial meeting on ageing which our new minister in this area, Mr Hargreaves, will be attending. If he does not attend, I hope that I can go in his stead.

I am looking forward to those developments in the area of ageing because, as we know, this is not a matter of looking at our ageing population and saying, "Because we're ageing, we're all unhealthy, inactive and unable to participate." We are looking to make sure that our older population, the people that are getting older, are able to participate and remain healthy and active in our community.

I am sure that we will need many new initiatives as we go forward. It is important that we work together with our community and business, both not-for-profit groups and for-profit groups, in ensuring that the government's initiatives can be supported in the community. We need to work with our volunteers as well. I look forward to working with my government to make sure that those initiatives come forward in the future.

MR SESELJA (Molonglo—Leader of the Opposition) (3.18): I thank Ms Porter for bringing this matter forward today. We consider the ageing population and their opportunities to partake in the community to be extremely important and I have taken on this portfolio myself because of the increasing importance we see of dealing with this issue in the community as our population as a whole ages and we face the challenges together.

This is also why we took a comprehensive package for older Canberrans to the election this year. We are absolutely committed to responding to the needs of seniors, ensuring that they have appropriate support to enhance their participation in community life. We have consulted with seniors, and the major issues they face include dental health and access to it, services generally, housing, transport and income support, amongst others.

The ACT's Council on the Ageing undertook a questionnaire of over-50s in Canberra and it looked into income levels; income levels versus rising cost of living; transport—suitability, availability and affordability; health, medical and dental; and housing—aged care facilities, accessibility and affordability.

COTA concluded in October 2008 that nearly half the home owners surveyed are concerned about meeting their financial housing commitments; 34 per cent have adjusted their diet to cope with rising food costs, buying less, buying cheaper and changing staples, including less meat and other normal staples; 50 per cent drive significantly less because of rising costs; 56 per cent of respondents do not have a bulk-billing GP; 13 per cent have stopped or reduced medical treatment because of rising costs; and a further seven per cent reduce their medicine intake because it is too expensive. These are sobering statistics for us all.

The kinds of reforms we would like to see include a waiting list for aged accommodation to assist in access and forward planning of appropriate aged-care accommodation; a land bank of sites that are reserved for future retirement village and aged-care accommodation, allowing retirees to remain close to services and amenities;

identifying multiunit ACT housing properties where accommodation can be better dedicated to older residents; having a proportion of new developments dedicated to housing for older residents, particularly in areas close to shops and other services; and re-establishing the office of ageing in the Chief Minister's Department to give it the priority it needs.

We also committed at the election to \$1.7 million to address dental health, up to \$1,000 each year to 500 Canberrans on the old age pension card or with a commonwealth seniors health card; \$19.8 million towards after-hours GP clinics, which are particularly valuable to our ageing population particularly in light of the statistics that I quoted earlier; and \$100,000 towards a study to identify transport options to help elderly people move around their neighbourhoods, visit friends and access services.

As we know, for older Canberrans transport is one of the most important issues. A lack of access to public transport, or a lack of access to other ways of getting around, is the thing that keeps many of our older Canberrans isolated. If older Canberrans cannot get adequate transport around their local areas, there is little hope of their empowerment and inclusion in the life of the community.

Also with our pensioner rescue package we put money on the table. We committed \$4.5 million to provide relief for single age pensioners, those who are struggling the most. This would have come in the form of \$500 lump sum payments, and we were pleased to see that the Rudd Government announced a number of measures including lump sum payments to seniors, to pensioners.

It is very difficult for older Canberrans to feel empowered in their community and to participate fully in their community if they lack proper accommodation, transport and health options. These are the challenges for the government, the Assembly and the community in how we better look after our ageing population.

Our older Canberrans have contributed so much over so many years to our community; they have helped build our community. As Canberra ages, as Canberra heads towards its centenary, we are seeing more and more of our aged who have been born here, grown up here, lived here, worked here, raised a family here and contributed in so many ways. It is only right, it is only just, in any decent society that we look after our most vulnerable, and in many cases our older Canberrans, particularly as they get into their very later years, as they experience more health challenges, are some of our most vulnerable citizens.

These areas that we have outlined—dental health and health generally, access to services and access to appropriate housing, transport and income support—are the key issues for our pensioners in particular but for all of our seniors. There are other issues for our older Canberrans, our self-funded retirees—there are issues which have been well canvassed in relation to indexation of pensions and the like—but all of this feeds into the mix. This will be a challenge for ACT governments going forward.

What we suggested during the campaign was about forward planning, about looking to the future and saying that we are going to face more challenges in these areas, particularly accommodation, and we need to get out in front of that. We need to get

out in front of it in health and ensure that we have more access to bulk-billing GP clinics. These I think are the critical issues. We have a responsibility as a community, and if we fail in this area, if we fail our older Canberrans, we will have significantly failed.

No government can claim to be a success if the standard of living of their older population is going backwards. We commit to working with the government on sensible policies. We will support them if we believe that they will improve the lot of our older Canberrans, and we will hold them accountable for delivering on their priorities and their promises.

MS BRESNAN (Brindabella) (3.24): I would like to thank Ms Porter for bringing this issue to the Assembly. Canberra does have an ageing population and, despite the relative affluence of our community as a whole, social exclusion is a problem for our elderly in the ACT.

I would like to acknowledge the work of the ACT Council on the Ageing as a key advocate for older people in the community. The council's attention to and input on the issues concerning older people play a key role in keeping these matters on the government agenda. The University of the Third Age is also a very important way that older people can be empowered as it provides a way for them to learn new skills, stay active and stay connected to their community.

As has been noted, transport is a key factor in social inclusion, and access to transport is vital to social inclusion. We need to consider that what happens to the ACTION network directly impacts on the quality of life of many older people in Canberra. An integrated transport system, including accessible and efficient taxi services and bus services and connection between all of these services, is something we need in the ACT, particularly for older people but also for all people in the community. Access to public transport should be available to people in all areas of the community, including those in the outer suburbs. This is why the Greens included in the agreement with the ALP the need to move towards more frequent bus services.

The government has taken some steps to address transport options for our older residents—I acknowledge this, in particular the community bus service. This is an important addition to the transport network and it is a service which should be expanded.

Another issue is access to affordable and appropriate housing, as has also been mentioned. Having no fixed address has a huge impact on social inclusion. There is homelessness amongst our older people and this can put people in a very vulnerable position, particularly older people, and can lead to situations such as elder abuse. The Greens have called for models of universal housing design to be pursued in the ACT. Universal design allows for older people to remain at home as they grow old and it adapts to their changing needs.

I would just like to make reference to a paper put out by the Victorian Council of Social Service entitled *Universal housing, universal benefits*. They calculated that the economic benefits of universal housing for the Victorian government were

approximately \$70 million each year based on savings in home care, residential aged care and hospital costs. The report also noted:

A comparative cost analysis of retrofitting home modifications in adaptable and non-adaptable homes in New South Wales found that modifications made to a non-adaptable home would cost between three times and 18 times as much as those made to an adaptable home, depending on dwelling type.

We also obviously need to be supporting programs which address safety in the home for older people and prevent incidents such as falls and, as a consequence of this, unnecessary admissions to hospital. In line with this we also need to be investing in step-down facilities as they are also important to assist with the process of older people remaining at home.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (3.27): Thank you very much, Madam Assistant Speaker Burch, and may I congratulate you on your appointment. How delightful it is to see someone of such exquisite expertise sitting in the chair.

I thank my colleague Mary Porter for raising this issue as a matter of importance in the Assembly. Colleagues might like to know that Mr Doszpot and I share something—the colour of our hair. That is why I got the portfolio of course in the first place. We can be encouraged—and youthful entrants into this august chamber might like to know—that Nelson Mandela was 76 when he became president of his country. You have got a long way to go, Madam Assistant Speaker; may you be here for a long, long time.

Nelson Mandela is now 90 and still active in charity work, fighting against HIV and AIDS, and lobbying, advocacy and peacemaking. He is an elder statesman. It clearly shows that age is no longer a barrier to embracing life and remaining active. But as Minister for Ageing I am determined to drive a whole of community approach to supporting health and meaningful ageing and to promote social participation for older Australians.

I would like to offer a quote by Geoffrey Bird, Executive Director of COTA—Council on the Ageing—Over 50s, in an article published in the November 2008 issue of *Australian mosaic*, which is the magazine of the Federation of Ethnic Communities Councils of Australia. This is a really great quote:

Ageing well and in place is about being able to make decisions and undertake activities with the maximum possible degree of independence from a secure material and social base. It is about living in your house with a sufficient degree of comfort, and moving around your community with relative ease. It is about being able to be largely self-reliant, pursuing one's interests, keeping oneself healthy and engaged—physically, psychologically, emotionally and spiritually.

I think that is a great thing for us to carry forward. We need a strategic approach which engages individuals and government, private and community sectors, and that is our first step. I want to hear the views of older Canberrans and of those people who work with and support them.

In early 2009 I will be undertaking extensive community consultations to help shape the development of a four-year whole-of-government strategic plan for positive ageing within a framework of social inclusion. I did this with housing in 2005 and later on with multicultural affairs. That is the way the community tells us what to do, not the other way around. So that is where I will be headed.

The plan will be underpinned by the United Nations principles for older persons of independence, participation, care, self-fulfilment and dignity. The ACT Office for Ageing in the Department of Disability, Housing and Community Services will work with me to develop a new strategic plan on positive ageing and social inclusion. That satisfies one of Mr Seselja's wishes, that the Office of Ageing will remain. This time, however, it is within the community services group; there is a relevance there.

Specific issues that we will be considering in our new strategic plan will include health and wellbeing, housing and accommodation, support services, transport, work and retirement, public safety, and lifelong learning. I should acknowledge the University of the Third Age. It has been around for a very long time, and a lot of people are not aware of it. A lot of people are, but I think a lot of people ought to be.

I will engage with the ACT Ministerial Advisory Council on Ageing and work with the Council on the Ageing, National Seniors Australia, ACT seniors clubs, regional community services, other stakeholder groups and government departments. I would like to specifically recognise here the work of the previous ACT Ministerial Advisory Council on Ageing, such as its recent social integration seminar. Another example is the 2007 silver lining project, which it delivered in partnership with the ACT and Region Chamber of Commerce and Industry. This project developed a package for employers which promoted the value of employing older people in an environment of skills shortage. MACA also was instrumental in the ACT government's adoption of grandparental leave provisions—another measure to assist older people to choose to remain in the workforce.

I am pleased to see that the last chair of the Ministerial Advisory Council on Ageing, the Reverend Dr Elizabeth McKinlay, was recognised as the 2008 ACT Senior Australian of the Year. I expect to be able to announce the membership of the 2008-10 council early in 2009.

On the issue of the accommodation needs of older Canberrans, I acknowledge the work of my colleague Mary Porter MLA in identifying an increasing need for protection of the rights and investments of those in retirement villages. The government will explore a code of conduct for retirement villages. I am reminded that Ms Porter and I discussed this some years ago. A chap named Chris Old, I think, developed a charter of rights for people in nursing homes in 1991. However, I think it is time we had a look at that and revisited it. We will canvass broad community views about emerging issues in this area, the extent of these issues, the effectiveness of the existing regulatory framework and what additional safeguards are necessary.

This government has a bit of a record in doing a few things along the way. Who will remember the stamp duty waiver that we have for older persons wanting to downsize from a large home to a smaller one? If that is the case and they are going from their principal residence, there is no stamp duty. That is a positive move and something which people had been prevented from doing in the past.

We also remember Treasurer Quinlan's initiative for some people who were older, lived in a suburb such as Yarralumla and were asset rich but cash poor. What we did was to freeze their rates at that level. Anybody buying that house from them would have to pay the increased rates, but those people did not. We recognised that a lot of these people were either self-funded retirees or on a very small pension and could not afford a threefold rise in rates, which happens to people in Forrest, Red Hill, Yarralumla and those sorts of places.

In relation to transport, the government is also committed to the implementation of the national reciprocal public transport concessions for holders of seniors cards, which is planned to commence in early 2009. Negotiations with the commonwealth, state and territory governments are currently being finalised.

I would like to indicate to members how the bus gold card for the over-75s came about. It came to me in a dream and then I asked my cabinet colleagues about it and they said, "Yes, that's not a bad idea." I also talked about asking people to revisit whether they need their licence or not and it was suggested that maybe we could swap it. That was rejected, but the way it was rejected was that I went and discussed the matter with ACT COTA, the Association of Independent Retirees and a stack of older people, who told me what the older people in our community would do. That framed our policy on it, and that is what emerged. It was the people out there telling us.

In August of this year I was proud to launch the annual *Life's Reflections* photographic competition. The photographs from this competition will be exhibited in Seniors Week 2009. They promote positive images where older people are seen as valued, active and contributing members of the community.

Mr Seselja's speech was essentially just a regurgitation of the election campaign promises the Liberal Party made. I hate to tell Mr Seselja this but they lost the election. They did not win it. They did not actually lose it; they just did not win it. But the wish list that they had was an interesting one and I will go through a few of them. One was waiting lists for aged care accommodation. Yes, we were going to do that some time ago. Another was a land bank for aged persons accommodation care. We have already got that. Another was multiunit properties. We have already got that; it is in Housing ACT. In fact, I could take a couple of people around on a tour if they want one.

Mr Coe: I've asked you for that.

MR HARGREAVES: Did you say something, young fella?

Mr Coe: I've asked you for a tour.

MR HARGREAVES: I would not give you a tour of the old-people homes because you will frighten them.

Mr Coe: Thanks. Good on you; you're a real professional, minister.

MR HARGREAVES: You, my dear boy, would not know the meaning of the word. My dear fellow, you were still in a sandpit when we were in here looking after the people of Canberra, and I will be here the day you go back to the sandpit. You are just

such an absolutely appalling addition to this place. You should take some advice from some wise people such as Mr Doszpot.

MADAM ASSISTANT SPEAKER (Ms Burch) Can we get back to the subject, minister.

Mr Coe: Great use of the MPI! Great use of it!

MADAM ASSISTANT SPEAKER: Mr Coe, please.

MR HARGREAVES: Mr Coe, you are a stand-up joke.

MADAM ASSISTANT SPEAKER: Finish now.

MR HARGREAVES: In fact, I suggest that you go and use some public transport. (*Time expired.*)

MR COE (Ginninderra) (3.37): The great Australian dream played out in song and literature is to own a home among the gum trees. Whilst the home may not always be a house on land, home ownership is a great Australian tradition. Unfortunately, for some in our city, even renting your own home is beyond reach.

ACT Housing provides support to people who do not have the means to live independently and who have nowhere else to go. Since becoming shadow minister for housing, I have spoken to and met numerous ACT public housing tenants. My overall impression is that the vast majority of them are decent and good people who, due to circumstances beyond their control, rely on the support of the government for their housing. Many such tenants are older Canberrans and their dignity and pride are of utmost importance.

I have had the opportunity to visit some of ACT Housing's tenants at public housing properties. I was disappointed with what I saw and am very concerned that the ACT government is not providing adequate service to our public housing citizens. I am distressed at the state of some of our public housing properties. Within just 10 kilometres of our national parliament there are public housing properties that are, quite frankly, Third World standard. We should be able to afford basics like fences, cleanliness and common area maintenance at our public housing properties. Older Canberrans take these issues very seriously, and it is vital for their sense of self-worth that their living conditions are of a standard to be proud of.

I believe the ACT government has a special responsibility to treat our public housing tenants with respect and dignity. I believe there can be significant improvements to the administration of housing and better outcomes achieved for public housing tenants in the ACT.

On 13 November, I had the honour of putting the first gift under the Target-UnitingCare share Christmas gift appeal tree at the Canberra city Target store. The appeal collects gifts for not only children but also teenagers, parents and other older Australians. I think it is important at Christmas time to remember everyone and not just young people. A gift at Christmas can bring an immense deal of joy and make

Christmas a special time for people who otherwise may not receive a gift at Christmas time.

For older Australians without families Christmas can be a sad time. I would like to take this opportunity to commend Chris Ellis, who is the ACT convenor of the UnitingCare-Target Christmas appeal. Chris has spent many hours organising the ACT section of the appeal and will be working tirelessly to ensure the gifts are distributed to organisations throughout Canberra to bring some Christmas joy to those who are less fortunate than we are.

The work that goes on in so many charities around the ACT often goes unnoticed and can be a thankless task, but to you, Chris, and the many others throughout the ACT who are working hard, I thank you and pay tribute to your dedication and selflessness for the community. The Reverend Gordon Ramsay, who is the ministry team leader at Kippax Uniting, is also one such person.

I would encourage people, if they feel they can contribute to this appeal, to take a gift to any Target store in Canberra or elsewhere. It would assist the appeal if those donating gifts could also include a card indicating the age and gender the gift would be suitable for.

In conclusion, it is vital that we do remember all people at Christmas time, not just young people. Older Australians have pride and they have dignity, and it is important that we treat them as such, especially those in public housing who are already dependent on the state for their housing and other essential services.

MADAM ASSISTANT SPEAKER: The discussion is concluded.

Latimer House principles

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) (3.42): One of the tenets of the Latimer House principles is this collegiate approach that we have. It is the embracement of conventions that we have in this house. What we have got to be particularly careful about in trying to experiment with what we do in this chamber is that it does not inadvertently take away some of the tried and trusted conventions from the House of Representatives and the Senate and other things that have existed in this chamber since 1989.

We need to be careful, because the nature of this chamber is unique. We do not have the luxury of having two chambers. We do not have the luxury of having a series of local councils. Every other jurisdiction is a multifaceted one, and we are not. So we need to make sure that the processes and the procedures that we have fit nicely and neatly together, taking care of our state-wide responsibilities and our local council ones. We need to make sure that the framework—the legislative framework, that we operate within, the debating framework that we operate within, and the structure of this place and its committees—gives us good governance. What we need to do, of course, is be particularly careful.

I, for one, am a very big and strong advocate for convention. I think it is a strength that we can fall back on in moments of hesitation. I think that we should warmly embrace Latimer House, but we all ought to take our time to think about it—exactly what it is, what it means—because everything we do in this Seventh Assembly will affect what happens in this Assembly going forward. With that, I strongly support Mr Corbell's motion.

MR RATTENBURY (Molonglo) (3.44), by leave: Earlier today I was speaking on this motion, and I was interrupted by the lunch break. I was referring to the fact that the Latimer House principles had been mentioned during the Commonwealth Heads of Government meeting. They endorsed the principles in Nigeria in 2003 and agreed in 2005 that the Latimer House principles should form an integral part of democratic government.

Mr Seselja this morning touched on the summary of the Latimer House principles, and I will not go over those again. However, what I would say is that endorsement, promotion and implementation of the Latimer House principles were included in our accountability reform agenda and were a key element of our support for the Labor Party in our discussions with them.

The enhancement of democracy is a fundamental objective of the Greens in parliaments around Australia and the world. We are committed to ethical governance, and this requires that clear and high standards inform accountability mechanisms and the management of relations between the parliament and the executive, the judiciary and oversight agencies. And I particularly refer here to the oversight agencies and emphasise that point in the context that these are an emerging part of the structure of our democracy, providing in some senses a fourth arm of government and a further check.

In our accountability reform agenda, the ACT Greens further expanded on these principles and guidelines, with specific proposals relevant to the committee system, parliamentary procedures, parliamentary resources, enhanced integrity, including through improved access to information, supportive structures for oversight institutions and improved electoral law. On Tuesday, we saw the adoption of amendments to the standing orders, a key first step in improving Assembly process and function and delivering on a Greens commitment to deliver better government and accountability to the Assembly.

Another Greens initiative to be introduced is a range of changes to the way our parliamentary committees operate. This will be done both as a means of improving executive accountability to the Assembly and to allow committees to make a greater contribution to the law-making process so that it reflects the range of views and ideas represented in the Assembly. It is clear that no single person or party in this Assembly has all the answers, and we must endeavour to ensure that the best ideas in this place are harvested for the good of all Canberrans.

The recommended benchmarks that accompany the Latimer House principles provide, in respect of committees and oversight, that committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditure. Typically, the public accounts committee will be chaired by

a member of the opposition party. The Assembly has respected the custom of the public accounts committee being chaired by a member of the opposition party, although more recently this has been and will continue to be from the crossbench. In doing this, the spirit of this requirement has been upheld. However, there has not been such an opportunity for members in the committee process to contribute to the development of policy and expenditure of public funds. The previous majority government was not receptive to this initiative.

This Assembly will be very different. The Greens agenda and initiatives will drive significant change and a much greater opportunity for all members, particularly the crossbench and the opposition, to have a greater role in public expenditure and more generally in policy development and the shape of the legislation.

I would like to say at this point as well that I welcome the constructive discussions we have had with Mr Corbell, as manager of government business, on these issues and the additional ideas that have been contributed in that discussion process. I think that the result has been good outcomes and good agreements to improve the processes of this place that I think will benefit, again, all three parties in this Assembly but also the reputation of this Assembly.

Access to information is another key part of the Greens' reform agenda, in line with the adoption of these principles. Further amendments to the standing orders will be introduced, creating an independent arbiter for orders for papers, to facilitate a more streamlined process. This was the subject of quite some discussion yesterday, and I look forward to the arbiter taking up their role early in 2009.

The obligation on ministers to comply with requests for papers does not depend on the appointment of an independent arbiter. It does exist now. However, the appointment of an arbiter should reduce the expense and resources wasted on resolving disputes over which documents are truly exempt from disclosure.

We want to avoid a repeat of the New South Wales upper house experience of litigation going all the way to the High Court, which ultimately confirmed the obligation on ministers to comply with parliamentary requests for documents and information. That resulted in considerable expense for taxpayers in New South Wales, and it is a situation we are very keen to avoid in the ACT.

There will also be amendments to the Freedom of Information Act, so consistently pushed for by the opposition and crossbench for many years now. These changes will see a new era of transparency in government.

Endorsement of the Latimer House principles has been the subject of discussion in our own Assembly before this time and, as I mentioned at the start of my speech before the lunch break, I would like to acknowledge the work of the former Speaker, Mr Berry, on this issue. Mr Berry's paper I cited earlier is an assessment of the ACT's performance against the Latimer House benchmarks. Whilst it finds we do well in some areas, there are a number of areas where improvements need to be made.

I would also like to draw members' attention to recommendation No 2 of report 14 of the Standing Committee on Public Accounts August 2008 which stated:

The Government and the Legislative Assembly Secretariat finalise their discussions on creating an appropriate framework within which to apply the Latimer House principles to the ACT and report to the Legislative Assembly before the last sitting day of the Sixth Assembly.

Obviously, that did not occur but we now have the opportunity to create this appropriate framework in the Seventh Assembly. And Ms Hunter's motion coming up after this discussion will address that issue. Whilst it is pleasing to see this motion of endorsement of the Latimer House principles in our first sitting week, endorsement is obviously only the beginning of the process; there is more work to be done.

Because this Seventh Assembly is somewhat different to the Sixth Assembly, it would not surprise anyone, I am sure, to see the Greens' proposal that the process of developing this framework be inclusive of all parties. We must be prepared, in the spirit of the Latimer House principles, to have a democratic, transparent and accountable process and subject the process and outcomes to an evaluation over this term of the Assembly. To this end, Ms Hunter will be introducing her motion after this discussion.

As mentioned, there are a number of elements within the Latimer House principles that I would like to briefly touch on. Firstly, the separation of powers in the roles of the three arms of government. Unlike any other jurisdiction, the ACT does not have a constitution or a formal separation of powers. It is up to the Assembly to ensure that we perform our functions appropriately and are aware of the limits of those functions. Currently there are not infrequent conflicts and disputes between the judiciary, JACS and government. Our hope and aim is to resolve these conflicts and provide better delineation of the divide between the roles and functions of the various organs of government.

The Latimer House principles are a broad-ranging set of ideals that not only cover the structure of the institutions of government but also provide a statement recognising the role of civil society. To this end, I would like to touch on the educative role that the Assembly ought to play in the engagement of members of the community, be this through the education office or the use of facilities such as function rooms or the decision to have sittings at different hours, allowing members of the public greater opportunity to watch Assembly proceedings and understand the process that leads to the creation of the laws for our society. This is why we will now be moving to evening sittings during 2009 and for the rest of the term.

We must all work to ensure a constructive relationship with the community where all Canberrans feel that the Assembly wants to hear what they have to say and that they have the chance to participate in the decision-making process; that is, their input will be genuinely considered in the development of policy and initiatives.

The principles also make particular mention of funding for the judiciary and judicial process. This includes bodies such as the Legal Aid Commission and the ACT Department of Public Prosecutions as well as community legal centres, who make a vital contribution not only to the protection of individuals' rights and interests but also to the development of better legislation and legal processes.

Another key theme throughout both the principles and the guidelines to implementation is recognition of the needs to correct the historic gender imbalance that has occurred in many aspects of senior public life. The principles and guidelines recognise that, while judicial and other official appointments must be based on merit, there is also a need to correct the historic gender imbalance that has occurred in the judiciary and many other senior executive positions. The principles also express the need to improve the representation of women in parliament and provide a range of recommended initiatives to this end.

These principles are the clearest available, internationally recognised enunciation of democratic principles essential for good government. The Greens are very proud to be responsible for their adoption in this jurisdiction and excited at the prospects for implementation and the outcomes that this will achieve.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.55), in reply: In closing the debate, I would like to thank members for their contribution to this motion. I will just briefly respond to a couple of matters raised by members in debate.

I think first of all it is important to note that what we are endorsing today are the Latimer House principles. As Mr Seselja mentioned in the debate, when you read through into the more detailed guidelines and other material that sits under those principles there are obviously a range of views about implementation; there are a range of views about progressing and achievement and maintenance of these principles in the governance of any particular parliamentary democracy—in this case, the ACT.

The government would share the view that when it comes to the issues of detailed implementation there will have to be discussion and debate. An endorsement of the principles does not automatically mean the endorsement of every single guideline or implementation measure per se. The principles are what is important and that is what we are endorsing today.

Mr Rattenbury raised the issue of the constitutional framework of the territory. I think it is important to stress that, whilst we do not have a constitution in the conventional sense and perhaps one adopted by ourselves or by the people of the territory, as exists in other states or indeed the commonwealth, we do have a constitution, the self-government act.

The self-government act does provide for the protection and the separation of powers. In particular, the powers of our courts are explicitly and deliberately dealt with in the self-government act, recognising that they perform an important function. Equally the relationship between the executive and the legislature is spelt out perhaps in less detail but nevertheless spelt out in the self-government act.

The nature of us as a territory does mean that we do not have the same formal constitutional arrangement as perhaps exists in the states or at the commonwealth level but it is a constitution nevertheless. It is our guiding document. It is the document that lays out the principles for governance in the territory and it is important

to have regard to it. We would, of course, argue that as citizens of the territory we should have greater control over what that document says and what it permits us to do or not do. And that is something which is a matter for debate at another time.

That said, I think the endorsement today by all sides recognises that these are principles that are inherent to our system of government in the ACT and that they, in many respects, spell out informally the nature and the conduct of our democratic institutions already. We do have a strong, independent and vigorous judiciary. We do have a vigorous Assembly, a vigorous legislature, and we do have a well-established and functioning executive which engages with the legislature in the Westminster model in a vigorous way and, I think, in the way that the Latimer House principles envisage that relationship should occur.

There will always be gains in the margins for a territory like the ACT. An advanced western democracy such as ours is different from an emergent democracy or a nascent democracy in, say, Africa or other emerging and developing countries. I think the important thing to stress about the Latimer House principles is that they are designed to cover that whole range of democratic nation states, from the nascent and emerging ones to the well-established and advanced ones in terms of their practice and procedure. That is something which, I think, needs to be borne in the minds of members as well.

That said, this is an important motion. It does set out a range of principles and concepts that are worthy of incorporation into our standing orders and that is something that this motion will achieve. Labor is pleased to sponsor the motion and to have the support of other members in implementing it.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee Reference

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.00), by leave: I move:

That the Standing Committee for Administration and Procedure:

- (1) inquire into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT; and
- (2) report to the Assembly by the last sitting week in June 2009.

I draw members' attention to recommendation No 2 of report 14 of the Standing Committee on Public Accounts, August 2008, which stated that the government and the Legislative Assembly Secretariat finalise their discussions on creating an appropriate framework within which to apply the Latimer House principles to the ACT and report to the Legislative Assembly before the last sitting day of the Sixth Assembly. Obviously, that did not occur, but we now have the opportunity to create this appropriate framework in the Seventh Assembly.

While it is pleasing to see this motion of endorsement of the Latimer House principles in our first sitting week, endorsement is obviously only the beginning of the process. There is more work to be done and, because this Seventh Assembly is somewhat different to the Sixth Assembly, it would not surprise anyone, I am sure, to see the Greens proposing that the process of developing this framework be inclusive of all parties. We must be prepared, in the spirit of the Latimer House principles, to have a democratic, transparent and accountable process and subject the process and outcomes to an evaluation over the term of the Assembly. For this reason I am moving this motion which refers to an inquiry into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House principles and the governance of the ACT to the Standing Committee on Administration and Procedure.

As I have already said, meaningful endorsement of the Latimer House principles requires ongoing commitment to their promotion, development and implementation, including evaluation processes. The Assembly committee system is the most appropriate vehicle for this work and referral to a committee today demonstrates clearly that we, as an Assembly, are serious about ensuring we meet the highest standards of governance and democracy as outlined through these principles.

In previous discussion in this place a couple of issues have been raised about the Latimer House principles. For example, in public hearings of the Public Accounts Committee there was discussion about the guideline which requires the establishment of an all-party committee to review and administer the parliament's budget, which should not be subject to amendment by the executive. The former Speaker, when commenting on this matter, said that, while there are already specific conditions in the Financial Management Act 1996 recognising the independence of the Assembly, more needs to be done to ensure the legislature's budgetary arrangements are independent from the absolute control of the executive which it rightly enjoys in respect of executive agencies. He went on to say:

... despite the discussions I have had with the budget cabinet on a number of occasions and the representations I have regularly made to the Treasurer, work on addressing changes to the way the Assembly budget is developed needs to be continued. I hope that in the 7th Assembly sensible progress can be made on this matter and I would encourage my successor to continue to pursue this matter with the executive of the day.

I also note that in discussion in the public hearing of the Public Accounts Committee of November 2007, annual and financial reports 2006-07, it was generally agreed that there may need to be further work on how some of the Latimer House principles are implemented. There was discussion about the need for there to be a balance between ensuring that government policy does not interfere with the funding of the legislature but, equally, that decisions need to be informed by the circumstances that the Treasury might find itself in. There was also discussion about whether the range of expenditure administered by the all-parties committee should include salaries for staff. Such an inclusion could arguably be consistent with the principle because, as the former Speaker said, salary allocations can restrict members' ability to hold the government to account.

These sorts of issues can be constructively dealt with through the Standing Committee on Administration and Procedure and would ensure transparency and accountability

into inquiring into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House principles. Given that the Latimer House principles also cover the relationship of parliament with the judiciary and civil society, such an inquiry would also provide an opportunity for the legal community and interested members of our community to comment on how well the Latimer House principles currently apply from their perspective.

It is important to include evaluation of progress in the work of this committee. Such evaluation is occurring at the commonwealth level. The 10th anniversary of the Latimer House guidelines was marked at the colloquium seminar or conference in the Scottish parliament in Edinburgh in July 2008 ahead of the commonwealth law ministers meeting. The colloquium examined the level of awareness and the implementation of the commonwealth Latimer House principles in various member countries and also considered the practical problems which arise with respect to preserving the independence of the judiciary and parliament, gender and ethical issues, accountability mechanisms and examples of good practice.

A plan of action was released at the 2008 Edinburgh meeting which was designed to assist commonwealth countries to develop, promote and implement the Latimer House principles. I recommend this Edinburgh plan of action to members of this place and, if the Greens' motion to refer the implementation and monitoring of the Latimer House principles to the Standing Committee on Administration and Procedure is supported, I believe the plan of action would be a useful document for the committee in its work. I seek leave to table the Edinburgh plan of action.

Leave granted.

MS HUNTER: I table the following paper:

Latimer House Principles—Copy of the Edinburgh Plan of Action for the Commonwealth, dated 7 July 2008.

Recommendations of this plan include that the commonwealth secretariat should collate information and report on the implementation of the principles as well as promote pre-review of compliance. The ACT Legislative Assembly can be a model for other Australian jurisdictions in this regard and show leadership not only in Australia but in our region and throughout the commonwealth. I commend this motion to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (4.07): We are very happy to support the motion. As I flagged earlier in the discussion about the Latimer House principles, I think in the broad they are principles that all of us agree on, as was reflected in the vote. The real work will now come in determining how they are applied in practice. That will be the job of the Standing Committee on Administration and Procedure. We believe that is a very important role.

As I flagged before, we have a situation where many of these principles were developed in particular for fledgling democracies. There is indeed a large focus on judicial activism, and particularly on interpreting bills of rights. We do have some concerns around that but we understand the framework in which this was put in.

Provided that, when these are applied, they reflect the ACT and some of these concerns in a sensible way, I am confident we will be able to support much of what is put forward. Obviously we will not pre-empt this process. We look forward to seeing how it works out and then we will judge, on its merits, what comes from this committee process.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.08): The government is pleased to lend its support also to this motion. I thank Ms Hunter and her staff for the opportunity to provide some feedback on the proposed terms of reference. We look forward to this inquiry. In particular, it is important to note that the purpose is not so much to monitor how we are going in terms of the Latimer House principles; it is more about how do we identify and institutionalise a range of mechanisms to report and who should report and how that should be achieved. I think that is a sensible next step, given the endorsement of the principles today by the Assembly, and the government welcomes the reference.

MRS DUNNE (Ginninderra) (4.09): I rise in support of the motion. I did have a conversation with Ms Hunter this morning about whether the Standing Committee on Administration and Procedure was exactly the right place for this to land and I suspect that the jury is out. There are a range of elements of the Latimer House agreements which reflect on the composition and operation of the Assembly and there are things in this agreement which will be beyond the remit of the Standing Committee on Administration and Procedure to deal with. But I would expect, without anticipating too much, that those matters would be highlighted and perhaps advice would be given to the Assembly about where they might be best referred for more appropriate judgement.

I would like to reflect a little on the points made by Mr Seselja, and I suppose it is the note of caution that I have about the Latimer House agreements. These were agreements that were formulated by the commonwealth, and rightly so, but they reflect the nature of some of the emerging democracies in the commonwealth. I was reminded, when listening to Mr Seselja before, of the comments of Francis Fukuyama when he spoke last year at the ANU about the importance of institutions to maintain government. I think that we in Australia in general and in the ACT have mature institutions and when we undertake a thorough reflection of this we might find to our delight that there is a not a great deal that needs to be done here in enshrining and upholding the Latimer House agreements because unconsciously we are already doing that in many places.

That would not be the case in a range of other countries, some of which we, as a commonwealth parliament, have taken responsibility for. It is important that we lead by example. When we take on these principles, we should identify the areas where we are perhaps falling short and where we can improve. That is an example of how we should be adopting these principles and ensuring that commonwealth parliaments, whether they be new or old parliaments, have robust measures of protecting democracy and the rights of people. This is an important step along that path. I think that the work of enshrining and upholding these principles will not be done solely by the Standing Committee on Administration and Procedure, and I think that there will be work for other people at other times.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence from 12 December 2008 to 9 February 2009 inclusive be given to all Members.

Standing committees—membership

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4:12): I move:

That:

- (1) Ms Porter be discharged as a member of the Standing Committee on Health, Community and Social Services;
- (2) Ms Burch be discharged as a member of the Standing Committee on Justice and Community Safety;
- (3) Ms Porter be appointed as a member of the Standing Committee on Justice and Community Safety; and
- (4) Ms Burch be appointed as a member of the Standing Committee on Health, Community and Social Services.

Mrs Dunne: What's the motion, sorry?

MR SPEAKER: Mrs Dunne, it came out on a piece of paper referring to swapping committee memberships from Ms Porter and Ms Burch.

Mrs Dunne: We are swapping people around.

MR CORBELL: Thank you, Mr Speaker, and I thank Assembly members for their indulgence on this matter. The government proposes to swap its representation on two committees—Ms Porter to take the place of Ms Burch on the Standing Committee on Justice and Community Safety, and Ms Burch to take the place of Ms Porter on the Standing Committee on Health, Community and Social Services.

Question resolved in the affirmative.

Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008

Debate resumed from 9 December 2008, on motion by **Mr Barr:**

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (4.14): I stand to speak to a bill which I think it is fair to say is unusual and unfortunate. That it is unusual is without doubt, but to fully address the nature of what we are debating here and the possibilities of amendments yet to be debated it is imperative that we understand how we got to this situation. It is the final act in a sorry saga.

This legislation is about fixing this government's mess, the mess it created in relation to the power station and data centre proposal in Tuggeranong, a mess that need never have happened. This was a situation where common sense would have dictated that a government simply should not have entertained a proposal of this type, on broadacre land, this close to residential dwellings. Any person of common sense could see that. This government did not see it and it has taken us many months to get to where we should have been in the first place. It is unfortunate that we have come to this, but we are pleased to assist with the solution to this problem.

We need to go through the chronology. The first we heard of this project was the announcement of a data centre in Hume. In the Auditor-General's report released yesterday, the media releases were "inaccurate". As we know now, it was really a massive power station in Tuggeranong, less than one kilometre away from residents' houses. That was the first communication and the first mislead. Though we did not know it at the time, it was the first step in a drawn-out, sorry saga that resulted in months of angst, repeated misleads of the people and a flawed process clearly marred by political involvement of the Stanhope government and its agencies.

Here is what happened. As far back as March 2002, ActewAGL was looking for a site for a power station in Hume. By May 2007, ActewAGL approached the LDA for land in Hume and a block in Belconnen. In June 2007, Treasury expressed concerns with the project, which were ignored. In July, the Chief Minister sent a letter giving in-principle agreement to reserve a suitable site in Hume. Up until October, various discussions were held behind closed doors. The now infamous Hume media release was issued. Treasury also indicated that the economic impact statement prepared by ActewAGL was unreliable and asked for a cost-benefit analysis to be provided. This was ignored as it was not favoured by the proponents.

On 26 February 2008, ActewAGL lodged a DA. The Auditor-General's report states that Actew commented that its preference to submit the DA at this time was because the proponents would avoid the need for a full EIS. During March and April, the full extent of the project became realised by the community and by members of the Assembly and the truth became noted in the media. On 8 May, a petition with over 1,500 signatures was lodged with the Legislative Assembly and it was here that the flawed processes became public. The community was both engaged and enraged and the Canberra Liberals took up the fight to find out why such a clearly inappropriate development could have gone so far.

On 27 May 2008, during estimates committee hearings, when the Chief Minister still insisted the site was in Hume, the proponents requested an alteration to reduce the scale of the power station from 210 megawatts to 28 megawatts. Estimates committees were recalled on 16 June when officials admitted misleading the committee earlier, and Mr Stanhope gave strident and at times abusive evidence,

insisting the process was arm's length and there was no improper involvement or influence by any government agency.

In June 2008, a no-confidence motion was moved that saw protestors outside the building and the Canberra Liberals using every means to protect the community and fix the mess created by the handling of the project by the government. It must be noted that every non-government member of the Assembly agreed that Jon Stanhope had misled the Assembly during that vote. This action led to the project being significantly altered by separating the power plant from the data centre proposal. However, the site selection remained.

By July, the public accounts committee requested that the Auditor-General look at the process, which the auditor agreed to conduct on 2 August. As we all know, the process included recalling the estimates committee and a no-confidence motion in the Chief Minister. At both, the Chief Minister gave long, detailed and very aggressive testimony as to how this process was sound, it was at arm's length, and that the parliament and stakeholders in the community were fully involved and informed. The Auditor-General's report shows different.

It is important, though, as we debate the merits of this bill, that we consider the truly independent report from our Auditor-General and what it says about this project. The report shows that it was a flawed process. I quote from the report:

Government agencies complied with the existing Government processes ... These processes, however, were not sufficiently robust to give confidence that the public interest was fully taken into account ... The Chief Minister's department is responsible for coordination and facilitation of major projects for community and business development in the ACT. However, no formal policies or procedures for dealing with strategic projects existed within the Chief Minister's Department.

Further:

CMD does not have a clear definition of what constitutes a strategic project ... The lack of a defined and sound process to facilitate such projects can raise risks such as perceptions of lack of fairness and accountability ... A better process of site selection was carried out in 2002 ...

The other finding of the Auditor-General's report was that the government was not at arm's length. Government agencies made it clear to ActewAGL that this site was not the government's preferred option because of the planned industrial land release of that area. CMD took on the lead role in facilitating this project in response to this urgency, consistent with the government's strong support and commitment to this project. It was hardly arm's length. And the auditor goes on:

Government agencies did not always exercise care to ensure arm's length dealings with ActewAGL, and its consultants.

It is this lack of an arm's length process that we believe led to many of the flaws and mistakes in this process. It was not being at arm's length that led CMD, on behalf of the Chief Minister, to reject the advice of other government agencies in favour of the

advice of the proponent. That is hardly the kind of the process that instils confidence in the community. It is hardly the kind of process that seeks to protect the public interest.

If we have a situation where the Chief Minister, through his officials, is accepting the advice of proponents over and above the advice of several other government agencies, it is very difficult to have confidence in the process and it is no wonder that we saw the situation which any reasonable observer could have predicted. In fact, I believe ACTPLA, in some of the documents, specifically predicted this, that there would be a huge amount of community opposition to a development of this type at this location. It was not having that arm's length process which got this government into trouble and it is a damning assessment from the Auditor-General. The auditor goes on:

... CMD did not seek to clarify issues and conduct some independent checking of information provided by proponents ... No analysis has yet been conducted by the Government to ensure statements made by the proponents, particularly in regards to benefits to the Territory, were reliable.

CMD did not always adequately address valid issues raised by agencies during the coordination process ... Government agencies did not formally assess and rank relative merits of the proponents' suggested sites against a clear set of criteria.

This was one of our key critiques during this process, that the government did not properly consider all of the sites. They did not do the job properly. Of course, with their preferred sites ruled out, or the sites that they wanted to hold on to ruled out, we saw the situation where an inappropriate site was chosen. An inappropriate site and an inappropriate development were attempted to be foisted onto the people of Tuggeranong. The Auditor-General goes on:

A suitable site that meets the commercial needs of the proponents may not necessarily equate to the optimum site from the Territory's point of view, when taking into account wider public interest criteria.

That is a fairly commonsense conclusion, but it is extraordinary that the government did not see it that way and it takes an Auditor-General's report many months later to highlight that. Of course, the proponents are going to act in their commercial interests. The site that is best for the proponents is not necessarily the site that is best for the community, an argument we have made long and hard. In fact, when we made that argument, when I put that to the Chief Minister in estimates, he criticised me and said that ministers and governments should not be making judgements in the interests of the community. That is what he said.

Mr Corbell: He did not.

MR SESELJA: It is there.

Mr Corbell: What a load of nonsense.

MR SESELJA: You can check the transcript. He suggested that it would be inappropriate in a planning process like this for ministers to be making judgements in

the interests of the community, because they had to be at arm's length. The Auditor-General says they were not at arm's length.

Mrs Dunne: On a point of order, Mr Speaker: Mr Corbell said that Mr Seselja was deliberately misconstruing comments, which is a reflection on Mr Seselja, claiming that he is acting dishonourably or untruthfully, and it should be withdrawn.

MR SPEAKER: Mr Corbell, I invite you to withdraw any imputation.

Mr Corbell: I withdraw.

MR SESELJA: He ridiculed me for daring to suggest that ministers and governments should actually make judgements in these cases in the interests of the community, and of course this was when he was claiming they were at arm's length. He was claiming they were at arm's length. This is rejected by the Auditor-General. It is specifically and comprehensively rejected by the Auditor-General. They got involved and they got it wrong. That is the key thing here: they got involved, they were not at arm's length, but their involvement put it in the wrong place, allowed it go to in the wrong place, took the process far down the track in the wrong place and led us to this situation today. The Auditor-General continues:

Government agencies ... provided assistance to the consortium by identifying one site and agreeing to a Deed of Option ... Audit considered that the fee charged by the Government was very low, and did not find the reasons provided persuasive.

The Auditor-General goes on to say there was a lack of community consultation and says:

Audit considers the limited legal requirement for consultation inadequate for significant projects such as the Canberra Technology City proposal ... the Chief Minister's Department did not engage with the community on the site selection decision ... ActewAGL did not have a formal policy on community consultation ... Key stakeholders outside the government were not consulted about the Hume Industrial Planning Study ...

Several stakeholders considered the overall community consultation process inadequate in its timing, content and duration and raised issues with the completeness and reliability of information provided. The Auditor-General went on to say, as mentioned before, the media releases were not accurate. That is a fairly comprehensive critique of this process from the Auditor-General. It is a critique that we have been making for many months. It is a critique that Greens members, or the Greens member in the previous Assembly, made during 2008, and it is a critique that many in the community have been making when they have appealed to us.

So many in the community have asked the basic question: in a place as well-planned as Canberra, where we have industrial zones, where we separate those industrial zones from residential areas, why would this proposal go ahead on this site? It is the simple commonsense question put to me by so many residents of Tuggeranong: why would it go ahead on this site? The government do not have an answer. The only answer is they were not listening to the community. They were arrogant. They disregarded the concerns of the community. They took the commercial needs of the proponent and the commercial realities of a government into consideration whilst ignoring the potential

concerns of the community and the potential impacts for the community of a proposal like this.

This was a major issue during the election, not just for the site itself but the manner in which this government conducted itself and its failure to consider, protect and consult with the public. And in a last-ditch attempt to get some transparency out of this process, Canberra Liberals were forced to apply to the AAT to obtain documents, hidden under FOI requests, which were denied by the government. We reached an agreement that certain documents would be released, so imagine our disbelief when we found the documents had been altered the day before they were provided to us. After it had been agreed they would be given, after there was an agreement, the documents were changed. So we were not able to get to the bottom of what was in the documents, which was the whole point of going to the mediator in the AAT.

This was the other part of this story, this so-called arm's length process. These deeds of options, these deeds of agreements, required many drafts—the ones we could get our hands on, and of course there was one altered after it was agreed it would be given to us—and showed the government imposing a peaking power station on the proponents. They showed documents from Mr Costello pleading that such a requirement not be placed on the proposal. We saw the government's fingerprints all over this, not just in putting this proposal onto this site, but in fact in increasing the size of the power station component.

It seems that the proponents never wanted a power station component that large, but the government was pushing it onto them. To the extent we were able to get to the bottom of it through FOI, all of the draft deeds showed that. We saw the correspondence and when we tried to get the documents through the AAT they were altered. This was a flawed process. This was the final straw for us and we had no other option other than to say we would not support it on the site.

The community totally lost faith in this process. They lost faith in the government's ability to deliver projects such as this. To the extent that we can draw lessons from this process, we know that this has in serious ways dented the confidence of the business community in the ability of this government to get it done. It has dented the confidence of the business community. We have argued long and hard—and in fact we were criticised by some in the business community, by the government and by others for saying we were putting put this project at risk. "If we oppose it there, if we highlight concerns that this project will fall over, I will take it to Singapore." Of course that was wrong. That was bluff and bluster. I for one and the party I lead will not respond to claims such as that.

Essentially, the claim was: "You can either take it here or we are taking it away." That was the proposal that was essentially put to us. We did not accept that. We accept that the proposal had merit, but we are not going to be put in a situation where you say, "We're going to put it on that site and if you don't like it we are taking it elsewhere." We will stand up for the community; we will stand up in the best interests of the community. We always argued that we could get a balance between protecting the community from inappropriate development and the legitimate needs of the business community.

What the bill before us today will do when it is passed is provide that outcome which we have been arguing for from the start. We can protect residents from inappropriate development, we can ensure that development goes ahead in an appropriate way, we can ensure the economic development of the territory, but we do not have to do it by sacrificing what people love about Canberra: it is a well-planned city and we do not have industrial projects in our backyard.

We had people saying to us, “Well, in Wollongong they’ve got them a few hundred metres from homes.” I say, “I’ve been to Wollongong. Wollongong is a lovely place with lovely beaches, but the planning is a shambles.” And this is quite aside from the dodginess we have seen in the council. This is a place that has just grown up. Try getting out of Wollongong—it is outrageous. Canberra is a different place. It is something we want to protect. It is a beautiful place and part of what we love about it is that people who buy their homes know that they are not going to get an industrial development in their back yard. It is a legitimate expectation that when a person purchases a home in a residential area they will not see developments like this going ahead.

We will be supporting this bill in principle. I will flag now that I have circulated amendments. We have concerns about the wording of the preamble. I have circulated an alternative wording and I commend that wording to members. I will speak on that in the in detail stage.

The other clause that we have problems with is clause 9, which essentially goes to the definition of a communications facility. We believe that this would be a concern to residents of Tuggeranong, because one of the key problems with this proposal was that they were seeking to use a communications facility and the definition of “broadacre land” to allow a power station, and there is significant doubt, as highlighted by the Auditor-General, about that. We certainly do not want to set a precedent through this legislation that would say that a communications facility includes a gas-fired power station. We do not believe that is reasonable and that is why we will be opposing this clause. I understand the government and the Greens will not be supporting that clause either and we are pleased about that.

I submit to members that this bill is essentially the result of the government’s flawed and failed processes, as so comprehensively set out by the Auditor-General. We said before the election, and we maintain that now, that we would work with the government, we would work with the crossbench and we would work with the community to get an outcome that got the best of both worlds—that we could protect residents, that we could protect economic development, that we could protect projects of this kind. For that reason we are happy to support the bill but we will move the amendments that have been flagged.

MS BRESNAN (Brindabella) (4.33): I am pleased to inform the Assembly that the Greens will be supporting this bill today. As everyone is aware, the Greens supported the nearby residents of Macarthur and Fadden in opposing the proposed data centre construction on block 1671. Thus, this bill to facilitate moving the proposed development to Hume block 20 section 23 is welcome.

This bill is a sign of changing times. I would like to say that it is a sign that the government is listening to the community but, more to the point, this bill is a result of the Greens-Labor agreement, which ultimately delivered government back to Labor. If the Greens had not ensured that a new site being found urgently was part of the agreement, the data centre project may still be going ahead on the Tuggeranong site.

As we have heard constantly over the past eight months or so, putting a data centre, and more to the point, a gas-powered cogeneration facility, just over the hill from a residential area and right next to a health treatment facility was inappropriate. The fact that—and the Auditor-General noted this too—the site was referred to as Hume for the initial phase of flagging the project was quite misleading.

I imagine that the proponents are also happy with this decision and the site. From a business perspective, they must recognise that, with such community dissatisfaction, the continuing bad media could possibly scare away new clients and could even compromise the financial viability of the project.

It is very fortunate that we find ourselves in this position today of having enabling legislation to correct a major procedural failure which could have been averted. We have here a general problem whereby a company with government shareholders, ActewAGL, was helped by the Chief Minister's Department's strategic projects facilitation unit.

Given that the Auditor-General's report on the data centre site selection process was released just this week, we could not have this debate here today without mentioning it. It has some alarming information in it and I am sure that we will be hearing more about the process when the report is taken through the public accounts committee examination process. In particular, I would like to point out recommendation 5 which suggests a number of processes to prevent such a situation happening again in the future.

It is unclear whether this government is prepared to apologise to those people of the community who were criticised for raising concerns about the site selection process. We are certainly looking forward to hearing about mechanisms which will be put in place to prevent any future failures of process and failures to properly consider the public benefit. The concerns about this project have never been about our corresponding process but about the process which led to the project application being submitted for that block. Their invention of a land option process to make the block available to ActewAGL has been astounding. The Auditor-General notes on page 46 of her report:

This approach was not appropriate for government dealings at arm's length with ActewAGL as part of the private sector consortium, and could expose the agencies to the risk of inadvertently disseminating relevant information that is not normally available to non-government entities. Similarly, government agencies on occasions involved ActewAGL as one of the government agencies in coordinating comments and inputs into government submissions.

Unfortunately many of the problems this project has encountered could possibly have been averted had the development application been lodged just one week later under

the new Planning and Development Act. This new, current planning legislation has a clear process for site feasibility studies, including thoroughly exploring other sites. It is probable that the Tuggeranong site would have been looked at quite earlier. The fact that the Tuggeranong site was zoned broadacre and the new site is zoned industrial makes the new site far more appropriate for this sort of development.

Not only were there problems with the site selection process, but the Auditor-General's report raised significant concerns that the direct sale process offer of a block of land in Tuggeranong was outside the normal process, somewhat rushed, not well justified and documented. There was no comprehensive process of evaluation for the site selection process and land release.

We understand from the Auditor-General's report that ActewAGL was treated almost as a government agency throughout the project development process and other government agencies responded to ActewAGL's urgency with that in mind. It is one of the major concerns about this process that, from the outset, the focus seemed to be finding every way possible to expedite all processes and ironically this has possibly led to the situation we are in today, with a bill to enable it to be moved.

I would like to note that, in this project being moved to the new site, for expediency reasons the merit track is being used, when such a large-scale project should ordinarily be assessed under the impact track. We understand that processing this project under the impact track would cause long delays and thus the EIS data will be transferred to the new site wherever possible. However, we need to ensure that this EIS process is done properly without any more of these improper side steps.

One of the positive effects of moving the data centre off the Tuggeranong site is the reduced direct impacts on the health treatment facility nearby. Given that there is a zoning loophole in regard to the health facility whereby it is in broadacre zoning, which allows more noise than residential areas, I have grave concerns about the likely impacts of excessive noise, especially during construction but also during operation, as well as the additional traffic and lights. Given that the new site is zoned an industrial area, there will hopefully not be the issues of noise and visual amenity which there were with the Tuggeranong site.

One interesting outcome from the EIS of the Tuggeranong site released last month was the finding of the Aboriginal heritage assessment. There were significant artefacts found through this assessment—34 stone artefacts in one plot and 16 in another—which was right in the middle of the proposed development site. If the proposal had still been for that site, further investigation would need to have been carried out. These sites would probably be included on the ACT Heritage Register and consideration would need to have been given to the design to avoid or reduce impacts upon the plot sites.

Further archaeological investigation and salvage of these sites now need to be undertaken on that site by qualified archaeologists and approval from the ACT Heritage Council needs to be given before any development on that site can occur. Given this information and the fact that another site in Hume was rejected due to its archaeological heritage values, I do wonder whether these findings helped influence the proponent in agreeing to another site.

As well as benefits to the neighbouring community and the health facility, another positive gain from the data centre being moved is that the horse paddocks, horse trails and walking trails will be retained. I do hope that, now a fairly thorough environmental study of the area has been done, local landcare groups and paddock users will work towards rehabilitating some of the upper area on the hill and extending the buffer to the endangered woodland adjacent to the site. It is hoped that the government will find a more suitable use for the original site in a broadacre zone in close proximity to residential houses and a buffer zone for an endangered grassy woodland nature reserve.

I am interested in how the noise modelling will be transferred to the new site, as I do have concerns about noise levels in any scenario where bypass stacks are used. Any scenarios which do not use absorption chillers emit more noise at a range of frequencies and there would need to be new modelling done to assess the impacts on the surrounding businesses and industries.

Certainly I believe that modelling in the EIS was inadequate, especially when it came to cumulative modelling of ambient construction and operating noises but also in modelling the effects on local Macarthur residents living behind the ridge. It is certainly a vast improvement that, with the new site, they would no longer need to worry so much about construction noise levels exceeding designated noise zone criteria and the fact that local residents would have had to put up with construction noise starting at 7 am each day.

Even with the project being moved to another site, it is very important that the recommendations of the health impact assessment are taken into account. These recommendations and those of the social impact assessment will need to be followed closely.

There are concerns with the plume study. The plume modelling shown in the EIS was cause enough for concern. However, there were some major flaws with it and, when done properly with a good base starter, we will have a better idea of what the real health impacts of the gas turbines will be. We have been advised that the proponents will undertake another plume study, which we are keen to see soon, and hope that it will bring us closer to an accurate understanding of the pollution characteristics of this development.

Legitimate concerns have been raised regarding the lack of data and smaller sized particulates that are emitted by gas-powered generators. And I will be keeping a close eye on the data being collected on the 2.5-micrometre particulate pollution. Particulates of this size go deeper into the lungs and are potentially a more serious health risk than the larger 10-micrometre particles that were assessed in the original plume studies.

Although it is agreed that gas is a transitional fuel, renewable energy, including solar, was written off without sufficient analysis. And for future power stations it needs to be looked into. Given that we now have a new department of climate change and that we are about to embark on a project of new solar energy farms in the ACT, perhaps this is something that can be looked at into in the future.

There also have been concerns raised in relation to the ability of the ACT to adequately assess climate change impacts. I would also hope that, with the formation of the new climate change department, we develop guidelines and expertise in the ACT to assess climate change impacts and developments.

In conclusion, the Greens will support this bill today. However, we would like to ensure that this flawed process will never happen again, that the Auditor-General's recommendations are applied, that the HIA recommendations are taken into account and applied and that there is ongoing monitoring of data on 2.4-particulate pollution. I also advise that we will be supporting the opposition's amendment regarding clause 9.

MR SMYTH (Brindabella) (4.44): Almost eight months ago, I proposed to this place that the proposed data centre and power station be moved and I tabled in this place legislation to enable that to happen. And the purpose of that was to end the angst and the destruction of a community that has consequently suffered for almost eight months because of the arrogance of our Chief Minister. This could have happened in May.

But we are here today. I am pleased we are here today and I am pleased that sense has been seen and I am pleased that our process is being followed, but we could have saved a community and a lot of households a lot of angst because the government followed flawed processes. And there is still some angst out in the community, particularly against the definition of a communications facility and particularly about the lack of clarity as to what will the size of the power station on this site be.

I would ask the Chief Minister whether he would, when he finishes, give the community his assurance that it will not be any larger than the 28 megawatts dictated in the current DA. The community is very concerned, Chief Minister, and I know you want to address those concerns. So I look forward to hearing from you your assurance that nothing bigger than that which is currently proposed will be allowed on this site. It still causes an immense amount of concern. The other area of concern which will be addressed by the removal of clause 9 is, indeed, the definition of communications facility.

It is interesting, Mr Speaker, that a number of us this morning—and you are at the top of the list: Shane Rattenbury, Meredith Hunter, Le Couteur, Bresnan, Coe, Dunne, Hanson, Doszpot and Smyth—received an email from the president of the Gungahlin Community Council. The Chief Minister has tried to portray this as a localised problem, a bunch of NIMBYs trying to protect their house values. He has not been able to make that case because it is simply not true. But here we have an email which a number of members of the opposition and the crossbench have received which clearly points out the concerns. Its subject is:

URGENT: Data centre enabling legislation problem...I understand you are to debate legislation to enable the relocation of the Data Centre to Hume, and that this legislation includes a number of auxiliary provisions including:

9 Use of land—To remove any doubt, a data centre and gas powered co-generation facility is a communication facility.

It goes on to say:

I see a big problem with this.

This is at the nub of the problem that we all saw—all of us bar the Labor Party and the Chief Minister—in this. The email is there, Chief Minister. If you are interested, I can arrange for you to have a copy of this because it is important. To portray this as a problem for the people of Macarthur is wrong.

This is a problem, because of your mismanagement, that stretches right across the ACT, to the far end of Gungahlin, to the west of Belconnen, because people are concerned, because people do care. People move and live here because we are the bush capital and we have a planning system, a system which your process, I believe, has sought to subvert. If you could please give a guarantee at the end —

Mr Stanhope: I would be pleased to see the letter too, Mr Smyth, if it is convenient.

MR SMYTH: I will get you a copy. I seek leave to table the letter, for the interest of members. A copy can be provided to the Chief Minister.

Leave granted.

MR SMYTH: I present the following paper:

Proposed gas fired power station and data centre—Copy of email to ACT Liberal and ACT Greens MLAs from Mr Alan Kerlin, President, Gungahlin Community Council, dated 11 December 2008.

I seek leave for inclusion of the email in *Hansard*, Mr Speaker.

MR SPEAKER: Mr Smyth, as I am sure you are aware, there are guidelines for the inclusion of such documents in *Hansard*. I will seek advice on those guidelines.

MR SMYTH: I withdraw that request. I have tabled it. Those members that have not received it and that are interested can get a copy from the Clerk, just for the sake of process.

Then we get to the report that came out yesterday, that looked at this whole process and that has basically led to this bill. For those that were not in the last Assembly, the public accounts committee, which I am sure will take just as strong an interest in the role of the shareholders in various government-owned corporations, tabled a report on the Rhodium fiasco that this government presided over. Fundamental to the failure of Rhodium was the failure of the shareholders.

I am not very surprised but there it is on page 20, paragraph 2.53 of yesterday's report.

Mr Seselja: This is Jon and Katy?

MR SMYTH: This is the Chief Minister and the Deputy Chief Minister, the Stanhope government. The report states:

The government has the role of shareholders of ACTEW.

They are the shareholders. I continue:

There was no evidence that the shareholders, or ACT Treasury, in its monitoring role of ACT government business enterprises, sought advice from the ACTEW Board on its views of the proposal, the business case and any risks this proposal may present to ACTEW. This is despite the fact that in the original proposal (which included the peaking power station), ActewAGL was expected to have a significant investment in the proposal.

So we have this failure of process inside the government. But what the Auditor-General alludes to here is that the shareholders in Actew did not do their job. She goes on to say:

Actew advised Audit that:

The Actew Board was appraised of the project and considered papers on two occasions, in December 2007 and April 2008. The Board only agreed to provide funding of \$300,000 to the development of the business case. There was no decision, and there have not been any since that time, by the ACTEW Board to invest in infrastructure or land.

So where is the probity? Where is the governance here? Where are the shareholders who, in this case, are particularly important as there are only two of them and they hold all the shares? Where are they and are they doing their job? They are nowhere to be seen. There was Rhodium. Now we have got the power station. I see a pattern here of neglect from the shareholders.

The audit report makes a great deal about the process, and it is interesting because the Chief Minister ignored the advice of his own department. If we go to page 17, at paragraph 2.34, it states:

In June 2007, the Department of Treasury...expressed caution in relation to the project and noted that 'while the existence of external investors may give some comfort in regards to the merits of the proposal, this was also thought to be the case with the Government's \$60m investment in Transact' (which now had significant diminished value).

So, the warnings were there but they were ignored. Paragraph 2.35 states:

ActewAGL prepared an economic impact statement for the initial CTC proposal. Treasury indicated its view that that this document was unreliable, and suggested a cost benefit analysis be included in the CMD brief to the Chief Minister. Treasury and ACTPLA also questioned if the need—

and this is the nub of it—

for a direct land sale had been established. However, Treasury suggested reserving the land for 14 months to enable ActewAGL to put together its business case.

The report then goes on and there are some other interesting things over the page. In paragraph 2.36, it states:

ActewAGL stated the value of the original CTC project to be around \$2 billion. The Government quoted these figures—

in this case, the government being the Chief Minister who was delighted to quote them—

in various forums without testing them.

That is the limit of the process that we have here. And I think it is very important that these things be pointed out.

The other important part of the Auditor-General's report is about community consultation. It is a shame Mr Hargreaves, a member for Brindabella, is not here, because his part in this has been shameful. I have a number of constituents who have now come to me to say Mr Hargreaves will not speak to them because they belong to CPR, because they express a view different to him. So I question Mr Hargreaves as to his role in this place and how it is you get to select whom you represent and whom you do not. When your constituents come to you, you have got an obligation; that is what you are paid to do, look after them. If there is a problem there, then he needs to make it clear.

It is the antithesis of what is wrong with this government. We only talk to people we like and people who agree with us. So we have got a whole community out there, members of CPR, whom John Hargreaves is refusing to represent as their member. That is absolutely shameful but it is so typical of this government who, when they had their majority, refused to listen to anyone.

They rewarded John Hargreaves for his listening. He was elected second in 2004 in the seat of Brindabella. That position was very well taken by my colleague Mr Doszpot, who was elected second, and John Hargreaves and the other Labor member were relegated to fourth and fifth. The community knows what is going on.

You can read the Auditor-General's report for yourself about the refusal to consult, the refusal to listen and the failure of the government, in particular the members for Brindabella. One got relegated to fourth and, congratulations, Ms Burch, you replaced the other one. He ain't with us because he refused to stand up for his members.

Ms Burch: And your vote locally, Mr Smyth?

MR SMYTH: There we go. You are here and Mr Gentleman is not. It is an indictment of those members. The problem for people is: we do not know what the problem for Mr Hargreaves is on this issue. The problem for Mr Hargreaves is: he has to come out and tell us exactly why he will not represent anybody that belongs to CPR.

I think it is important that we look very, very closely at the relationship between ActewAGL and the government, the unclear roles of government departments and, in particular, the failure to act in the first instance and the failure to inform and represent the community. Again the report is littered with references to where the community felt that they had been sidelined, where they felt that they had been ignored. When they or bodies that the government put in place were getting too close to the truth they were simply shut down.

The government overreacts and puts in place a health impact assessment to try to take some of the heat out of the situation, but when the independent members on the health impact assessment start saying, "Hang on, we have got serious concerns," what happens? They get sacked. The health impact assessment is taken over by somebody else and we get a second process, which is the EIS, something which the government for a long time refused to do but then, in their desperation, attempted to do.

There is nothing in this entire process that puts any glory on the government or should give anybody confidence in this government to handle major infrastructure projects. They did not get the right numbers. They quoted numbers without validating them. They did not listen to Treasury. They did not listen to officials. They did not have processes in place and, most of all, they refused to listen to the community.

You have to remember that this is a community that told the government in 2004 they did not want the enlarged Karralika facility; they were happy for the existing facility but they did not want it any bigger. But the government at Christmas tried to sneak that one through. This is the government that wanted to initially put the prison there but the community reacted and said, "No, please, it's a horse paddock. Leave it as it is." This is the government that wanted to put a dragway there. That was a great meeting at the Vikings Club. There were 1,500 people—600 people inside, 900 people outside—trying to send a message to the government, "Listen to us. We appreciate our bush capital; we appreciate the planning processes that we have. Leave us alone."

You wanted Karralika there but you did not get your way. You wanted the prison there but you did not get your way. You wanted the dragway there but you did not get your way. Instead of taking the message, what do you do? You ramp it up. "We'll give you a data centre with a bonus power station." You have to listen to the community. I think what the Auditor-General's report highlights quite comprehensively is the failure of a government to listen, and that is why we are here today.

It is an important day. As we have said from the start—and let me make it quite clear again—the Canberra Liberals were in favour of the project but not on that site. And our position has been validated by the Auditor-General's report and our position today is validated by the fact that we are discussing a bill to remove it from that site to a more appropriate site.

It is a more appropriate site because it is zoned industrial. It is what it was put there for. It offers the certainty that the territory plan should offer to development. It offers a process that should be easy to get through, instead of the tortuous process that the government put in place.

That being said, I will simply close and again inform the Chief Minister that there are two major concerns in the community that remain. The first is the nature of clause 9 and its definition of a communications facility, which will be addressed, because that will be removed. So no precedent will be set and things will be answered.

The second is the size of the power station. I would like again to ask the Chief Minister, when he concludes, to give a guarantee about the size of the power station. He will not tell us what his understanding of the power station on that site will be and what size he will allow, but what we want—

Mr Doszpot: Some comfort.

MR SMYTH: No, it is not comfort. I am sure he would like to give comfort but we want certainty. In particular, the people of Tuggeranong want certainty as to what is entailed in this bill today. So we will look for that certainty from the Chief Minister when he concludes.

MR DOSZPOT (Brindabella) (4.59): Before I make a few comments, I would like to put on the record something which I think is important. I had joined the CPR—that is, Citizens for Power Station Relocation—as a concerned citizen, while I was a member of the community, prior to being elected.

My colleagues have already covered all of the details to do with the technicalities and the lack of consultation that has occurred or not occurred in this case with the community. I would like to underline what Mr Smyth said in regard to the concern of our community. There is huge concern in the Tuggeranong community about the issues that we have been discussing so far this afternoon.

Chief Minister, I guess this is very important from your point of view: I have received representations from my constituents in Tuggeranong regarding their concerns about the proposed Hume assessment facilitation bill. They have been overwhelmed with considering the 162-page Auditor-General's report, which was tabled only yesterday, the proposed legislation, the Hume assessment facilitation bill, and the response to the draft ESA, which of course is due tomorrow.

Despite letters and emails sent to the Minister for Planning and to you, Chief Minister, requesting guidance and extensions of time for the community to consider and respond to these important documents, the community has not received any response or guidance from the government—no response whatsoever. The community has not been consulted or involved in any of the discussions around the creation of this legislation. Their concern, Chief Minister, is real. This is not a group of five, six or 10 people, which is the propaganda that we keep hearing about. This is a community that is expressing deep concerns regarding the details and the intent of the proposed legislation. They have sent details of these concerns to us, to the Greens and to your MLAs, including Ms Burch, who also represents Brindabella and the Tuggeranong community.

These concerns focus on the lack of definition around what constitutes the development. They also detail, amongst other things, that this legislation, if passed,

will allow for ongoing unspecified development on any block of land anywhere in the territory, provided that it claims to be associated with the Hume development, within the merit track for developments, with no right of appeal.

Chief Minister, these are concerns on which your constituents—you represent all of Canberra as well—are very interested in hearing from you, and the silence is deafening. They are concerned about the fact that not only are they not listened to but they have been crossed off the radar as far as you are concerned. I simply wish to make a plea on their behalf in this instance to listen to the community. You did say that there were lessons to be learnt out of the last election. Chief Minister, I issue that plea on behalf of my community to listen to what they are saying.

MRS DUNNE (Ginninderra) (5.02): Gee, it's a long time coming. I think the situation that we are in today, with this eleventh hour fix-up from the Chief Minister, reflects extraordinarily badly on the Chief Minister personally and on the whole of his government in the last Assembly, because as soon as the community and members of the Assembly became alert to this issue, the Liberal opposition acted thoroughly, expeditiously and carefully to try and improve the situation for the people of the ACT. In the process, it may have helped to let Mr Stanhope off the hook. We put together a process, and Mr Smyth led a process, that would have made this situation a lot easier a lot earlier. Mr Smyth in, I think, April this year introduced a bill which does pretty much the same thing as this bill does. What it does is to facilitate the movement of the development application from one site to another.

I cannot recall the number of times Mr Smyth offered the Chief Minister a briefing on his bill. I understand that Mr Barr did Mr Smyth the courtesy of receiving a briefing on his bill. I sat in the estimates process with Mr Smyth; I have sat in here with Mr Smyth over the ensuing months and I cannot count the number of times—there were many—when Mr Smyth said: “I think I've got the solution, Chief Minister. Why don't we sit down and talk about it?” But no, Jon Stanhope barrelled on through here. And what we had delivered to us yesterday, quite fortuitously, is an independent assessment—not an assessment by the Liberal Party, not an analysis of the documents done by Liberal Party staff or anything like this, but an independent assessment—by a highly principled, highly skilled and, for the most part, highly respected public official whose job it is to report to this Assembly.

And what did the Auditor-General tell us? The Auditor-General told us—I will give a summation—that this was a flawed process. It was not at arm's length. There was not enough information collected by the government. The government, while failing to be at arm's length, embraced a project which may be of value, but they did not know because they did not have an independent assessment of that. As a result of that, and many other things, there were months of obfuscation, deception and the misleading of the community. There was the shameful process whereby a highly respected official was contradicted by another official in the estimates process—and you were there, Madam Deputy Speaker, when we had to recall a whole range of officials and the Chief Minister to come back and give evidence to estimates because these people eventually wrote to you as the chairman and said, “We got it wrong.”

Their getting it wrong essentially amounted to the fact that one person gave his assessment of what happened, he was directly countermanded by another official, and

he was forced to change his evidence before the estimates committee. I think that the treatment meted out to that official was shameful. I have said it; I said it in the estimates process, and I will say it here again. The treatment of officials who did not give the right answers according to the wont of the Chief Minister was disgraceful. In my experience of 17 years as a federal public servant, five years as an adviser in this place and seven years as a member of this place, I have never seen a public official so shabbily treated as I saw that day. Every member of this Assembly and every member who was associated with this needs to apologise to him and to his organisation for the way he was treated that day. It was shameful.

The Chief Minister sat there and let it happen, and he had to be recalled. I think that it was an absolutely disgraceful episode. It was one of a number of disgraceful episodes which culminate in this today. We have got criticism after criticism in the report:

Government agencies relied primarily on ActewAGL, which acted on behalf of the consortium, for any pre-Development Application consultation, and this did not properly occur ...

Government agencies did not always exercise care to ensure arm's length dealings with ActewAGL, and its consultants.

You can open this report at almost any page, Madam Deputy Speaker, and you see a criticism of the process—a process that this Chief Minister, the planning minister, the Deputy Chief Minister and the Attorney-General have all supported time and time again. They all stood shoulder to shoulder and said: “It’s a great process. How dare anyone”—how dare the members of the community, how dare the members of the opposition, how dare the Green member who was here in this place—“criticise this process, question the process, raise concerns that the community raised? How dare they do that.”

This was inappropriate political interference in an arm's-length process. The Auditor-General tells us that the people who had their arms in this up to the elbows were the government. The government time and time again have been criticised for not being at arm's length. Of course, today we have heard from the Chief Minister. I heard reference to him on the radio, I think on the 7 o'clock news, and the Chief Minister said he accepted all the recommendations of the Auditor-General's report. I thought, “Gee, at last, he's admitted that he made a mistake.” But by quarter to nine or thereabouts, when he was being interviewed on Radio Triple 6, he had already resiled from that, and he was saying, “Look, I agree with everything, but the Auditor-General is wrong headed, in the same way as I accept that we did something wrong, but the Auditor-General is much more wrong than I am.”

There is a pattern of behaviour here. It is the same as I pointed out in question time today. It is the same as when the Chief Minister criticised the Coroner. In the same way, before the Chief Minister actually saw the recommendations of the McLeod inquiry, he said, “I accept all the recommendations in the McLeod inquiry,” and here we are, nearly six years after the fires, and most of those recommendations have either been ignored or repudiated.

Mr Seselja: Won't he accept the responsibility for the—

MRS DUNNE: Again, Mr Seselja reminds me, after the fire, it was a matter of saying: “The buck stops with me. If you’re going to blame anyone, blame me.” That was a good sound bite two days after the fires, but he didn’t actually carry through with that. In the same way, he was chastened at 7 o’clock this morning on ABC radio, but by quarter to nine he had got over his remorse and he was out again, fighting with the Auditor-General.

I think that the Auditor-General in the ACT is very brave. Auditor-Generals often cause governments problems. They criticise governments. That is what we pay them to do. I do not know of another jurisdiction in this country where the Chief Minister or the Premier would go after the Auditor-General in quite that way.

Mr Doszpot: Or a coroner.

MRS DUNNE: Or a coroner. Of course, we know exactly in what regard this government holds the Auditor-General because she came to the government before the last budget and said, “I don’t have enough funds to do my work.” The public accounts committee said: “We agree with the Auditor-General. She should have an increase in her funds.” Every party represented in this place, except the Labor Party, agrees that the Auditor-General does not have funds. This is one of the things that I will be watching in the run-up to the next budget: will this government have the intestinal fortitude to properly fund the Auditor-General after she has criticised them so much? We will watch this space. It will be a test of the character of this Chief Minister—will he have the guts to do what is necessary and fund the Auditor-General, or will he try and stifle her by cutting off her funds?

We are here today doing something that we could have done in April. Mr Smyth had the solution, which is essentially the same solution as we are dealing with today. We could have done this in April. We could have been through the process; the whole thing could have been approved. It may not have been an election issue. Jon Stanhope made it an election issue. It would have continued to be a thorn in the side of the people of the ACT, except that Jon Stanhope has learnt one thing from the election result, and only one thing—that seven does not beat 10. He has seven votes in this place, and the only reason we are here today implementing the Liberal Party’s solution is that he has no alternative. This is not some Damascus-like conversion; this is not the Chief Minister saying: “I was wrong. I’ve misled the community. I’ve allowed people to be badly treated. I’ve sat by and watched officials pilloried.” This is not the Chief Minister having a change of heart. This is the Chief Minister learning to count.

There is one point amongst all the other points in here that are alarming, and my colleagues Mr Seselja and Mr Smyth have referred to many quotes from here. This may be tangential, but I will put it on the record because it concerns me considerably. At paragraph 2.54 on page 20, in relation to the involvement of Actew, the Auditor-General says:

ACTEW advised Audit that:

The ACTEW Board was appraised of the project and considered papers on two occasions, in December 2007 and April 2008. The Board only agreed to provide funding of \$300,000 to the development of the business case. There

was no decision, and there have not been any since that time, by the ACTEW Board to invest in infrastructure or land.

I raise this because, on 12 August at 10 o'clock, I had a meeting with the incoming CEO of Actew, who had just taken it up, on the ninth level of ActewAGL House. I went there and attended that meeting. I was accompanied by a member of my staff, and we had a very pleasant meeting and talked generally about issues. One of the take-out messages I got from that was that Actew had just invested in a very large block of land in Williamsdale. The incoming head of Actew and I actually had a discussion about what might be done on that land, what was the time frame for that, and, in the meantime, how Actew would have to be a good leaseholder in the ACT and ensure that the place was weed free and vermin free and that it was properly managed as a rural lease in the meantime.

I do not know whether I have stumbled across something or not. I just leave it there for members to contemplate, because the Auditor-General was told that Actew has not bought any land in relation to this. There was considerable discussion at the time that land had been purchased to build the alternative power station. My senior staff member at the time and I were told by the incoming head of Actew, on 12 August this year, that Actew had bought a block of land there. It is something that I will be pursuing because I hope that the Auditor-General has not been misled on this occasion.

This bill is an important bill. Mr Seselja has pointed to the opposition's concerns about some of the content, which will be addressed at greater length in the detail stage, when we get there. As has been said, we support the bill. We supported the concept of doing this back in April, and the real shame is that we had to wait so long for this to happen.

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 (5.17), in reply: I thank members for their contributions. During the contributions there was a position put that suits the perspective of those that have made a contribution, and I do not think there is anything much to be gained by me seeking to rebut, point by point, the essentially politically self-serving views that have been expressed in relation to this particular development. I will not take up the time of the Assembly to do that, although the temptation is great. I am mindful that this is the last sitting day before Christmas, and that we have a very important bill to debate post the passage—or what I hope will be the passage—of this very important piece of legislation.

I think it has been a sorry episode. Certainly, I think each of us has probably learnt through the process; I certainly have. There are things that I have learnt, that I take on board, and that I will respond to. I would hope that every member of this place that has had something to do with the fact that we are here today debating this piece of legislation would also reflect on their role in this matter.

A couple of issues have been raised which I am happy to respond to. One issue which Mr Seselja raised was in relation to clause 9. I take the point that is being made in relation to this. I must say that it is an issue that we discussed in the preparation of the bill. I can say quite genuinely that the position that the government took was to seek

to provide some certainty that reflected the government's position and interpretation of "communications facility". I say that on the basis that ACTPLA's firm view is that it is a broadacre sustained communications facility, and the definition of "communication" or "communications" actually grows as our language and technology grows. The word "communication", at the time that the territory plan incorporated it, did not imagine or envisage data centres. Of course, they simply did not exist. The law grows, and language within the law is interpreted according to changes in language reflected by changes in technology et cetera.

It was a genuine attempt or desire by the government to provide some clarification around its understanding of the meaning of the term. I understand that there are some that think otherwise. The government has legal advice which suggests that the interpretation that we apply is the appropriate and correct interpretation, but I do not dispute the position that is essentially put by Mr Seselja, the Leader of the Opposition, in the amendment that he proposes in order to remove it. We are quite comfortable with that, accepting that this is a conversation and a debate which we will have on another day as a result of another process.

Let me assure members that the government's intentions were simply to provide some certainty around this issue where there has been uncertainty. So we are quite happy to support the removal of that provision, and we will support the amendment that the Leader of the Opposition has circulated. The Leader of the Opposition has also circulated an amendment to the—

Mr Seselja: Do you know there's an update to that?

MR STANHOPE: Yes, I did see it. The Leader of the Opposition has circulated a second amendment, to the preamble. I must say that the update is far more reasonable in the eyes of the government than the original. Having said that, the government will not be supporting it. The government's position would be one that would either maintain the existing preamble or simply do without one altogether. We will oppose that particular amendment.

As Mrs Dunne has so succinctly pointed out—a point that she seems to think we have not grasped—we can count, at least to 17. Having said that, I thank members for their contributions.

Mr Seselja: The issue of—

MR STANHOPE: There was the other issue, too; you are quite right. I can understand continuing concerns. I can give my understanding of the proponents' intentions, but it needs to be understood that these are matters essentially on which governments do not have a power to direct. But to the extent that there is a concern that this project on this new site does not suddenly morph into some large gas-fired power station of itself is, of course, a reasonable concern. So I sought some advice on the issue. Mr Seselja did me the courtesy of informing me earlier that he would be raising this issue today. So I did seek some advice, and the advice has come to me from Mr Cappie-Wood, the head of the Chief Minister's Department. His advice is to inform me that there is no variation in the co-generation power capacity proposed for the new site. Details of the proponents' intentions are contained in the EIS that is

currently on exhibition. The proponents in that propose an operating power supply of 28 megawatts.

The advice I have—and it would certainly be my expectation and my hope—is that that position does not change, does not vary. I have no reason to believe that it will. I would stand, at this juncture, in relation to the history of this debate, with those—including obviously those in this place—that would not wish to see that position change. That is the position which the government is prepared to share with other members of the Assembly having regard to the history of this matter.

Having said that, I need to reiterate that I cannot go around directing that proponents not seek, at some future time, to change, but that is my understanding. Certainly, I have sympathy with the view—

Mrs Dunne: Then they can go through the—

MR STANHOPE: Yes, it would have to go through a process. All I am saying is that I have no information available to me, nor does the head of my department, to suggest that the proponents intend anything other than what has been represented in the development application. I thank members for their contributions to the debate and look forward to the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MR SESELJA (Molonglo—Leader of the Opposition) (5.24): The opposition will be opposing clause 9. I have flagged the reasons for this, and the Chief Minister touched on them in his closing. It is worth just mentioning the Auditor-General's report on this at page 26:

Audit noted that at this stage, the possibility the data centre was a communication facility was not envisaged by ACTPLA.

It is fair to say that that is conflicting advice. CPR received counsel's advice prior to the election saying that the communications facility would not include a data centre and gas-fired power station. There is a concern in the community if this clause were to go ahead that this would set a precedent, particularly in broadacre. The concern is not industrial, because we have seen data centres with some cogeneration capacity, I understand, approved in Fyshwick, in Hume, and in Mitchell. So in industrial areas these projects have gone ahead. They presumably have been under warehouse. We asked for some clarification about whether any had been approved as communications facilities, but to date, to the best of my knowledge, we have not received any information giving out a list of those.

A very strong concern in the community was that if this clause were to go ahead it would set a precedent for what a communications facility is and would therefore open up the prospect of broadacre being used for data centres or gas-fired power stations in the future. For that reason we will be opposing the clause. I understand the Greens and the government will also be opposing the clause, so I thank members for their support.

MS BRESNAN (Brindabella) (5.26): The Greens are pleased to support the removal of clause 9 because it has too wide an impact. It may be reasonable to have the argument that a data centre with gas-fired cogeneration is by definition a communications facility and that consequently any land zoned as broadacre in the ACT is an appropriate site for such a facility. We do believe it is important to have a clear definition for data centres. However, the time or occasion for that debate is not when we are supporting legislation which is otherwise site specific and which seeks to ensure the proposed data centre development will be assessed under the merit track of the Planning and Development Act for a specified industrial site in Hume only.

MR SMYTH (Brindabella) (5.27): It was interesting to hear the Chief Minister in his conclusion reiterate that it is ACTPLA's firm view that this is a communications facility, because clearly the Chief Minister, as he has done with so many reports, has not bothered to read the report. If you go to page 26, paragraph 3.9 states:

ACTPLA advised CMD on 28 August 2007 that the CTC proposal may only be allowable if it was considered a scientific research facility rather than office use. More information was required on the equipment and activities to confirm whether the proposed project met the definitions of the allowable uses contained within the National Capital Plan and Territory Plan.

Paragraph 3.10 states:

Audit noted that at this stage, the possibility the data centre was a communication facility was not envisaged by ACTPLA.

That is ACTPLA's firm view. There it is in black and white. That is what they told the Auditor-General. It is just extraordinary because the next paragraph says:

After this advice was provided, CMD contacted ActewAGL on 30 August 2007 to obtain further information as requested by ACTPLA. ActewAGL responded on 31 August 2007 stating that the data centre was a communications facility, and supported this with a brochure that outlined the nature of the 'communications infrastructure' within the facility.

We are now running the territory plan by brochure! So if you want to get something through the ACT Labor Stanhope-Gallagher government just produce a brochure.

Mrs Dunne: Preferably with a jingle.

MR SMYTH: And, indeed, if you have got a jingle, that apparently goes down pretty well too. It is interesting that when you go to paragraph 3.12 the auditor notes:

Part D of the Territory Plan 2002 sets out definitions for a ‘communications facility’ and a ‘major utility installation’ as per Table 3.2.

She concludes:

... the classification of the data centre as a communications facility appears more ambiguous.

She lists what the facilities that are expected to go in a communications facility classification are. Mobile phone antenna—it is not that. Satellite or microwave dish—it is not that. Radar equipment—I do not think so. Aviation navigation communication—definitely not. Space tracking facility—I must have missed that one. Telecommunication facility depot—it is not a depot. Television/radio broadcasting facility—it is not doing that. Australia Post facility, depot—it will not be wearing the little red logo. Then there is a telephone exchange or Australia Post exchange. Any reasonable reading of this definition within the territory plan says that a place where you store data is not a communications facility.

The definition of “major utility installation” we probably do not have a problem with because it lists some of those things, but it then says that ACTPLA said you need to look at the national capital plan. The national capital plan defines a communications facility as a facility for the purpose of transmitting airborne signals using radio masts, towers, satellite disks and the like and includes Australia Post and telecommunications facilities and television/radio broadcasting facilities. I am sure members will have read it and I hope the Chief Minister does, because residents—and this is what angered them right from the start—could not see how the definition of the data centre was consistent with a communications facility.

The group Canberrans for Power Station Relocation had to go to the expense of getting their own legal advice, which indicated that the data centre component of the development is not a communications facility within the meaning of the territory plan. And that is the problem we have got here.

Mr Seselja and I had a briefing last week from the head of the Chief Minister’s Department, and I am grateful for that briefing. The comment was made by the head of the Chief Minister’s Department that of course a number of data centres had been approved as telecommunications facilities and some as warehouses. So I said: “Fantastic. That will make life easy. Give us a list. Can we have a list of that?” The reply was, “Of course you can have a list of that.” We had to send a reminder to ask for that list but what we got back was quite interesting, because it details the land use lease purpose classification covering other data centres in the ACT. It does not say that any of them were approved as a communications facility.

We sent another email saying, “Which of these were actually approved as communication facilities?” We are yet to have an answer to that. I would have thought that, if you had examples that went through the process as telecommunications facilities, that data would be reasonably accessible. But we are yet to receive that, and that is unfortunate.

I am pleased that the Chief Minister and the Greens have agreed that this clause goes, because when it goes it will take a lot of angst out of the situation for many residents. As I said when I tabled the communication from the Gungahlin Community Council, they told me I should spread it far and wide and maybe I should insist that it be included in *Hansard*.

The concerns are not of a NIMBY-like group of residents, as the Chief Minister has said on so many occasions over the past eight months. This concern is spread across the ACT. People are afraid that under a Stanhope-Gallagher Labor government these things might pop up in the block next door to them—anywhere. What we do as an Assembly by removing this clause is send a very clear message that we support the notion of the bush capital as a planned city and that this Assembly will stand up for the rights of residents to live in that planned city. So I am very pleased to be able to vote to remove the clause, as I am sure just about everybody else in this place is.

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) (5.33): I have just a couple of points of clarification in response to Mr Smyth's comments, but I do not want to delay members; I really am anxious for us to get on to the appropriation bill.

The first is that Neil Savery, the head of ACTPLA, has confirmed today, in discussions and advice that I sought in relation to the proposed amendment which we are currently debating and in response to a request for just some clarification around the issue and the section, that it is the view of ACTPLA—and I have written advice from Mr Savery today saying it is Mr Savery's—

Mr Smyth: Can you table the advice?

MR STANHOPE: No. I have a note to me from Mr Savery, signed by Mr Savery, saying it is ACTPLA's view that the data centre falls within the definition of communication. Look, this is—

Mr Smyth: Can you table that?

MR STANHOPE: No, I will not; it is a note to me.

Mr Seselja: Read it out.

MR STANHOPE: I have just said it: ACTPLA has senior legal advice that it is reasonable to consider the data centre under the definition of a communication facility. It is entirely consistent with what I just said—that this is the view of ACTPLA. But this is academic. This is a completely academic debate here now. The government's position is, the position of ACTPLA, is that a data centre fits within the definition of a communications centre. Mr Savery has confirmed to me today, in writing, that that is their view. That is what I said.

Mrs Dunne: When did you twist his arm on that? He certainly did not say that at the public meeting.

MR STANHOPE: Yes, I did. I said that. This is an entirely academic discussion. I am more than happy to have it, just to put in some context here what it is that we are debating.

It is the government's view, accepting that there is a contrary view, that a data centre is a communications facility. In the context of the current site and this legislation, the point is irrelevant. That is why the government have agreed to support the Leader of the Opposition's amendment, because in the context of the legislation we are debating today it does not need to be included. That is why I said earlier, in closing the debate at the in-principle stage, that the government's willingness to agree to the amendment which the Leader of the Opposition proposes is that, to all intents and purposes, it is irrelevant to the end that we are seeking to achieve today.

I went on to explain why it was that we included it in the first place, which was to express the government's view that a data centre fell within the definition of a communication facility. That is our view. It remains our view. But we are happy to enter into this debate in the context of a change to the territory plan.

Including clause 9 in this piece of legislation was done in the knowledge that it would have no effect or impact. I just want to make the point—I understand people's concerns—that the inclusion of a definition of communication facility in a specific piece of legislation that is project specific and site specific and has a 12-month sunset clause will not affect in any way the definition of communication facility as it applies to broadacre. But we are happy to engage in that debate in a broad way. In fact, I think perhaps it is a very good, reasonable reference for us to make to the planning committee first up. Let us have a full robust inquiry into some of these issues.

I just wanted to explain the government's position in relation to this. We believe it is a communication facility. That is ACTPLA's view. That is the government's view. We accept there are other views and we are happy now to proceed to settle the matter once and for all. That was the rationale and the basis on which we proceeded in relation to this issue. I will conclude my remarks on that point. The government is happy to support this proposed amendment.

MRS DUNNE (Ginninderra) (5.37): In accordance with standing order 213, I move:

That the document quoted from by Mr Stanhope (Chief Minister) be presented to the Assembly.

Mr Stanhope: They were personal notes for my information, Mr Speaker.

MRS DUNNE: It looks like an email to me.

MR SPEAKER: Sorry, Mr Stanhope, I did not hear you.

Mr Stanhope: I said the notes that I referred to were personal notes provided for my information and I have no intention of tabling them.

MRS DUNNE: The standing order applies to documents that the member has quoted from. He said in his speech that he had received in writing today advice from the Chief Planning Executive in relation to this. Whether or not he has it in his hand or not, he has referred to advice and I would like them tabled.

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

Mr 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.

MR SESELJA (Molonglo—Leader of the Opposition) (5.41): I thank members for their support. I understand the Chief Minister's point in relation to the definition of communication facility. I think it is fair to say, though, that there is still a fair amount of ambiguity, and certainly it is a contested point as to what is a communications facility and what falls within this definition. But we do believe that it is very important that it is not contained within this piece of legislation because there is no doubt that when these issues are being considered this has the possibility of setting a precedent. It is a precedent that we do not support. It is a precedent that the community would be concerned about. That is why we have sought the removal of this clause. I thank members for their support.

Clause negatived.

Clauses 10 to 13, by leave, taken together and agreed to.

Dictionary agreed to.

Preamble.

MR SESELJA (Molonglo—Leader of the Opposition) (5.43): I move amendment No 1 circulated in my name [*see schedule 2 at page 455*].

We were interested to read the original preamble put in this bill. The preamble is essentially telling a bit of a story as to how we got to this point, and we believe that the story does not give all of the facts. There are a couple of important additions that we are seeking to put into the preamble. The first is that the original preamble talks about some members of the Legislative Assembly having expressed concerns. We believe that it should recognise that it is not just some members of the Legislative

Assembly who have expressed concerns; significant numbers of people in the community have also expressed concern, and that is specifically recognised in our amended preamble.

One of the problems during this debate has been an attempt by the government to isolate only certain people in the Assembly as opposing this development or to isolate people in the community who oppose it as simply NIMBYs or as only a very small number. Mr Smyth, I think, earlier pointed out, through the tabling of documents, that the concerns over this process go much, much further than just the residents of Macarthur and Fadden and surrounding areas.

The concerns went right throughout Tuggeranong and right throughout Canberra in terms of the process, because, if a process like this can occur where a development like this is imposed on the community in Tuggeranong, there is nothing to stop it happening in Gungahlin or west Belconnen or anywhere else. That is a fundamental point. Canberrans all over the place, even if this development does not affect them particularly, know that this would be a very poor precedent. So I think it is important that we put that on the record.

It is also important that we talk about issues around site selection, concerns about the site selection process raised in the Auditor-General's report, and about the fact that it was the role the ACT government played in the selection of block 1676 district of Tuggeranong that is really part of the rationale of why we would have site specific legislation.

This is a very extraordinary circumstance—this is something we would do only in very rare circumstances—but we believe it is justifiable in this circumstance because of the role of the government, because they got involved and they got it wrong. And because they played such a role we think it is just, in the circumstances, that the government and the legislature in this case play a role in fixing it. We believe it is very important that that is placed in the preamble. It tells a more complete story of how we have got to this point—through the failings of this government in not listening to the community and not taking into account the views of the community. That is even expressed in the current draft of the preamble. That is why we oppose it. That is why we want to add certain words. I ask members for their support.

MS BRESNAN (Brindabella) (5.46): The Greens are supporting Mr Seselja's amended preamble to this bill because it better reflects the sequence of events that led to this legislation. That is important because the preamble, while it does not change the law, is explanatory. The existing preamble seems to justify this specific time-limited bill on the basis that some members of the Assembly have expressed concerns. I do not believe that is an adequate rationale for this action. The substitute preamble provides a more reasonable and convincing rationale.

MR SMYTH (Brindabella) (5.47): I would just like to thank the Leader of the Opposition for his amendment. This whole process has been characterised for some time by the government as a political football that the opposition was kicking; it has been characterised as just a very small group of noisy people. But it was not, and it is not.

If we are going to put in preambles that attempt to tell a story, the story needs to be incredibly accurate. Perhaps there will be, further down the track, a discussion about what is the purpose of a preamble. But to insist that there were just some members of the Assembly who were opposed to the project is not true. It was never true; it is not true now. If we are going to have this practice, there is going to be a lot of discussion in the future in this place about the use of preambles and what goes into them. Preambles, I personally believe, should outline what the bill intends to do. To make comment in the way that it was made is unfortunate and just shows that perhaps the acceptance of what is going on is not as genuine as it could be by the government.

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) (5.48): As I indicated earlier, the government will not support the amendment. I do not have much to say about it. But the Minister for Planning just pointed out to me that he thinks there is an incorrect reference to the block as block 1671 whereas the motion refers to 1676. I am concerned that this has not been replicated through the bill, so it might just be a typographical error that needs to be checked. I think it might be worth checking for typographical issues within the bill itself, as well as clearing that up. As I indicated, the government does not propose to support the amendment and in that context we will vote against the preamble in its entirety when the vote comes.

MR SESELJA (Molonglo—Leader of the Opposition) (5.49): I thank the Greens for their support for our amendment. I do not know if there is a procedure for fixing those typographical errors.

Mr Stanhope: There is.

MR SESELJA: We would of course submit to that being done, if the block is incorrectly described, just to ensure that we get accuracy. Whatever the procedure is I am sure the Clerk will work through it. I thank the members of the Greens for their support. We believe it better reflects the story that is being told and that it is important that it does. It is the final chapter and I thank members for their support.

Amendment agreed to.

Preamble, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Appropriation Bill 2008-2009 (No 2)

Debate resumed from 9 December 2008, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.50): This evening the Assembly is in the fascinating position of having the Stanhope-Gallagher government introduce an appropriation bill,

and we expect, with the assistance of the Greens, that this bill will be passed without necessary scrutiny. I think that is a very scary abuse of the process in this place. I think it is a scary abuse of process in that both the Stanhope-Gallagher government and the Greens claim to be seeking increased accountability and transparency yet at the first hurdle they fail. The reality is quite simple: you cannot have it both ways. Either this bill is subject to scrutiny before it is passed or the Assembly is open to criticism for not properly scrutinising the spending of public funds. Why is the need for scrutiny so important? Fundamentally, it is to ensure that public funds are spent properly. We have to ask the question: are there any issues with this bill? The answer is yes; there are many.

I received a briefing on Tuesday and I thank the minister and her staff for the briefing soon after the bill was introduced. I thank the Treasurer. While I received much useful information, I also asked a number of questions. I understand there was another briefing yesterday for other members and they also asked many questions. We have since received some answers to these questions, but there are many answers outstanding. My office has spoken, both by email and by phone, to the Treasurer's office to seek answers to these and, again, this afternoon I got another answer, but there are still many fundamental questions that have not been answered and I would like those answers before I have to vote on something. I like to be informed and I will not be uninformed.

It is interesting because the Treasurer said that she would go to any extent that people want, within reason—within the test of reasonableness—so that, when the debate happens on Thursday, people will feel able to participate fully in that discussion. I do not believe I can participate fully in this discussion simply because I have not had my questions answered. It is as simple as that.

There is no analysis in this bill on the impact of the budget outcomes. Why not? Perhaps the government is too scared to tell the community how thin the surpluses will become. The Treasurer claims the bill delivers on election commitments. Let us look at that and work out if this is true. According to the analysis by Treasury before the election, there was \$6.4 million worth of commitments for the 2008-09 budget coming out of the Labor Party's promises. Yet this bill proposes an additional \$16.2 million of spending in 2008-09 and around \$4 million each year in the outyears. That additional \$16 million is \$10 million more than the Labor Party promised during the election campaign. So what has happened? The ALP promised additional spending of \$6.4 million in 2008-09, but indeed not all of the ALP's promises are included. Where is the \$84,000 for flora regeneration? Where is the \$10,000 for the youth achievers of Australia?

We have been told that this bill is urgent—these promises need to be delivered. The government promised \$50,000 for mortgage relief. I would have thought mortgage relief was fairly urgent. If you go to the social determinants, health, a job and a roof over your head are in that list of social determinants. I would have thought, based on that, \$50,000 for mortgage relief would have been considered urgent. If you are in mortgage stress, it is, but according to the government, it is not. So where are these commitments funded? When will these commitments be funded? Where will these commitments be funded?

Then there are the Treasurer's comments about the apparent commitment to increase accountability and transparency. This takes the form of increased funding for the ACT and for the Assembly. Apparently it is proposed that these funds will be used by the executive—that is, by ministers—for increased staff or to give existing staff more pay. There could be the same response in the offices of both the Leader of the Opposition and the Greens. I find it difficult to see how you can put these promises into this bill and call them “increased accountability and transparency”. Why do we not simply call them what they are: additional staff allocations for members of the Assembly? Indeed, there might not be any enhancement of these objects at all. We will certainly use this to seek increased accountability and transparency, but I am not sure that the government will.

Then there is the response to the global financial crisis. This is minuscule at best: there is \$500,000 in new capital for the arboretum, \$1.3 million brought forward for cycling infrastructure, \$881,000 for regional community hubs, \$450,000 for the Mitchell customer service centre and \$1.6 million for business improvement in the Department of Education and Training. There is money for tourism, and we get to that later. It totals around \$4.7 million in stimulation to the economy, supposedly.

But let us look more closely at the \$1.6 million for business improvement. It is in the Department of Education and Training and it is for the consolidation of administration and support staff within the Department of Education and Training. It is to reduce the number of sites that the department will use. Some stimulation package! As a stimulation package, it is more of damp squib. I think it is a stunt with little substance.

If we consider the overall package, the overall budget impact of this bill, based on the pre-election updates the surplus in 2008-09 will be reduced to \$50 million or thereabouts. The surplus in 2009-10 will be about \$10 million, the surplus in 2010-11 will be only about \$11 million and the surplus in 2011-12 will be only about \$13 million. Clearly, the prospects for the ACT budget surpluses are weakening and can only be described as paper thin. This appropriation bill does little to improve those prospects.

So let us go into some of the detail of the bill. A number of the items of proposed spending in this bill are quite reasonable. We have no quarrel with those items that will provide relief in the community and we have said that. My colleagues will consider a number of these in more detail in the detail stage, but I would like to mention just one or two items briefly. The first is the Beijing Olympic torch relay. From these documents we now understand that the cost of this event blew out from an estimated \$1 million to an estimated almost \$2 million. We know that the Stanhope-Gallagher government expected the commonwealth government to pay for half of this. Indeed, we were told the government—the commonwealth government—had agreed to fund half of the anticipated cost of staging the relay.

Members interjecting—

MR SMYTH: We know that, yes. This is the Labor Prime Minister. We know that before the election the Chief Minister was pursuing these funds from the commonwealth government, but we now know that the ACT taxpayer is in fact going to pay more for the event—an additional \$438,000, to be precise.

It is quite interesting that the notes we initially got back state that the federal government had given in-kind support, but it did not dictate or say whether or not we would be getting any cash support. So my office was again forced to send an email back to the Treasurer's office asking, "On the Beijing Olympic relay cost question, what contribution of actual funds had been made by the federal government as their share of the cost of staging the relay?" Eventually we got a phone call back saying, "None."

We are now in a situation where, as we unravel the detail—and this is why scrutiny is so important; this is why an estimates process is so important—we find we have been asked to give money without knowing the full story, and that is unacceptable. We do not know whether there will be a contribution from the commonwealth government. I assume the Treasurer can tell us if they are still pursuing the money, but it is a long time since the relay occurred.

And then, of course, there is the provision of \$100,000 to the RSPCA. Apart from the emergency funding provided in this bill, there is probably no more worthy recipient of funding in this bill than the RSPCA. But the provision of these funds to the RSPCA certainly emphasises the Stanhope-Gallagher government's neglect of the RSPCA. Many of us will recall that the RSPCA site was devastated on 18 January 2003.

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

Sitting suspended from 6 to 7.30 pm.

MR SMYTH: Mr Speaker, I will go back to what I was talking about before the dinner break, on the issue of the RSPCA. There is provision in this bill for \$100,000 to the RSPCA. Apart from the emergency funding provided by this bill for the community sector, there is probably no more worthy recipient of funding than the RSPCA. But the provision of these funds to the RSPCA simply emphasises the neglect with which the Stanhope-Gallagher government has treated this organisation. Many of us will recall that the RSPCA site was devastated by the 18 January 2003 bushfire disaster. Some of us know that the RSPCA approached the then Stanhope-Quinlan government for assistance to rebuild their site. We also know that the Stanhope-Quinlan government provided nothing—absolutely nothing—to the RSPCA to assist in rebuilding after the bushfire disaster. I quote from their letter:

Dear Mr Smyth

Thank you for your recent inquiry regarding possible disaster funding received as a result of January 2003 firestorm. Unfortunately, I can confirm that no government funding has been received, made available or allocated to the RSPCA ACT Inc. as a result of the damage sustained during or losses resulting from the 2003 disaster.

That was in March 2005. This was, quite simply, a disgraceful lack of action on the part of the government—no compassion, no assistance and no recognition of the cost of recovery imposed on the RSPCA. For the information of members, that letter was

signed by Mr Simon Tadd, who, at that time, was the executive officer, RSPCA ACT Inc.

The provision of the \$100,000 appears to be a one-off payment. I am aware that the RSPCA, like many organisations, is experiencing difficulty at a time when the return from their investment is declining, the return from sales is declining because fewer people are purchasing pets from the shelter, and at a time when more people are abandoning pets. Indeed, I am told they are now getting requests for food hampers for pets because there are people out there who can no longer afford to pay for their food. We know that the RSPCA continues to argue with the government that it is incurring substantial cost on behalf of the community through its activities.

Mr Barr: There was a recurrent appropriation made in the 2008-09 budget. You would have asked questions on it in estimates.

MR SMYTH: Well, we will go back through it; we'll look at it. This is the only jurisdiction that is not assisted. The question is: what has the Stanhope-Gallagher government done about these requests?

Mr Barr: In the last budget—ongoing funding, recurrent.

MR SMYTH: The minister for tourism butts in. Well, let's turn to the domestic tourism marketing campaign. It was with great fanfare, for instance, that the Stanhope-Gallagher government announced that it intended to provide \$500,000 to target people in Sydney and regional New South Wales to encourage them to visit Canberra and to help with the tourism downturn. This is a one-off payment. It is \$500,000 that I think the industry has welcomed, and I welcome, because it goes some of the way towards making up for the money that was taken out of the budget in 2006. But then, a couple of days later, we had an announcement from Mr Stanhope—and I quote from the *Canberra Times* of 6 December:

The ACT Government has contributed \$40,000 to a campaign urging Canberrans to bolster the local economy and spend all their Christmas dollars in the ACT.

I made the comment at the time that I thought that money would be better spent on tourism. But now we find that the money is coming out of the \$500,000 for tourism. So it is not \$500,000 to promote tourism interstate; it is \$460,000. It would be interesting if the minister, when I finish speaking, takes the opportunity to tell us or to detail what the \$500,000 will be spent on—whether it is just going to two locations or whether it will now go to more than that number of initiatives. That is the problem. As we dig deeper into this appropriation bill, as we try to get answers, all I get is more and more highlights that we should have had an estimates program to look at this properly.

The \$40,000 will be spent on the “shop local” campaign. According to the *Canberra Times*—and I am happy for the government to correct this—the job would be to bolster the local economy, “urging Canberrans to bolster the local economy and spend all their Christmas dollars in the ACT”. I am not sure if that is classified as business tourism, but I have contacted the Tourism Industry Council and they were concerned that the government was not being up-front. Really, they would like to know how the

remaining \$460,000 will be spent. I have contacted other groups, and they have said that they certainly were not aware that the \$40,000 was coming out of the \$500,000. So eight per cent of the additional funding will simply not be spent on tourism promotion at all.

I think we need to make some observations about the position that has been enunciated by the Greens with respect to this bill. Of course, they are willing to put all the words in the world on the table about increased accountability and transparency. Indeed, the convenor of the Greens said in this place earlier this week: "It is never a good process to pass legislation without scrutinising it carefully." That is the opinion of the convenor of the Greens: "It is never a good process to pass legislation without scrutinising it carefully." This is what we are going to go through tonight—something that is not a good process. And it is not a good process. It would have been easier to have a quick—and it could have been done quickly—estimates process through the PAC.

What was said seems quite clear. It is never a good process to pass legislation without scrutinising it carefully. But when it comes to the crunch, the government of the day, in this case the lazy Stanhope-Gallagher government, for five weeks, knew that they wanted this money but chose not to come back to this place. We offered to come back early if people wanted to deal with business, but no; it is now 36 days since they were sworn in. The government cannot arrange its affairs to ensure urgent attention can be given to matters on time. But the Greens collapsed. They wimped out, and they forgot about their commitment to accountability.

The Greens convenor argued in this place on Tuesday that in this bill they would put in place key mechanisms for next year. Well, what are they? It is not going to help us to get to the bottom of the detail of this bill. They said they would put in place matters to deal with the economic crisis. Well, what are they? The Greens convenor also said: "I believe the best scrutiny in the short term that we can offer on this bill will be here in the Assembly."

Many of us will ask questions tonight, as we would normally do with these bills, and I would be surprised if we get any answers on the floor of the chamber to the questions that we ask. And that is the normal process. That has been the process for the last four years from this government. So we shall see. But I suspect we will all be very disappointed. Yet the Canberra Liberals know from their questioning of officials that there are many questions with this bill—with its intentions, with its structure, with its content. The final irony from the Greens convenor this week is that she said, again in this place, "I would like to note that I do not intend to allow this truncated process to be used as a precedent in future appropriations." I am sure that is all well and good, but it is just rot. The damage is done. We are about to pass a bill involving \$35 million with what I believe to be inadequate scrutiny, and the Greens are now compromising their principles on accountability and transparency at the first sign of a test.

The Canberra Liberals have been consistent about the need for appropriate scrutiny of appropriation proposals, and we will maintain that position. This bill is being rushed through the Assembly unnecessarily. It is unnecessary because of the laziness on the part of the Stanhope-Gallagher government to get their act together on the important

matters that are included in this bill. They claim it was urgent, but they did not act in an urgent way, and then they put the Assembly in the position where we have to pass something that they claim is urgent and the case has not been made.

For instance, I asked the question: could the departments cash manage this money? I have not been given an answer. I then asked what the total appropriation that would cover this sort of support is in the budget, and I have got some answers, but I have not got an indication of what the total appropriation may have been and whether or not it has been spent. If it has all been spent in the first five months of the year then there are serious questions about the level of the appropriation. But, again, we have got no answers on these questions and, in the main, I suspect we will get through this night without hearing answers. We simply want to ensure there is appropriate scrutiny before this bill is passed. We deserve and we need more detail.

The Stanhope-Gallagher government and the Greens have failed the test of scrutiny. They have failed their stated ideals of seeking enhanced accountability and transparency. I would like to thank the minister for the briefing. I asked for a briefing on Monday, but apparently nobody can be trusted with early briefings, except for the Greens.

Ms Gallagher: Not you, Brendan.

MR SMYTH: Well, you said that. You said, “We don’t trust you.” I do not remember too many occasions—in fact, I do not remember any occasion at all when embargos have been broken in this place, because we all know the consequence is that you will not be trusted with it again. But there are numerous occasions when ministers, and I think both of you previously, have sent down advance warning of what was going on and offered detail—

Ms Gallagher: On a budget bill?

MR SMYTH: On detail. It is very disappointing. We all talk about this new spirit of cooperation, but at the first hurdle it just fails on a very important bill. I will do my best to scrutinise it tonight. But I am quite confident that, by the end of the night, most of the questions that we will ask and others might ask in this place will not be answered.

Many details have now come to light that just make me even more worried about this government’s approach. Many details have come to light from the briefing I had and the briefings that were given to many members yesterday that deserve further questions. Many questions have been asked that have simply not been answered, and this is not the way to pass legislation. This is not the way to scrutinise the appropriation bill, and this is not the way to be starting this term of the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition (7.41): The appropriation bill that we are debating this evening is, of course, one of the most important pieces of legislation that comes before the chamber. As such, we believe it deserves to be carefully considered. It is particularly important in our new Assembly if openness and accountability are to be pursued more rigorously than ever before. As we have said this week on numerous occasions, accountability must be more than mere words.

We will not be content with the smug self-satisfaction of saying we are pursuing accountability, while letting a bill involving tens of millions of dollars of taxpayers' money be passed without giving it due consideration and examination. As such, I will be addressing the major issues addressed by the Treasurer in her presentation speech. We will then be examining the line items of the budget as they apply to our respective portfolio areas.

First, I would like to address one of the underlying issues and one of the underlying claims of the Treasurer—that is, prior to the election, that the financial crisis was unexpected. I have brought along, for the benefit of the Treasurer—and she has already seen them while I was waiting to speak—some of the headlines during the election campaign so that we can go through them. What we have heard from the government is that they were able to promise that they were going to keep the budget in surplus because they did not know about the financial crisis before the election. They did not know about it when the Chief Minister promised to keep the budget in surplus. On Wednesday, 1 October 2008: “World trembles”, “Global markets in meltdown”, “Case firms for big interest rates cut”, and “Bush’s last-ditch plea”. Of course, we saw the massive drops in the share markets around the world. That was on 1 October.

If you look inside the paper, you see this: “Labor \$1 billion to rebuild hospital system”. Here is another one from during the campaign: “Reserve cuts to the chase—decisive action counters global strife”. Inside we see: “Libs plan change to public art landscape”, which was, of course, a saving, which is something we did not see from the Labor Party at any stage during the campaign. That was a saving that we had there. The headline was “Libs plan to change public art landscape”, in stark contrast, of course, to the Labor Party.

Then, of course, during the campaign we saw the headline “Black Friday”. In the article it was stated: “No-one who is alive has seen anything like this before. There is nowhere to hide.” That was on the front page of the *Canberra Times*. Of course, the government tell us they did not know about the global financial crisis when Jon Stanhope promised to keep the budget in surplus.

It is funny if you look inside the *Canberra Times* for that day, because in the last one I mentioned we saw savings. We see the headline: “No gym, but jail gets \$100,000 art of glass”. There you go: we have more spending on very worthy projects from the government! We did not get to respond to this because I think the debate was gagged. We did not get to respond to the Treasurer’s claims about Lehman Brothers—

Mr Smyth: On the anniversary of the Human Rights Act.

MR SESELJA: On the anniversary; there you go. We did not get to respond to the Treasurer’s claims about Lehman Brothers collapsing. Of course, Lehman Brothers actually collapsed prior to Jon Stanhope’s statement on 17 September when he said, “We will keep the budget in surplus.” So let us just put that to bed. Let us put to bed the government’s claims that they made their promise not knowing about the global financial crisis. We all saw the headlines every day during the campaign. The government kept spending and, in fact, they did not bother to find one saving during the election campaign to pay for their promises.

Of course, some of their promises that they made had not been planned. We know that the promise in relation to smaller class sizes was not planned. It was one of those election stunts where they had backflipped on something they had said just weeks before was unaffordable, and something they had said weeks before was bad policy. Of course, they have now embraced our policy on that.

So we saw on 1 October, “World trembles”; on 8 October, “Reserve cuts to the chase—global credit crisis”; and “Black Friday”. Did the government present savings then? No. Did the government foreshadow deficits? No, they did not. They claimed they would keep the budget in surplus. Another broken promise, another election, it seems.

After the election, we have the Treasurer’s speech, and there were three aims: firstly, to provide urgent assistance to those who need it most; secondly, initiatives to stabilise the economy; and, thirdly, increased accountability and transparency of the Assembly. It is therefore sensible that the elements in the bill be examined within that framework. With respect to the \$1 million in emergency relief via welfare and community groups, we, of course, recognise the need in this regard. We proposed a different path. We proposed direct payments, particularly to pensioners, but we certainly do not oppose—

Mr Barr: The Prime Minister beat you to that one, didn’t he?

MR SESELJA: Actually, I did announce it prior to that, but he was able to deliver before us. No, I did not copy the Prime Minister. We did announce it prior to his announcement. I had no inside knowledge about what the Prime Minister was going to do. We are not getting leaks from the Prime Minister’s office saying they are about to offer relief for pensioners, so I can claim no inside knowledge.

Mr Barr: Was it your brilliant idea? Did you invent the internet as well?

MR SESELJA: Look, I don’t claim to have invented things that I have not, but I think it is on the record when we made our announcement. It was prior to the Prime Minister’s announcement. That is a point of fact. I am not going to claim that he copied us. We do not know whether he reads the *Canberra Times* and follows local politics, but we will leave that one aside. We certainly do believe that urgent relief for people like pensioners is particularly important. This \$1 million in emergency relief is one of the parts of the bill that actually is urgent and it is important that it be passed quickly, but I think there are a number of other aspects which are not urgent, and that needs to be said.

Of course, the other parts that are urgent include \$2.5 million for carers and volunteers. As I say, we took a different path during the election campaign, but we do not have any problem with these promises and with the Labor Party putting in place, through the appropriation bill, some of these promises. With respect to the \$2 million via direct grants to school parent groups, I understand this is to P&Cs and P&Fs. Is that correct?

Mr Barr: That is correct, yes.

MR SESELJA: The Treasurer could not quite bring herself to say “P&F” today. She just mentioned the P&Cs. But this will be going to both groups. Clearly, this is not urgent. I do not think it could be said that it is urgent that we get this out before Christmas. This money will be well received whenever it goes through.

The \$100,000 grant to the RSPCA was, we believe, as a result of an urgent call saying that this charity was facing imminent collapse, and we accept the urgency of this. I suppose with these things we are often responding to disasters. If the dialogue is there, perhaps these things can be handled quicker. But we have no problem with that at all.

Obviously, there is the first home owners boost scheme, and this is putting in place some of the Rudd government’s announcements. But we do not see—and I believe this is the case; I am happy to be corrected—the money for urgent relief for people in mortgage stress that was announced during the election campaign. We do find that a little bit odd. My recollection of the various press statements of the Chief Minister at the time was that this was when the need for a second appropriation actually hit him, when it was pointed out to him by a journalist that this relief would not be delivered until 1 July next year. So we are very surprised to see that that is not in there. That would be one of the things that should be in there. Perhaps the Treasurer, when she closes the in-principle debate, can point out to us why that relief, which was considered urgent during the election campaign, is not going to be delivered until July next year.

We see \$500,000 in business and industrial relations support as a result of previous cuts, and \$500,000 for tourism advertising. Of course, we have seen significant cuts in tourism funding in the last few years. There is sports support to replace cuts in the horror budget of 2006. Of course, many of these are catch-up items.

It is worth looking at the environment portfolio—\$9.7 million over four years for a new department. Of course, we are on the record as supporting action on climate change. We support practical measures in relation to this. It does need to be said that \$9.7 million for a new department is fine, but because we have not had the opportunity to properly scrutinise it, it is very difficult for us to know how this money will exactly be spent. There is not enough detail. This is the sort of thing on which we should be able to ask some questions of ministers, to ask where the money will go and exactly how it will be spent. This is one of the reasons why it is very difficult and inappropriate to push through an appropriation bill within two days.

There is \$1.6 million to establish funding for the new department, including a new chief executive, executive structure and corporate activities. This is the sort of thing on which, in an estimates process, even a truncated one, we would look forward to questioning relevant ministers. There is \$75,000 for the green star rating scheme. This is something that, in principle, is good, but we do need to look at the effects of this, particularly as we move to the sixth star that is in the agreement, I understand, between Labor and the Greens. This will be a real issue. We support the principle, but we do need to look at how much it will cost industry to impose six-star ratings. That is going to be an issue of concern as we move into the future.

There is \$1.9 million for the arboretum. We have already spoken at length about the merits of pursuing such a project in a drought. We do not believe that this has been

the best use of taxpayers' money. There is \$5.6 million for regional facilities. This is obviously something that is tied to the school closures saga, and we have seen that this is essentially the pay-off. This is the pay-off for getting rid of school communities, and we all know how badly that was handled.

We see that the government has put forward this legislation and has claimed that it is urgent. We acknowledge that some parts of it are urgent, but we would also point out that a number of parts of this appropriation are not urgent. They could be properly considered; they could be properly examined by the Assembly. We have not been given that opportunity. Even when we wanted to have a debate about why it was urgent or why it was not, we got gagged. That was very disappointing. But we particularly believe that the spending of \$35 million of taxpayers' money should be properly scrutinised. We have not been given that opportunity.

The final point I want to make is that during the election campaign we took the time to make savings. We were roundly criticised by the Labor Party for that decision. There were hysterical claims from the Chief Minister. I think we were going to cancel Christmas, kill Kenny Koala, as well as put hundreds of people out of their jobs, if you believed Jon Stanhope. None of this was true. The Treasury analysis, in fact, confirmed that there would be no redundancies as a result of our changes.

Of course, we know that Jon Stanhope does not understand this because we remember when he said, "I was quite shocked to see how much the public service had grown." We know that you can make savings by not allowing the same level of growth in the forward estimates. And that was what we were doing. We were making responsible savings during a time when we all knew that there was a downturn coming. We knew from the headlines that there was a downturn coming. We needed to make savings, and we stated it at the time. We said: "We know difficult times are coming. We need to make savings. We need to spend responsibly."

The position that has been expressed by the Treasurer and others on the other side of the chamber is essentially that any government spending is good government spending. They will use the financial crisis as an excuse for reckless spending. What we say is: find savings in the areas of waste. Find savings in areas like government advertising, which we identified; in the growth of certain units, in some of the internal policy and spin parts of government. Find savings there so that you have actually got the money to stimulate the economy; you have actually got the space to put money where it is needed, when it is needed, rather than just saying, "Any spending is good spending.'

Whether it is on advertising, whether it is on PR, whatever it is, this government and the Labor Party now appear to be saying that any spending is good spending. We disagree with them. They criticised us roundly for our position on making cuts. They made hysterical claims about our cuts, which were all wrong. They were all proven wrong. In fact, the Treasury figures and the Treasury analysis show that if there were redundancies, they would have to have figures that quantified the cost of those redundancies. They were not there. If the Treasurer gets up and says that we were going to cut jobs, she will be questioning her own Treasury officials and their own analysis.

I believe that we were subjected to a more rigorous process through Treasury in examining our promises than any opposition has been put through, and they all stood up. They were sensible cuts. The government have not bothered to make any of those cuts. They will now be driving us into a deficit. They are now pushing through an appropriation bill and not even allowing us to properly scrutinise it. We hope that this is not the pattern of things to come over the next four years.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.56): I am quite flattered that Brendan has been taking note of what I have had to say in the last few days; it has been quoted back again. What I wanted to pick up on is the start of that speech the other day, and at the start the other day I said:

It is never a good process to pass legislation without scrutinising it carefully. Our key concern here is that the appropriation bill is a mechanism to deliver time-critical spending, including the promised pre-Christmas support for emergency community services, which, in terms of effective delivery, is already down to the wire.

This appropriation also puts in place some of the key mechanisms that we need to have operating for the start of next year so that the ACT government and community can start to deal with the economic crisis and climate change challenge that everyone knows we face. That includes funding for the new department and resources for the new committee that will scrutinise it.

So that was the start of those comments the other day.

The Greens will support this bill in principle. I would like to be inordinately clear here: we are pleased to take this debate through the detail stage, because it is the only scrutiny we have available to us with this time frame. We will not be saying a lot ourselves but simply highlighting some of the aspects of this appropriation that we recognise as important and time critical and raising a few questions of our own.

More importantly, we are interested in hearing the concerns and interpretations raised by the opposition in this debate and the government's response. As annual report hearings for all committees are just around the corner, I am very confident that, following this debate, we will be much better informed to follow up on matters of interest or concern through that process.

I only ask that the other members stick to the point and particularly avoid the temptation to repeat themselves or their colleagues. I outlined on Tuesday when the bill was presented in this place that, while we are concerned about the short time, we have to consider the bill. A considerable amount of the content relates to time-critical spending for emergency community services and measures to stimulate the ACT economy in a time of economic crisis. In addition, we are in an election year, and there has been an unreasonable delay in delivering some of the measures, and further delay needs to be avoided.

One has only to look at the front pages of the *Canberra Times*. Mr Seselja has been happy to provide us with a few this evening. On Wednesday, the *Canberra Times* had details of this bill. They were relieved to see the real difference that these measures

will make. The response from many individuals who will receive support under these measures just went to show how much they do need that support before Christmas. While not written about in the *Canberra Times*, many businesses and households in the ACT environment will also benefit from the funding allocated or brought forward as part of the government's attempt to boost the economy and improve Assembly management and accountability.

On the education side, much-needed funding for schools and P&C associations will enable them to plan for the new school year. First home buyers will be better placed to get into their new homes in the ACT, with the commonwealth government's additional first home buyers grant. Being a commonwealth scheme that the ACT government will administer, this does not represent a cost impost to the ACT. Funding brought forward for the arboretum will continue that work already in place. It is adequately maintained and work underway will continue, with contracts that are in place.

We share the concerns of the opposition that some aspects of the bill appear less critical than others but, on closer examination and in consultation with Treasury officials, we consider a number of these too are time critical if the Assembly and the ACT government are to play a leading role in working with the community, business groups and the commonwealth government at this time. We consider there is a need, however, to spend some time tonight going through the line items to seek, through the course of the debate which follows, as much information as possible before voting on the bill. In addition, as I said, there are options available following the debate to raise issues with officials in annual report hearings and committee hearings.

I indicated yesterday in this place that it was not possible to predict the impact on all sectors of the global economic crisis that is now upon us. Mr Smyth from the opposition seemed to think that this was possible. I doubt that we would find references in *Hansard* from earlier this year where he alerted the Assembly to his concern in this regard.

While interest rates and petrol prices have fallen rapidly in recent months, the ACT has been under extreme pressure due to the high interest rates of early 2008 and abnormally high petrol prices. The recent reductions in interest rates and petrol prices, while very welcome, have not had an impact yet and it would be reasonable to suggest that in the current economic climate we need the stimulus that this bill will provide. We will, therefore, support it being passed in its present form.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (8.02), in reply: There is no-one else?

Mr Smyth: Were you expecting us all to speak?

MS GALLAGHER: Yes, I was actually.

Mr Smyth: We'll get to you in the detail stage.

MS GALLAGHER: Right, you're going to get me in the detail stage.

Mr Smyth: No, we'll get to you in the detail stage. You know what I mean.

MS GALLAGHER: No, not really. It came as quite a surprise that there were not other people wanting to speak at this stage of the debate, but I understand we are going to have quite a lengthy discussion in the detail stage. I guess I can understand it; I was expecting a bit more.

To begin with, I should say—I think I have said it in this place this week—this is not the normal way of doing an appropriation bill. We do not believe it is the ideal way to do an appropriation bill. As members who have been here before would know, we usually have a very lengthy estimates process, and ministers, including the Chief Minister, appear often for days at a time to stand before the Assembly committee and deal with questions on the appropriation. This will not be the normal way.

I guess the situation we find ourselves in is that we have had one sitting week. We were unaware of the Liberals' very strong desire to recall the Assembly early. That was news to me tonight. Perhaps we could have looked at that had we been given that representation, but Mr Seselja said that they did not bother talking to us. I guess if you do not bother talking to us, it is hard to respond to an imaginary or a supposed request to recall the Assembly early.

What we find in this bill are, as I said, I think in my introductory speech, a range of initiatives. Some of them are election commitments; some of them are urgent initiatives; some of them are cost pressures; and some of them are things that we would normally have funded through a Treasurer's advance had there not been an appropriation bill in development. They are some of the issues that, no doubt, we will hear from members about through the detail stage. Some of the payments in JACS, for example, had we not had an appropriation, would have been funded through a Treasurer's advance but, in the interests of scrutiny, transparency and accountability, have been put into the appropriation bill and are subject to debate this evening.

There are a number of very important measures in this budget, a number of urgent measures, but we have not said from the beginning that all of the measures in this bill are urgent. There are a mix of initiatives. Some of them are urgent; some of them are election commitments; some of them are cost pressures that we would have managed, probably through a Treasurer's advance had there not been another appropriation.

I would also say that I have never said that this is the ACT government's response to the global financial crisis or the ACT Assembly's response to our own local needs. I have never said that. Some people have picked that up, but the budget does have elements which we believe will support our local economy.

Mr Smyth: You said that in your speech.

MS GALLAGHER: No, Brendan; if I could just take you step by step through what I am saying—if you listen before you interject. I have never said, "This is the government's response to the global financial crisis." However, there are elements in it which we are happy to have in here to keep some cash and some commitments in the ACT Assembly going through to the economy.

I have said already—and I think it has been pretty public—that we have asked for submissions from ministers. In fact, I have received a submission from the Speaker as well. Mr Speaker, I will be writing to you about how we make that a more formal process through the budget process. It used to happen through Mr Berry. It probably was a little bit of a slip-up in terms of the request to ministers not going to the Speaker, and we will fix that up. But I have already asked for that.

Some of the roundtables are informing some of the discussion that we are having on whether or not the ACT Assembly needs to look at a third appropriation this financial year. We need to look at other ways that we can support our local economy. That would be an appropriation focused on our response to the global financial crisis and the effect it is having on our local economy. That work is underway. This was never meant to fill that gap, although there are a number of elements in here that we are happy to perhaps call part of a stimulus package, even though they are very small.

Mr Smyth said he has many questions unanswered. I was of the understanding that we had answered all of your questions. If we have not, I am happy to take a list of them and see what we can do through the course of this evening. I did not get a full list from you, but I understand my office and certainly Treasury officials had been working very hard to address all of the questions that you were asking. We had provided a briefing to you. We then provided another briefing to the opposition yesterday at lunchtime, in response to a request from a number of other members. So we have, in light of this very short time, tried to fit in with members' needs and provide as much information as possible.

From Mr Seselja, we had what will be known, I think, as a Seselja special where—

Mr Seselja: You like my speeches, don't you, Katy?

MS GALLAGHER: No. There is a recasting of history to suit the arguments of the time, with headlines being brought out and operating in a truth-free zone, if I might say so, where allegations are put that I have said we did not know about the global financial crisis. I do not think you will find anywhere that I have said that we were not aware of the global financial crisis. I think that you will find that I have said we were not aware of the full impact of the global financial crisis. In fact, the newspaper headlines that you have brought down all appeared during the caretaker period when the ACT government quite rightly was not being briefed by the ACT Treasury on any impacts that they were seeing from the global financial crisis, nor were they briefing the opposition, as should occur during the caretaker period.

Mr Coe: It has been six weeks since then.

MS GALLAGHER: Mr Coe interjects. Of course, you saw it all coming too, Mr Coe. You had it all as part of your election campaign: "I can foresee everything that is going to happen." This is the line of the opposition. They are the only political party in the country that saw everything that happened. It did not change their behaviour. They saw it all. They did not tell anyone. They kept it all to themselves. Now that it is unfolding, they say, "We knew everything; why didn't you know?" It is interesting in that context to have a look at the little spending spree that the Seselja opposition was on during the election.

Mr Seselja: We made savings.

MS GALLAGHER: You made savings to pay for your spending, mate. It was not to make savings to put the budget in line—\$45 million this financial year. You guys are concerned about an appropriation of \$16 million. You were going to spend \$45 million this financial year. You were then going to go up to \$68 million, up to \$85 million, and, by 2011-12, you had announced spending of \$98 million. But you all saw what was happening here. I can see that, because you really modified your spending based on it. Honestly! It is all very well to be very smug now, because you saw it all happening! Maybe that line could hold true if your election commitments had not exceeded ours. Your commitments exceeded ours. In fact, they were double our spending commitments.

Mr Smyth: And we adopted bigger surpluses.

MS GALLAGHER: Bigger and stronger, yes; we get back to the boy thing. We get back to the boy thing: bigger and stronger. I get it; I hear it. But the other secret that you are not talking about is the slash and burn of your savings program. So, not only are you announcing savings—

Opposition members interjecting—

MS GALLAGHER: You can always tell when you are getting under the opposition's skin. They all start interjecting in the hope that nobody can hear. What we have got here is double the amount of spending, and then 1½ pages of slashing services from the government at a time when the government cannot afford to slash services. That is what you get. That is your response to the global financial crisis that you all saw coming, that you all knew about. And you all knew the impact on our local economy. That is your response: double the spending, slash government services and jobs, because you all saw it coming. This is another Seselja special where he says that Treasury gave him an undertaking that there would be no job cuts.

Mr Seselja: I didn't say they gave me an undertaking. I said it is clear in their figures. Have a look at their figures.

MS GALLAGHER: Go back to the time Treasury indicated—and I think indicated publicly—that they had not given any undertakings that there would be no job cuts from the Liberal Party's savings measures. In fact, they confirmed that they had no discussion with the Leader of the Opposition or his office on the issue of job cuts. So, jobs went, slash and burn, nurses to go from the Alexander Maconochie Centre, public servants to go from CMD, public servants to go from Shared Services.

Do we forget the jobs to go from here, and to go from here straight away? The ACT Assembly had an efficiency dividend linked to them: Legislative Assembly efficiency dividend, \$156,000 this financial year, growing to \$318,000 in the outyears. That is not jobs, no; that is not jobs, is it?

Mr Seselja: There is extra spending in the Legislative Assembly, too. You did not read that part?

MS GALLAGHER: Right; I see. A Seselja special! I table the document indicating that there was no assurance from Treasury on job losses. I present the following paper:

Job cuts—Copy of email from Megan Smithies to the Chief Minister, dated 15 October 2008.

So jobs go; there are savings measures and double the spending. That is your responsible attitude to the global crisis. You read those headlines, Mr Seselja, and you went, “Oh dear, Black Friday! Better ramp up the spending and announce a whole range of savings measures.” So \$32 million worth of savings this financial year, \$52 million next year, \$57 million the year after and \$58 million the year after that is your response.

The RBA Governor—and I gave this quote yesterday; I think there were maybe some blanks, except Brendan Smyth and Mr Seselja—gave a speech two nights ago:

I need not remind this audience of the international financial turmoil through which we have lived over the past ... year and a half, nor of the intensity of the events since mid September this year, in particular.

Except Mr Seselja saw this. Nicely timed, with caretaker mode, I would argue, a period where the government stops being briefed on matters such as this. I continue:

I do not know anyone who predicted this course of events.

Except, of course, Mr Smyth and now Mr Seselja and Mr Coe. He has joined the little group that saw it all coming. I continue:

This should give us cause to reflect on how hard a job it is to actually 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 if you are a member of the ACT Liberals!

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6 agreed to.

Clause 7.

Motion (by **Mr Smyth**), by leave, agreed to:

That clause 7 be considered in the following groups of subclauses and separate questions be put on each group:

Subclauses (1) and (2).
 Subclause (3).
 Subclauses (4) and (5).
 Subclause (6).
 Subclauses (7) and (8).
 Subclauses (9) and (10).
 Subclauses (11) and (12).
 Subclauses (13) and (14).
 Subclauses (15), (16) and (17).
 Subclauses (18) and (19).

Subclauses 7(1) and 7(2).

MR SMYTH (Brindabella) (8.16): These clauses relate both to the Legislative Assembly Secretariat, members' pay, additional resources for the executive, for the crossbench and for the Liberal Party, and for staffing in the Assembly Secretariat. It is interesting that on page 3 of the document, which lists the impact of this second appropriation, they are listed as enhanced accountability. This is the problem: without decent scrutiny, if you accept that at its face value, what does it mean? This is the problem with the process that we are going through tonight. We have had briefings and now we are reading documents here, trying to get to the bottom of what these are.

This should have simply said "increased payments for MLAs, increased staffing allowances and increased resources to the Assembly". However, the payments, for instance, to the executive, are called "enhanced accountability". It is actually the pay rise for the ministers—congratulations—and it is extra staffing in each ministerial office, which is probably a good thing. But why don't we call it that? This is what makes me dubious about the whole process that we are going through here this evening. What we need to do is detail it. If you go further on, it is somewhat clearer. Page 7 for the Assembly does have a slightly more detailed list of what is incorporated in this.

Simply in terms of genuine accountability and scrutiny, when you start with this, it does not give you a great sense of confidence in the rest of the process. That being said, we announced during the election that we thought there should be extra support for the Secretariat, and that is fine; that is encompassed in this. The pay rises are the result of a Remuneration Tribunal decision in July. Indeed, we have been saying in this place for some time that all of the officers deserve extra staffing allowance, and this will bring this to fruition. We agree with both these lines, but, until you start asking the questions and you endeavour to find out where this is going and how it is going, you cannot get a full sense of what this money is from, from the descriptions in this document.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (8.19): Before we look at the line item on enhanced accountability, the funding for the Legislative Assembly covers increases in members' salaries awarded to all members by the Remuneration Tribunal in July, extra resources for the Committee Office to support the work of the important new climate change, environment and water committee, and extra funds for members' staff for the Greens, Liberal and Labor parties to reflect the change in make-up of the Assembly and to assist in dealing with the increased workload.

We should bear in mind when looking at Assembly funding that the electorate voted for a changed Assembly and they expect it to deliver. The funding for extra resources for the new and existing committees will assist in providing the type of scrutiny expected of a changed Assembly. Already the climate change committee is in receipt of a referral to conduct a most significant inquiry into a greenhouse gas emissions target for the ACT and to report by mid-2009. It seems to me that this is a minimal allocation today and will allow this Assembly to get off on the front foot.

The Greens support enhanced accountability for the ACT executive to take account of the Remuneration Tribunal determination taking effect from 1 July 2008. This money is important to give the executive the resources it needs to manage the additional accountability and collaborative requirements of the new Assembly. Extra committees and further collaboration with the opposition and the crossbench require extra time and effort, and to me it is reasonable to provide funding for it.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (8.20): The reason this has been named “increased accountability and transparency” is that the people of Canberra voted for a new Assembly, a different type of Assembly. They installed a third major party into the Assembly. They sought increased accountability and transparency from all of their members and this goes part way to meeting that desire of the Canberra community.

More work will be required from our officers in terms of some of the arrangements we have agreed to as part of the parliamentary agreement but also more broadly around how the Assembly shall work. The committee secretary is part of this allocation, also the pay rise for members, and some of what we understand the Remuneration Tribunal will award in terms of allowing the Greens party status. That is why it has been named this way. You have more information about this initiative than you would have been able to get through a truncated estimates hearing.

Subclauses 7(1) and 7(2) agreed to.

Subclause 7(3).

MR SMYTH (Brindabella) (8.21): Subclause 7(3) relates to the ACT executive. Maybe the minister does need additional staff to help her to be more accountable, but it was interesting that in her closing speech she had a number of things to say and admitted, “This is not the ideal way to do it.” If it is not the ideal way and you stand here and you admit that it is not the ideal way, why didn’t you seek to do it earlier? Why have the five weeks off? Why go on holiday for five weeks? Today it is 36 days since this—

Members interjecting—

MR SPEAKER: Order!

MR SMYTH: That is five weeks. There are normally two sitting weeks in November. We could have had two sitting weeks if this was urgent. We could have had a proper

process. We could have made a better start. But we did not. We did not come back early.

The minister also said that other people have said—not her—that this was part of the government's response to the global financial crisis. I simply refer her to the fifth paragraph on page 2 of her speech, which states:

Secondly, the bill provides, in a responsible and responsive manner, initiatives to stabilise the economy against the trickle-down impacts of the global financial crisis.

We are quoting you when we say that you said that. It is there in your speech. I will read it again for you so you hear it:

Secondly, the bill provides, in a responsible and responsive manner, initiatives to stabilise the economy against the trickle-down impacts of the global financial crisis.

That is why people thought this bill was part of a stimulus—because you said it, minister. It is interesting that the minister also said when she delivered this speech to the Assembly:

This bill delivers on the election commitments which we indicated through the campaign would be introduced immediately. It is largely one-off and targeted to those in most need.

If it was that, that would be fine, but it is not. Less than a third of what will be spent between now and the end of this financial year is for those in need; it is not largely for those in need. More than \$10 million of it is to suit the government. The minister can read her own speech and work it out. She also said:

And, finally, the bill provides for increased accountability and transparency of the Assembly.

So she is going to provide a bill which, in her own words, should provide increased accountability and transparency of the Assembly, but she is going to truncate the process in this case. I do not know if that is an oxymoron, but it is a contradiction anyway and it is very silly. On page 21 there is \$414,000 for changes arising from the composition. But we still have five members of the executive and it is still the same five members, so the composition of the executive has not changed. The provision for additional capacity within the executive: I think we all know that the officers are well worked; I do not believe one can quibble with that. But, in comparison to the non-executive members, the offices are well staffed.

The remuneration increase came through the Remuneration Tribunal. It was stated that the additional resources would increase the Assembly's capacity to undertake its work and improve government accountability. That is an interesting statement: the additional resources to the executive would increase the Assembly's capacity to undertake its work and improve government accountability. I hope what that means is that we will not get FOIs that are all blacked out, that we will get answers to our questions on notice on time and that when we request briefings we will actually get

briefings. It will be interesting to see if the government lives up to what it is saying in its own document that this money will provide.

Subclause 7(3) agreed to.

Subclauses 7(4) and 7(5)

MR SESELJA: (Molonglo—Leader of the Opposition (8.26): I will speak briefly to these appropriations. I put on record in my speech in reply, in relation to the Canberra International Arboretum and Gardens, that we do not believe this has been a good use of taxpayers' money, particularly in a drought. That remains to be seen, but that is one piece of spending that we have not been particularly keen on.

The residual Beijing torch relay costs of \$438,000 are clearly an example of the Rudd government not honouring its agreements and foisting, we believe, the legitimate costs that should be borne by the commonwealth onto the ACT. Across the chamber we heard from the Treasurer earlier on. I think she is clearly disappointed with her Labor colleagues that this new era of federalism, this new era of cooperation between state and federal, does not extend to basic courtesies like honouring your commitment to cover these costs. I am sure that if it had been the Howard government that had done this we would be hearing a little bit more from our colleagues across the way; we would be hearing criticisms.

I did see in the Treasurer's eyes a longing, I think, to have John Howard back in that job. Not only did he honour his commitments to this government; he spent a lot in Canberra. I suspected that Mr Stanhope, Ms Gallagher and the other ministers really enjoyed having a conservative in the federal parliament because it gave them someone to fight. We saw their lack of fight, in fact, when Kevin Rudd took the same approach as John Howard on civil unions. They did not fight him on it when they could have. In fact, Dr Foskey said they should fight, and she stayed true to her principles. But it must be said that we have not heard much on the residual Beijing torch relay costs being foisted onto the ACT taxpayer by the commonwealth. That is unfortunate. I hope that Katy Gallagher will continue to make representations, or the Chief Minister will make representations, for that money to be paid by the commonwealth, as is right.

On the solar power facility adviser, we very much believe in the importance of solar power and in developing solar energy in the ACT. So this would appear to be a good use of taxpayer funds. We need to get these processes right. We do want to see a solar industry here. We do want to see the private sector coming in and spending money in the ACT on solar power, so we are very happy with that particular appropriation item.

Ms LE COUTEUR (Molonglo) (8.28): With respect to the Beijing torch relay, we are advised by the Treasurer's office that this money has already been spent, so there is really little point in debating whether or not we include it in the bill. I am very glad to see, with respect to the solar power facility adviser, that there seems to be universal agreement that this is a good thing. It is to fund the development of a request for a proposal to build a solar power station and it is the next stage to carry it forward. We have heard a great deal in this chamber about how important it is and we are glad to support its importance.

With respect to the arboretum, we understand there are currently contractors working at the arboretum and that this expenditure is necessary to enable them to complete the projects on which they are currently engaged. The alternative to including this item in the appropriation bill would therefore be to have them cease work and remove themselves from the site before completing their work. This would only mean that at a later date they would have to mobilise again on the site to finish the job off and then would charge the ACT government more for doing this. We do not want to waste taxpayers' money by causing work to stop and then recommence in such a way, so we support the inclusion of this item in the bill.

We also note that this expenditure will also go to a project of the Southern Tablelands Ecosystems Park, a community group support by the Friends of Grasslands and the Australian Native Plant Society, to plant native trees in the southern tablelands for an educational program. This project needs to begin in time for autumn planning and hence it does not need to be funded immediately.

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) (8.30): I want to make a couple of quick points on the issues that have been raised. I doubt that any of us do not share some of the frustration which the Leader of the Opposition expressed in relation to the Beijing relay. It is an issue that does frustrate me in the context of the response which we have received to date from the commonwealth. It is an issue that certainly frustrated me.

I believe there was at one level a breach of faith. There was an agreement between the head of the Chief Minister's Department and the then head of the Prime Minister's department that the commonwealth would meet our understanding. I must say we learn constantly. There was nothing in writing. There was simply a conversation and an understanding or undertaking between two heads of two public services, the head of the Chief Minister's Department representing the ACT government and the head of the Prime Minister's department representing the commonwealth. We were given what we believed to be an undertaking by Dr Peter Shergold on behalf of the commonwealth, acknowledging that it was a national event and acknowledging the role of the commonwealth as the national government here in the national capital. And the spirit of what we believed to be an agreement, I have to say, has not been met.

The commonwealth was generous to the extent that commonwealth or federal agents of the Australian Federal Police were heavily involved on the day. The event did require a level of security which we never anticipated. The costs were much higher, because of that, than we had initially planned for. And we are bearing a higher proportion of the costs than we initially imagined that we would.

I am still awaiting a response from the Prime Minister to my latest representations. As Ms Le Couteur has just said, though, these are moneys that have been paid in order to meet costs. If they were not appropriated through this bill tonight, they would have to be paid through the Treasurer's advance—a far less transparent process than the opportunity to debate it through a bill, truncated though the time for debating the bill is. But that is the reality. The moneys would simply have been paid through a Treasurer's advance.

In relation to the arboretum, as once again Ms Le Couteur has said, there are civil contractors on site. There was an opportunity to advance that work and the decision was taken. As the Treasurer has just said in her response in closing the in-principle debate, we have never suggested that this was our stimulus package, and we will deliver one. But there are elements of this bill that are part and parcel of that, and this is one. This is a multifaceted initiative or response. At one level it allows us to continue with a significant piece of community infrastructure; at another level it allows us to take advantage of a civil contractor on site, with work that can be gainfully done at ultimate savings to the territory, while generating or driving continuing work, and it is very important that we continue to do that.

The majority of this work is a continuation of civil works but some of the works will certainly involve quite heavily a significant community organisation, the southern tablelands ecological park group, who are accepting responsibility for a significant plot within the arboretum for the development of essentially a regional showcase of native flora, and some of the funding will go to that.

I will conclude on a third point; I did not mean to go on this long. The funding for the advice, or the consultant, in relation to the solar farm proposal is important. This is a significant project. It requires us to seek the best possible advice on the way forward. It is quite complex, it is difficult, but it is incredibly important. It is an important project and I think we all accept that.

So these are three initiatives, all fully justifiable and quite appropriate for a bill such as this—accepting of course, as the Treasurer has indicated, that in an ideal world one would wish always to be able to avoid legislation being introduced and debated in such a short time. But from time to time there are overriding interests that require us all to just knuckle down and work through a process such as this, while all of course pursuing our respective responsibilities in that regard.

MR SMYTH (Brindabella) (8.35): The Chief Minister speaks of the ideal world and how this process is undesirable. Yet again, that confirms what we have said. But if people would cast their minds back to the last six months of the last Assembly, bills were regularly debated within days of being put in this place because we had a pattern of laziness from a government that had not ordered its business properly. As Mr Hanson pointed out this morning, there are numerous motions and pieces of legislation, some of which have been brought back into this place today—

Mr Corbell: Madam Deputy Speaker, I rise on a point of order going to relevance.

MR SMYTH: Under what standing order?

MADAM DEPUTY SPEAKER: Mr Smyth, would you please resume your seat.

Mr Corbell: The debate needs to be relevant to the question before the chair. Debates about how the government behaved or did not behave in relation to legislation that was dealt with during the previous Assembly are not relevant to the question before the chair. I would ask you to direct Mr Smyth to remain relevant to the question before the chair.

MADAM DEPUTY SPEAKER: Mr Smyth, will you remain relevant, please.

MR SMYTH: It is entirely relevant, Madam Deputy Speaker. Go back and check the *Hansard*. You know yourself that bills were being dropped and then debated within weeks. But I will move on—

Mr Corbell: On a point of order—

MADAM DEPUTY SPEAKER: Resume your seat, Mr Smyth.

Mr Corbell: Madam Deputy Speaker, Mr Smyth is deliberately ignoring your ruling. You have asked him to remain relevant and, instead of accepting your ruling with courtesy, he is simply ignoring it and insisting that he is right. He is being disorderly and you should draw his attention to that.

MADAM DEPUTY SPEAKER: Yes, you are being disorderly, Mr Smyth. Will you refrain from—

MR SMYTH: For my clarification, which part of what I said was disorderly and irrelevant?

MADAM DEPUTY SPEAKER: You did not accept my ruling. I said that I wanted you to remain relevant and to go back to the subject of—

Mr Hargreaves: On the point of order, Madam Deputy Speaker. Through you to Mr Smyth, he was actually being impertinent to the chair. He said, “If you want to go and look at the *Hansard* you can do X.” That is unparliamentary.

Mr Seselja: On the point of order, Madam Deputy Speaker: I think what Mr Smyth was asking for was: if you could clarify which part of what he was saying was not relevant it would make it easier for him to continue in a way that is accordance with your ruling.

MADAM DEPUTY SPEAKER: Thank you. The point is that we are debating subclauses 7(4) and 7(5) and not previous legislation, Mr Smyth. That is the point I am making. Do not refer to previous legislation; refer to subclauses 7(4) and 7(5).

MR SMYTH: Thank you, Madam Speaker. If I may just comment that in estimates this sort of process has always been wide ranging. The Chief Minister introduced the concept of the ideal world and not doing things at short notice and I was responding to what he had said. If some members are allowed to make comment—

Mr Corbell: Just accept the ruling.

MR SMYTH: I accept the ruling. If some members are—

MADAM DEPUTY SPEAKER: Mr Smyth, would you please sit down. Would you accept my ruling, please? I do not want an explanation; I just want you to accept my ruling.

MR SMYTH: I accept the ruling. We need to look at the good practice, for instance, of the arboretum process. We accept that contractors were on site. If you have an opportunity to save the government some money, that is probably reasonable and a good thing to do. It is a shame this practice was not applied to the Gungahlin Drive extension. The problem with the arboretum is that it was chronically underfunded from the start. The original proposal, as I understand it, was for something like \$20 million to do the necessary first stage work. That was cut to \$12 million. Eventually it was cut to \$8 million. Now money has been put back in and money has been—

Members interjecting—

MADAM DEPUTY SPEAKER: Order, members!

MR SMYTH: Again, I just want to point out the bad process and the lack of forward planning. We have highlighted—and I pointed it out this week—the government’s inability to deliver on its promises.

As to the solar power facility adviser, I think we all agree—I do not think there is anybody here that does not see an opportunity for solar power—but I would much rather have had an opportunity to discuss in detail what this individual will do, how the process will work and what it may lead to and to explore issues in regard to setting up a solar manufacturing industry through something like Spark Solar. But, again, we are denied that opportunity.

I accept what the Chief Minister says on the residual Beijing torch relay costs. If he says he will go after the money, then that is a good thing. But, Ms Le Couteur, if the way we are going to look at accountability is to say, “If you spend it, then you have to pay your bills—

MADAM DEPUTY SPEAKER: Mr Smyth, would you speak through me and not address your questions—

MR SMYTH: Certainly; through you, Madam Deputy Speaker. If the comment that the money has been spent, therefore, we should pay it is the notion of accountability, all that means is the government has to spend money and then come here and say, “We spent it; we need to pay the bills.” That is not accountability. We need to explore this process. I accept what the Chief Minister said. He thought he had an agreement; he thought the commonwealth would pay. He thought Kevin Rudd, on the day, would come good with the cash.

Again, I asked these questions in the briefing. I said, “Has the commonwealth paid? Have we got cash from the commonwealth?” I did not get an answer that answered that question; I got a document that said, “Beijing Olympic costs. The territory received the following in-kind support from the commonwealth.” It lists the Australian Federal Police, it lists other commonwealth agencies, it talks about the Olympic committee. It then says, “All up the relay has now cost the ACT taxpayer \$1.388m, 950k in the second approp, 430k in the second approp, 2008-09.” It did not answer the question anywhere so we had to go back and send an email, “Have we got

any cash from the commonwealth?” Eventually we got a phone call back, “No, we haven’t.”

This is what I am talking about. We should be able to ask these questions and get answers without going through this endless process of going back. You can do that in an estimates process. You cannot do it properly in the way that we are going forward here tonight.

I do not believe anybody here will dispute any of the money that is being appropriated. I wish the Chief Minister well in getting the money out of his federal Labor colleague, the Prime Minister. If the agreement was made it is certainly money they should pay and we look forward to seeing that money appearing somewhere in the numbers.

Subclauses 7(4) and 7(5) agreed to.

Subclause 7(6).

MR SESELJA (Molonglo—Leader of the Opposition) (8.42): We certainly welcome the first homeowners boost. I think there are a number of reasons why this is important—obviously in the context of a slowing economy but also in the context of a housing affordability crisis which still has not eased, even if prices in some areas have fallen. We know that there is still a great challenge for first homebuyers.

In fact, we now see a real difference in policy between the Stanhope government and the Rudd government on this issue. The Rudd government is looking to help first home buyers, giving them the capacity to buy. On the one hand the Rudd government is giving them money to purchase and, on the other, much of that simply goes in taxes to the ACT government. We made it very clear during the election campaign that we believe it is reasonable to give serious tax relief to first homebuyers and that that is a good use of taxpayers’ funds because it goes into the hands of those who need it.

Mr Stanhope: And you decided that with knowledge of the global financial crisis?

MR SESELJA: We did not, but it is serendipitous, isn’t it, that good policy works in all sorts of ways? Indeed, while we did not predict it, it is good policy.

Mr Barr: And it is the un-means-tested nature of your proposal that is most appealing, isn’t it?

MR SESELJA: I guess the question for Mr Barr is: does he support the first homeowners boost? Is that means tested? I suppose Mr Barr, based on his interjection, does not support the first homeowners boost. Perhaps he should vote against this clause and then he could move an amendment. Maybe he could lobby his federal colleagues to means-test it. Where is he going to cut off the assistance for first homeowners? He supports it when Kevin Rudd does it un-means-tested, but when the Liberal Party puts it forward it is outrageous. It is very difficult to take someone seriously when they take such an approach.

This is a first homeowners boost; it goes to all first homebuyers. I believe it would also apply to houses up to \$500,000. I do not think the Rudd government’s proposal

cuts out, so clearly Mr Barr has no credibility on this issue. But we do see them taking different directions now. On the one hand, Kevin Rudd is giving first homebuyers money; on the other hand it is being taken in really quite outrageous levels of taxation by the ACT government. This is something that most jurisdictions have recognised. Most jurisdictions have given real relief for first homebuyers. The ACT Labor Party continues to hold out.

MR SMYTH (Brindabella) (8.45): Again I make the point that were we able to explore this in an estimates process we could have had a discussion about first homeownership and the assistance that one might provide. The government has a land rent scheme on the table. I am not sure whether the land that is provided for the land rent scheme has been announced yet or whether any of that assistance has gone forward.

This is the point. The tradition is that all estimates can be broad ranging—we can look at other issues—but we are confined, and we will be confined all night, because we do not have officials with us to answer questions and there is no obligation for ministers to answer. This is the problem with doing it this way. Perhaps the Chief Minister, who is very keen on the land rent scheme, can tell us how that is helping people into homeownership, along with the assistance of the federal government, which is doing a good thing here by upping the amount of assistance.

Perhaps the Chief Minister will take the opportunity to rise or perhaps the Treasurer, if she is in charge of the scheme now, will rise and tell us who the financial provider is that will be providing this assistance. They are going to hide again and this is the problem—accountability, increased accountability. There will not be an answer.

The Leader of the Opposition has made our support for this assistance quite clear. There is a small amount of \$50,000 which was to provide mortgage relief. I would have thought that was urgent, given the climate that we are in, but that has not been included in this appropriation bill. Given the minister's commitment that this bill delivers on election commitments which it indicated through the campaign would be introduced immediately—it is largely targeted at those in need—I would have thought if you needed mortgage relief that would be a need you might have now.

Mr Stanhope: I think we should add that. We should start adding things tonight.

MR SMYTH: No, I am asking why it is not in there. If you were fair dinkum and if we had a good process, if you had actually worked a little bit harder instead of goofing off for 36 days, we might have an answer. Perhaps the Treasurer, when she rises, can tell us who the financial institute is that will deliver the rent scheme and when the \$50,000 worth of mortgage relief will be brought in to play to assist those who are suffering.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (8.48): The Greens support this appropriation as it falls in line with the Prime Minister's announcement on 14 October 2008, providing a much-needed urgent incentive for first homebuyers purchasing established or newly constructed homes before June 2009. While interest rates and petrol prices have fallen rapidly in recent months, the ACT housing market in particular has been under extreme pressure due to the high

interest rates of early 2008 and remains under pressure. The recent reduction in interest rates and petrol prices has not yet had an impact and it would be reasonable to suggest that in the current climate new first homebuyers are reluctant to take the huge step of purchasing a home.

The last thing we need to do in this place is to be slow to pass on to prospective new homebuyers any incentive which will enable them to get into their first home and at the same time provide a boost to the ACT when most needed. To now delay in moving commonwealth funding to the ACT, which is essentially all that is involved here, would have an adverse effect on the housing sector in the new year, a time when traditionally many new homebuyers move to the ACT.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (8.49): This line in the second appropriation is a fully funded commonwealth initiative, as other members have said tonight. The commonwealth will make monthly payments to the ACT for the expected payments to first homebuyers in the ACT and these payments from the commonwealth will be adjusted to reflect the actual payments made by the ACT. As the money received from the commonwealth will automatically go to the territory banking account, Treasury requires this appropriation in order to make the payments. However, there will be no impact on the territory's net operating balance.

In terms of the mortgage relief fund, like all budgets or mini-budgets or appropriations like this, we did look very closely at what should go in and what needed to wait. In relation to the mortgage relief fund, the advice from the department to me was that further work needed to be done on refining the model to be put in place and who should run the mortgage relief fund. Those decisions were not ready in time to appropriate money in the 2008-09 second appropriation. That is the story. The model was not ready. I know there is non-government organisational interest in running the scheme. Because we have not been in the business of doing it before, it is just taking a bit more time.

On the land rent scheme, I need to take some more advice on it. I do not have the answer with me tonight, but I am happy to provide you with a briefing or update the Assembly in February on the land rent scheme.

Subclause 7(6) agreed to.

Subclauses 7(7) and 7(8).

MR SMYTH (Brindabella) (8.51): Subclauses (7) and (8) refer to the Territory and Municipal Services Department and can be found in some detail on page 43. They relate to the RSPCA, the national league teams, motorsport, tourism and cycling infrastructure. In regard to the national league teams, it is interesting that some money is provided to waive certain debts associated with the Brumbies establishing their headquarters at Griffith some years ago. This has been a matter that the Brumbies have been keen to see cleared up for some years now, and the minister for sport might assist us with some more of the history. I understand that it started as a very small debt and that most of the money that will be used, the revenue forgone, the \$265,000, is in fact interest payments because of the intransigence of the government in clearing

up this issue three, four, five or six years ago. Perhaps we could have a bit more detail on that.

These are the sorts of issues that one should explore. When one is forgoing debt, one should find out what the history is. But we do not have time for that, and we do not know the detail of it. This is a problem that the government are creating—where they transferred a debt to the Brumbies and for many years have insisted that the Brumbies clear that debt. But they have now come to their senses, and we all welcome it.

When the minister announced it, it was announced as though it was some sort of package that would further rugby in the ACT and that there were things that were going to happen with the money. In some ways, that is correct, because it will free up money that the Brumbies can use on the development of the code. But at the time it was put forward in a vastly different light from the reality of what this money is actually for.

I have spoken about the RSPCA. I note that the Chief Minister is with us now. I spoke about the domestic tourism marketing campaign. Perhaps Mr Barr will explain what the \$40,000 will be spent on and where it will be spent—unless the Chief Minister is doing that—and what the \$460,000 will be spent on, or whether all of the \$460,000 will now be spent on tourism. It was sold as a \$500,000 tourism package and it is now down to \$460,000. I would like some detail. This is detail that I have not been able to get. It is detail that we could have explored in a proper estimates process, but perhaps the minister will give us the courtesy of filling in the detail.

In regard to the cycling infrastructure, there is \$2½ million there over the two years and then some expenses and depreciation. It would be great if we had the detail of that. Perhaps the minister will give us the courtesy of telling us what the capital will be spent on. The Canberra Liberals went to the election with a very strong program to bring forward spending and make it happen so that we fixed up the signage and the bike paths in time for the championships next year, which we think is a good thing. The Speaker was at that meeting as well, and I think Mr Barr was. It would be nice to have some information on this. Again, it simply highlights the inability to pass money in good faith because we do not have the level of detail that we need and the interaction that we should have had.

MS LE COUTEUR (Molonglo) (8.54): I want to speak on a few of these items. The RSPCA usually has increased demand for its services over the holiday period. People get pets and they did not want to get the pets, people go on holidays, and all of these things. In order for the RSPCA to do everything that the community expects of it over the coming months, we are satisfied that it needs the additional funding immediately, and we support the inclusion of that in the bill.

On the next item, the domestic tourism marketing campaign, we understand that this is part of a wider economic stimulus package aimed at bringing visitors to the ACT in the winter of 2009. Given the global financial crisis, we support this as a measure to fund bringing additional visitors to the ACT, which will support local jobs and local businesses. We are also very much in favour of the portion of this campaign which encourages Canberrans to shop locally, because not only does it support our local traders but also it reduces greenhouse gases which result from people travelling further afield to do their shopping.

With respect to cycling infrastructure, I was also at that meeting, as well as the Speaker. The Greens are strongly in favour of cycling infrastructure. Cycling is a winner for the environment, producing less greenhouse gases. It is a winner for people's health. They say people should exercise for 30 minutes a day; we can do the 30 minutes by riding to work or riding wherever. And it saves people money in terms of what they would otherwise spend on their cars. It even saves the ACT government money in terms of providing roads and providing hospital facilities for road accidents. So we think it is an important part of the ACT strategy to deal with climate change. It is something we can do, it is simple, it is easy and we very much support its inclusion in this bill.

MR COE (Ginninderra) (8.56): I rise to speak in particular about the cycling infrastructure component of this part of the appropriation bill. The opposition largely supports the cycling infrastructure. In fact, during the campaign we released a policy called "A more cycle-friendly Canberra". That policy was all about fixing up the Canberra network. Canberra once had a very good network. The actual paths were well maintained, they were built and planned properly, but that has gone by the wayside over the last five, six or seven years.

What I would like to see, especially being a cyclist myself—and I am sure that Ms Le Couteur would like to see this as well—is that we make sure that all people in Canberra can contribute to the debate on where the cycle paths are most needed. I am afraid that bills like this, rushed through at the last minute, at the eleventh hour, do not give people the opportunity to contribute to this debate. In particular, as a Ginninderra resident, going from Belconnen to north Canberra is one of the key cycle links which is not very well served at the moment. I hope that some of this money does go to improving that link—the feeders from Belconnen to north Canberra.

I am sure that the members representing Molonglo in this chamber would be concerned about the cycle links between north Canberra and the city. If you are going from Lyneham into the city, or going from Dickson into the city—and I have regularly ridden down that route—it is a very tricky one. You are constantly going across from one path to another, you are going on footpaths for part of it, and on-road cycle paths for parts of it. That does not suit everyone. Some people are not comfortable going on on-road cycle paths, so the off-road cycle network is extremely important. Another important part of the network which is neglected at the moment is the part from Deakin into Barton, and also through to the city from there. I hope that some of this money is spent on that.

As I said at the start of this brief speech, the Liberals broadly support the money that is being spent on cycling infrastructure. We just hope that there will be greater interaction in the future when money is being contributed to such a worthy cause.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (8.59): I thank members for their contributions on these particular elements. We will be able to discuss and respond to some of the matters that have been raised. Mr Smyth, in his earlier comments, made mention of the additional funding for national league teams. I am sure Mr Smyth and the new shadow minister

for sport would be aware that in this calendar year we have been lucky to have two more teams enter into national league competitions—namely, the W-league team, our women’s soccer team, and the Canberra Darters into the national netball league. This additional funding will go to those teams, according to the tiered funding structure that was put in place following the review of national league team funding in 2006.

As we have come to expect from Mr Smyth, there was the usual throwaway line: if, at any point in the past, you have sought efficiencies or sought to restructure a particular program, any supplementation in that area, at any point in the future, constitutes a backflip. It is a fascinating way of approaching budgeting. One need only look through the lists of proposed recurrent savings that the Liberal Party put forward.

To follow Mr Smyth’s logic, with the efficiency dividend that the Liberals sought in InTACT, would that mean that any additional dollars spent on ICT within the ACT government in any future budget would constitute a backflip against seeking that efficiency dividend? I do not think so. I do not think it is reasonable to advance such an argument about seeking efficiencies. We did discuss this a little in the adjournment debate yesterday. It is typical of the Liberal Party and their approach to budgeting, in that that they were opposed to every specific—

Mr Seselja: On a point of order, Madam Deputy Speaker: given your previous ruling which restricted my colleague Mr Smyth from talking about other legislation and past assemblies, I would ask you to bring Mr Barr back to order based on your previous ruling.

MADAM DEPUTY SPEAKER: Please remain relevant, Mr Barr.

MR BARR: Thank you, Madam Deputy Speaker. In relation to the other matters that are part of this line of the appropriation, Mr Smyth also raised, in the context of national league teams, issues in relation to the waiving of certain charges for the Brumbies. As I am sure he would be aware, again, having shadowed this portfolio for some time, there were a range of issues that had to be resolved before the Brumbies were in a position to formally approach government to seek the waiver of those fees, most particularly the transfer of ownership of the bowling club.

It goes back a long time, but with respect to the bowling club membership handing over responsibility for the asset to the Brumbies, the completion of that transaction made it possible for the government to waive those fees. That did not occur until quite recently. That was, of course, a matter of some frustration for the Brumbies management and, indeed, for government, as we were hoping to have these matters resolved early. Of course, it did ultimately require a vote of the membership of the bowling club, and that took some time to achieve. Nonetheless, I congratulate Mr Fagan and his team at the Brumbies on moving to a resolution in relation to the bowling club.

I would also note, for members’ interest, that the government did provide the Brumbies with two payments. The first was to enable the fencing of their premier training facility and the second was money to refurbish and resurface that particular facility. So the combination of those two initiatives, together with the final resolution of ownership of the bowling club, means that the Brumbies are now in a position to move forward, more broadly speaking, with their financial plans.

The other items for which we are seeking the Assembly's support tonight include the first phase of the motorsport funding strategy. Members would be aware that \$8 million was—

Mr Seselja: Is this for the dragway, Andrew?

MR BARR: I think we can safely say, following my re-election, the failure of the Motorist Party to achieve a particularly high vote and the failure of the Liberal Party, particularly in north Canberra, to receive a high vote, that the dragway issue is now resolved. The people have spoken. There is a very clear position now from the Canberra population in relation to the dragway. That issue is resolved. The government went to the election with a range of commitments around the future of motorsport—

Members interjecting—

MADAM DEPUTY SPEAKER: Order, members! Mr Barr has the floor.

MR BARR: Thank you, Madam Deputy Speaker. It is interesting that throughout the afternoon the Liberal Party made a great deal about how we should listen to an independent umpire and accept their recommendations. It is fascinating that when it comes to listening to the electorate at an election, they are not interested in hearing what people had to say. It was very clear: the Liberal Party went to the last election supporting a dragway; they did not win the support.

Mrs Dunne: So did you.

MR BARR: Not the 2008 election, Mrs Dunne.

Members interjecting—

MADAM DEPUTY SPEAKER: Order, members!

MR BARR: This is the point I am making, Madam Deputy Speaker, in relation to this appropriation. We went to the 2008 election with a clear position on the future of motorsport funding. This \$200,000 appropriation delivers on the first part of that commitment, and I am very pleased to be able to deliver that first part of the motorsport funding commitment this evening.

I turn to domestic tourism marketing. I welcome Mr Smyth's support. I am sure he would have noted at the tourism awards the other night the strong level of support for this particular initiative. I can advise, as he was seeking some further information in relation to it, that the campaign will largely occur during May and June of next year. The marketing will target those key sectors in the Sydney and regional New South Wales market. The intention will be to attract people to Canberra in what is traditionally a difficult time for our tourism sector, through June and July.

The funds will be spent on advertising, online and print, and PR activity. It includes a component, as previous speakers have referred to, around shopping locally, in

supporting tourism, hospitality and retail. As Mr Smyth would be aware, there is a strong correlation with those industries. The success of the tourism industry feeds into the success of hospitality and retail. An argument that is put quite consistently in the business tourism sector and in the visiting friends and relatives sector, as well as the pleasure and education tourism sectors, is that if you are able to attract people to the city then their capacity to go to restaurants, to go to our hotels, to spend money in our shops is enhanced. That is a good thing. I do not hear anyone opposing this. So that is the basis for this particular—

Mr Seselja: No-one else has taken the full 10 minutes.

MR BARR: If I had not been interrupted so many times, I would have been able to wrap up on that note. Finally, in relation to cycling infrastructure and the comments from Mr Coe, he, being a new member of this place, may not be aware that the department, the government and organisations like Pedal Power have undertaken a significant amount of work in identifying what Pedal Power have called “the missing links” within our cycling network, and this additional funding will go to address some of the issues associated with those missing links.

Mr Seselja: What are the missing links? What are they?

Mrs Dunne: What are they?

Mr Hargreaves: Go and read the report.

MR BARR: There are a number of areas around the city. Go and read the report; it is available. It will involve some infrastructure work in terms of maintaining some of the paths that, over time, have fallen into disrepair, and it will also involve signage.

Subclauses 7(7) and 7(8) agreed to.

Subclauses 7(9) and 7(10).

MR SESELJA (Molonglo—Leader of the Opposition) (9.08): We have got the relocation and fit-out of the Mitchell Customer Service Centre. That, to me, looks a pretty reasonable amount for a fit-out but it is really difficult to know because we do not know any detail on how big the fit-out is. It seems low; fit-outs are pretty expensive these days.

Maybe the minister could tell us what kind of square metres we are talking about and whether this is reasonable value for money. It seems not a large amount for a fit-out but once again this is one of the challenges we are facing here without actually being able to ask a lot of detailed questions. So perhaps the minister can help us out in responding.

The other thing that struck me about this is the Dickson master plan and the Kingston master plan. They seem to have almost identical descriptors but one is a bit over \$110,000 over two years and one is \$200,000 in the first year. Perhaps the minister could explain to us whether the Kingston town centre master plan is more extensive, whether it is looking at different things, because the descriptors do not give us any clue as to why one is \$200,000 and one is \$110,000.

That said, there is not much more we can say on it without any further detail. But as I say, if the minister is able to clarify those for us—the relocation and fit-out and the Dickson and Kingston master plan differences—that would be useful.

MS LE COUTEUR (Molonglo) (9.10): I note one of the items is the green star ratings. We regard it as very important that inefficient buildings in the ACT are audited so that they can be made more energy efficient and used in the most appropriate fashion. Commercial buildings are a significant contributor to the ACT's carbon footprint and, as part of the ACT's contribution to dealing with climate change, we must improve them and use them in the most efficient way possible.

We are not sure whether this item is to fund an audit with a view to retrofitting the buildings to make them more efficient or simply to ensure that they are used for the purpose that involves them using less energy. At any rate, we are clear that it is important to be proactive in cutting our use of fossil fuels and we trust that this audit is the first step to doing so for these buildings.

With respect to the Dickson and Kingston master plans, we are in favour of funding these, for a number of reasons. We believe it is important to consider properly the issues of redevelopment and intensification. And it is important to look at redeveloping these areas sustainably. We hope that the planning will concentrate on providing public sector transport infrastructure, community open spaces and people-friendly urban design. We also hope that these plans will be developed by a process that listens to the community and involves genuine and thorough consultation.

With respect to the Mitchell Customer Service Centre refit, we hope that it involves green star principles in the refit.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (9.12): I can respond to the questions that have been raised in this area. The Mitchell Customer Service Centre fit-out is required because of the end of the tenancy at the current premises. The new premises, of course, do require a fit-out in order to accommodate the Customer Service Centre.

The Mitchell Customer Service Centre largely deals with the trade side of the ACT Planning and Land Authority's business. So this will provide significantly improved access, amenity and utility for the staff who work at the Mitchell Customer Service Centre and of course for their client base who are largely—

Mr Seselja: How many square metres?

Mr Barr: I do not have the detail in front of me on the square metres. I can get that. That is certainly not an issue. But it would appear to be, as Mr Seselja has commented, very good value for money.

Mr Seselja: Unless it's 10 square metres!

MR BARR: I can assure the Assembly that it is not a 10-square-metre fit-out. In relation to the master planning processes, we can be assured that the same number of staff will be accommodated. There are two reasons for the differential between Kingston and Dickson. The first is the timing of the master planning work. Kingston will commence first and, then, at the beginning of 2009, the Dickson work will commence. And as members can see, there is a spill over into the 2009-10 financial year. That work will commence towards the end of the 2008-09 financial year, more like July.

Mrs Dunne: But one is twice as much as the other.

MR BARR: Why does it cost twice as much? Because the planning authority has previously done work in the Dickson area and this is simply to build on that work.

Mrs Dunne: Does that constitute neighbourhood planning?

MR BARR: So the level of background material that is required and background work that is required for Dickson is significantly less than for Kingston.

However, I have indicated on a number of occasions publicly prior to the election that one of the key issues to be examined here is the release and prospect of release of new sites for supermarkets in both Kingston and Dickson, with a particular focus on generating some competition in the marketplace. There is no doubt, given the particular recent rulings of the ACCC, that the planning system now needs to take account of competition issues within the supermarket retailing area and we need to provide additional sites. There is no doubt that, particularly in Kingston, given the growth of Kingston Foreshore and the associated developments that will come in East Lake, we do need to look at the release of additional supermarket sites.

MR SMYTH (Brindabella) (9.15): Thanks, Mr Barr, for that. Again, I make the point: in terms of good process, the government must have known that this tenancy would have to come to an end. If this work is urgent, as it now suddenly appears, the question is: why was it not in this year's budget? This work could have started earlier. Again, had we had a proper estimates process, with officials present, things would have been different.

I would be interested to know—if the minister wants to jump up again and fill us in—whether any of the work on the previous master planning has been implemented. I can remember work being done there back when I was minister. Is that the work he refers to or is it work that has been done subsequently? What was the nature of the planning? And how much of it was implemented?

This is the whole point of doing this on the fly. We do not have officials with us; we cannot get to the full level of detail. I thank the minister for his answers in that regard. But I would also like to know when it became apparent that the Mitchell Customer Service Centre needed to be done, which meant that the funding had to be in this bill this evening.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (9.16): I thank Mr Smyth for those further questions. Yes, he is correct to observe that work around the Dickson group centre goes back some time. Members would be aware that about three or four years ago some new mixed-use developments in Cape Street—I am thinking of the apartments that have ground floor restaurants and then have apartments above—occurred. I think that was as a result of some of that work. So there has been progress in this area but, more broadly, as I indicated in my previous statement, the government is particularly keen to look at supermarket competition but also to look at the totality of those group centres.

There are a number of proposals. Developers have come and approached government, looking for an indication of what the Assembly's thinking was on future development opportunities in those group centres. My response, just prior to the election, was that it would be appropriate to undertake some more detailed planning studies in those areas.

Mrs Dunne interjected earlier, "Does that constitute neighbourhood planning?" I believe it does. I think this funding gives us the ability to go and consult further with communities on the Dickson and Kingston group centres, on their particular needs, and to look at what opportunities there might be for, for example, more mixed-use development that does see commercial and residential intensification in those areas.

Subclauses 7(9) and 7(10) agreed to.

Subclauses 7(11) and 7(12).

MR HANSON (Molonglo) (9.18): I refer to line item 11. There is \$220,000 for the West Belconnen Community Health Cooperative. We welcome that spending, the \$220,000. The question we have is: does that go far enough? Throughout the election campaign we saw a need for greater spending there and pledged, on top of the money that was committed by the government, an additional \$200,000. So the question remains: what will not be delivered there? Certainly we welcome this money that is being spent. We see a need that is most urgent in community health and it is good to see that the government is recognising that.

As the shadow minister for health, I note that in this bill there is no money allocated to the department of health. We have heard discussion about cycling. I am certainly pro-cycling, pro-motorsport. It is good to see master plans being developed. When we know the crisis that we have, the urgency and the need that we have in our emergency departments, the need for more GPs and the areas of elective surgery and dangerous levels of bed occupancy, the question, I suppose, I have is: why do we have the money being spent on things that are important, yes, but that appear somewhat less urgent than those critical areas of health? Particularly, in our hospitals and in our community, this is just a drop in the ocean of what needs to be delivered in terms of community health.

I refer to the minister's statement that this is not the ideal way to do an appropriation bill. It is a shame because I would like to have gone more into the detail of what was being delivered in that area of community health and get a better understanding of it.

MS BRESNAN (Brindabella) (9.20): The amount of \$5.191 million appropriated to DHCS provides emergency relief for carers and acknowledges the contribution made by volunteers. It is now widely understood that the contribution of carers and volunteers is vital to the function of basic amenities and care in our society, and this support for their work in the period of greatest need due to Christmas is urgent. We hope that this money can start reaching people in need before Christmas.

If we were to reflect on a scenario where Canberra's volunteers and carers were to suddenly cease their activities, we would have to ask the question: where would we be? The value of their contributions is unquestionable and the urgency of this support is also unquestionable. We hope that this will be part of an ongoing campaign to support carers.

The emergency relief for welfare community groups will help people in need and is not opposed by any member of this chamber. It is urgent. The \$2.5 million is also supported by all parties and we believe it is a good measure to address the reality on the ground for carers and volunteers. It also addresses this issue of acknowledging the great contribution of volunteers.

The West Belconnen Community Health Cooperative is, as Mr Seselja noted, going to be welcome any time. We agree and hope it will be welcomed soon.

The Greens also support the seniors card directory and recognise that maintenance is required.

With regard to business industrial relations support for community organisations, this is a very important project. As you would have heard from the speeches of both Meredith Hunter and me, we both have worked in the community sector and this is something that is highly necessary. I think Canberra, like all Australian communities, depends on a community sector that plays a great role in providing services in our community and depends on a workforce that is underpaid and increasingly stressed and which is dealing with increasing demands. It seems clear to me that the sector is likely to face increased demands as a result of the financial situation we are in.

In my mind, we need to plan for a new society with a vibrant, adequately resourced community sector. This project gets the ball rolling and looks at how well the community sector is resourced and how feasible the outputs are for the money that goes into them. This is an 18-month project but it is a very good thing that it is starting now.

In regard to item 12, we understand that this appropriation is for capital works, some forward design work for the Tuggeranong 55 Plus Club and \$800,000 for the regional community hubs. Given the fall in commercial building activity, there is every reason to be on the front foot when it comes to public infrastructure development. A capital works project such as the Tuggeranong 55 Plus Club needs to be designed and developed through engagement with local communities and likely club users. So moving quickly on the forward design is important in order to get to the building stage earlier than it might have.

Investment in regional hubs is very important if we are to make good use of existing community infrastructure. This is money to begin the site works for the Holt, Cook and Village Creek developments. That would provide accommodation for many community organisations that provide vital services and need affordable and appropriate space. I have to say that using play schools and preschool venues also as community halls, providing ongoing accommodation for community tenants and building community gardens are all enlivening community development activities.

MRS DUNNE (Ginninderra) (9.23): The Canberra Liberals will be supporting the appropriation for the Department of Disability, Housing and Community Services and I would like to make a brief comment on some of the elements.

The big-ticket item, as Ms Bresnan said, is the \$3½ million for emergency relief across welfare and community groups and carers and volunteers. While this funding is welcomed, the government seems to have stumbled across this as an issue somewhat belatedly. The Treasurer, in her presentation speech, commented that this funding is to provide urgent assistance to the vulnerable in our community who are being severely affected by the deteriorating national and international economy, which, by her own admission, she did not notice before the election.

I made the comment in passing at dinner to people who—

Ms Gallagher: You had dinner tonight.

Mr Stanhope: Did you have time for dinner?

MRS DUNNE: Yes. I am sorry, I went to two functions during the dinner break. Whilst the government was asleep and failed to notice that there was an economic crisis, people in the ACT were commenting to me before the election that one of the things that might benefit the Stanhope government was that in times of economic crisis people tend to vote for incumbents. So the electors noticed that there was an economic crisis, even if you did not, Ms Deputy Chief Minister and now Treasurer.

Suddenly it came up on you sometime after the election that, gosh, we have got an economic crisis. The minister yesterday could sit here and tell us how many times the share price index fell by 20 per cent in the run-up to the election and through the caretaker period; yet she still did not notice—and the Chief Minister still did not notice—that we had an economic crisis on our hands. As with everything, the Chief Minister comes late to these things.

The welfare and community groups always struggle—they always struggle at Christmas time in particular—to meet the needs of the vulnerable in our community. And every year the Salvation Army, the Red Cross, St Vincent de Paul and a range of other charities tell us how hard it is to meet the needs of people at Christmas. Most of the members for Ginninderra spent some time with Rotary on Saturday, packing huge numbers, hundreds, of Christmas hampers for distribution across welfare organisations in Belconnen and in the region. Those organisations know how hard it is, especially at Christmas. So it should not be news to anybody, least of all the Treasurer or the Chief Minister of the government of the ACT. Suddenly they are saying that we have to do this because it is important.

For me, apart from the big-ticket items there, as a member for Ginninderra, I am pleased, at last, to see the funding made good for the West Belconnen Community Health Cooperative. This funding is very welcome, although it is very late. The West Belconnen Community Health Cooperative is a community initiative, and I have spoken about this a number of times. It had its first meeting, exploring ways of the community finding an answer to the lack of primary health care in west Belconnen, back in 2004.

Following those first meetings, there was an assessment which was funded by the government and eventually a cooperative was set up in 2006. They set about raising from various sources the \$600,000 needed to set up the facility, which is a significant task for any community group. The cooperative, itself, raised in the order of \$200,000 and sought assistance from both the commonwealth and the ACT governments. I think the West Belconnen Community Health Cooperative is being used pretty much as a political football.

It was interesting to see when the commonwealth eventually came up with the money. It was done just in time for the ACT election. Although over a number of months, and possibly the best part of a year, the Canberra Liberals encouraged the Stanhope government to fund the full amount of money and get this initiative off the ground, the Minister for Health steadfastly refused to do anything to assist the setting up of a primary healthcare facility in one of the most disadvantaged areas of Belconnen. What really happened here was that ACT Labor and federal Labor pussyfooted around so that they could make a gee-whiz announcement, another stunt, just before the election.

The people of west Belconnen, my constituents, your constituents, Chief Minister, have been waiting for primary health care for two years, after the initiatives were set up and the cooperative was set up. At any time in that time you could have provided the funds if you thought that these people were worth while but you waited for the political stunt three weeks out from the election.

I congratulate the West Belconnen Health Cooperative on the sterling work that they have done. I look forward to the success of the cooperative, of which I am a member, and I hope that it will be the beginning of a great community movement of providing primary health care in the ACT, which is sadly neglected by this health minister and this government. It is interesting to dwell on the things that the Stanhope government could have been doing if it was really interested in participating meaningfully in providing services for the disabled and the disadvantaged in the ACT.

As I said before, while the \$3½ million funding is welcomed, there is still very much more that needs to be done. I draw attention to some of the initiatives that this government has declined to initiate: for instance, the \$4½ million one-off payment to pensioners and people living on single age pensions in the ACT which we in the opposition proposed in the run-up to the election in recognition of the fact of how hard pensioners were doing it, especially in these straitened economic times. We did this in recognition of the fact that pensioners, particularly single pensioners, were doing it tough.

We seemed to be able to see what was going on in the lives of pensioners. We were reading the studies. We were looking at COTA's research and what they were telling

us about how people were skimping on their medication because they simply cannot afford to buy enough medication, how they were skimping on their food and buying and eating less because they simply cannot afford food. That is why we proposed a one-off payment for single age pensioners to help address their needs in these strained economic times.

Also in relation to groups in the community which are particularly in need and where a little investment would particularly pay off over the long haul, there is our proposal for \$1 million over four years to Autism Asperger ACT Inc. Here is a group that is crying out for assistance and for early intervention. All the literature, wherever you go in relation to autism and Aspergers, says that the earlier you diagnose the problem and the earlier you intervene, especially on a one-on-one basis, the better the outcome for the children will be.

If you only want to look at it in terms of economic rationale—and Mr Barr likes to claim that he is the only economic rationalist in this place—if you invest in children with Aspergers and autism early in their life, the cost of their education would be much less and the cost of maintaining them in the community over their life would be much less. It is the humane thing to do; it is the right thing to do; it is the economic thing to do.

Again, the Stanhope government—the Minister for Health, the minister for education, the minister for disability services—will not listen to the cries, the pleas for assistance, from Autism Asperger ACT Inc, which is a matter of considerable shame to this government.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (9.33): I will quickly respond. I will not respond to all comments. Mr Hanson made some comments on health and health not having any money in this appropriation. All of our health initiatives are funded out of the growth envelope in the last financial year. The new initiatives for health will be funded out of the growth envelope for next financial year. In addition, we have \$300 million worth of capital works being commenced, and we have received \$10 million from the federal government in this financial year to deal with some of the pressures in our emergency departments. We felt that, considering that we were trying to keep this bill rather small and targeted, health and the health needs, and certainly the activity that is occurring in health, are being met through the current appropriations and some additional expenditure that we are getting from the commonwealth.

In relation to the emergency relief for charity and welfare groups, Mrs Dunne was going on about why we did not see this and that they are always under pressure. You could probably say that about every area of government service delivery—if you had more money available all the time, there are a whole range of areas in which you could spend it, and none of us would disagree that this is one of those areas.

I point out that in every appropriation, certainly since I have been in the cabinet, we have increased funding to community organisations. In fact, in the most recent budget we increased considerably the funding going to UnitingCare Kippax in recognition of some of the services and pressures that their organisation was dealing with. They will

be one of the organisations that again benefit from the allocation of some of this money today.

We also have the community infrastructure grants and capacity building grants, and there is also the Community Inclusion Board in the grants through that process. So I do not think you can accuse this government of not responding to community organisations' needs. I accept that we have not been able to meet all of the needs, but in every appropriation we try to do our best to support our non-government partners.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (9.35): Isn't it amazing that in the context of a supplementary appropriation Mrs Dunne always manages to find that the glass is half empty. If you have a look in here, you might find a few things in the glass that are half full.

It is also interesting to note the litany of things on Mrs Dunne's wish list. If she thinks that a supplementary appropriation, after people have lost an election, is all about us funding their election promises, I suggest that they have another think about the parliamentary process.

Mrs Dunne: No, it's all about your missed opportunities, Mr Hargreaves.

MR HARGREAVES: I wish fishing was this easy! All I have got to do is throw the line out with a worm on the end and in she comes.

I need to say thank you very much to a fellow member for Brindabella, Ms Bresnan, for drawing the attention of the house to the provision for the Tuggeranong 55 Plus Club. It is important because other areas of town have got a club for seniors and the Tuggeranong area does not, so I think this evens things up a little bit. It is important that I explain to you why it appears in this supplementary appropriation and not just in the budget one. It is because if we do the feasibility and the design between now and March or April, we can make provision for construction in the budget next year, so that from 1 July the money can be released to get on with the building of it.

If we wait until the budget next year before we do the feasibility and the design, construction will not start for another six months. If we do it now, we can actually get the construction and we can get that clubhouse built six months ahead of time, which is, I think, something that the valley needs. As Ms Bresnan quite correctly pointed out, when the commonwealth government sneezes, the Tuggeranong Valley gets the flu. We really need to keep infrastructure going in the Tuggeranong Valley, and I think this is a great incentive.

With the seniors card directory, it is about time that we updated it. It is now timely to do it. Somebody mentioned that single seniors do it tough. It might have been the glass half-empty mob. But it is important that we get this directory updated because Mr Smyth is going to need it fairly shortly. This will enable people to access those discounts which they will very much need between now and next year. It is the same story: if we update the thing we can get the jump on it six months into the future.

The big one for us is respite for older carers and the ACT contribution to that. If we do not make provision in this supplementary appropriation, the commonwealth walks away, because this is matched funding. I can tell you that the cash deterioration in our services will represent \$808,000, but the effect in the sector will be almost twice as much, and we just cannot allow that to happen. I commend this part of the budget to the house.

MR SMYTH (Brindabella) (9.39): Thank you, Mr Hargreaves, for that amount of detail. I think that is the most sharing he has been with information since I have been in this place.

Mr Hargreaves: Don't get used to it, Mr Smyth.

MR SMYTH: Again, you make my case for me, Mr Hargreaves: this is only coming out because we are questioning what is going on. It should have been done appropriately through an estimates process so that we could explore this more.

I think members have spoken to this in a large way. We had a request to my office this morning from a group that is not currently delivering services. They asked how they could access some of this funding. I have a response from your chief of staff, minister, in which she said:

The department is not anticipating that additional community organisations will seek to access the funding. However, this can be looked into on a case-by-case basis if requested by an organisation.

I understand my office has given you the details of that organisation. I hope that you will look at it favourably. It may be the case that there are other organisations out there working with those in need, or volunteers or carers, who are not currently on your list. I would just like to know whether or not, rather than just looking at it on a case-by-case basis, there is the ability to mention this in a proactive way to all organisations so that they might share in this as well. Obviously, not everyone is going to the services that you currently fund. If that could be taken on board, it would be appreciated.

Subclauses 7(11) and 7(12) agreed to.

Subclauses 7(13) and 7(14).

MR HANSON (Molonglo) (9.40): I refer to the line item for the \$2.17 million transitional costs for the Alexander Maconochie Centre. I assume that "transitional costs" means something like "we mismanaged the process and opened it late costs", but I do get confused about whether the facility is actually open or not. We had a lively debate about that yesterday. I certainly look forward to my visit to that facility on Monday. I will be able, three months after the facility was opened, to have a look at the facility.

Unfortunately, there will be no prisoners there, which, on the plus side, certainly ensures, as the government wants, that it will be human rights compliant. If there are

no prisoners, it is difficult for any complaints to arise. It does remind me a little of the *Yes, Minister* episode which had the hospital with no patients, and they thought what a wonderful idea that was. Unfortunately, in this case, it is costing us \$2.17 million in transitional costs. I appreciate that the government will be endeavouring to recover those costs, and I look forward to a briefing, maybe once the facility is finally finished and the prisoners are there, to ensure that we have recovered those costs and maybe it could be explained how that will be done.

In this case I am unclear as to why there is the urgency for those funds to be appropriated in this bill. Is New South Wales going to start sending those prisoners back? What is actually going to happen? Why is it that we need to get those funds through straightaway? It is still a little bit unclear to me.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (9.42): I thank Mr Hanson for his interest in the portfolio. We had a very informative trip to the BRC, the PDC, the STRC and the AMC. I could set that to music!

Mr Hanson: I know what they mean, too, now.

MR HARGREAVES: Yes, and you could accompany me too. We could do one of two things: we could take all the prisoners now, whack them in the jail and just watch them tear off towards Jerrabomberra, or we could do it properly. We would not do it like Mr Smyth would and just give the \$100 to somebody else. No, we will do it properly.

In the meantime, we have an arrangement with New South Wales, and we have to cover the cost of the prisoners incarcerated in New South Wales jails—quite a number of them. The point is that we need to pay the bill, and you have to pay it in the financial year in which it occurred, which is now. That is why it has to be in a supplementary appropriation; otherwise we would be hitting up the Treasurer's advance. Why would you hit up a Treasurer's advance when you can bring forward a supplementary appropriation and do exactly the same thing? It is more transparent, more open and more available for discussion in a place like this, if you put it in a supplementary appropriation, and that is why it is there.

MS BRESNAN (Brindabella) (9.44): As has been noted, these are additional funds paid to New South Wales corrections to cover the unbudgeted costs of accommodating people detained in New South Wales, prior to the opening of the AMC. I am sure that everyone here is disappointed that we have to spend this money and that the AMC is unable to accommodate prisoners. In saying that, I am also sure everyone can appreciate that this is not a cost that could be avoided at this stage. I also understand it is likely that we will be able to recoup these costs from the project contractors because of the late commissioning of the AMC, and this is something that would need to be followed up.

In relation to point 14, additional legal expenses, on the question of expenditure for additional legal expenses, it is our understanding that this money is required because of increased demand for legal services as well as an increased number of settlements

and damages payments that have to be made. Again, the territory does not have a choice on these payments. We cannot not pay damages orders or outstanding legal fees. Furthermore, it is essential that there be adequate funds made available for judicial disputes and access to the full range of legal options provided.

Another major contributor to this expenditure mentioned by the government was the need to spend more money on victims services and compensation claims. We feel it is entirely appropriate that provision be made to compensate victims and help them to put their lives back together.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (9.45): I will briefly add to what Minister Hargreaves said in relation to the transitional expenses for the Alexander Maconochie Centre. These payments are in accordance with the current agreement with New South Wales Corrective Services for the housing of ACT prisoners and cover the period or the revised schedule of the commissioning, starting in February, with completion in April. They have been offset to some extent by savings in the operating costs in areas such as food, education and work. That has already been factored in. As other members have said, we will be seeking to pursue our rights under the contract in relation to the impact of the delays.

MR SMYTH (Brindabella) (9.46): As always, you can rely on Mr Hargreaves to make your case. He says these payments have to be made in this financial year. That is probably true. There are 6½ months left in this financial year. This is borne out by the fact that it is now almost 10 to 10 on Thursday night on the last sitting day and we are rushing this through because we have not had the proper processes. Perhaps the minister has more of a sense of this: when are these payments actually due? I assume you have not had the bills presented at this stage.

Mr Hargreaves: The services will be over.

MR SMYTH: The service is ongoing; I understand that.

Mr Hargreaves: No, they will be completed this financial year.

MR SMYTH: But the question is: what is the payment structure, when are these bills due and do you need this money before Christmas? Would it be feasible to have a third appropriation bill so that, instead of using a Treasurer's advance, we come back and have an appropriation bill? That is a fine thing to do, but the whole point, again, is that much of this bill was sold on urgency. This does not sound urgent to me, if it has got to be paid within this financial year. So if we could have a payment schedule, that would be nice to know. I thank you again, Mr Hargreaves, for making my case.

The other thing Mr Hargreaves said quite flippantly was that, if we bung the prisoners in, they will run away. One would assume there are guards on duty at the prison, so is Mr Hargreaves now saying there are not enough guards or there are no guards on duty and therefore we are not incurring expenses? It is nice to have the flip, throwaway lines; that is okay, and no doubt we will have a commentary from the minister again. Treasurer, if you can answer this, as you seem to be able to do so far more sensibly: is

the centre fully staffed at this stage? Again, I make the point: this is information we could have got out of an estimates process when we had officials present, but we cannot. So I have two questions: when are the payments to be made and due and is the centre fully staffed at this time?

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (9.48): Very briefly, the answer to Mr Smyth's questions about the payments is that, in the course of the January to June period, the last prisoner will be received from New South Wales as a transitional release. They come back to us in groups; they do not come back in one go. And the last one will come about midway between January and June. That means that the total services that we have received from New South Wales will be complete and they will be looking for the money. So we need to appropriate it before June and pay them. The most important thing is that the total amount of payments has to be paid in this financial year. So the total amount is now being appropriated.

MR SMYTH (Brindabella) (9.49): The minister, again, does not answer the question. The question is: what is the timing of the payments? Gratefully, I say thank you, Treasurer; the Treasurer said across the chamber that she will find out what the payment schedule is, and that is the whole point. Are we appropriating money that we do not have to appropriate today and that could have waited? Perhaps there will be a third appropriation, and I suspect there will be a third appropriation because the minister and the Chief Minister have already indicated that a stimulus package may be required to answer the global financial crisis. So we know there is more than likely going to be a third appropriation. We do not have to do this now. We could have been doing this next year. Again, there are questions here, and questions come from the questions. We all know this from the estimates process: when you get an answer to one question, it may lead to four or five other questions. That is why we should not be doing it this way. But I do thank the Treasurer for her approach to this. It is far more reasonable than that of her colleague. The other point was the staffing. Is it fully staffed at this stage?

MR SPEAKER: Mr Hargreaves, you have had the floor twice.

Mr Hargreaves: No, I don't want it again, thanks, at the moment, Mr Speaker.

Mr Smyth: Because you would have to answer the question then.

Mr Hargreaves: I don't have to answer the question.

Subclauses 7(13) and 7(14) agreed to.

Subclauses 7(15), 7(16) and 7(17).

MR DOSZPOT (Brindabella) (9.51): I would just like to speak on a couple of issues and to back up what Mr Smyth was saying. The fact that we are asking these questions and are getting answers is what this evening is all about. Had this happened earlier we would not have to go through this and I thank the Treasurer for providing a briefing to us yesterday at 1 o'clock. Ms Hummel briefed us on some of the questions

that we had. As far as subclauses (15) and (16) are concerned, we do believe, using Mr Hargreaves's term, that the glass is half full. We are comfortable with the initiative to allocate moneys to parent groups and associations by way of a one-off grant of \$15,000 per school to be spent on projects.

However, we are not totally comfortable with the urgency with which the matter has been dealt with. I might just mention the briefing that Mr Hanson, Mr Quade, who is from Ms Hunter's office, and I attended on Monday. I think we all came away from that meeting with the impression that the urgency was not as great as had been portrayed to us here. Ms Hunter, you can talk to Mr Quade about the outcome of that discussion that we had regarding the urgency and what we had been led to believe. We do not believe the urgency was there. However, the allocation of the moneys to the parents and friends groups needs to go through at some stage. The people we were speaking to were under the impression that we are trying to delay for months and months. What we are trying to do is get some idea of what accountability exists when money is to be spent. On subclauses (15) and (16), as I said, I think we are reasonably comfortable.

However, regarding subclause (17), the allocation of \$1.6 million, the briefing we were given indicated to us that originally this initiative provided funding for the consolidation of Department of Education and Training administrative and school support staff which would allow for a reduction in the number of sites held by DET. The information we received from the department was that funding included in the supplementary appropriation is to meet associated fit-out costs at 220 Northbourne Avenue, Lyneham. Approximately 60 staff will be relocated from Macarthur House to 220 Northbourne Avenue. The question here is that the 200 staff that will be located at Northbourne Avenue include 60 coming over from Macarthur House. Those 60 went to Macarthur House originally. It was only 12 months ago that that move was made. What was the cost involved in moving those people there 12 months ago? Now, 12 months later, we are spending another \$1.6 million on moving these same staff into 220 Northbourne Avenue. That is the information we have been given, Mr Barr.

The other part of the information is that there is equipment to be purchased. Apparently, there are no computers, desks and so on located on the floors they are moving onto. The question we have is: what has happened to the equipment they were using in Macarthur House? This is what we are trying to get to the bottom of. Even with the best intentions in the world, trying to accept the line items that we were given before is not enough for us to make decisions for which we will certainly be held accountable. On that basis I would like to know a little bit more about how and why these situations occur when we keep talking about the global situation. On the information that we have it does not appear to us that it is prudent management to make these sorts of decisions.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (9.55): I am happy to enlighten the shadow minister in relation to these accommodation changes. The history of this goes back a number of years to some accommodation moves when the Department of Education and Training relocated from privately owned rented premises in Tuggeranong and to Northbourne Avenue. Unfortunately, the building at 220 Northbourne Avenue was tenanted at that time,

predominantly by the commonwealth education department, and at the time of that move we were only able to get a certain number of floors, which meant that we could accommodate a large section of the Department of Education and Training but not all staff. The additional staff were then accommodated across the road at the Macarthur House annex. People who are familiar with that intersection know that you have the ABC studios on one side, 220 Northbourne Avenue, which I think has TOWER Software at the front, and then diagonally across the road is Macarthur House. The bulk of Macarthur House is filled with staff from the Department of Territory and Municipal Services. It is an ACT government owned building. It has an annex, the Macarthur House annex. That is where the department of education staff work.

In recent times additional floors have become available at 220 Northbourne Avenue, so this move was made to ensure that we could move the Education staff who were in the Mac House annex across with the rest of their colleagues into 220 Northbourne Avenue, thereby freeing up the Mac House annex for the new Department of Environment, Climate Change, Energy and Water. What happens to the fit-out and all of the associated work that was done in the Mac House annex is that it becomes available for the new department. However, we are required to fit out the additional space at 220 Northbourne Avenue. That is what this appropriation is for. So we have, if you like, saved money in the establishment of the new department by moving them into an area previously occupied by Education, and we have consolidated the Education staff in the one building as much as possible. Of course there are other Education and Training staff at the Centre for Teaching and Learning, and the BSSS and the staff and teaching recruitment area, which is part of Higgins primary school, but as much as possible the philosophy behind this is to consolidate staff in like areas and to reduce as much as possible the rental cost to the government in the longer term by locating the new department in the Mac House annex.

In relation to the other aspects of this appropriation, the grants for school parent groups, why the urgency? We did indicate during the election campaign that we would deliver these grants in this financial year. Passing this section of the appropriation bill tonight means that these grants will be available for schools, government and non-government—all schools—parents and citizens associations, parents and friends associations and pre-school parent associations at the beginning of the 2009 school year.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (9.58): The Greens generally support this appropriation in the bill and the timing of the allocation to coincide with the new school year. Much of the work undertaken by parent groups and teachers to get schools up and running occurs very early in the new year and they need to factor in this most welcome additional funding into their work plans. It would therefore seem reasonable to include the grants for school parent groups in this bill so that schools and school parent groups are able to begin their planning knowing this funding is on the way for February. There have been some concerns expressed to my office about the process for the allocation of the money, so I would ask the minister and the department to ensure good process and to take into account changes to P&C councils in the new year, particularly in west Belconnen.

The Treasurer's office have advised that this funding can be used for any project or projects to improve their local school. The Australian Education Union welcomes this

funding and the broad scope. The P&C association has suggested that the funds could be spent by various schools on initiatives such as the following: greening the schools, literacy and numeracy programs, enlarging and securing bike racks, shade areas and that one special school may use the money for a garden for special needs kids, be wheelchair accessible and have sensory plants and so forth. The replacement of the hydrotherapy pool roof at Turner primary is a necessary expenditure. The P&C association has noted that many schools have problems with their roofs. The hydrotherapy pool provides a vital therapeutic facility for many children with a disability who attend the school. It is obviously essential work that has to be carried out.

I had some questions about the business improvement spending in this bill. I wondered why this particular spending was considered a priority and was advised that the expenses need to be met concurrently with the expenses of establishing a Department of Environment, Climate Change, Energy and Water at Macarthur House. Minister, you have just addressed this point—that this allows the department of education staff to shift into 220 Northbourne Avenue to join other elements of the department in that location.

I agree with the consolidation of staff into a few buildings. It does make sense to have staff together and not at different buildings in different locations. This saves time and money. We are also very supportive of the new department—it does need accommodation—and of that department being accommodated in one area. I will be following up on some of those other issues I mentioned in the upcoming annual reports hearings.

MR SMYTH (Brindabella) (10.00): Minister, thank you for your explanation on the business improvement. It is great to get that level of detail. Again I make the point, at the risk of being tediously repetitious, that this is what we should be able to explore—a proper process with officials present. I am referring to the bottom of page 115 of the document. It says, “This initiative provides money for consolidation of debt, administrative and school support staff which is now enabled because of movements.” I understand that. It goes on to say, “This will allow for a reduction in the number of sites held by DET.”

Are they only losing the one site in Northbourne Avenue or are there other sites closing? If so, which are they?

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.01): I can easily answer that. It is only the one site. The other sites that the department operates are the Centre for Teaching and Learning. It is a part of what was the Stirling College campus; it is now the Weston campus of Canberra College. They have an annex in Higgins that is currently used for teacher recruitment and curriculum support for physical education and sports programs and it was where the Pacific School Games team operated from. There is the Maribyrnong Centre at Kaleen which is used for hearing and vision support functions. The Lyons Education Centre is used by the BSSS and the Students Services Directorate and there is a storage facility for education records at the Fyshwick annex in Fyshwick.

Mr Smyth: We have got all those. But they are all secure; they are all fine?

MR BARR: Yes.

Subclauses 7(15), 7(16) and 7(17) agreed to.

Subclauses 7(18) and 7(19).

MR SESELJA (Molonglo—Leader of the Opposition) (10.03): Just looking through this provision, obviously money for the Department of Environment, Climate Change, Energy and Water is an important appropriation. We have had numerous discussions already this week about the importance of responding to environmental issues. We took a position into the election in relation to climate change Canberra, an authority that we believe would have added a lot to this area. Nonetheless, looking at these particular expenses once again—relocation and fit-out costs, \$100,000 of capital and \$30,000 of expenses and depreciation in the outyears. As I made the point before in relation to one of the other fit-outs, \$100,000 for a fit-out is not much, but we do not know the number of square metres, what the fit-out is for and how many staff will be located within it. But we might get some details on that.

Additional staff and resourcing are obviously necessary if you are going to set up a new department, but it is not clear to me—and Minister Corbell is not here—whether this is net additional. Obviously we are taking environmental resources out of existing areas, particularly from TAMS, but is this net additional? Perhaps the Treasurer can enlighten us on that. It appears that it is—I would assume that it is—but maybe she can just take us through it a little bit more, including the implementation of the electricity feed-in tariff. I am not quite sure what that money is actually for. Will that be for staff to oversee the program? Will that be for some other government spending? None of that is particularly clear from this, but perhaps the Treasurer can enlighten us a little when she closes.

MR RATTENBURY (Molonglo) (10.05): The ACT response to climate change has made significant progress today. After so many years of inaction on climate change, it is most pleasing that the Assembly has referred an inquiry with very comprehensive terms of reference to the newly created Standing Committee on Climate Change, Environment and Water this morning. This evening we are creating a new department that will be responsible for the implementation of what I hope will be ground-breaking new initiatives to be created by this Assembly in our attempt to combat climate change. As everyone is aware, appropriate and effective measures that address climate change will in many cases create far-reaching change for many, if not all, sectors of the community. This will be complicated and difficult to process and it is essential that we supply adequate resources for the task at hand.

Thanks to the Greens, the feed-in tariff will be implemented sooner than the original 1 July 2009 start date. We are keen to see that it is as effective as possible and are pleased that money is being specifically allocated for this purpose. With 72 per cent of the ACT's emissions coming from stationary energy, the feed-in tariff should start to make inroads into that emission profile. We look forward to the ACT leading the way and hopefully showing other Australian jurisdictions just how successful such a scheme can be.

Another issue that has been raised today that I would like to briefly touch on, as it will directly concern the new department, is the real prospect that the ACT will very soon become the leading jurisdiction in reducing greenhouse gas emissions once we legislate for a real and useful target in this place. Should the commonwealth fall behind us and the emissions trading scheme being developed by the commonwealth not prove to be as comprehensive as it should be, it is essential that we still make a significant contribution to reducing greenhouse emissions here in the ACT. This will take much work within the new department, to both develop effective options for the commonwealth scheme as well as ways of integrating ACT initiatives into any such scheme and vice versa.

As Minister Corbell rightly pointed out this morning, there are a great number of benefits in the ACT leading the way to go beyond just numbers of reductions, though this is obviously the ultimate ambition. I think it will be important that the ACT takes a leadership stance at COAG and that this department provide our ministers with the necessary tools, the necessary arguments and the necessary ideas so that then it is upon the ministers to show the political will in COAG to stand up and make a difference and for the ACT to be the leader that it should be.

As I said at the outset of my contribution, the creation of the new department is an exciting time for the territory. I would like to take this opportunity to wish all the new staff who join this department all the best as they set out on the implementation of what are vital policy measures and programs to reduce the ACT's greenhouse emissions.

MR COE (Ginninderra) (10.08): I have got a question about the relocation and fit-out costs of the new environment, climate change, energy and water department. We just heard from the education minister that, because staff went from Tuggeranong to Macarthur House and then to 220 Northbourne because of the fit-out that occurred a year ago at Macarthur House, the new department could move into new accommodation that was built a year ago at the cost of the department of education; therefore, the cost of moving the department should be quite low. I was just wondering why there is a \$100,000 fit-out and relocation cost for the new department, given they are moving into Macarthur House which was fitted out a year ago.

MRS DUNNE (Ginninderra) (10.09): I want to touch on some of these issues and to give a little warning. Everyone, including Mr Rattenbury, the Speaker, has waxed lyrical about the importance of the creation of the department. I am personally a little sceptical about how a bureaucracy is going to advance our participation in environment and climate change issues.

Like Dr Foskey in the previous Assembly, I was critical of the attenuation and dissipation of the environment organisation that, through the successive years of the Stanhope government, had been spread out across a number of departments and then sort of brought back together but in an attenuated way. In the process the Stanhope government had abolished the institution which was created by Gary Humphries, which was Environment ACT. That was the first time that all the environment agencies in the ACT had been brought together and that work had been substantially undone by the Stanhope government over seven years.

I suppose I believe in small government. I have a little trepidation, in looking at this, to see that over this year and the outyears we have got essentially \$9 million in bureaucracy. I go back and look at some of the environment initiatives that were touted in the run-up to the election by a range of parties and that \$9 million would go a long way to implementing the policies in relation to energy efficiency in houses of people on low incomes. That is an awful lot of house insulation that we are not getting, and we are getting bureaucrats instead.

That \$9 million is much more than any party in this place committed to land management, weed control and feral pest control. The Canberra Liberals made strong commitments to increasing the number of rangers, and that is practical, on-the-ground people, and there was capital works money to go with that so that they could do work in terms of land management, weed control, pest management and looking after our endangered native species.

I have a bit of trepidation about spending \$9 million on a bureaucracy. I think it is worth reflecting that the alternative was the proposal put forward at the election by the Canberra Liberals to have an organisation called Climate Change Canberra, which would draw on the work done by the London Climate Change Agency. We spent some time in communication with that agency and we aimed to emulate the work that was done by it.

One of the aims was that Climate Change Canberra would become a self-funding organisation within a reasonable period of time, possibly 10 years, as is the case with the London Climate Change Agency. My concern is the Department of the Environment, Climate Change, Energy and Water will not become a self-funding organisation; it will continue to be a drain on the taxpayers. It will probably do good work but it will be doing work at a high level, attenuated policy level, and not practical work on the ground, which is where we need to see the changes to give us the environmental oomph that we need.

The constant approach of Labor parties across the country is: when in doubt, create another committee or another bureaucracy. It was something that we specifically avoided doing at the last election; we were not going to go out and create more boards and committees and more bureaucracies.

We have come here today and the Greens are saying that part of the Labor-Green accord is that we have got more bureaucracy. I think you will reap what you will sow. I agree that we needed to bring together and raise the profile of the work of environment in the ACT, which was severely attenuated over seven years by the Stanhope government, but that could have been done within a normal bureaucratic structure so that we do not have to go out and find new ministerial liaison people, new people to write ministerials, new people to do HR.

None of those people, with all due respect to those people and the work that they do, will do anything to lower our greenhouse gas emissions, to save or to avoid erosion or to do away with one pest plant or animal in the ACT. They will do good work in their area but it is not practical work and it is not practical work that will be immediately effective for the environment of the ACT.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.14): I will speak briefly to this line in place of Minister Corbell who is travelling interstate to a ministerial council meeting.

Mrs Dunne: He was at the National Gallery when I was there.

MS GALLAGHER: He came back from the National Gallery and sat here until 9 o'clock. He is en route to Adelaide for a ministerial council meeting tomorrow and he has a pair, I understand.

Mr Hanson: He does have a pair, but he is not en route.

MS GALLAGHER: Thank you very much, just for the record.

This appropriation, \$9 million or so over four years, will provide a very significant increase in the ACT government's ability and the ACT community's ability to respond to the policy imperatives of environment, climate change, energy and water. While it means extra bureaucrats, we believe that this is, and will be in the future, one of the most significant areas and one that requires the highest level of priority in policy response from government. I think we have heard uniform agreement that establishing a new department is a good thing to do.

This is a very small, when you look at it over four years, allocation. It will provide, I think, an extra 16 staff to the number of staff that will come across from TAMS. We have looked very closely at keeping the cost to an absolute minimum. I understand agreement has been reached on the transfer of staff from TAMS to the new department.

This funding will, of course, support the recruitment of a chief executive for this department, extra policy staff and those other areas that Mrs Dunne went to in terms of what you need when you set up a new department, including audit capacity and some of those one-off costs of establishing a new department such as getting a website in place. We have very much tried to keep the recurrent cost low but at the same time we realise that what we all want here is to establish a department that can have an increased and intensified focus in this area of government policy.

In relation to capital, there has been \$100,000 allocated for minor capital works requirements for the annex of Macarthur House. It is a very small amount of money to be able to respond to some of the challenges when you move a different set of workers into an environment that has been used by another group. That is the detail I can give on that.

There was one question on the solar feed-in tariff. This is to fast-track the solar feed-in tariff, in line with our election commitments and in line with the parliamentary agreement with the Greens. This will support two staff to fast-track this and have it in place by 1 March 2009, at the latest. Noting that this is a very tight time frame, this increased appropriation will hopefully allow those increased resources to be met in that time frame.

MR RATTENBURY (Molonglo) (10.18): I rise to make some quick observations in response to the comments from Mrs Dunne. I agree with her concerns about creating a bureaucracy that does not deliver. I think that is an area that will require vigilance and I am sure that the standing committee on climate change will provide that ongoing scrutiny and I have no doubt that many members of this place will provide that scrutiny on an ongoing basis through the estimates process as well.

However, Mrs Dunne's example is an unfortunate and most recent example of perhaps what has been one of the interesting trends for us this week, as new people in this place, and that has been the ability of the Liberal Party to choose the most uncharitable of all possible interpretations of the comments that the Greens have made, to take what we have said in this place, turn it around and make it look like something that it never was when it was said.

The reason the ACT needs an improved climate change bureaucracy is amply demonstrated in the document *Weathering the change*, which has been the official policy of the Labor Party for much of their last term. In that document we saw that the ACT's official greenhouse target became a process of, I think, sleight of hand. Once you did the mathematics behind it, you saw the ACT was going to be increasing its greenhouse emissions by 14 per cent above 1990 levels by 2025.

I do not want to labour this point but we all know pretty quickly, looking at those numbers, what a poor policy position that was. It has been unclear to me whether that was bad policy advice received by the government or whether the government took a bad decision and ignored perhaps good advice that they got. In having a department that does have strong policy capabilities, is capable of putting forward good policy outcomes, we will have eliminated the first option and will know, if we keep getting these results, that it is the latter.

Subclauses 7(18) and 7(19) agreed to.

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

MR SMYTH (Brindabella) (10.21): Members, I want to make two final comments. First and foremost, I would like to thank the Deputy Clerk who drafted that motion that led to the expeditious move through this bill this evening. As always, the support from the Clerk and his staff is most welcome. I think the process has worked fairly smoothly and I think we are all grateful for that.

What I would like to say, in closing again, is that what we had tonight is answers to some of the questions that we have asked; but, in my mind, it raises a series of further questions. Some questions have not been answered. Treasurer, I would compliment you on your knowledge. You seem to know more than some of your ministers, particularly Mr Hargreaves, who always has a poor approach to this matter. But thank you for what you did tonight.

I make the point that the problem is, again—and I think we have proven the point tonight—that much of what is in this bill did not have to be done tonight; it could have been done in the third appropriation that we all know is coming early next year;

and that would have been far more appropriate to allow the appropriate scrutiny and the detail that can often be only provided by officials.

That being said, Treasurer, I thank you for all your answers this evening. It is a shame some of your colleagues cannot answer as quickly and as easily.

Remainder of bill agreed to.

Bill agreed to.

Road Transport (Third-Party Insurance) Amendment Bill 2008 (No 2)

Debate resumed from 9 December 2008, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.23): The opposition will be supporting this bill. This bill I think could be truly claimed to be a transitional arrangements bill. For those that are not aware, until now the role of nominal defendant in the ACT has been provided by the NRMA. Changes in the previous Assembly have led to an arrangement where that will be unacceptable as other providers of compulsory third party enter the market and break the sole market share, or the total market share, that NRMA has had.

So it leads to a need for a change of arrangements. Those arrangements now mean that the nominal defendant will be provided by the ACT Insurance Authority, and that is a reasonable thing. Negotiations currently go on with the NRMA to transfer across the outstanding cases and moneys to cover those cases in the expectation that they will be finalised.

What this bill does is allow anyone who has fallen through the gap in effect and has not got their claim in on time, or is outside the limit for claims, to be accommodated. There is a safety clause so that you do not have unscrupulous people just trying it on. This allows them to go to court and make the case to a court that they would like to be included in the scheme. It is then up to the court to make that decision.

I would like to thank the minister for the prompt offer of a briefing, after she yelled at me across the table the other day, which was only to get my attention, of course. I would like to compliment her on her officials and her staff who came down. All our questions were answered on the spot, except for one and we had a very quick response to that with some information provided from other organisations.

It is pleasing to see that the consultation on this has been quite broad. All the relevant people that I would have expected to be contacted were contacted and they have simply confirmed that they believe that this bill is appropriate. With that, we will be supporting the bill.

MS HUNTER (Ginninderra–Parliamentary Convenor, ACT Greens) (10.25): This bill corrects a problem in the new compulsory third-party scheme introduced at the end of the last term.

One feature of the new scheme is fairly tight time frames that apply to making application for compensation. An issue was raised by lawyers, a class of professionals that this government variously admires and denigrates, that if a party had to wait for more than three months for a police report, or if information in that report was not accurate, the party could be disenfranchised by this legislation.

I understand that the problem as it exists should be solved through improved police processes some time in the next few months. As it happens, however, some people are getting caught out. This bill amends the act to permit the nominal defendant to accept a claim of reasonable excuse for a delay, and a claimant can contest the issue in court where the nominal defendant turns down the claim. In brief, this provides a simple, two-tiered approach to looking at cases such as this to ensure that no claimant will be unfairly caught out by the time frame cut-offs in this legislation.

The issue was raised by Mr Stefaniak at the end of last term. He was right, but his solution was not as elegant or as inexpensive as this one.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.26), in reply: I thank members for their contributions. I do acknowledge the short time frame to deal with this bill and I thank them for supporting it.

As other members have said, this bill puts forward a series of technical amendments. These amendments modify the time restrictions that apply to people injured in a motor accident who decide to make a compulsory third-party claim against the nominal defendant. They also align the principles around time restrictions on making CTP claims so that claims arising from insured or uninsured accidents are subject to the same condition.

The government are committed to consult and act on those consultations if evidence emerged that justified such action. Consultation did occur during the caretaker period in order to verify some of the concerns that had been put forward that it was possible that some potential nominal defendant claims might lose the opportunity to notify the nominal defendant due to factors outside their control. I understand that this proposition was established in some cases and therefore this amendment bill tries to cater for those situations. Again, this has been time critical and I acknowledge the efforts of members to deal with this bill in such a short time frame but it had to be dealt with before 1 January next year and this was the only opportunity to do it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Standing orders—suspension

Motion (by **Ms Gallagher**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for today continuing past 30 minutes.

Adjournment

Motion by **Ms Gallagher** proposed:

That the Assembly do now adjourn.

Valedictory

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) (10.29): I wish very much, on behalf of the government, the Labor Party, on behalf of my colleagues, some of whom are no longer here this evening—on behalf of each of us—to extend season's wishes most particularly to everybody in the chamber, colleagues, all MLAs, the Leader of the Opposition, the Parliamentary Convenor of the Greens, their Liberal and Green colleagues respectively and, indeed, all of my colleagues.

It has been a difficult period. Elections are tough and rough and are the most difficult part of politics, particularly in relation to relationships. They are quite testing and hard. None of us here would deny the toll and the price of an election year, an election campaign. It is hard on us individually, though we sometimes pretend otherwise, but it is. They are difficult, hard, sapping experiences and I certainly acknowledge that.

I acknowledge the difficulties inherent in political life and the difficulties inherent for those of us engaged in the process in maintaining relationships. It is appropriate, however, two weeks out from Christmas, this last sitting day of 2008, the first sitting week of a new four-year term, to acknowledge that and to acknowledge, however, our roles—the need for us as representatives of the people to certainly exhibit a certain standard in relation to our commitment to standards in our representative and leadership roles.

In that sense, I congratulate again each of you, colleagues, on your election and for the very significant and important role which I and each of you play. And I do genuinely and in a heartfelt way, on my behalf and on behalf of each of my colleagues, extend most particularly to you, Mr Seselja, as Leader of the Opposition, my best wishes for Christmas to you and your family and similarly to each of your colleagues. I similarly extend my best wishes to Ms Hunter as Parliamentary Convenor of the Greens, and to each of her colleagues from the Greens my best wishes for the season. Similarly, I thank all our staffs, respectively, of all members of the Assembly, those that we rely on in our day-to-day work.

I most certainly on my own behalf—and I am sure I speak for those of my colleagues who will not take the opportunity to speak in this adjournment debate—acknowledge

the significant role and importance of the role that our families play in allowing us to perform the duties that we perform of community service.

Mr Speaker, best wishes to you. To everybody, have a great break. I think we have all earned it. Personally, I am having a couple of weeks off, which I am looking forward to almost desperately just at the moment. Good luck to everybody. I look forward to continuing our relationships in the new year. Good luck.

Valedictory

MR SESELJA (Molonglo—Leader of the Opposition) (10.32): I thank Mr Stanhope for his words. I particularly wish him well for his couple of weeks off. I will be sure not to call it six weeks. But I would like to take the opportunity to wish Mr Stanhope, all of the Labor team, Ms Hunter and all the Greens, Mr Speaker, to you in particular, and to each of my colleagues here, a very merry Christmas and a good break.

It has been a big year. There is no doubt about it. And I think all of us have earned a bit of a break. We have certainly enjoyed much of the year, and I think we have in this sitting week particularly enjoyed having all of the new members here, all eight of them. We have enjoyed, in particular, our three new Liberal colleagues who I think are going to make a fantastic contribution and we are very much looking forward to the contribution that they will make in the new year and in the next four years.

This is a new Assembly and we are all getting used to that. We are all enjoying, I suppose, just sizing each other up and sizing up the new situation that is presented. But as we approach Christmas, particularly in an election year, we will appreciate the ability to have a bit of time with the family. I will enjoy spending time with my young children, particularly my youngest daughter. When we have the early mornings and the late nights I can sometimes go two or three days without really seeing her and that is always the hardest. So I am looking forward to that.

To each of my colleagues I would say: have a good break. I note particularly that the new ones are less likely to want to take time off—they are keen to stay around in January when most people will be down the coast—but I do wish each of you well. I am very pleased with the contribution you are already making to our Assembly team here in the Liberal Party.

To all of my staff: you have done an extraordinary job during this year. I pay tribute particularly to Stephen Doyle, my chief of staff, and to Ian Hagan, to Tio Faulkner and to others who have left us, including Daniel Clode, and Maria Violi and Keith Old in my office. They have done a mountain of work this year, it must be said—an absolute mountain of work. Some of them literally worked above 90 and 100-hour weeks on a regular basis during the campaign and that takes its toll. I think each of them deserves a break and, as I say to my chief of staff, he eventually does have to take a break before he kills himself.

I would also say to the chamber staff, to the Clerk's Office, to the attendants and to all of those who look after us: we are very grateful always for the professionalism and for the service you provide to the Assembly and to each of us. And to my constituents in Molonglo, once again I put on record my grateful thanks for being re-elected. I look

forward to serving each and every one of my constituents and indeed the entire ACT community. I wish everyone in Canberra a merry Christmas, a safe and happy new year and a very enjoyable break. But to everyone here, merry Christmas, and we look forward to coming back in the new year refreshed and ready to go.

Valedictory

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.36): This has certainly been an interesting time for the four Greens, our first sitting week. It has been a great learning experience for many of us and also it has been great to be here with the other colleagues. We would like to again congratulate you on your election to the house. We have also had a very busy year. It was a big election for us, a historic win for the Greens in the ACT, which has very much changed the face of this local Assembly. I think I made a little bit of a mistake this afternoon when I wandered out to one of the side rooms not realising that they are actually allocated to different parties. So now I am wondering where is the Greens' room. Maybe in the new year we will have a bit of a scout around and see where we might be able to also congregate.

Members interjecting—

MS HUNTER: Maybe we will just switch between the two. It has been a very busy year for everybody here. I know that we all acknowledge the people out there in the community who put in their time and their energy to allow us the privilege to represent them for the next four years. We are very privileged and lucky to bring over some ER staff who had been with the previous MLA, Dr Deb Foskey, whom I would also like to pay tribute to. She was in this house up until just before the election, and for the four years before that she did a magnificent job of representing the people of the ACT, and particularly the people of Molonglo.

I would like to thank very much, and I know all four of us thank, Roland, Indra, Sky, Andrew, Fiona, Tom, Brian, Tom and Anna, who have been fantastic over the last couple of weeks and particularly in this past week. We would like to express our best wishes and send happy holiday greetings and hope you have a good break to Mr Stanhope and the Labor team and also to Mr Seselja and the Liberal team. We are looking forward to working with you all in the new year. Like many of you, we are also going to be taking a couple of weeks off to recharge our batteries and probably also to become reacquainted with our families and friends for those few weeks. So our best wishes to everyone over that time and also we look forward to doing the best we can to represent our constituents in the new year.

Valedictory

MR SMYTH (Brindabella) (10.39): I mirror the thoughts that the three leaders of the various parties have expressed. Welcome to all the new colleagues. Thank you to all the staff. Thank you to the Speaker and his staff and the Clerk for the job that they do.

I would just like to remind members to perhaps spare a thought for the volunteers who will work over the festive season, particularly given the amount of rain we have had and the amount of growth we have had—volunteers of the Rural Fire Service. I know

my brigade has been looking for people to stand up and I have committed to do more because I have done a lot less over the last couple of years, but there are a lot of people who are going to spend a lot of time over the Christmas break at fire sheds around the territory and they are standing up or are on warnings for Christmas Day.

Early in the new year we get the storm season, which we have seen in the last couple of January-February periods, and no doubt the SES volunteers will come into play there. If all of us in this place and the community can do the best we can to prepare our places, our residences, for the fire season and the storm season that would be a good thing. To the police and all the medical staff who do not get days off and will provide all those wonderful services over the Christmas break, thank you for what you do. We will not forget you either.

I am particularly looking forward to Christmas Day. My son, David, is 2¾. He is getting a big box of Thomas the Tank Engine and we are going to play—

Ms Gallagher: He is not listening at the moment.

MR SMYTH: He is not listening. He thinks Santa is bringing it, but it has been on lay-by. It is all paid off, it is at home, it is gift-wrapped and I cannot wait to open it with him. Merry Christmas to you all.

Valedictory

MS BRESNAN (Brindabella) (10.41): We also want to thank all the Assembly staff here and the attendants and everyone in the Clerk's office. We would not have been able to settle in as easily as we did—well, I guess not “easily”—but you have helped us through this period, particularly this week, and we really thank you a lot for that; it has been invaluable.

Valedictory

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning, Minister for Tourism, Sport and Recreation) (10.41): I would just like to wish everyone a safe and happy Christmas, to thank everyone, particularly all the staff in the Assembly, for the invaluable assistance they provide.

I did rise in the final adjournment debate prior to the election and said that I had two wishes for the remainder of 2008. They would be, firstly, the return of a Labor government—I am very pleased to see that that did occur—and, secondly, and perhaps even more importantly, that my beloved Hawthorn Football Club would win a premiership. I did, I must confess, take a day out of the election campaign to go and see that feat, and for a Hawthorn supporter of 25 years it was fantastic to be there on that day. That certainly did warm the heart and provide that final spur over the last few weeks of the campaign.

Before closing, I would like to thank my staff and pay tribute to Ryan Hamilton, who is leaving at the end of this year to go and take up a job in the private sector. I wish him all the best. Also, Liz Lopa, who would be known to many of you, had her baby

son a few weeks ago, and she and her husband will be spending their first Christmas with Zac. I wish them all the very best and thank her for all her work through 2008. Thank you, everyone.

Valedictory

MR HANSON (Molonglo) (10.42): I echo the comments that have been made by Mr Stanhope, my leader Mr Seselja and others. When I look at the clock and at the date, I reflect that exactly one year ago I was flying out of Baghdad to transition through the Middle East on my way home. I certainly recall, as I left and my replacements had recently arrived, the real thought I had was, "I'm glad it's me going home for Christmas and they're staying here." I would like to reflect on the thousands of ADF members who are currently serving overseas and will not be home for Christmas. There was no greater pleasure I had than being with my family last year for Christmas, and a lot of us will be away, in places like Iraq, Afghanistan, East Timor and the Solomons.

I would like to make mention of Giulia Jones. You would all know "Gulia with a G". Throughout the election campaign, she did it pretty hard. Her husband, Bernard, was in Iraq and he still is. Their two young children will be opening their Christmas presents without Bernard being there. The ADF members are amongst us—mums and dads, these days. I would like to note that point. As you are opening your presents with your families this year, do spare a thought for those people who are not with their families, who are with the ADF and serving overseas.

Valedictory

MRS DUNNE (Ginninderra) (10.44): I would like to add my words of greeting at Christmas time to all the members of the Assembly, particularly to my Liberal colleagues—to Zed Seselja, Brendan Smyth, Jeremy Hanson, Alistair Coe and Steve Dospot. It is a pleasure to work with you. It has been a pleasure to work with such a professional team throughout this year, and I think we can say that they ain't seen nothing yet.

I will mention the extraordinary staff of the Liberal Party in the Assembly again, because they deserve mentioning. They are, for the most part, very backward in accepting accolades. I mention Steve Doyle, in particular, who has been an absolute brick through this campaign and absolutely tireless. I think that if he does not take leave next week, we will actually hogtie him, take him home and deliver him to his wife.

Mr Seselja: He's actually looking tired.

MRS DUNNE: Yes, very tired. I give my heartfelt thanks to Ian Hagan, Tio Faulkner—the indomitable Tio Faulkner—and some of the longer serving staff, people like Keith Old and Maria Violi, who have been with us in and out of season. I say to my new staff, to Clinton White, that it looks like a great working relationship, and I am very pleased to have him on board.

I mention our families. To my own family, Lyle and Olivia, Tom and Julia, and Isabella and Connor, we are looking forward to Christmas, and we are particularly looking forward to it because we are flying our export home from Japan for Christmas. We will also be doing something that we do not often do, which is travelling, because, as our parents get older, it becomes harder for them to come and visit us. There will be some difficulty with facing the inevitable onset of age amongst our parents.

I say to all of you here, and to the staff, especially the staff that sometimes we do not see—we do not see the library staff very often, and the people who beaver away in Hansard—

Mr Smyth: Borrow more books.

MRS DUNNE: Actually, I see them when they come looking for the books that I fail to return. That is one way of ensuring that you see the library staff. To Tom, Max, Janice and everyone in Chamber Support who make this place run like clockwork, I thank you, and I hope that you enjoy a happy and a holy Christmas with your families.

I would like to reflect again on those people who will be serving our community in a whole range of ways, whether it is in the green zone or in a fire shed. There will be many people who will give up their Christmases so that we will have a comfortable Christmas, and I encourage you to spare a thought for them. If you are in a position to do something at Christmas-time, a little extra for your favourite charity or to turn out, say, to St John's on Christmas morning and help to cook a Christmas lunch for people who are in much greater need than us, I encourage you to do that, because that is what Christmas is all about.

Valedictory

MS LE COUTEUR (Molonglo) (10.48): I would like to echo the sentiments of my fellow members of the class of 2008 and wish you all a happy, green, sustainable Christmas, and the same to all the staff who have made the transition to being a new member as easy as it possibly could be. I do not think the word is “easy”, but it is a great privilege to be here, and I look forward to a great year for all of us next year.

Valedictory

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.48), in reply: Many of us have had to answer questions for the *Canberra Times* on what the highlight of 2008 has been, what your new year's resolution is and what you are doing in 2009. I really struggled on the highlight of 2008. I thought, “Is my answer the fact that it is finished?” For 2007 it was easy: it was the birth of Evie. For 2008, it is a little bit harder. I cannot actually remember what I answered now, when I sent it through. But it has been a really tough year, with the lead-up to the campaign, the campaign itself, the ups and downs and the adrenalin. Things are great when they go well and things are terrible when they go badly. We have the opportunity over the next four years to do some different things in the Assembly. I welcome that opportunity and working in a different way, in a way that the Canberra community have requested us to work.

To the new members, the new Speaker, the Secretariat and Assembly staff, I think you have done an amazing job this week. I did not really have the courage to say very much in my first week. I did not understand the procedures and protocols. The new members school really worked. You have done an amazing job this week.

I would like to add my thanks and appreciation to the ACT public service. We are very lucky to be supported by thousands of talented individuals that work for the ACT public service across a range of areas. I certainly know that the areas that I work for have amazing people who do amazing things—hospital staff, the nurses, doctors and allied health professionals, health administrators and policy developers. In Treasury, they do not guess; you are quite right, Mr Smyth. They are very skilled professionals. Just in my short time with those agencies, they have provided me with some very high quality and responsive advice. I would like to acknowledge their efforts.

To my family, too, thanks for putting up with me this year. I think my one-year-old daughter's first skill was to walk around with anything looking like it was a mobile phone right on the back of her head. Whether it be the remote control, a banana or whatever, she picked it up and put it to the back of her head. I thought, "Is she trying to tell me something here?" as I answered yet another phone call. So I say thank you to my family. Like Mr Smyth, I have a young son, and he has put in a request for a blue scooter and a yellow skateboard. I am not so sure about the yellow skateboard, but I look forward to Christmas with my family as well.

Valedictory

MR COE (Ginninderra) (10.51), by leave: I am glad to contribute to the thanks to everyone who has contributed to this place over the last few weeks in particular. There is no really easy transition after you have been elected to this place. With many jobs, you go in there, often there is a handover, and you might have several weeks, even several months, where you learn the ropes, you go through things, you have questions and you have constant interaction with the outgoing person, or at least your immediate boss, and usually in an area which is in very close proximity. Whilst we have had tremendous support from Zed's office and the rest of the Liberal team, there is no easy way to adjust to this life. I am sure the other seven new members would know what I am talking about—I imagine especially the Speaker. There would be no harder job to go into on day one than that job. I do commend you for the role you are playing there.

In particular, I would like to thank Steve Doyle, Ian Hagan, Tio Faulkner and Daniel Clode, and also Julie and Lisa, who were out during the campaign as well. Those guys were a real rock during the campaign. You could literally call them until 1 or 2 am or any time from about 5 or 6 am. They would always be quite sprightly and they would always give you the information that you needed.

In conclusion, I would like to place on the record my thanks to my family, to Bruce and Barbara Coe, Philip and James Coe and my girlfriend Kath. Kath was actually waiting in my office since about 7 o'clock. It was always "half an hour away". Alas, at about 10.30 or so, when it was about half an hour away, she left and went home. That is the nature of the job, I guess. I am sure she and I will get used to that. I hope everyone has a safe Christmas and I look forward to seeing you all in February.

Valedictory

MR DOSZPOT (Brindabella) (10.53), by leave: I think everything has been said. A lot of the things I wanted to say have been said, so, for the sake of brevity, I will not repeat all the thanks that we make to our own staff. I would like to express my thanks to the Assembly staff. I echo Ms Le Couteur's words and Ms Bresnan's words: they have been excellent, and I thank you all for the support that you have given us. I have got to know a lot of you, especially on the Labor and Liberal side, over the last seven years. So even though I am totally new, I feel that I do know some of you. It is different sitting here and sharing the trials and tribulations of being elected members. Having been somewhat critical some years ago, I can now appreciate the work that you all do, and I hope I can fill the shoes that I have replaced in our party to add some contribution to our Assembly and to our city.

Thank you, all of you, for being so accepting. It is a privilege to be here. I think I covered all the points in my inaugural speech. We all come with aspirations as to what we can do here. Politics does kick in, but I do hope that we can concentrate on and give some value to our constituents. I wish all of you and your families a happy and a safe Christmas.

Valedictory

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.55), by leave: I will not take very long. I want to wish everybody, all 16 of you, a wonderful time over Christmas. For the old blokes, take the opportunity to refresh. It has been a really tough year. We have all worked particularly hard in this place and in the election campaign, and doing both tasks at the same time is a pretty tough ask, I have to say. But we are back here, and I welcome the new faces. I would like to suggest that you don't lose your sense of humour. Don't give that to someone else for Christmas; keep it for yourself. It will be a dark day in the cells if you lose that one.

I have had a really great time in this place. I have spent a quarter of my working life here. I want to express my appreciation specifically to the chamber staff and to Uncle Tom Duncan over here. I hope that the Clerk gets his Christmas present—a Collingwood grand final. I hope that the Deputy Clerk and Serjeant-at-Arms gets nothing in his Christmas bag for St Kilda. I hope that you have done your bit, Mr Barr. Go Pies!

I would like to single out, if I may be bold enough, the attendants, who have been absolutely magnificent over the time, and also Ray "Save the Fridge" Blundell, who is in the box up there.

Mr Seselja: What time does Ray have in the sweep?

MR HARGREAVES: Ray's got the fishing rod out and the picture of the fish. You know how big it was? It was about that big, if I remember correctly, and it was a big carp, actually.

I have to say that if it was not for the friendly faces of the attendants and the chamber support staff, I do not know how we would get on. Remember, when we go home, they do not, and they are here before we get here, every day that we are here. Like I say, I have been here for a quarter of my working life, and they have always been here and they have always been cheerful. I think they are all mad! Can I wish you and all of your families and all of my own staff—

Mrs Dunne: You have probably driven them to it.

MR HARGREAVES: I have, probably. I take full responsibility for driving them nuts. Also, I did say thank you at the valedictories before the election to the staff that I had—to Geoff Gosling, particularly, my former chief of staff. I would like to say a big welcome to Jennie Mardel and my new chief of staff, Mark Kulasingham, and, of course, to my staff, Jim Mallett, Kim Fischer and Stacey Pegg. Can I just say, on behalf of my colleagues, a very merry Christmas and thank you very much to all of the department liaison staff that we have had in our offices. They have been sensational during the year. Have a great time and come back with a smile.

Valedictory

MR SPEAKER: Thank you, members. Before we adjourn, I would like to add a few words. I appreciate that many of you have taken the time to thank the Secretariat staff in particular, and I would like to add, on behalf of all of us, an additional thank you to the Clerk and all of the staff of the Secretariat. For those of us who are new, they have helped us to find our feet in a way that I did not think was possible. For those of you who have been here longer, I think you have a much deeper appreciation of the tremendous work that they do. I think that has come through in this evening's comments, and I thank you for sharing those thoughts as you have spoken. You will have an opportunity to thank them in person tomorrow between 3 pm and 5 pm at the traditional end-of-year function sponsored by the Speaker. I invite you all to join in and take that opportunity to socialise and reflect on the year that has been.

I thank you all for your charity towards me this week in taking the chair for the first time. It was slightly daunting, but we seem to have survived. I wish you all a wonderful festive season and look forward to seeing you all again in 2009.

The Assembly adjourned at 11 pm until Tuesday, 10 February 2009, at 10 am.

Schedules of amendments

Schedule 1

Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008

Amendment moved by Mr Seselja

1
Clause 9
Page 5, line 5—

[oppose the clause]

Schedule 2

Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008

Amendment moved by Mr Seselja

1
Preamble
Page 2, line 2—

omit Preamble, substitute

Preamble

Following advice from the ACT Government as to the suitability of the site, a development application was made for a proposed development that involves the construction of a data centre and power co-generation facility of block 1676, District of Tuggeranong.

Significant concerns about the process associated with the site selection and the assessment of the development application have been raised by the community and by Members of the Assembly.

Concerns about the site selection process were raised in the Auditor General's Report No. 7 of 2008.

Many members of the community and the majority of Members of the Legislative Assembly oppose the proposed development going ahead on the Tuggeranong site.

Block 20 section 23 Hume may be suitable for the proposed development.

The Legislative Assembly considers that—

- The construction of the data centre and gas powered co-generation facility is important for the ACT.

- This facility should not be constructed on block 1676, District of Tuggeranong.
- In light of the role the ACT Government played in the selection of block 1676, District of Tuggeranong, it is appropriate that consideration of an application for development on the Hume site should be expedited.

For these reasons, the Legislative Assembly wishes to facilitate the processing of a development application in relation to block 20 section 23 Hume.
