



Debates

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Thursday, 12 February 2009

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.

Leave of absence

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

That leave of absence be granted to Mr Smyth for this sitting to attend volunteer fire brigade duties interstate.

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2009

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) (10.01): I move:

That this bill be agreed to in principle.

Today I am tabling proposed amendments to the Electricity Feed-in (Renewable Energy Premium) Act 2008. In June 2008, this Assembly passed landmark legislation that established the parameters for the introduction by 1 July this year of the most forward looking and innovative electricity feed-in tariff scheme in the country. That act was promoted and introduced by former Labor MLA Mick Gentleman. I would like to take this opportunity to thank Mr Gentleman for the excellent groundwork that he has laid.

Since then, my new Department of the Environment, Climate Change, Energy and Water has been working on a plan to implement this scheme. Consultation with industry groups, other jurisdictions and local and national energy market regulators has highlighted a number of areas where the original act could be clarified and simplified in the interests of transparency and equity. The amendments that I am proposing address these matters.

The scheme envisaged in the original act offered premium-level payments to renewable energy generators for a period of 20 years. I am pleased to say that these features remain. The scheme will be the most generous in the country. However, significant concerns about the potential long-term impacts on low-income and other vulnerable ACT households have led me to propose and adopt a staged approach to the scheme's introduction.

As the scheme will be funded by a spreading of costs across all ACT electricity accounts, the government has been most concerned with ensuring that the scheme does not impose an unreasonable financial impost on the community. As the scheme will also impact financially for at least 20 years, it is vitally important that the right decisions are taken at the beginning of the process.

Accordingly, I am proposing to introduce the ACT electricity feed-in tariff scheme in two stages. Stage 1 is aimed at supporting ACT households and small businesses and applies to generation facilities of no more than 30 kilowatts capacity. It is intended that this scheme will commence on 1 March this year. Stage 2 will examine how larger businesses may in the future participate in the scheme. More detailed consideration still needs to be given to the financial impact on ACT consumers of allowing access by larger generators and the desirability of introducing a whole-of-scheme or annual augmentation limit to control these impacts. Further examination of the appropriate premium price percentage to apply to different scales of generation also needs to be completed.

In addition, uncertainty regarding the potential impact of as yet unannounced initiatives, such as the ACT and commonwealth renewable energy targets, means that the government cannot prudently include larger generation within the first stage. I will be announcing details of the second stage in June this year.

I will now outline the features of the proposed first stage before moving on to flag the amendments contained in the bill. The scheme will pay a premium price for every unit of renewable energy produced from solar or wind technologies. This alone will make it the most generous scheme in the country. Other jurisdictions only pay for any excess units after deducting for on-site use. Other technologies may be added in the future.

The scheme will be open to all ACT electricity account holders, with the exception of most commonwealth and ACT government agencies. As a general rule, the government did not think it appropriate that organisations that are already funded by the public should receive further benefit. However, all schools and other educational institutions, whether government or not, will be eligible for the scheme. The government believes that the installation of renewable technologies in schools will serve as a daily reinforcement to young people of the principles of sustainability that form the basis of so much of today's curriculum and, indeed, their future lifestyles.

The original act did not include a scheme cap. Concerns have been expressed that there were no effective limits to what scale of renewable generation would be eligible for the premium benefit, nor on the resultant liability of ACT electricity account holders. Accordingly, for stage 1, the government is proposing a cap of 30-kilowatt capacity. I propose that this cap will change when stage 2, providing for larger scale generation, commences later this year.

The cost of the scheme will be spread across ACT electricity users on the basis of volume of use. So larger users of electricity will pay more and lower users pay less. I am mindful, however, that income and energy use are not always correlated and that even this approach to equity will be a burden for some households. The government

will be closely monitoring this situation and will be examining appropriate support mechanisms over the coming months.

Moving now to the amendments, to facilitate the smooth introduction and operation of the first stage, four major areas of amendment have been identified. These are a mix of technical and practical implementation issues. The first of these is the appropriateness of using the transitional franchise tariff factor in setting the premium price. The transitional franchise factor, or TFT, is currently used in the act as the default base value of the premium price multiplier. The use of this has been questioned. The TFT is, by definition, transitional and is now not expected to exist in its current form for more than two to four years under current national electricity market reforms. In the context of a 20-year program, this use poses several operational problems.

The Independent Competition and Regulatory Commission has additionally raised the issue of appropriateness. The TFT is not an actual retail price paid by Canberrans. It is a reference price used by the Independent Competition and Regulatory Commission in setting electricity prices. It is, in fact, higher than the usual retail price. Payment of a multiple of that figure overstates the premium price and leads to unwarranted additional imposts on consumer bills.

I have taken the advice of the ICRC senior commissioner in adopting an initial premium price base of 12.9c exclusive of GST. This price, which is actually ActewAGL's Always at Home package price, is the most common price actually paid by ACT electricity users. After applying the 3.88 multiplier already encoded in the act, I propose to make a disallowable instrument under existing part 3(10)2 of the act to set a premium price of 50.05c per kilowatt hour, excluding GST, for the period 1 March 2009 to 30 June 2010.

The second issue is the appropriateness of using the transitional franchise tariff as the default value of the normal cost of electricity. Electricity retailers are entitled to recover, through charges back to the electricity distributor, the difference between the premium price and the normal cost of electricity. The act currently equates the normal cost with the TFT, which is about 15.2c per kilowatt hour.

This is not appropriate in a market where the normal wholesale cost ranges between 5c and 7c per kilowatt hour. In effect, electricity retailers are obliged to purchase ACT generated renewable electricity at a cost about three times that offered in the competitive market. This creates a guaranteed loss position on every unit of electricity purchased which, compounded by the act requirement to participate in the scheme for 20 years, strongly discourages participation or support from industry.

This impact was unintentional and requires amendment so that the normal cost is a more realistic market figure. Again, based on advice received from the ICRC, I propose to make an instrument under clause 9 of the new bill, setting the normal cost at 6c per kilowatt hour for the period 1 March 2009 to 30 June 2010.

The third key amendment is the introduction of a cap on eligibility to minimise cost and social impacts on ACT electricity users. The act currently provides that any installation over 30 kilowatts capacity is eligible for a payment per unit of 75 per cent

of the premium price. Concern has been expressed about the potential for already profitable, larger scale generators to make extraordinary profits from the ACT scheme. Preliminary analysis indicates that a single installation of the size of the minimum sized solar farm currently being considered by the government—that is, 22 megawatts, to power about eight per cent of ACT houses—could cost the average electricity user about \$148 per annum extra.

The full implications of these risks, therefore, are still to be assessed. Accordingly, for the purposes of the first stage of scheme implementation, I propose an installation cap of 30 kilowatts. As I have already mentioned, the second stage will examine more fully how larger facilities should be treated under the scheme.

Similarly, the act currently does not exclude payment of the premium price to ACT and commonwealth government agencies. These agencies, already the recipients of public moneys, would in effect benefit again through the premium price, funded by imposts on the wider community. This amounts to a hidden tax on the community. Further, it is inappropriate that commonwealth agencies in particular should enjoy this benefit at the cost of average ACT householders.

The government believes that for the purposes of transparency and fairness this double dipping should not be allowed. As mentioned earlier, this exclusion does not apply to schools and other educational institutions which the government believes are a special case. The amendments strictly define which organisations retain eligibility to access the premium price.

Fourthly and finally, the bill introduces amendments to correct a number of technical errors relating to definitions and units of measurement. The act contains a number of minor technical errors whose correction would add to the clarity of the scheme. For instance, kilowatt hours, a measure of output, is used to mark the thresholds between the existing 100 per cent, 80 per cent and 75 per cent payment levels. As read, all ACT generators would be in the upper tier after only two days generation and thus receive the lowest per unit payment. This was clearly not the policy intention. The thresholds should have been expressed as kilowatts, a measure of installed capacity. This particular ambiguity has been raised by industry, academic and consumer groups as requiring clarification.

Similarly, some of the act's definitions were inconsistent with general industry understanding and the operation of the act in the context of a wider national electricity market. Amendments are proposed to avoid confusion to industry participants.

The effect of these amendments is outlined in the accompanying explanatory statement to the bill. My department is also available to brief members on the bill and its implications.

I am confident that the amendments I propose will make the ACT electricity feed-in scheme a more equitable and durable mechanism for promoting the growth of local renewable generation. The amendments establish the basis of the government's nation-leading feed-in tariff and will be further built upon as the government develops the parameters for stage 2 that will address larger scale generation. I intend to announce details of the proposed second stage in June this year. I commend the

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2009 to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2009

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) (10.14): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2009 is the 20th bill in a series of bills dealing with legislation within the Justice and Community Safety portfolio. These bills make amendments to portfolio legislation. The bill I am introducing today makes the following amendments.

The Crimes (Forensic Procedures) Act 2000: changes were made to the Crimes (Forensic Procedures) Act 2000 in July last year to strengthen the legislation, and to clarify the procedure for when police officers can take forensic material. These changes intended to better balance the interests of the community to prevent and investigate crimes with the interests of individuals to protect proprietary rights over their forensic material.

These changes also closed a legal loophole that could have seen serious offenders being able to avoid providing a forensic sample, and strengthen the provisions that the courts and police may utilise when suspects are actively avoiding the court and the jurisdiction in order to avoid having forensic samples taken.

However, it has since become apparent that, in making these changes, police were given the power to keep a suspect in custody, but were not given the initial power to take a suspect into custody for the purpose of taking forensic material from them in accordance with an order from the Magistrates Court made under the act. The amendments to the Crimes (Forensic Procedures) Act 2000 ensure that the magistrate making the order has the power to authorise police to arrest a person, and to issue a warrant to enter premises if that is appropriate.

The Crimes (Sentencing Administration) Act 2005: last year the Assembly passed the Children and Young People Act 2008, which was a significant piece of legislation which addresses a range of areas that impact upon the daily lives of children and young people in the territory, such as children and young people in employment, children and young people involved in the criminal justice system and children and young people for whom there are care and protection orders.

Schedule 1 of the Children and Young People Act 2008 provides for modern criminal justice laws that apply to children and young people that focus on rehabilitation, flexibility and consistency in sentencing. Many of these amendments are due to commence on 27 February 2009, including amendments to the Crimes (Sentencing Administration) Act 2005 to introduce a new chapter that sets out particular provisions dealing with the administration of sentences imposed on young offenders.

This bill makes a number of small and technical amendments to the Crimes (Sentencing Administration) Act 2005 to ensure that the act is consistent with the Children and Young People Act 2008.

The Crimes (Sentencing) Act 2005: schedule 1 of the Children and Young People Act 2008 also amends the Crimes (Sentencing) Act 2005 by inserting a new chapter setting out a sentencing methodology that specifically deals with courts' sentencing decisions that apply to children and young people. This includes specific dispositions relevant to children and young people, such as education and training conditions, accommodation orders and supervision conditions.

The amendments that the bill makes to the Crimes (Sentencing) Act 2005 are also minor and technical, and ensure that the provisions of the act that relate to children and young people are consistent with those set out in the Children and Young People Act 2008.

The Domestic Violence and Protection Orders Act 2008: the Domestic Violence and Protection Orders Act 2008 was passed by the Assembly last year to introduce new laws to improve domestic violence and protection orders. The intention of the act was to broaden the scope of intimate relationships covered by the law and increase protection for children exposed to domestic violence.

However, during consultation with relevant stakeholders to implement the act, it became apparent that there was some confusion as to who was actually covered by the definition of "relevant person". This bill amends the definition to ensure that there is clarity in the community as to who is covered by this very important act.

The bill also amends the Evidence (Miscellaneous Provisions) Act 1991. This act was passed by the Legislative Assembly last year, and introduces special measures for victims of sexual assault and goes further to include victims of violent offences, making it less stressful and traumatic for them to give their evidence in court proceedings. It also delivers similar measures to other vulnerable people where the interests of justice require it. The main purpose of this act is to minimise the potential re-victimisation that can be experienced by victims of sexual and violent offences when they interact with the criminal justice system.

My department has been working closely with key stakeholders to implement the act and a number of concerns relating to the practical operation of provisions in the act have been raised during this process. Consequently, a number of amendments to the Evidence (Miscellaneous Provisions) Act 1991 are necessary to ensure that the amendments made to the act by the Sexual and Violent Offences Legislation Amendment Act 2008 will operate as intended. The amendments are designed to

make the experience of these witnesses in the criminal justice system less stressful and traumatic. To ensure that these amendments will operate efficiently and effectively minor amendments have been made to fulfil the original intent of the legislation.

The Liquor Act 1975: this bill amends the Liquor Act 1975 by inserting a new part to address a concern about the validity of the appointment of Ms Robyn Davies to the Liquor Licensing Board made on 17 October 2008. The sole purpose of the government making these amendments is to remove any doubt or uncertainty as to the validity of this appointment.

The Magistrates Court Act 1936: the Crimes (Legislation Amendment) Act 2008 was passed in 2008 and, among other amendments, introduced the concept of hand-up acquittals. During the implementation of this act by my department it has become apparent that there was some confusion as to the intention of the act. Therefore the bill I am introducing today makes a number of minor amendments to the Magistrates Court Act 1936 to remove this uncertainty and to provide clarity around the initial intention of the process for hand-up committals in the Magistrates Court.

The Residential Tenancies Tribunal Act 1997: this amendment to the Residential Tenancies Tribunal Act 1997 inserts a new part 12 to address a concern about the validity of the appointments of Mr Allan Anforth and Ms Jennifer David to the Residential Tenancies Tribunal on 17 October 2008. Again, the sole purpose of the government making these amendments is to remove any doubt or uncertainty as to the validity of these appointments.

The Bail Act 1992: the amendment to the note in section 9(6) of the Bail Act 1992 is a minor and technical amendment as a consequence of the definition of a relevant person under section 15 of the Domestic Violence and Protection Orders Act 2008 also being amended. I commend the bill to the Assembly.

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

Administration and Procedure—Standing Committee Reference

MR RATTENBURY (Molonglo) (10.23): I move:

That the Standing Committee on Administration and Procedure:

- (1) inquire into and report on the merit of appointing a Parliamentary Budget Officer to strengthen the capacity of the Assembly to better hold government to account by increasing transparency in its fiscal planning framework and improving scrutiny of the estimates process; and
- (2) report by the last sitting day in August 2009.

The Greens are proud to have put forward through the ALP-Greens agreement a progressive agenda of parliamentary reform that we believe will improve the transparency of the Assembly processes and increase the accountability of those in this place who are charged with the responsibility of governing for the ACT. This

particular motion acknowledges the increasingly complex budgetary processes undertaken by the executive and the Treasury in developing fiscal policy for the ACT.

It is probably fair to acknowledge that not all of us in this place necessarily have the expertise or even perhaps just the resources to delve into the minutiae of budget matters to the extent required to provide the high level of scrutiny expected by the public. The community in Canberra, as we know, are informed, aware and engaged in the process and the role of government and ask of us the highest standards in accountability and transparency. The development of the territory's budget is at the core of our government and, as such, is deserving of the highest level of scrutiny by the Assembly.

Such an appointment is not an entirely new concept. Perhaps the most relevant example to our own situation is that of the parliament of Canada. On 14 March 2008, Canada's first parliamentary budget officer was appointed pursuant to the Parliament of Canada Act. This event was the culmination of a number of factors in the Canadian political landscape.

The office was created in a context where there was unprecedented public demand for transparency and accountability across both the public and private sectors, a series of large, unplanned budgetary surpluses for the Canadian government, successive minority governments that had changed the relationship between the government and the parliament and new and emerging global standards and best practices to promote financial and budgetary transparency. Surpluses are perhaps not going to be a problem we experience in the ACT, at least in the near term, but I would submit that these factors similarly apply to the ACT.

On its website it is stated that the office is there to "provide authoritative, nonpartisan financial and economic analysis to support parliament and parliamentarians in exercising their oversight role over the government's stewardship of public funds and ensuring government transparency". I think that is something that would be very valuable in this Assembly.

The office reports to the two presiding officers of the Canadian federal parliament and produces various reports and briefing notes. Since his appointment Canada's first parliamentary budget officer has been quoted as saying that he sees his office's role as "raising the quality of dialogue both inside parliament and between parliament and the government to help achieve better public policy".

Canada is not the only jurisdiction to have such an office. The US Congress has the US Congressional Budget Office which was established in 1974. The United Kingdom parliament has a scrutiny unit which forms part of the committee office and has as its role to strengthen the scrutiny function of the house by providing specialist expertise to select committees, especially on financial matters. In South Korea there is a National Assembly Budget Office which has been established to research, analyse and apprise members on matters concerning the budget and the management of funds and finances of the state.

The Canadian innovation is worthy of serious consideration and it is for this reason that I have moved this motion today. The ALP-Greens agreement has, at paragraph 4,

a commitment to parliamentary reform. I believe that any measure that can enhance the ability of the legislature to perform its scrutiny role enhances transparency in the way that budgets are formulated and implemented and promotes more efficient allocation of scarce financial resources. It is certainly worthy of further examination. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.27): The government is pleased to lend its support to the motion before us today seeking to establish an inquiry by the Standing Committee on Administration and Procedure. As Mr Rattenbury has indicated, the merit of appointing a parliamentary budget officer was something which was agreed between the Labor Party and the Greens in the lead-up to the formation of this government and it is a matter which we believe warrants further detailed consideration.

I am very pleased to say that overall the government and the Greens have been effective in putting together a series of amendments to our standing orders and other measures which are designed to strengthen the role of the legislature. That is something which I believe demonstrates the strength of the agreement in place and our willingness to implement it in a timely manner. The motion before us today is just another step in that process. It identifies that the development of a budget office, if you like, or a budget officer within the secretariat of the ACT Legislative Assembly, gives greater capacity to the Assembly and its committees to scrutinise the work of the government when it proposes appropriations in this place.

The merit of doing so, the costs and benefits of doing so, particularly in a small Assembly, are all matters that warrant consideration. We do need to look at the resources that are potentially involved in the establishment of such a function, the relative costs and benefits of doing so, and indeed how that would work in relation to estimates committees formed by this place or, indeed, other committees that perform that function in this place. The inquiry is welcome on the government's part. We look forward to seeing the outcome of that and also to contributing to the inquiry once it is commenced.

MR SESELJA (Molonglo—Leader of the Opposition) (10.29): The opposition is happy to support this motion today. First and foremost, I think it is worth commenting that the concept of a parliamentary budget officer is a reasonable one and is one worth considering, particularly if we look at the last few years in terms of scrutiny of the budget and the way that the government has treated that scrutiny. We have seen, in the last few years, the government stacking the estimates committee in order to avoid scrutiny. We have seen government chairs whose main role, it seemed to us, seemed to be to run interference for ministers rather than actually ask questions of ministers, to prevent genuine scrutiny of budgets. We have seen them allow ministers to ramble on, to filibuster. Of course, the other aspect of proper budgetary scrutiny is the way that these committees operate.

But in terms of providing expert advice, I think it is fair to say that not many people in the Assembly have expertise in budgeting, although all of us develop experience over time in various ways, whether it is through the parliament or otherwise, and extra advice. And it must be said that the resources of the Assembly are very limited. Our

committee system is not properly resourced and we certainly do not get the kinds of resources that we need to properly scrutinise the budget, despite the excellent efforts that are put in place by committee staff, in particular, in this place. So I think it is something that is worth considering.

The only question I would raise is the time frame. The report is due in August. I am particularly interested to know whether that will mean that, if the committee does report in August, not only will we miss out on this year's budget and having a parliamentary budget officer but potentially, without a second appropriation, we may miss out on having one for next year's budget because, presumably, budget submissions will not be able to be made prior to this year's budget until the detail of this is figured out.

So I would suggest that, despite the time frame being August, that is something the admin and procedure committee should consider very carefully to ensure that we do not see not just this year's budget without a parliamentary budget officer, although I do not see any reason why that could not happen before this year's budget, but at the very least we would certainly want to see it in place for next year's budget. So I would certainly commend to the committee that, in their consideration, they should look at this in a fairly speedy way.

I think what we are looking at is the design and the amount of resources. I think there is broad consensus here that the idea is not a bad one. So I would put it to the committee that they should report as soon as possible so that we can have some form of parliamentary budget officer up and running hopefully for this year's budget—that would be our preference—and certainly no later than before next year's budget.

MR RATTENBURY (Molonglo) (10.33), in reply: Thank you, members, for your comments and for support for the inquiry. As chair of the admin and procedure committee, I am very much looking forward to this inquiry. I think this is a potentially highly valuable innovation.

Mr Seselja, I think your comments are well made. My sense is that, practically, I would be surprised if we could simply find somebody in time for this year's budget, but I think your comments on the timing are quite valuable in terms of making sure we are set up for next year. So that is something I will certainly raise with my fellow members of the committee. So on that basis, I commend the motion to the Assembly and thank you for your comments.

Question resolved in the affirmative.

Committees—standing

Referral of annual reports

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.34): I move:

That the resolution of the Assembly of 11 December 2008 referring the 2007-08 annual and financial reports to the relevant standing committees be amended as follows:

Omit:

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Territory and Municipal Services	Animal Welfare Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
	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

Substitute:

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Territory and Municipal Services	Sustainability and Environmental Policy Coordination	Minister for the Environment, Climate Change and Water Minister for Energy	Climate Change, Environment and Water
	Sustainability Programs and Projects	Minister for the Environment, Climate Change and Water Minister for Energy	Climate Change, Environment and Water
	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	Conservator of Flora and Fauna	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	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

Today I am proposing that a number of reporting areas in the Department of Territory and Municipal Services be re-allocated to a number of different standing committees of the Assembly for inquiry and report in relation to their annual and financial reports

for the 2007-08 financial year. A number of reporting areas—for example, areas relating to the Conservator of Flora and Fauna, the Animal Welfare Authority and others—were allocated to the Standing Committee on Climate Change, Environment and Water. Those matters should have been allocated to the Standing Committee on Planning, Public Works and Territory and Municipal Services.

This matter has been highlighted because they still sit within the Department of Territory and Municipal Services and are not part of the Department of the Environment, Climate Change, Energy and Water. For those reasons, it is necessary to re-allocate some of these reporting areas to allow the relevant standing committee and the appropriate standing committee to inquire into these matters as part of the annual reports hearings. I commend the motion to members.

Question resolved in the affirmative.

Executive documents—release Proposed new temporary order

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.36): I move:

That the following new temporary order be inserted in the standing orders:

Order for the production of documents

- 213A (1) The Assembly may order documents to be tabled in the Assembly. The Clerk is to communicate to the Chief Minister's Department all orders for documents made by the Assembly.
- (2) When returned, the documents (where no claim of privilege is made by the Chief Minister) will be laid on the Table by the Clerk.
 - (3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
 - (4) If at the time the documents are required to be tabled the Assembly is not sitting, the documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to be have been presented to the Assembly.
 - (5) Where a document is considered by the Chief Minister to be privileged, a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege.
 - (6) Any Member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk will advise the Chief Minister's Department, who will provide to the Clerk, within seven days, copies of the disputed document or documents. The Clerk is authorised to release the disputed document

or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

- (7) The independent legal arbiter is to be appointed by the Speaker and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (8) A report from the independent legal arbiter is to be lodged with the Clerk and:
 - (a) made available only to Members of the Assembly; and
 - (b) not published or copied without an order of the Assembly.
- (9) If the independent legal arbiter upholds the claim of privilege the Clerk shall return the document(s) to the Chief Minister's Department.
- (10) If the independent legal arbiter does not uphold the claim of privilege, the Clerk will table the document(s) that has been the subject of the claim of privilege. In the event that the Assembly is not sitting, the Clerk is authorised to release the document to any Member.
- (11) The Clerk is to maintain a register showing the name of any person examining documents tabled under this order.

This is an important motion designed to amend the Assembly's standing orders to insert a new temporary order to govern issues on orders for the production of documents. It is a standing order proposed to be introduced as a result of the agreement between the Labor Party and the Greens in relation to matters of parliamentary reform.

It is well understood in parliaments around the country and internationally that parliaments can make orders for the production of documents. This right has been upheld by High Court decisions in recent years which have recognised that the ability of the parliament to call for any document is paramount and must be respected by the executive arm of government. However, there is an inevitable tension between the role of the executive in maintaining confidentiality of certain documents and the right of parliament to call for those documents. It is in many respects similar to the debate that we had yesterday in relation to freedom of information and the ability of the executive to conduct its business in a way which is subject to some levels of confidentiality on some issues.

This standing order, therefore, is designed to provide a mechanism for the resolution of that inevitable tension. It provides that the Assembly may order any document to be tabled in the Assembly and a mechanism for that to be communicated by the Clerk to the Chief Minister's Department in relation to the documents needing to be produced. It then sets out that, in relation to documents against which there is no claim of executive privilege, the documents are to be provided to the Clerk by the Chief Minister's Department within seven days and the Clerk is obliged to table those documents in the Assembly. That is the relatively straightforward part of this mechanism.

The other part, which is more complex, deals with those documents where claims of executive privilege are made. Where a document is considered by the Chief Minister to be privileged, a return is to be prepared and provided to the Clerk showing the date of creation of the document, a description of the document, the author of the document and the reason for the claim of privilege. That information, having been communicated to the Clerk and made available to members, may then be disputed by any member in this place. A member may dispute the validity of the claim of privilege and, on receipt of that communication, the Clerk will advise the Chief Minister's Department, who will then be required to provide to the Clerk within seven days copies of the disputed document or documents.

The standing order then proposes that the Clerk is authorised to release the disputed document or documents to an independent legal arbiter for evaluation and report within seven calendar days as to the validity of the claim. It is proposed that the independent legal arbiter be a Queen's counsel, a senior counsel or a retired Supreme Court justice. That legal arbiter will be empowered to make a decision as to whether or not the claim of executive or, as is often known, Crown privilege is a legitimate one.

If the independent arbiter determines that the claim by the government, by the Chief Minister, of privilege is legitimate then the document is required to be returned to the Chief Minister's Department and the matter is effectively resolved. If the arbiter determines that the claim of privilege is not a legitimate one then the document is required to be tabled in the Assembly by the Clerk.

There is a nuance in this process that members should be aware of. Where a member disputes the claim of privilege and communicates that to the Clerk and the Clerk then receives the document that is in dispute, it is possible for members of the Assembly to view that document. The document, however, cannot be published; it cannot be laid on the table of the Assembly; and it cannot be copied by a member without an order of the Assembly.

So there is this interesting mechanism whereby, whilst the dispute about executive privilege is being arbitrated, there is the ability for members themselves to view the document in confidence and that is designed to provide—

Mrs Dunne: It is not in the standing orders, Simon.

MR CORBELL: It is in the standing orders. And it is designed to provide them with the opportunity to view the document. It is important to highlight this in the changes. That is the way the government envisages this mechanism working. Members will be able to view the document whilst it is in dispute and it is only when the document is determined to be privileged that the document is returned to the Chief Minister's Department or, indeed, if it is not privileged, laid on the table in the Assembly and able to be published and able to be made public.

We think this is an important reform, one that the government is supportive of, and I commend the motion to members.

Debate (on motion by **Mr Doszpot**) adjourned to a later hour.

Justice and Community Safety—Standing Committee Statement by chair

MRS DUNNE (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety. The Standing Committee on Justice and Community Safety recently resolved to inquire into and report on the circumstances surrounding the delay in the commencement of the operations of the Alexander Maconochie Centre—AMC—the cost of delays to the ACT government, as well as the impact of delays, if any, on the delivery of corrective services.

The committee, in its deliberations, will consider the circumstances surrounding the official opening of the AMC on 11 September 2008, the factors contributing to delays in the AMC, including the variations to the original project design as awarded to the contractor and the commissioning process, the total cost of the delays to the ACT government, the impacts of the delays on sentenced prisoners currently serving sentences in New South Wales prisons and whether delays in the AMC project have caused or exacerbated the human rights breaches at existing ACT Corrective Services facilities and any other relevant matter.

Public Accounts—Standing Committee Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts.

On 4 December 2007, Auditor-General's report No 7 of 2007 entitled *The aged care assessment program and the home and community care program* was referred to the Standing Committee on Public Accounts for inquiry. The committee considered inquiring into this report but resolved that it did not warrant further inquiry.

On 6 December 2007, Auditor-General's report No 8 of 2007 entitled *2006–07 financial audits* was referred to the Standing Committee on Public Accounts for inquiry. The committee considered inquiring into this report and resolved that it did not warrant further inquiry.

On 26 June 2008, Auditor-General's report No 2 of 2008 entitled *Management of Calvary Hospital agreements* was referred to the Standing Committee on Public Accounts for inquiry. The committee considered inquiring into this report but resolved that it did not warrant further inquiry.

On 16 September 2008, Auditor-General's report No 5 of 2008 entitled *Administration of the Freedom of Information Act 1989* was referred to the Standing Committee on Public Accounts for inquiry. The committee has resolved to make no further inquiries into the report. As the report examines how audited agencies administered and complied with the Freedom of Information Act 1989, and given the widespread community interest in freedom of information matters, the committee has written to the Standing Committee on Justice and Community Safety to bring the report to its attention.

Executive business—precedence

Ordered that executive business be called on.

Order of business

Ordered that order of the day No 3, executive business, relating to the federal government's economic stimulus package, be postponed until a later hour this day.

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

Debate resumed from 11 December 2008, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.47): Mr Speaker, the Liberal opposition will be supporting the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008 (No 2). This bill seeks to put in place complementary amendments made or being made to the commonwealth's Classification (Publications, Film and Computer Games) Act 1995. It is part of a National Classification Scheme for publications, films and computer games.

The main benefit of these amendments is to remove the need for classified film material that has been compiled on a single storage device to be reclassified. For example, a DVD carrying a compilation of previously classified feature films, subtitles, takeouts, menus, interviews, featurettes and additional scenes will not need to be reclassified simply because they have been compiled onto one device.

Also of benefit is the relaxation of rules relating to the advertising of material prior to classification in accordance with the advertising scheme settled by the commonwealth in consultation with states and territories. These are strict liability offences in which certain defences are available relating to breaches of advertising schemes. These are strict liability offences that relate only to people who should be aware of the circumstances of the legislation and who are au fait with the operation of the legislation. Therefore, it does not give us any cause for pause.

A third benefit relates to the broadening of ministerial or director approval arrangements. The effect of this is that, on application, the minister or director may approve an organisation for any and all of its activities that relate to film or computer games, rather than for each individual activity. Sensibly, this only applies to organisations carrying on education, cultural or artistic activities not being commercial businesses.

Mr Speaker, the Canberra Liberals believe these amendments make sense. They improve the efficiency, not only for bureaucrats, but also for the private sector. They provide certainty for the private sector, remove or ease some of the red tape for the private sector and allow for advancements in technology. This is a welcome, if somewhat rare, erasing of restrictions on and control over the business sector.

I wonder what might happen if it were only up to the Stanhope government—a government that blames the private sector for its failings and infrastructure development; a government that thinks that the private sector should prop up its economic mismanagement; a government that thinks that the private sector is the big bad wolf of industrial relations. Perhaps the Stanhope government will see the beneficial impact of measures such as these in this bill as a result of a national approach and see the benefits it will bring to the private sector and to the community at large.

Perhaps the benefit this bill brings to the private sector will inspire the Stanhope government to change its attitude towards the private sector when it comes to recognising its importance and the contribution it makes to our community and economy. I commend the bill to the house.

MR RATTENBURY (Molonglo) (10.50): The Greens generally support the provisions of this bill. As has been stated, it adopts measures passed by the commonwealth parliament and updates the classification scheme in line with the technology currently available. On the issue of strict liability offences, we are comfortable that these are appropriate for the offences that have been created and do not unduly trespass on individual rights. The penalties are within the acceptable range, and we accept the government's rationale that professionals engaged in the prohibited conduct would or should be well aware of the prohibition. These are the types of offences where it would be an unnecessary and overly burdensome requirement on the judiciary to require the demonstration of fault elements.

It appears that these are sensible and reasonable amendments that will reduce an unnecessary burden placed on the Office of Film and Literature Classification brought about by DVDs and other new technologies. The Greens will be supporting this bill.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.51), in reply: This bill brings to its conclusion a long and complex task of aligning the classification regimes for publications, films and computer games in all Australian jurisdictions. The bill also implements comprehensive amendments addressing the need to reclassify a film that has been modified or a compilation of classified material on a disk, and it removes the current prohibition on advertising unclassified films to provide for industry self-assessment of the likely and appropriate classification.

The federal scheme for classification of publications, films and computer games is a cooperative one. It is 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 of material in accordance with the national classification code and the guidelines made under the commonwealth act. In particular, it sets out the restrictions and conditions on the sale and possession of films, computer games and certain publications, the way in which the material may be advertised and any exemptions that may apply.

Two sets of recent amendments to the commonwealth act required consequential amendments in the states and territories classification legislation: firstly, the Classification (Publications, Films and Computer Games) Amendment Act 2007, the first set of amendments; and, secondly, the Classification (Publications, Films and Computer Games) Amendment (Advertising and Other Matters) Act 2008, the second set of amendments. In April 2007 all state and territory censorship ministers agreed in principle to both sets of commonwealth amendments and to amend their corresponding enforcement legislation to reflect those commonwealth amendments.

The first set of amendments integrates the Office of Film and Literature Classification into the commonwealth Attorney General's Department and makes improvements to the National Classification Scheme to ensure that the scheme adequately keeps abreast of technological changes in the industry. The amendments address industry concerns about the current practice of reclassifying already classified material when modifications, such as subtitles, captioning and navigations menus, are added. The amendments provide for accredited assessors to recommend the classification and consumer advice of the additional content. Reclassification will not be needed in the future for this additional content.

The second set of amendments will enable unclassified films and computer games to be advertised prior to classification, in accordance with specified conditions. Currently, products are only available for classification very close to their release date. This prohibition aims to protect the industry from piracy but restricts its ability to market products effectively. The amendments will allow a new advertising scheme message to be displayed with the product, directing consumers to check the classification.

The proposed amendments were circulated to all ACT government agencies and to film licensees in the territory. Representatives of the ACT X18+ film licensees expressed some concern about the potential impact of amendments on the X18+ industry. The amendments will remove the prohibition on advertising films likely to be classified R18+ but will not affect current arrangements for films likely to be classified X18+. I have met with representatives of the X18+ industry to assure them that the amendments do not affect NCS policy on advertising of X18+ films. An advertising scheme will be developed in early 2009. The states and territories can address the impact of these changes at that time, and the Department of Justice and Community Safety will brief me during that process to ensure that the rights of the ACT industry are preserved.

The proposed amendments do not alter the substantive limits placed on freedom of expression by the current regime for film and literature classification. In principle, they promote free speech by facilitating the modification of already classified material and the advertising of material yet to be classified. Report No 2, made by the Standing Committee on Justice and Community Safety under section 38 of the Human Rights Act 2004 notes that the penalties in the bill are within the range considered acceptable where there is provision for strict liability. The report also notes that the provisions comply with the Human Rights Act and are not otherwise an undue trespass on personal rights and liberties.

This bill continues to protect the publication, film and computer games industries from piracy and makes important improvements to the National Classification Scheme to ensure that the classification scheme keeps up to date with technology. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Economy—stimulus package

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) (10.57):
I move:

That this Assembly:

- (1) congratulates the Rudd Federal Labor Government for acting swiftly and comprehensively to minimise the impact of the global economic slowdown on communities around the country, including the ACT community, through its \$42 billion stimulus package; and
- (2) welcomes the strong leadership shown by the Rudd Federal Labor Government in responding to the global economic downturn, noting that the ACT stands to benefit from a direct investment of around \$350 million, constituting, though not limited to:
 - (a) the largest single Commonwealth injection into the ACT education sector since self-government, allowing for new or upgraded facilities for every ACT school;
 - (b) the largest single Commonwealth injection into public housing since self-government, allowing for the construction of new community housing and public housing upgrades;
 - (c) free ceiling insulation for ACT homes, stimulating the construction sector and helping the Territory meet its greenhouse gas emissions targets;
 - (d) providing eligible Canberrans with one-off cash payments to support the ACT's retail sector and the thousands of Canberrans employed in this sector;
 - (e) an investment in ACT roads and other local community infrastructure, stimulating our construction industry, providing work for road engineers and making our roads safer; and

- (f) support for small businesses through a temporary business investment tax break for the purchase of assets.

I think we all know and can see, quite implicitly, that there are moments in history when one must stand and applaud bold action. That is why I have moved this motion, because I believe that this is a moment, and that is why I call on my fellow MLAs to support the motion.

The ACT government recognises the critical importance of the stimulus package and the need to act quickly and responsibly to limit the extent of the national economic slowdown and any associated job losses. That is why the government and the other state and territory governments signed up for the plan at the emergency COAG meeting last week. While the stimulus package may not prevent unemployment rising, we must ask ourselves: how much worse might things have been? How much worse would they have been without the bold intervention of the federal government, without this \$42 billion investment in families, in workers, in business and, most importantly, in jobs?

Yesterday I quoted Ron Silberberg from the HIA as saying that the government's stimulus package will create 35,000 jobs for his industry. It is perhaps important that we look at what Mr Silberberg of the Housing Industry Association believes the consequences of not embracing this stimulus package might be. The Housing Industry Association believes that a failure to pass the national building investment legislation, the stimulus package, could place as many as 85,000 jobs in the housing industry at risk. That is 85,000 jobs in one industry, in the housing industry.

That does bring into stark relief the emergency that we face, the need for bold action and the need for us to acknowledge, support and applaud that bold action. The Housing Industry of Australia believes that a failure to pass this particular bill, this package, would result in the loss of 85,000 jobs in the housing industry alone. And we have to ask: how many of those jobs would be Canberra jobs? How many of the families left without a breadwinner would be Canberra families? How many mum and dad businesses would go to the wall? Who among us here in this Assembly could consciously condemn our neighbours to such a fate? Who among us here in the Assembly is going to sit today and argue that the federal government should not be doing everything in its power, exerting every sinew, pulling out all the stops, to keep those 85,000 Australians in the housing industry alone in work?

Australians have supported this stimulus package. The latest Newspoll shows that a significant majority believe it will be good for the economy. ANZ economists agree. Every state and territory government agrees, including the Liberal Premier of Western Australia, Colin Barnett, who did not hesitate to sign the national agreement with the Prime Minister, the premiers and the chief ministers in support of this package and in support of this package in its entirety.

So what about this Assembly? What about those opposite? What about the Liberal Party that for the last week has stood intransigently in the ditch in opposition to this package in its entirety? What about the crossbench? Where do they stand? How will they vote on this motion? For Canberra jobs and for Canberra families? For Canberra small business? For Canberra bricklayers, carpenters, electricians, plumbers,

concreters, plasterers and painters? For Canberra schools, in both the government and non-government sectors? For public housing? How will the Liberal Party vote for these people? I know how the Labor Party will vote.

Let us not be in any doubt about the scale of the challenge we face, even with this stimulus package. Almost every major advanced economy in the world is in recession. The United States is in recession. The United Kingdom is in recession. I think every nation in the European Union is in recession. Japan is in recession. Hong Kong is in recession. Singapore is in recession. New Zealand is in recession. And the outlook here at home is for declining commodity markets, tight credit markets, slowing economic growth and the return of the scourge of hard-working Australians, unemployment.

But at this time Australia is not in recession. Australia's economic growth is forecast to slow to one per cent in 2008-09 and three-quarters of a per cent in 2009-10. The national unemployment rate is expected to rise to 5.5 per cent by June 2009, in four months time, and to seven per cent by June 2010.

The question that each of us has to ask ourselves is what we did personally and collectively as a parliament to meet the challenge. It is a question others will ask us in the months ahead.

Let us be clear about something else. What we debate today is a \$350 million investment in our city, our economy, our jobs, our schools, our roads, our town. How can we even be thinking that this is an offer we need to think about? How can we look a single builder, a single school principal, in the eye and say—and this is what the Liberal Party are saying, “No, we, the Liberal Party, think you would be better off without this money.” In signing up to deliver this unprecedented one-off funding package from the commonwealth, we need to ensure that the ACT is able to roll out a record number of new capital works projects for our schools, for public housing, here in the territory.

The direct benefit of the stimulus package for the ACT government is in the order of \$350 million. This includes \$229 million in upgrades to every building in every primary school in the ACT, in both the government and the non-government sectors, and \$102 million for social housing. These are substantial figures for the ACT economy but, more importantly, these are dollars that will flow into the ACT community, along with the ACT share of the \$20 billion of personal tax bonus and energy efficient home packages payable to eligible ACT households.

The \$252 million to be expended on the construction of new defence housing will also benefit the ACT, due to the relatively large presence of defence force personnel here in the capital. Again, another benefit to the ACT economy, to ACT households, to ACT families and for ACT jobs! Commonwealth expenditure on road maintenance and road safety will also benefit the ACT. It is estimated that the ACT will receive an additional \$1 million for this part of the package. A tax bonus of up to \$950 for eligible working Australians will also provide a boost to consumption in the ACT and have a positive flow-on effect for employment. Further bonuses which will impact positively on consumption include the \$950 single income family bonus for eligible families and a \$950 back-to-school bonus for eligible school-age children,

Perhaps the Liberal Party will explain to us today: are they opposed to the entirety of those family payments for eligible working Australians and for Australian families? Or is it that they just oppose the \$950 for single-income families? Or is that they oppose the \$950 for the back-to-school bonus for eligible school-age children? Do they oppose the package in its entirety? Or do they just oppose that part of the package that is designed to assist single-income families? Or do they oppose just that part of the package that is designed to assist families with eligible school-age children? Or do they simply oppose the package in its entirety?

They need to explain these things to us, just as they need to explain: do they actually oppose the capital payments to all schools? Or do they just oppose the payment to the government primary school sector? Or do they oppose payments to the Catholic systemic schools? Which part of their opposition to this package is related to government schools as opposed to Catholic schools? Or do they support the Catholic school payments, but not the government school payments? Or do they just believe that the ACT does not need an additional \$230 million investment in its primary school system? On the basis of their record in relation to these things, we are entitled to believe that they would be happy not to see any additional investment in schools. But on what basis do they object to an additional \$230 million coming directly to schools in the ACT. Why? Why do they not want this additional \$230 million for schools?

Why is it that they do not support the additional \$350 million of capital payments to the ACT? I think we are entitled to ask the question. In relation to the \$350 million, do they oppose just that part to schools or do they oppose the additional \$102 million for public housing? Or do they support the payments for public housing but oppose the schools? Or do they just oppose the entire package? We need to understand today. Is it a broad, generic opposition to the entire \$42 million package or are there parts of it that they do support and parts that they do oppose? We need to understand these things so that we better understand this opposition that the Liberal Party has to the stimulus package.

As I have mentioned previously, there has been broad support for the stimulus package across the community and the business sector, in fact, almost universal support. In fact, the only identifiable group within the community that has not supported the package is the Liberal Party. We can remind ourselves of some of the reactions. Greg Evans, chief economist at the Australian Chamber of Commerce and Industry, says:

We think it goes a long way towards alleviating the worst aspects of the economic downturn and actually puts us in a better position than most, if not all, advanced economies.

The Business Council of Australia's Katie Lahey says:

The \$42 million package should be strongly supported.

She goes further, saying:

The Australian government has acted quickly and responsibly to limit the impact of the global recession on Australia...In the face of a rapidly deteriorating global downturn the Australian Government stands ready to act.

Chris Peters, chief executive of our local chamber of commerce, says:

The package will bolster confidence and entice business to spend on the replacement of capital. It will flow quickly because it is retail expenditure and stock is on the floor ready to go.

Chris Faulks of the Canberra Business Council supports the tax breaks for business and says business does too. David Flannery, President of the ACT branch of the Australian School of Architects, speaking about the insulation initiative, describes it as “firing up the economy” and “doing the right thing by the environment”. Heather Ridout of the Australian Industry Group describes the package as a “much-needed shot in the arm” and “together with interest rate cuts, it has been a big day for our monetary and fiscal policy”.

And what of the community sector? ACOSS’s Clare Martin says that the package will create jobs and of course provide additional public housing. Frank Quinlan from Catholic Social Services welcomes the fact that the package targets the most vulnerable. Kasy Chambers of Anglicare Australia calls the package “well-timed and targeted”. Lin Hatfield Dodds from UnitingCare says:

The energy efficient stuff is fantastic. It involves local business, jobs and moves us towards a lower carbon future.

The principal of Narrabundah college, here in the ACT, says:

This new money from the Commonwealth would really be welcomed by us and by the community.

Carl Palmer, the principal of Trinity Christian school, says:

The money will assist with a very much needed library upgrade and science laboratory and the maintenance of existing buildings. As a low-fee-paying school, Trinity find it very difficult to find the monetary resources needed to develop new buildings as well as maintain the existing ones.

The Australian Education Union says:

It’s not just the schools that will benefit from it, it will be the people working to deliver the upgrades, it’s about employment.

The Australian Farmers Federation described it as “a much-needed fillip to families and the rural economies”. It is only the Liberal Party that does not support this package. I cannot find another community-based organisation that opposes it. The only organisation in Australia that opposes this package, does not applaud it and does not congratulate the Rudd government, in the terms of this particular motion, is the Liberal Party and, in the current instance, most particularly the ACT branch of the Liberal Party. Everybody else supports it, across the spectrum—the Catholic school system, the government school system, public housing advocates, business advocates, ACOSS, every church spokesperson that represents their church; everybody supports this package and everybody supports the package in its entirety; every premier and chief minister of Australia, including the Liberal Party Premier of Western Australia.

The commonwealth government does deserve our thanks and our congratulations for this package. Everyone thinks so. Australians are looking down the barrel of job losses, and every one of them that supports this package. Young apprentices wondering whether they will be able to complete their training think it is a great package. Our school principals think it is a great package. Businesses think so.

This community has the capacity to take this wonderful lifeline and deliver. Whatever the nay-sayers, the churls and the professional critics on the other side of the chamber might try to make us believe, I do hope we are allowed today to acknowledge the significance of this package for Australia.

We, the ACT government, have a record of delivery on major infrastructure that the Liberals in this town could only ever dream about delivering. The sad truth is that they do not even dream. And we will say it now, “In their last three years in government they delivered less than, I think, \$100 million of capital. We delivered \$282 million in the last year.” (*Time expired.*)

MR SESELJA (Molonglo—Leader of the Opposition) (11.12): I think we saw from that embarrassing performance why they have been hiding Jon during the election campaign. That is why they had to hide him. The man lacks credibility. We saw Katy a lot, but we did not see Jon. They had to hide him, and we know why they had to hide him—because of performances like that. And we have seen it all week. Jon Stanhope believes that if he says it often enough, it will be true. He can’t point to one quote, he can’t point to one statement by me, backing up his claim. And that is at the heart of this. Jon Stanhope is making it up as he goes along. He is simply making it up as he goes along. We saw that again today. He had 15 minutes, and again he could not point to it. We will go to the facts, we will go to the record and I will be giving—

Ms Gallagher: Do you support the motion, Zed?

MR SESELJA: Well, I will be—

Mr Stanhope: On a point of order, Madam Deputy Speaker.

MR SESELJA: There is going to be no point of order, I will guarantee it.

MADAM DEPUTY SPEAKER: Just take your seat, please. Mr Seselja, would you please sit down.

Mr Stanhope: If the leader of the Liberal Party is signalling that the opposition will support the motion, we can probably go straight to the vote now. To save the Assembly’s time, in an acknowledgement that the Liberal Party is proposing to support the motion of congratulations, we could perhaps go straight to the vote.

MR SESELJA: Can we stop the clock, Madam Deputy Speaker?

MADAM DEPUTY SPEAKER: Yes, stop the clock, thank you.

MR SESELJA: He is wasting time with spurious points of order.

MADAM DEPUTY SPEAKER: There is no point of order, Mr Stanhope.

MR SESELJA: No, there is no point of order, is there, Madam Deputy Speaker? We expect that we are going to get spurious points of order from the sensitive Chief Minister. I will be flagging an amendment to this motion, which I will be circulating in just a moment, and which I will be moving.

We need to go to the facts. We came out, on the very first day, and welcomed the fact that Kevin Rudd had adopted the policy we took to the last election in terms of insulation for homes. We said it was good policy prior to the election and we said after the election that it was still good policy. We do not change our view on whether it is good policy depending on whether Kevin Rudd adopts it, as opposed to Mr Stanhope. Mr Stanhope, prior to the election, refused to back our policy. He backed a number of other policies of ours but he refused to back this particular policy. But when Mr Rudd announced it as part of his stimulus package, he said it was a beauty. We saw the fawning that began on that day. The policy that had been put forward by the Liberals which could not be supported by Mr Stanhope prior to the election was suddenly good policy. We believed it to be good policy then, and we believe it to be good policy now.

There are a number of aspects—and my amendment will go to this—which are positive. But we do actually need to have a genuine debate, not a confected debate, putting up straw men and not backing them up with any claims. He has not backed it up. It must be said to the media who are here, to those who are listening to these proceedings and to those who will read this *Hansard*, that Mr Stanhope again, and right throughout the week, has been putting forward propositions which he knows not to be true and which he has no evidence to back up—none whatsoever. He tells us that he has written a letter to all of the P&Cs and P&Fs. Well, we are keen to see what is in that letter, and whether that is as misleading as his other public statements. It is simply not true.

Madam Deputy Speaker, with respect to the other proposition that we are having put to us by the Chief Minister and by the Labor Party, of course we have seen Jon Stanhope fawning over Kevin Rudd. We have seen him saying what nation building this is and how visionary this is. There is nothing in it for health; there is nothing in it for a number of areas which we all believe could be part of the stimulus package. And that is at the crux of this issue. Everyone agrees that there should be stimulus. No-one is saying that there should not be. We have made it very clear there are aspects that we think are very good. In fact, we came up with those ideas months ago. We are not going to turn around now and say we do not agree with them. Jon Stanhope is putting up straw men because he lacks an argument.

When you actually break down the argument of what he says, he is saying that there should have been no scrutiny of this package. He says that, no matter what the package is that is put forward by Kevin Rudd, it should be accepted without question. That is the proposition of the Chief Minister today, that has been the proposition of the Chief Minister all week and that is something that he has parroted from the federal

Labor Party, from the federal government. He is saying that whatever Kevin Rudd puts forward should be adopted without question. That is the position of ACT Labor.

What if it was \$100 billion, \$200 billion or \$500 billion? That would stimulate the economy. Is it reasonable that questions be asked? Of course it is. It is reasonable that we look at the appropriateness of each of these spending measures, which is what is now going on in the Senate. It is reasonable at a local level that we ask the question of this mob who have had such an appalling record on delivery of major public works. Whether it is the prison or whether it is the GDE, they have failed to deliver time after time. It is reasonable if we ask them the question: "Well, what do you know of the details? What impact will that have on the ACT? What impact will it have on the bottom line? Will you have the skills? What impact will it have on other aspects of the economy, and can you deliver it?"

These are all legitimate questions. These are questions that we have put to officials in our briefing and these are questions we have put to the Treasurer. It is worth looking at what the Treasurer had to say in response to our questions. When we asked her about the impact on inflation, employment and gross state product, she said:

As the detail of this is worked through, Treasury will provide me with advice, but I am not sure it is the best use of Treasury's time today, without all the information available to them, to do modelling on a package for which they do not have all the details.

She also said:

... I think some of those questions that Mr Seselja asked are very difficult to answer. I do not think I am in a position to be able to answer that question today.

Even on the insulation program—something we have supported—the only response from Katy Gallagher is:

I have some of the federal government's media releases.

Well, that is good. And what will be the impact on recurrent expenditure of the new school buildings? The Treasurer had this to say:

That detail has not been worked through yet.

When questioned over the impact on residential construction costs, the Treasurer offered only weak and anecdotal evidence. She said:

It is not expected that this stimulus package would raise the cost of capital infrastructure for householders or businesses.

This is the record of this government. Because they have failed to ask the questions, they do not know any of the answers. They have simply accepted whatever Kevin Rudd says, whatever the federal government says. The position that the Chief Minister is giving us today, and has given us throughout the week, is that any stimulus package put forward by this government should be adopted in full. Any delay is unacceptable. Any scrutiny or questioning is unacceptable. Any questioning

of the capacity of this ACT Labor government to deliver, given their appalling record over the last few years, is, according to them, unacceptable. Well, we know why. They are embarrassed by their failure to deliver. They are embarrassed by their failure to be able to answer even the most basic questions.

That is why they put up the straw men. That is why, when Jon Stanhope talks about this issue, he struggles to stick to the truth, he struggles to stick to the facts and he has to invent information that is in fact contrary to the public record. It is contrary to what has been said, clearly and consistently. But I suppose that is what happens when you lack an argument, when your argument does not stack up. And let us review the argument. The argument of Jon Stanhope and this government is that any package coming from the federal government should be supported in its entirety. It should not be questioned, it should not be scrutinised in the Senate and we should simply accept it because it is stimulus.

We all agree that there should be a stimulus package, but any reasonable person would say, "If there is going to be \$42 billion of taxpayers' money spent"—potentially with much more to come—"we should look at that spending." And that is reasonable. We at an ACT level have a responsibility to ask the people charged with delivery of this package: can you get it done? On your record, and on the answers you have given us, we say that we have serious doubts about your capacity to get it done. And we are not the only ones.

We have heard the Chief Minister. He has been fond of quoting the Housing Industry Association in terms of jobs at a national level. Of course, the local Housing Industry Association has different concerns. They have concerns about the capacity to deliver, given their management of the planning system. We hear this from Stuart Collins, HIA, in an email:

HIA is extremely concerned that planning red tape is continuing to cause time delays and is adding to the cost of construction.

He goes on to say:

I see this being a further issue when it comes to the Australian Government's spot purchase and capital works programs where there is an intention to get stock on the ground immediately and capital works programs completed within the year. If the planning system is not fixed this may be unachievable and ACT may miss out.

That is what the HIA have to say on the matter. That is what the ACT Housing Industry Association have to say. They do not believe that this government have the capacity to get it done. We have seen them attempt to manage major capital works projects. We have seen their failures. We have seen the delays. We have seen the cost blowouts. And we have heard concerns expressed about our planning system. We have heard them recently from the head of Actew, expressing concerns about our planning system. Now we have the HIA making the very point that we have been making—that is, whatever money comes from the federal government, however much comes to the ACT, the question for this government is: how are they going to get it done?

The HIA in the ACT seems to have concerns because of their management of the planning system. We have further concerns because of their management of major capital works projects. We have seen it time and again. And that is why the Chief Minister can't back up anything he says. That is why he has to make stuff up to try and back up his argument. It is simply not true. He can't back it up. He has no facts to back it up. The facts here are very clear.

I will be moving an amendment. This amendment will note that there are positive aspects to the stimulus package—something we have said consistently. It will also note the ACT Treasurer's failure to answer even basic questions on the impact of the economic stimulus package. It notes the importance of scrutiny in the expenditure of taxpayers' money in any package and expresses concern about the Stanhope-Gallagher government's ability to deliver capital works projects. I move the amendment:

Omit all words after "(1)", substitute:

- "(1) notes that there are a number of positive aspects to this stimulus package;
- (2) notes that the ACT Treasurer has failed to answer even basic questions on the impact of the economic stimulus package;
- (3) notes the importance of scrutiny in the expenditure of taxpayer's money in any package; and
- (4) expresses concerns about the Stanhope Gallagher Government's ability to deliver capital works projects."

This amendment sums up the argument. It cuts through the falsehoods that we have heard consistently from the Chief Minister and it puts the facts on the table. It is reasonable to ask the question of this government: given their record, given the concerns raised by the HIA, how are they going to get done? Well, we have asked those questions and we have had only the flimsiest of answers. They do not know because they have not asked. Their other proposition is that any package put forward by the Rudd government should be accepted without question.

Let us get to the bottom of this. Jon Stanhope is saying that because it is a Labor federal government, we should accept it without question. Certainly, he is. He and his government are accepting without question that this package is absolutely right. Every last detail of it should be supported; no questions should be asked. And any questions that are asked, particularly about this government's capacity to deliver, are out of order, and are somehow not in the best interests of the city.

The Chief Minister has not backed up that claim. He has not made any logical argument. All he has done is blindly accept it, and he has made false claims about what the opposition has said and has not said. We have said there are a number of aspects which may well be beneficial. We came out on the first day and supported part of this package. We came out on the first day and said, "This is good policy." We did not believe it was good policy only before Kevin Rudd announced it. The Chief Minister, prior to the election, did not believe it was good policy, but when Kevin Rudd announced it, it was a beauty.

This motion should not be supported. I commend the amendment to the house. I look forward to the further debate.

MADAM DEPUTY SPEAKER: The question is that Mr Seselja's amendment to Mr Stanhope's motion be agreed to. I call Ms Hunter.

Mr Stanhope: Which bit don't you support?

Mr Seselja: I've made my arguments.

MADAM DEPUTY SPEAKER: Mr Stanhope and Mr Seselja, Ms Hunter has the floor.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.27): I find the original motion put forward this morning quite interesting in that it details some aspects of the stimulus package that has been put forward by the federal government when it is a package that has not yet been passed. We do not really know what is going to come out or what the detail is and what changes may occur. It is quite a congratulatory sort of motion. I guess there is some politicking going on and I find that a bit unnecessary. It would be okay if the motion just referred to some of the detail of what has been announced and, as I say, I find it a little interesting the way that this particular motion has been worded.

In the last few days I have made statements in this chamber on some of the details of the package. I have said that the Australian Council of Social Service and some of the large church charity providers and large community sector groups have welcomed some parts of this package. Mr Stanhope referred to that earlier. Ceiling insulation can obviously reduce energy costs and would be a wonderful thing for people on low incomes, although I know that my colleague Mr Rattenbury, when he speaks a little later, will say that this measure does not go as far as it could. Certainly, in the first instance, ceiling insulation is something that would be welcomed in many low-income households.

We have also spoken about the boost in funding for school upgrades and how that is a welcome measure. I have spoken about the importance of looking at some of our rundown schools and the importance of looking at ways to ventilate and cool. In the first couple of weeks of the school year it has been incredibly hot in some of those schools. Of course, we do welcome that increase in money which will go to improving the situation of many of our schools across the ACT.

At the federal level, our Green senators on the hill have said that they will not block this package, that they are working hard to enhance it, but there is a strong view that there is not enough money being directed by this package to, for instance, the community sector that is delivering so many important services. At this time of economic downturn we know that the impact is going to be higher unemployment and that more households, families and individuals will need the services of those community agencies. There is very much a feeling that it needs to be acknowledged that they are already under the gun. We know from many reports over the years, the annual reports that come from the Australian Council of Social Service, that demand

is outstripping supply and community organisations are doing it tough. They have tried being smart over the years. They have found many efficiencies and they have been working smartly, but regardless, this sort of influx, this increase and demand for community services from these organisations needs to be acknowledged and money needs to go towards addressing that particular issue.

As I have said, we have spent a considerable amount of time in recent days talking about some of the merits of the package and I have just outlined some of them. Ms Burch brought forward a matter of public importance on Tuesday on the importance of stimulating the economy through measures such as the package. Going through the detail and looking at some of the issues, we came up with measures that we did support and that we thought would go some way towards improving things. Mr Seselja moved a motion yesterday which, among other things, called on Mr Stanhope's government to explain how it would deliver the capital works components of the package on time and on budget. Mr Seselja has again spoken at length about that this morning. This is all about a package which, as I said when I opened my remarks, has yet to pass the Senate and may be amended, depending on deliberations up on the hill today.

We have said that the Greens support a package of this nature and agree that it is timely in view of the global economic crisis. If the \$350 million proposed for the ACT filters down, it will have a significant impact in all areas. The proposed funding for the ACT education sector, as I have just said, is welcome. But these very tight time frames are of concern. Those charged with the responsibility of implementing the upgrades need to undertake proper consultation with school boards and parents and citizens groups to make sure that that money is well used, that it is used to address the needs identified by those school communities, not by someone who is quite separate from those school communities.

We have long been calling for increased public investment in social housing. As I have said in the last few days, this is a welcome initiative. With this extra money going into social housing we will go some way to growing our public housing stock. It is part of the Greens-Labor agreement that we will be moving towards 10 per cent of housing stock in the ACT as public housing.

As I mentioned earlier, with the changing climate we need to be looking at energy efficiency design. As I have said, insulation is a great first step but there are many other steps that need to be taken. Mr Rattenbury will talk further about that. We know that houses need to set the standard for all housing in the ACT. This is one way to build green collar jobs as part of developing a green economy. There is already high demand for expertise in the design and construction of energy and water efficient buildings in infrastructure, renovations and retrofits and the installation and maintenance of efficient appliances and machinery. The challenge for government is to put the mechanisms in place to build the technical and trade skills to meet the demand as the ACT hopefully makes the transition to the green economy.

In relation to cash handouts, while it is hoped that these help support the retail sector and ensure jobs are retained, as the Chief Minister and Mr Rudd hope, it is hard to ensure handouts are reinvested in the retail sector and reach those most in need. So that is an issue.

Regarding road safety, the stimulus package in its current form intends to increase funding for local community infrastructure and local road projects. We are not opposed to using money on local roads or on local infrastructure, but one of our priorities is to ensure that any funding is used wisely and sensibly in a way that will help most Canberrans and move towards an economically and environmentally sustainable future. Road safety is also about getting more people out of cars and off the roads completely. Providing funding to improve and expand the cycle-path network in Canberra would have economic benefits for our city with the added bonus of improving the environmental future of our city.

As I have said in the last few days, we are supportive of some of the measures. One that does have some measure of support from us is the one that helps small businesses. We need to look at measures in this area and we need to ensure that those temporary business investment tax breaks are indeed going to the small and micro businesses which are struggling. At the same time, we cannot allow those businesses to overextend their debts given that we do not know what the next 18 months or so will bring. Each day, of course, brings worse and worse news. News from London this morning is that the United Kingdom is going into a deep recession. We need to make sure that these breaks do not just help small businesses get further into debt, a debt that they cannot repay. I would like to see the ACT government's business advice services being engaged on a medium-term basis with each local small business which is getting a tax break.

The timelines on implementing the initiative and the package are tight. We need to combine these with the ACT government's proposed stimulus package in the near future to ensure we capitalise on what, if properly managed—as we pointed out earlier this week—will be a huge boost for the ACT. There seems to be general agreement that this stimulus package is needed, although we note the Liberal Party's concern over the ACT government's ability to effectively implement the initiatives within the time frames. We support our federal colleagues in their efforts to improve the government stimulus package and applaud the Greens up on the hill for taking a realist approach to achieving an outcome.

When I commenced my speech I referred to the fact that it was the wording of the motion that was not making me feel terribly comfortable. Mr Seselja, I think that you wanted to ask a question during my speech. I went on to talk about some of the measures that have been considered in this chamber over the last few days. Again, we have gone through them and we have said that there are some good aspects of this package. But this plan has not been passed. We do not know what the final result will be. I think it is a little too early to be putting up a motion such as this. It is a bit too self-congratulatory in saying, "We are the Labor government down here and we are just going to congratulate our colleagues up on the hill." "Premature" is probably the word I would attribute to this until we find out what is going to happen with this package, what the final detail will be and what it will mean. On that basis the Greens feel that we cannot support the motion. That is where we stand at this point.

MR RATTENBURY (Molonglo) (11.39): Ms Hunter has summed it up quite well in talking about the fact that this is an exercise in politics, which I think is a result of the goings-on in the chamber all this week. Throughout the week we have had what might

best be described as grandstanding around this whole package at a time when the Senate is seriously debating the relative merits of the package. It is important that the Senate scrutinises this package. Certainly, my federal colleagues have expressed frustration at how late the information on the package came through, considering how much it has been worked through by Treasury, and how late it was given to the House of Representatives. There are also problems around the inability of community organisations and industry organisations to contribute by commenting on the package. I made some comments earlier this week in the chamber about the idea of consultation not being a case of putting the thing out there and saying, "Now we are going to consult." You actually go and talk in the first place.

Let me speak specifically to the actual stimulus package itself. We are in a serious economic situation in Australia and the need for a stimulus package is widely recognised. It is also widely recognised that job creation and job preservation is a top challenge for the government in these times. The package is significant and will create substantial government debt which will be a burden on taxpayers for some considerable period of time. That is something that we should take very seriously. In that context, it is vitally important that this money, the money that future generations are going to have to continue to pay back, is used as a point of investment for those future generations. We need to have an eye to the immediate problem but also to the future implications of this package and the future benefits that it can deliver.

When I looked at the package my initial reaction to the proposal for free ceiling insulation and the extended solar hot-water rebate was one of "hallelujah"—that finally the federal government had listened to the things that the Greens had been talking about for a number of years. It had finally realised that it makes sense to invest in energy efficiency measures and that putting money into that not only reduces our greenhouse emissions but also saves money down the line; it is an investment in our future. The real question is why this work has not been done over the last decade, either by the federal Liberal government or by the federal Labor government. Both governments have been told—they have been told by the Greens, they have been told by community organisations, they have been told by the industry—but neither major party at the federal level has had the foresight to stand up and invest in Australia's future. In the good times when there was plenty of money around to do these sorts of things they should have started to cut Australia's emissions.

Both the Labor Party and the Liberal Party are responsible for the fact that Australia has, out of Kyoto, a target that will see Australia's emissions increase. Governments of both persuasions could have done a great deal over the last decade to ensure that we came in below that Kyoto target, that we showed leadership on a global level and actually did something worthwhile. When I heard about the ceiling insulation proposal, aside from my initial reaction of, "Finally, we've got there," I was thinking, "That is a good initiative but surely we can be a little more flexible, a little more innovative and a bit more creative." Plenty of people who have already got ceiling insulation should still be able to increase the energy efficiency of their homes. Therefore, that part of the package should be more flexible. We could say: "Here is some money. You go and choose the best energy insulation measure you can think of for your house." I fear there will be a bottleneck in the ceiling insulation industry and there will be all these other people sitting around with great insulation technologies, or energy efficiency technologies, twiddling their thumbs because everyone is

spending their money on ceiling insulation. I think that a bit more thought and creativity could have gone into that specific initiative.

In that context the whole package creates a number of missed opportunities for promoting a transition to a green economy. I refer to Senator Brown's comments in the committee report which has just been tabled this morning where he has identified a number of missed opportunities. Some of the other investments that require much better government consideration, and I refer now to the Senate committee report, include expanding energy efficiency measures to cover other cost technologies. That is exactly the point I was just making. Another would be strengthening the incentives for landlords to invest in energy efficiency on behalf of tenants. There is clearly a major gap in the current programs that are available.

We need to see much bigger investments in public transport and other sustainable forms of transport. Why on earth are we not using this large amount of infrastructure money to start building the infrastructure that governments around the country have failed to invest in over the last decades to create truly useful public transport systems in this country? Again, I am not taking a particular shot at either side of this house but across this country both the old parties have failed to build the public transport infrastructure this country needs to be a 21st century country.

A further point that is made is ensuring infrastructure investment in schools complies with energy efficiency standards. Let us set our schools up for the future as well. The next point is to invest in research and development infrastructure to support the green industries of the future. Let us take an example in this town, Spark Solar. They want to build a facility that will be an industry of the future. They are struggling to get even a useful meeting with the ACT government. They have been trying for 18 months. They want to come to Canberra to build this sort of facility. We are going to lose this opportunity because other governments around the country are much more forward-thinking in saying, "We'll support industries of the future to come to our place and create jobs for our children down the line." The ACT government has sat back and said, "It's not our problem." What is their approach to building the green industries of the future? That is the question I put back to you, Chief Minister.

We need education and training to create the green collar workforce of the future. Some people are going to lose their jobs, both as a result of this current economic situation and as a result of the need for the economy to move away from carbon intensive industries. People are going to lose their jobs. Governments that were truly compassionate, governments that were really about protecting the workers, would be starting to create the industries of the future and the transition programs for those workers to have opportunities in the future, to have employment, to have strong self-esteem from being employed and being able to support their families.

We also need investment in renewable energy and the electricity grid infrastructure to make it possible to decentralise our energy systems, to have the clean, green energy of the future that we need. No government in Australia is making a serious investment in those technologies at the moment—

Mrs Dunne: You could have joined a government to do it, but you didn't. You could have.

MR RATTENBURY: You could have too. We could have seen a grand coalition in the ACT. That would have been innovative. Another important consideration of the federal government's package is the equity issues. There are concerns that a number of low-income groups have missed out on the tax bonus and may be ineligible to receive a bonus payment under other bonuses. In particular, these issues relate to unemployed people with no children, pensioners with no eligible children, and people with no net tax liability—that is, those who are earning less than \$6,000 a year.

It is recognised that some of these groups may receive or have received bonuses in other ways, either in the earlier economic security strategy or in this plan, but better resources could be targeted to people who are expected to lose their jobs in the forthcoming economic downturn. That is an important consideration that also needs to be built into the stimulus package.

There are a range of other areas that I could speak to. I think there are alternatives that can be used in the stimulus package to really invest in the future. I hope that the federal Rudd government will be open-minded in negotiating with the Senate. Those in the Senate have taken a considered approach to this package and it has been valuable to put this through a committee process over this week. It is a shame that some of that consideration was not done in the past. But now the impetus sits with the Rudd government to take on board some of those ideas.

The final comments I would like to make are simply, as Ms Hunter already flagged, that the Greens will not be supporting this motion today, nor will we be supporting Mr Seselja's amendment. We believe that neither of those sets of words is useful. One of them is self-congratulatory. The other is simply responsive politics, and fair enough, given the nature of the original motion. We will be hoping that the Assembly can spend its time on more useful discussions in the future.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (11.49): I think this is a very useful part of the Assembly's business. This is a significant project; Mr Seselja has outlined how significant it is in size—and I think you drew on that in your motion yesterday—with \$350 million coming to the ACT. This is probably something that the Assembly should discuss and debate, as we have done this week.

The comments from around the Assembly show yet again that members fail to understand the idea behind the stimulus package. I note that everybody here has better ideas about what should be in and what should be out. This is not a normal budget. These are not normal economic times. This does not necessarily give everybody the opportunity to put forward their wish list about what they think should be in the best stimulus package to respond to the current economic difficulties facing this country, and indeed the world.

When you look at commentary from around the world, there is general agreement that stimulus packages need to be delivered by government, they need to be targeted, they need to be timely and they need to be temporary in terms of their effect. This is the package that has been put forward by the federal government. It does not necessarily cover off everybody's ideal hope about what should be in the stimulus package and

what should not, but it is a package that injects cash into the economy quickly and tries to increase consumer confidence—that is what the cash payments are about—and then injects significant money, taxpayers' money, into essential public infrastructure: social housing, public housing and schools.

Mr Hanson: Do you think questions should be asked about it? Do you think there should be Senate scrutiny?

MS GALLAGHER: I have absolutely no problem with questions being asked. I have problems with delays to the passage of a very important bill.

Mr Hanson: Can you ring Kevin Rudd and tell him, please.

MS GALLAGHER: The Prime Minister has been responding to questions on this. It is a significant amount of taxpayers' money. Questions have been asked, but also delays have been imposed and concessions are being sought for each special little interest group. That is what is being sought—questions, but concessions as well, because everyone has a better idea about what should be in the stimulus package.

Here in the ACT this will provide \$350 million over three years into important projects in the ACT economy—social housing, \$102 million; and around \$230 million going into primary schools and then secondary schools as part of the later stages. What is not clear, either from the Greens or from the Liberals—I note the amendment from Mr Seselja; it says that there are a number of positive aspects to the stimulus package. The question then is this. There are obviously a number of not positive, or negative, aspects to this stimulus package. I am not sure that we over here are quite clear about what elements of the stimulus package Mr Seselja does not like—

Mr Seselja: We are not clear on your position.

MS GALLAGHER: what part of the stimulus package Mr Seselja does not like.

Mr Seselja: Do you believe it is all absolutely good and there couldn't have been anything else added.

MADAM DEPUTY SPEAKER: Mr Seselja!

MS GALLAGHER: Is it the schools? Is it just public schools? Is it social housing? Exactly what part?

Mr Coe: You've got a great record on social housing, haven't you?

MS GALLAGHER: We know your views on home insulation, because you have been giving yourself a big pat on the back for that all week. But as to other elements of the stimulus package—I am sure that other members will be able to rise and answer—what part of \$350 million coming into the ACT, essentially into social housing and education, do you guys not like?

Mr Seselja: Do you think she will tell us about any more of the details? Do you think she knows any more details?

Mr Hanson: I don't think she wants the detail.

MADAM DEPUTY SPEAKER: Members!

MS GALLAGHER: What part of it do you think is a bad idea?

Mr Hanson: Let's have a look at it in detail. Then we'll be able to tell you.

Mr Seselja: Do you think she asked for money for health?

MADAM DEPUTY SPEAKER: Members!

MS GALLAGHER: What part of school halls? What part of libraries? What part of secondary school infrastructure do you not like? What part of around 400 units of additional housing do you not like? What part of it, Mr Seselja? Mr Seselja, table your ideal stimulus package. Table your ideal stimulus package, Mr Seselja. Let us know what you would put in a \$42 billion stimulus package, because it is not clear—

Mr Seselja: You said you can't even do a stimulus package. You said you can't stimulate. You said you aren't doing one any more.

MADAM DEPUTY SPEAKER: Mr Seselja!

Mr Hanson: We are waiting for Mr Turnbull and the Senate to debate it, to do that—that is their responsibility; that is their job—as they should be doing.

MS GALLAGHER: Right; okay.

Mr Seselja: The health minister didn't ask for money for health.

Mr Hanson: Mr Rudd didn't want that to happen.

MS GALLAGHER: The opposition here is left on the sideline, sniping, whining and whingeing.

Mr Seselja: \$42 billion.

Mr Hanson: You brought this motion here.

MS GALLAGHER: All you have managed to achieve this week—

Mr Hanson: You brought the motion into the house.

Mr Seselja: It made you look pretty silly.

MADAM DEPUTY SPEAKER: Members!

MS GALLAGHER: is show exactly how you are going to behave over the next four years: relegated to irrelevant opposition with nothing positive to say.

Mr Seselja: You have looked pretty silly.

MADAM DEPUTY SPEAKER: Stop the clock, please. I have stopped the clock because I want the members on this side of the house to allow Ms Gallagher to continue her presentation on this motion. If there is any more from this side at this particular moment, I am going to start warning people. I have asked you several times to stop interjections and you have ignored me. I will start warning people. I call Ms Gallagher. Can you start the clock again, please.

MS GALLAGHER: The package that is now before the federal parliament, before the Senate, is a good economic package for Australia. It is targeted, it is temporary and it is timely. We need to act now. I hope that the Senate passes the bill later this evening so that we can get this injection of cash flowing into our economy.

The alternative is most serious. The alternative of doing nothing, not responding or taking a great deal of time to resolve this package could have significant negative effects on the ACT economy and, more broadly, the Australian economy.

Six of our eight leading trading partners are in recession at the moment. Australia is just hanging on. This response from the federal government is to ensure that they are able to support 90,000 jobs across the country at a time when unemployment is expected to continue to rise over the next two years.

The most serious challenge facing our country at the moment, in the short term, is how we manage and respond to the global economic conditions which are now impacting heavily on Australia. We are responding with our own package here. It will be a local package. It will be targeted on areas where we believe it can assist the most. We look forward to the Assembly's scrutiny of that package—and no doubt the opposition's complaints about that package—when it is released. We will be doing that in the final sitting week in February.

I understand people's need to ask questions. The need for concessions and the need for everybody to get a slice of the pie concern me in the sense of what the aim of the stimulus package is to be. I do not agree with Senator Xenophon's need for money for the Murray-Darling Basin to come out of this; I wonder what the opposition's views on that are.

This does not do everything. You cannot do everything in one package. Everybody has got other ideas. But it seeks to have a specific impact on the economy: it comes in at times when others are not investing, it seeks to boost consumer confidence, it seeks to inject cash into the economy and it seeks to have a temporary effect. That is what it seeks to do. It is not a normal budget.

These are not normal times. These are times for governments to act decisively, to respond to the current climate and to respond quickly. That is what we need to happen. That is what the people of Australia need to see happen and what the people of the ACT need to see happen. The alternative will have most significant consequences, across Australia and here locally. We need to support jobs and we need to support families. That is what this package seeks to do.

MR COE (Ginninderra) (11:58): A leopard never changes its spots. The Labor Party we see today is the same Labor Party that gave us deficit, debt and the recession we had to have. This time the electorate was promised, after a long campaign, that this Labor Party was different from all the others—that those in the Labor Party had learnt the lessons of their ways and were now for a great liberalisation of economics: that free markets provided the opportunity for all Australians in this new world.

Federally, the Prime Minister, Kevin Rudd, even found time to tell us about his change of view on YouTube. He told us this in numerous YouTube videos. I read one out yesterday, but here is another one: “Kevin Rudd’s vision for Australia”. Vision for Australia? I wonder if it is huge debts? We will see. “Today, I’d like to talk about my plan to secure Australia’s long term prosperity.” Long-term prosperity? I wonder if he included in that long-term prosperity a debt-laden economy—\$200 billion of debt, \$7 billion of interest payments? Maybe. Then he used the good old line which he has used before: “Some call us the lucky country, but I believe you make your own luck.”

You make your own luck. Isn’t that true? Isn’t that true of those opposite here today? Mr Stanhope, the Treasurer and all his team made their own luck. They made the ACT what it is today. They made the ACT economy what it is today. They may talk about how progressive they are; they may talk about how they wave the flag at all the COAG meetings and brag about all our progressive laws. But what do they brag about in terms of the economy? Do they brag about our public works expenditure? Do they brag about our great infrastructure around town? I doubt it. There would not be too much to brag about. They could brag about the prison perhaps, the Belconnen Remand Centre—

Mrs Dunne: Or Tharwa Bridge.

MR COE: Or Tharwa Bridge. They could. What about the GDE? What about pay parking in the hospitals? All these are great Labor developments—champagne Labor.

Mr Seselja: Rhodium.

MR COE: And Rhodium. We cannot forget Rhodium. We cannot forget Rhodium—that great indicator of affluence. They set up something called Rhodium and then just squandered it. They have got money to burn—\$42 billion. If you lose \$100 million on Rhodium, you have still got \$41.9 billion left, so who cares? Who cares?

Kevin Rudd goes on to say, “We can’t just hope the resources boom lasts forever.” It certainly has not lasted forever. In the midst of some pretty tough times, we are now seeing Labor’s true colours. In the lead-up to the first Rudd government budget, we saw the Prime Minister declaring the need for a large budget surplus and the need to fight the inflation genie that had been let out of the bottle. It had been let out of the bottle, apparently. Then we had the summer holiday. We had the big summer holiday. The Labor Party evolved, was reborn. The Prime Minister had an epiphany of some sort, I guess. The great leader decided to grace us with his thoughts in a 7,000-word essay used to justify his abandonment of economic conservatism with a selective and convenient quoting of economic history and a conclusion that does not provide a solution but instead suggests why the new world order might be called some sort of social capitalism—a third way.

We have had a few third ways. We have had a few third ways in the territory. Let us look at the business and economic development policy of the Labor Party. It is a ripper:

ACT Labor will continue to build a strong economy, maintain budget surpluses and provide Canberra businesses with assistance to make the most of our present opportunities ...

Think about opportunities and look at their infrastructure spend. I read it out yesterday, but it is worth reading out again. What sort of underspend did they have on what they promised? In 2001-02, they did not end up delivering 33 per cent of what they promised; in 2002-03, it was 37 per cent; in 2003-04, 36 per cent; in 2004-05, 48 per cent—48 per cent of what they promised they did not deliver. In 2005-06, it was 48 per cent again; and in 2006-07, 38 per cent. The average is about 40 per cent. About 40 per cent of what they promise they do not deliver.

The ACT is going to get \$350 million if this package is passed by the Senate. Are we going to get the full \$350 million? Or, like ACT Labor, are they going to deliver only about 60 per cent? Or maybe only 52 per cent? Who knows? Maybe that was a low water mark. It could be only 20 or 30 per cent that we actually deliver. You have to ask about the competency of this Labor government; you have to ask about the competencies of the Treasurer; you have to ask about the competencies of the Chief Minister.

We have heard members opposite talk about how great the package will be for the territory, yet it seems that little or no advice has been given to the government about the impacts on the territory. In fact, it seems that the whole premise of this motion, which is very particular, is based on a few media releases. That is what the Treasurer said. The Treasurer said that all she could do was table a few media releases, because they had not done the modelling. They had not done the modelling and she did not have any advice; it was all about media releases. Yet today we have a policy, a motion, which has much detail in it that I did not think was included in the media releases put out by the Rudd government. I do not know where it has all come from.

Given that those opposite are so confident, I ask this. If \$42 billion will build the nation and secure jobs, why do we not have an \$84 billion plan? That would be better if you go by this argument. Why not \$126 billion? That would be better too. If you disregard the debt and the interest payments, why not just keep sending it upwards? They cannot table the modelling or cannot table the advice, but they can table the media releases from Kevin Rudd's website. That is pretty handy stuff! Perhaps she is up in her office now, looking at the website, trying to find more media releases, trying to find more facts for the next motion—rather than debate in this chamber the very important motion which she moved.

The ACT government needs to take a long, hard look at itself before challenging the opposition—

Mr Stanhope: Point of order, Madam Deputy Speaker? I am loath to interrupt, but the motion was not moved by the Treasurer; it was moved by me. And at this moment,

Ms Gallagher has a very important and significant meeting with a significant Canberra organisation.

MR COE: That is not a point of order, Madam Deputy Speaker.

Mr Stanhope: All right; it is not a point of order. Madam Deputy Speaker, I ask that Mr Coe withdraw the misleading statement that he just made.

MADAM DEPUTY SPEAKER: Mr Coe, would you like to correct your statement?

MR COE: I am happy to correct my statement: it was not moved by the Deputy Chief Minister and Treasurer; it was moved by the Chief Minister.

The ACT government needs to take a long hard look at itself before challenging the opposition on the economic crisis. The ACT government has squandered the boom that could have more effectively insulated us from this crisis. It squandered \$1.7 billion of revenue. There is no future fund like there was in the federal government. Some \$1.7 billion was squandered. Again, the only fund it is interested in is John Hargreaves's retirement fund.

What do we have to show for it? There was a self-imposed budget crisis a couple of years ago that closed schools, cut services and led to considerable delays in all our infrastructure—and then another budget crisis to follow. There has been no mention of business in this plan or the role that business plays in employment and stimulating the economy. There is no mention of tax cuts to help individuals and no mention of the complete incapacity of the Labor Party to deliver on infrastructure.

Just this week, the Treasurer failed to answer key questions about this stimulus package. Yet we have a motion today which stipulates very clearly how good this package is going to be for us all. I find it very hard to believe that you could move a motion like this without having modelling or without having some sort of advice. But apparently that is the way it is. Then again, when you look at the record of ACT Labor, it is really not that surprising after all. There is really not much evidence to back anything they do; it seems to all be on a whim.

When the Treasurer was asked questions, these were some of the answers. "Well, I've got several government media releases." "The detail has not been worked through yet." "It is not expected this stimulus package would raise the cost of capital infrastructure for households or businesses." All that based on no modelling. All that based on no advice and no modelling. Is this the person you really want to safeguard our \$3 billion budget? Is this the person you want to oversee \$350 million of capital injected into our economy? Of course it is not, and I think the people of Canberra know that.

The proposal that the Leader of the Opposition has moved is one that accurately reflects the real state of play, that accurately reflects what is happening in the federal house of review at the moment. I urge all members to support these amendments.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and

Recreation) (12:09): I think we have just had a bit of an insight into what a Young Liberals conference would be like—quite extraordinary. I am rising in support of the original motion, and I will be speaking against Mr Seselja’s amendment.

Mrs Dunne: So you don’t go to Young Labor anymore? You’re above that now, are you?

MR BARR: Young Labor ends once you turn 26. It would appear that the concept of “young” within the Liberal and National parties has extended somewhat into middle age, but perhaps there is an argument Young Liberals are born 40 anyway!

Mr Seselja: Are you middle aged, Andrew? Is that what you’re saying?

MR BARR: I am suggesting that if you consider “young” in the context of the National Party, I think they take their membership up to about 40.

MADAM DEPUTY SPEAKER: Mr Barr, return to the subject of the motion, please.

MR BARR: I will not be distracted, Madam Deputy Speaker. The importance of a stimulus package is recognised across the country and, indeed, across the world. One need only observe the responses of other national governments, most particularly in the United States, China, UK, Germany and the entire European Union, to know that pretty much every first world country with the capacity to undertake a significant stimulus to their economies is in the process of doing such work. This is largely as a result of a need to stimulate aggregate demand across the economy. Those opposite argue and have raised questions on what is the appropriate size of any stimulus.

Mr Seselja: We’re told by Katy that this is perfect.

MR BARR: That is an interesting economic debate.

Mr Hanson: Well, let’s have that debate.

MR BARR: One would presume that those who argue that the size of—

Mr Hanson: Kevin didn’t want the debate. You do!

MADAM DEPUTY SPEAKER: Stop the clock, please. All the way through Mr Coe’s presentation I noticed that he was given the respect of the house and people listened without interjection, apart from the point of order that Mr Stanhope took. Now we have a return to this disorderly behaviour from the opposition side of the house. This is the last time I am going to say it before I warn somebody: I want you to be quiet and listen to Mr Barr. Thank you very much. I know you find that amusing, Mrs Dunne, but I ask you to respect me in this, thank you. Mr Barr.

MR BARR: As I was saying, when you compare the size of the proposed stimulus package here in Australia as a proportion of gross domestic product to the packages that have already been passed in other countries, one sees that it is a relatively modest boost to aggregate demand.

The only argument that economic conservatives put forward against a government seeking to stimulate an economy in this sort of economic circumstance is that there might be a propensity for government investment to crowd out private investment. It is entirely clear from the state of the world financial markets that private investment has plummeted, many banking institutions around the world have collapsed and there is almost a credit freeze across the world. That is a pretty clear indication that there is not a huge amount of private investment that will be crowded out by governments stepping in at this point in time. In fact, some of the most vociferous supporters of stimulus packages are those private sector businesses who will require that level of credit and that level of debt in an economy in order to undertake their activities.

In response to Mr Coe's assertions, the obvious comeback to that is to ask him: who does he think will benefit from this sort of investment? Who is going to be doing the work that will be generated by this commonwealth injection of funds? It is going to be the private sector. It is going to be the private businesses that he lauds. It is not as if the government will be employing additional staff to undertake the building works in schools; they will be done by the private sector. The government will be stepping in to fill the void that is not currently being filled as a result of a global financial collapse.

Alan Greenspan, who is well regarded as an economist of considerable merit on both sides of politics in the United States and here in Australia, has stated this is by far the worst economic crisis he has ever seen and is the type of event that occurs once in half a century or probably once in a century. It does demand a response.

The petty suggestions and the sloganeering about government debt as if governments have never been in debt and that governments cannot get out of debt belies the seriousness of this situation. It is the sort of childish, Young Liberal debating point that you would expect at a Young Liberal conference, but you might think that in a parliament in Australia we could do a little better than that. I am sure in time Mr Coe will raise the standard of his contribution. It is important that we are able to get on with the delivery of this package. So I do urge—

Mrs Dunne: We don't know what the package is.

MR BARR: We know what the package is. The federal government has put forward a package. It is our clear desire to see those elements that directly relate to the territory and that will have an implication for the territory government in terms of delivery clear the hurdle of the Senate as soon as possible so that we are able to get on with delivering those programs.

In yesterday's debate on this matter, I went through an exhaustive list of capital works projects that have been delivered in ACT schools. More than 270 projects across 70 schools have been delivered in the first 12 months of the ACT government's four-year investment. That is work that has been carried out by the private sector, carried out to a high standard to improve school infrastructure. That is a good thing. We are really yet to hear a substantive position from the opposition on that. Surely they are not opposed to the private sector delivering the work. Surely they are not opposed to the work being undertaken in all of our schools.

We are just left with farcical debating points about the level of government debt, as if that is in no way related to the level of private debt in an economy or the level of foreign debt in an economy. This is a slightly more complex economic situation than Mr Coe presented in his little speech.

Whilst we are on the subject of capital works delivery, all we get coming from the opposition is a series of cheap shots. Anyone can come up with a list. I have got my own of great Liberal Party capital works efforts: Bruce Stadium, Fujitsu, Impulse, the futsal slab, the hospital implosion, the feel the power of Canberra campaign, the V8 supercar fiasco. We have all got lists of perhaps less than successful ACT government projects and investments over time. I have just given a very long list of outstanding successes—I am sure every member of the Liberal opposition will get up and tell us how great they did with all of those—and that was what I came up with in about a minute. I am sure there are lists—

Mr Seselja: One of them wasn't capital works.

MR BARR: Not all were capital works projects, but they certainly involved the expenditure of government money. I am not sure that Mr Seselja really does want to get up and defend any of those. Does anyone want to talk about the hospital implosion or the futsal slab? Do you want to talk a bit more about painting the grass green at Bruce Stadium? Do you want to talk about the Fujitsu deal or the Impulse Airlines hangar? No, I did not think so.

But back to the subject of this motion and the importance of this stimulus package both to the territory and to the national economy. It will be a significant moment for us when it passes through the Senate. It does then place a huge burden on the states and territories to deliver infrastructure in a hurry. I recognise that. I recognise the importance of engaging early with schools and the building and construction industry, as they will be principally tasked with delivering these projects in the next 12 to 18 months.

Some of the smaller capital works that come in the first round of school pride under the building and education revolution will not require planning approval and can be delivered very quickly. There are some more significant projects that would be funded in the second round, particularly the addition of school halls and gymnasiums, that we know will require a specific response from government.

I am convening meetings with both the government and non-government school sectors in relation to the delivery of those projects. I have already met with Sandra Lambert, the coordinator-general for the ACT government, and have had discussions with both the planning authority and the Department of Education and Training. We are geared up and ready to respond. We need the Senate to give approval. Again, it would be another opportunity for Mr Seselja to pick up the phone, dial 62774022, ring Malcolm Turnbull, and say, "Let's get on with this," because now is the time for decisive government action.

We cannot sit and wait, and we are yet to hear a position of opposition from those opposite on the key areas of investment that the federal government is proposing. If

you are brave enough to put on your neo-liberal mask and say, “Look, this is bad for the economy,” be brave enough to say why and be brave enough to look those school communities in the eye and say that they do not deserve this additional funding.

Question put:

That **Mr Seselja’s** amendment be agreed to.

Ayes 5

Noes 10

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves

Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

MS BRESNAN (Brindabella) (12.23), by leave: I move:

Omit all words after “That this Assembly”, substitute:

- “(1) notes that there a number of positive aspects to the Rudd Federal Labor Government’s stimulus package;
- (2) notes the importance of scrutiny in the expenditure of taxpayers’ money in any package;
- (3) acknowledges that the Federal Government is willing to respond quickly to the global economic slowdown; and
- (4) urges the funding be used in a responsible manner to deliver an economically, socially and environmentally sustainable future for Australia through:
- (a) capital works that deliver environmentally sustainable infrastructure;
- (b) financial assistance provided in a socially progressive manner; and
- (c) pursuing responsible lending regimes to small businesses.”

As has been noted by Ms Hunter, Mr Rattenbury and by our fellow Greens colleagues in the Senate and as Mr Seselja noted in a couple of comments, there are a number of positive aspects to the Rudd federal government stimulus package. We recognise the importance of scrutiny in expenditure of taxpayers’ money in any package such as this. We also acknowledge that the federal government is willing to respond quickly to the global economic slow down, which is obviously extremely important in these circumstances. We do, however, urge that this package is implemented in an economically, environmentally and socially responsible manner and indicate that these considerations are paramount in any package dealing with the economic crisis.

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) (12.24): I regret that we have had such little time to see the terms of this particular amendment. I must say, I am standing just to give myself time to think about it, but it might just have been as easy to adjourn now for lunch so that members of the Assembly had an opportunity to read the amendment. It is a proposal that the wording of the motion that has been debated for the last couple of hours essentially be removed and be replaced by this amendment, an amendment which we have had just for one minute.

Mr Hanson: Now you know how Malcolm feels.

MR STANHOPE: We want to give some consideration to this. We do not want to dismiss the package out of hand, as Mr Turnbull did. I think we get to the heart of the matter in relation to the attitude of the ACT branch of the Liberal Party—that is, they have simply parroted the view of the federal Liberal Party and have chosen to oppose the stimulus package in its entirety.

The presentations today made by the Leader of the Opposition and the member for Ginninderra gave no suggestion as to which parts of the package the Liberal Party does not support. We see from the debate on the amendment that has just been defeated that the Liberal Party's position is that there are a number of positive aspects. Of course, the corollary is that there are a number of negative aspects. That is at the heart of some of the concern we have in relation to the attitude which both the Liberal Party and, indeed, the Greens have taken. They gave no explanation of what it is about the package that they oppose, otherwise that would suggest there are other things that they would have preferred to have seen to be done.

It seems to me that this is at the heart of the issue we face. We face a major international crisis, a major national crisis, a major ACT community crisis in relation to our economy, its capacity to continue to grow and its capacity to continue to sustain the workforce currently employed here. We can be parochial about it. We look at and think about our community and our economy. We have been advised that we can expect unemployment in the ACT to double to at least 5.4 per cent.

The federal government, charged with responsibility for protecting the national economy and employment throughout Australia, has put together a very significant package, a \$42 billion stimulus package. They need our support, and they deserve our support. This is a time of national emergency, and the federal government, the government we have elected to provide this leadership, this guidance, this support and this emergency action and response, has sought to do that, but it is being thwarted. It is being thwarted in its efforts to maintain stability, to stimulate the economy and to protect jobs by an attitude of those within the federal parliament, most particularly the Liberal Party, which is opposing the package outright, and the Greens and others that are delaying the implementation of the package. We see some of the rationale or justification of that today.

Mr Seselja: Scrutiny is delay?

MR STANHOPE: It is not just scrutiny; it is a suggestion, and we heard it from Mr Rattenbury particularly. He would have preferred the money to have been spent on public transport. So the Greens believe a greater stimulus package should have been

delivered? What are the economic implications of that? You either add money or you take money from somewhere else. It is a really simple equation. The federal government actually believes that \$42 billion in the context of its budgetary position, at this stage, is the appropriate and necessary stimulus to maintain growth for the Australian economy. That is a decision and a judgement that it has made.

I do find it strange that the response by others, most particularly the Greens, the crossbench, in the federal parliament and we see it mirrored here today, is: "We don't believe that the best response or result is in the delivery of the package as currently constructed. We'd rather see those capital works go into public transport in addition. In other words, we want another \$10 billion or so." It is either that or, "We believe public transport is more important than schools or housing." They cannot have it both ways. They have to be out there pleading for a greater package with additional billions of dollars—from where and with an impact of what?

Mr Rattenbury: You'd rather people get money to put into poker machines?

MR STANHOPE: What? So this is a judgement to be made, is it? I must say, I do find it amazingly cynical and judgemental to suggest that tax relief or family payments should not be made because some people might actually use some of that money to gamble. I do not think we have got to the stage yet where we, as legislators, begin to make judgements about how people spend their money. I find it remarkable that the Liberal Party and the Greens in this place would actually extend, as a reason for objecting to those parts of the package that provide \$950 support payments or payments to families—single-income families or to families with school children that are eligible within the package—that there is a risk that some of those people might use some of that money or some of that funding in a way that is not supported by the Liberal Party or by the Greens. It really is a remarkable justification or rationalisation of why the individual payments proposed in the stimulus package should not be supported because there is a judgement within the Liberal Party and the Greens in the ACT that you cannot trust people to spend the money wisely and that they might, heaven forbid, gamble some of it away.

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

Sitting suspended from 12.31 to 2 pm.

Executive documents—release

Statement by minister

MR CORBELL (Molonglo--Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (2.00), by leave: Mr Speaker, during debate earlier today on the motion in relation to the establishment of an independent arbiter to deal with the claims of executive privilege and calls for documents, I made some comments in relation to the nature of that motion which were not consistent with the word and form of the motion. For any confusion that has been caused in that regard, I apologise to the Assembly.

I should draw to the attention of the Assembly, however, the fact that, whilst the government did initially propose a form of words different to that in the tabled motion, I can now confirm that the government will instead be adopting the form of wording as proposed in the notice paper this morning.

Questions without notice

Housing—public

MR SESELJA: My question is to the Minister for Disability and Housing. Minister, in announcing the \$42 billion package of measures last week, the COAG communique said that COAG agreed to a process:

... to ensure that there is no execution of capital efforts by the states ...

In answering a question on Tuesday, you said:

Housing ACT already has a number of projects in the pipeline which will meet the very tight time frames set by the commonwealth.

Minister, why is your government going to act in precisely the opposite way to that required by the agreement between the commonwealth and the states on the delivery of funding under the stimulus package?

MR HARGREAVES: I thank the Leader of the Opposition for the question. It is not.

MR SPEAKER: Mr Seselja?

MR SESELJA: Minister, how can the people of Canberra be assured that funds from the federal government's stimulus package will be spent on new social housing projects?

MR HARGREAVES: I thank Mr Seselja for the supplementary question. The fact is that this package, provided, of course, that it does not get scuttled in the Senate—I notice that the only people who are opposing the provision of extra accommodation for the homeless in Canberra and around the country are, in fact, members of the Liberal Party—

Mr Hanson: Not true.

MR HARGREAVES: Well, okay, what part of \$102 million don't you folks understand? Some \$102 million will give us around about 290—

Mr Hanson: On a point of order, Mr Speaker, in relation to relevance, the minister is not answering the question.

MR HARGREAVES: I am answering the question.

MR SPEAKER: At this stage, Mr Hanson, there is no point of order. He has only just started answering the question, which is about expenditure on housing. Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. I was asked a question about how Canberrans can have confidence that they will get their houses. Some \$102 million, as I indicated the other day, is over and above the normal provision that we would be attempting to make. It is in addition to, for example, the time when we went to the community housing sector and gave them \$140 million worth of stuff so they could borrow against it. It is in addition to, for example, the \$50 million we gave for a revolving line of credit. It is in addition to, for example, when we put \$10 million in the budget for three consecutive years to increase the stock. Now, over and above that will be the \$102 million, and, as I indicated the other day, that is \$96 million worth of actual bricks and mortar—new houses, new properties, new dwellings. What part of \$96 million worth of new dwellings don't you understand?

The reason why these guys do not get it is two-fold: the first is that they are really diminutive parrots of their friends on the hill. They are opposing for the sake of opposing—

Members interjecting—

MR HARGREAVES: It takes me 15 seconds to get them in an uproar. What sort of self-control have they got? Absolutely none!

Mr Hanson: I'll speak to you about self-control, John.

MR HARGREAVES: Are you speaking to me? If you're speaking to me, don't waste your breath, sunshine! Mr Speaker, if these guys had bothered to check out what we actually said, they would know we are going to get \$96 million worth of additional stuff.

What is in the pipeline? These guys would not know. All they ever do is ask questions. Sometimes it would be useful if they comprehended a few things. We have got brand new accommodation which is being built and for which development approval has been given. That means it can come on line quicker. We have got properties out there for which development approvals have been lodged and which can be sped up. There is a series of these sorts of things in the pipeline, Mr Speaker.

Visitor

MR SPEAKER: I would like to draw the attention of members to the presence of Mr Michael Moore, former member of the Assembly, in the gallery. Welcome, Mr Moore.

Questions without notice Schools—early childhood

MS HUNTER: My question is to the minister for education regarding the enrolment numbers of the early childhood centres. Figures provided to me by your office show that on 20 January 2009 there were low enrolments for years 1 and 2 across the board for the early childhood centres, with no enrolments in these classes in the Lyons school. Could the minister please outline how these schools and classes, particularly in years 1 and 2, will function given such small student numbers.

MR BARR: I thank Ms Hunter for the question. From the outset, it is worth noting that in establishing a new school you would anticipate that the bulk of enrolments in a new school are going to be in the early years. For example, and we were debating this in this chamber only last year and earlier this year in relation to the Kingsford Smith school, the bulk of the enrolments in the high school component of Kingsford Smith were in year 7, because those students will be able to complete their four years of high school education at the one school. It is unlikely that students and parents would choose to enrol in year 2 in that school and stay for one year.

It has always been the expectation of the government—and of the schools themselves and the education community, who overwhelmingly support the provision of early childhood education and dedicated early childhood schools—that it will take time to build up. You would anticipate, as has been the case, that the bulk of the enrolments in the new P-2 schools would be in preschool and kindergarten. Next year, the current preschoolers will move into kindergarten and kindergarten students into year 1. The year after that, they will move on to year 2.

In terms of the specific instance of Lyons, one of the significant factors in relation to enrolments at that school is the fact that the development of that school, particularly all of the infrastructure works, was delayed until the end of the 2008 school year as a result of community consultation. I acknowledge the role Mrs Dunne played in that community consultation. It was not entirely constructive, but nonetheless she decided she wanted to have one last dig—one last dig at me and one last dig at the government. So the completion of works at Lyons will be during the balance of this school year. It is anticipated, on the basis of the childcare expressions of interest, that the enrolments at the preschool and in the kindergarten at that school will build up over time. But it is always going to be a smaller environment in a larger primary school. That was always the intention.

The government remains firmly committed to early childhood schools. For all of the carping from Mrs Dunne throughout this process, she refuses to acknowledge two significant points. One is the strong level of education research that supports early childhood education and the strong level of education stakeholder support for these schools. And in relation to the Lyons school and the Italian bilingual immersion program that Mrs Dunne has a personal interest in, it has moved to Yarralumla primary school and there are more students involved in the program at Yarralumla than were ever involved at Lyons. That program now has the chance to grow, which it was not doing at Lyons. It was stagnating at Lyons. It now has the opportunity to grow at Yarralumla. Yarralumla is now offering a language other than English, so there is a win for that school community as well.

All of this has been achieved in spite of the negative carping and constant talking down of the education system and these schools that we have heard from Mrs Dunne over this entire debate. It is no wonder that she has been replaced as the shadow education spokesperson.

MR SPEAKER: Ms Hunter, is there a supplementary question?

MS HUNTER: Thank you, Mr Speaker. In his answer, the minister for education talked about how these numbers will build up over time. What I would like to ask as a

supplementary question is this. In the short term, while these numbers are low, what sort of education program is going to be delivered?

MR BARR: A full education program is being delivered at all of the early childhood schools, with appropriate staffing levels. In some instances, this has meant the combination of year levels, but, as members would be aware, that is not uncommon within the ACT education system, in government and non-government schools. And given the age span of the early childhood schools, covering only preschool to year 2, we are talking about providing an education program to similarly aged children.

It is a remarkable contrast with what was being offered at Tharwa, where, because of the small size of that school, you had to have year 2 to year 6 all together in one classroom. It is a pretty significant age difference that was being accommodated there. There were no kids in year 5 at Tharwa and there was one kid in year 6. We are not dealing with the level of educational disadvantage that was clearly the case at Tharwa. What we are talking about is the combination of a kinder and year 1 class, for example. That is commonplace across the education system.

It was always the case, and I stress this, that these schools were going to start off small and grow, like every school does—every new school in the territory. That will be the case with the new Gungahlin college when it opens in 2011. It will start with a year 11 class, because I do not think that many year 12s will want to leave where they have been in year 11 to come back to Gungahlin for one year of schooling. It will start with a year 11 class and then grow, and it will have a year 11 and a year 12 in its second year of operation. That is entirely as you would expect with any new school. When Burgmann adds additional year levels, they add year by year and let the school population grow into that. That is entirely consistent with how new schools develop—not just here in the territory but across the country.

This government is committed to early childhood education. I am sure that each and every student who is enrolled in these early childhood schools will receive a first-class education from dedicated teachers—

Mrs Dunne: And the others in other schools won't?

MR BARR: Childish interjections from Mrs Dunne aside, all students in the ACT system, whether they are in government or non-government schools, will receive the benefit of high-quality education from dedicated teachers. That is the most important thing, and that is what this government is about.

Alexander Maconochie Centre—opening

MR HANSON: My question is to the Minister for Corrections. Minister, what are the stages in the commissioning process for the Alexander Maconochie Centre? Could you please provide some detail of these stages?

MR SPEAKER: What were the first four words?

MR HANSON: What are the stages in the commissioning process for the Alexander Maconochie Centre?

MR HARGREAVES: I am afraid that, even with the regurgitation of the first bit, the question is very vague; so I will make an attempt to understand what Mr Hanson is asking. As I understand the question to be, it is: in terms of our statements about when commissioning starts and when it finishes for the whole centre—

Mr Hanson: The commissioning is broken up into various stages, as you know.

MR HARGREAVES: Excuse me, Mr Speaker, if Mr Hanson wishes to talk to me, I do not wish to talk to him; so he can do it through you.

The issue is for the whole centre; the whole centre gets commissioned. It is quite clear, in fact, that Mr Hanson has not had any experience at all in the administration of major projects; otherwise he would not come into this place and display his ignorance thus.

Mr Hanson: I have seen the way it works under you, John.

MR HARGREAVES: There are no prizes for second. Whenever a building or a series of buildings is contracted to be built, the commissioning phase usually commences once the bricks and mortar phase is finished.

Mr Seselja: It is just like that with a restaurant.

MR HARGREAVES: You are so tiresome.

Mr Seselja: Tell us about the restaurant; go on, please.

MR HARGREAVES: You really are so tiresome, you little mind. Once the bricks and mortar part is finished, the commissioning phase is generally started. They will apply to a series of things. It is not a staged thing; it is a series of things. For example, furniture and fittings is a commissioning exercise. In a project the size of the AMC, your furnishings and fittings commissioning applies to general office furniture and fittings; it applies to cell furniture and fittings; public areas; it refers to community access areas; it talks about medical areas. That, then, is linked to equipment commissioning.

It depends on whereabouts in the AMC we are talking about again. For example, when we talk about the medical facilities, the commissioning of those facilities goes to the installation of certain pieces of medical equipment—not only the purchase and delivery but actual installation. Anybody with any health experience would know that is a fairly significant exercise.

Then we have commissioning of things such as the hydraulics of the AMC. Along the way, from the point when the buildings are regarded as finished, when the buildings are regarded as complete, that is when the commissioning starts. All those issues that I have described thus far, to my knowledge, have been completed, except the installation of some pieces of furniture and fittings.

Now I come to the point of major interest for those opposite: the security system. The security system is another piece which requires commissioning. What happens is that

the security system is a series of exercises as well. We might be talking about an intercom system; we might be talking about the keying system; we might be talking about the monitoring system; and we might be talking about a whole series of them.

I do not propose to go into the detail now of which part of the security system has been causing us the challenge. These folks are legendary for wanting to put things out into the public arena which benefit the crooks, and I am not going to do it any more. Mr Pratt did it before, and I refused to entertain him. And I am not going to do it now because these guys would put an ad in the *Canberra Times* saying to the crooks, "If you get in the east gate mate, you'll be right." I said the east gate mate because we have not got one, Mr Barr.

What happens now is that, once you have the commissioning at a stage of completion, it is then, as it were, handed over to us. It has to go through a 24-day period where its functioning is completely without fault and then another five days beyond that where it is given a further testing.

Where we are at at the moment, as I understand it, is that the modifications are complete and we are very nearly towards the end of that testing period. Once that is done, of course, further training is then delivered to those officers who will use the system. They have trained along the way but, of course, at the end of those five days, that is when their training commences.

MR SPEAKER: Mr Hanson, a supplementary question.

MR HANSON: Minister, by what stage will the commissioning process be completed? On what date will the first prisoners and remandees be admitted to the centre?

MR HARGREAVES: I have not been advised of a date by the contractor, the subcontractor or Corrective Services. When I know a date, I shall make it publicly available.

As to the date the first prisoner arrives, I do not propose to make that publicly available. I do not propose to jeopardise the intake of prisoners into the centre by advertising anywhere that prisoners will be transported from point A to the gates of the AMC. That would be a gross breach of security. There is no way in the wide world. It has never, ever happened in the history of corrections anywhere in the world.

Waste—management

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services, and it concerns the separation of waste streams. Yesterday the minister referred to the government's election commitment of \$4.75 million to separate waste streams at transfer stations and the tip face. Can the minister tell the Assembly how long it will take to fully implement this initiative and how the initiative will differ from the service previously supplied by Revolve at no cost to the government?

MR STANHOPE: I am sorry, Ms Le Couteur. I did not hear that last part of the question. If you could repeat it, I would be grateful.

MS LE COUTEUR: Okay. Can the government tell the Assembly how long it will take to fully implement this initiative and how the initiative will differ from the service previously supplied by Revolve at no cost to the government?

MR STANHOPE: At this stage the government is committed to discussing these issues with the Greens, and no decisions have been made about the prioritisation of waste initiatives that will be pursued by the government. As I indicated yesterday, these are issues in relation to waste and the prioritising of initiatives that the government might pursue that we look forward to discussing with you and, indeed, with broader interest groups.

As I indicated yesterday, we have during the campaign and in discussion identified a range of waste initiatives that we will now pursue as part of our commitment to NoWaste to increase the level of recycling and to reduce the amount of waste taken to landfill. As I indicated yesterday, at this stage somewhere in the order of 74 per cent of waste in the ACT is recycled. We are at the last quarter, the hard quarter. It is hard for a number of reasons, some of them technological. The technology does not yet exist to recycle some particular substances that are taken to landfill, such as asbestos. These remain intractable problems for us.

Other substances, goods or materials that might be recycled are difficult to recycle in the absence of a market for the recycled product. I might say that, on recent advice to me, one of the issues on which we are facing some difficulty in the current economy is the sale of wood product that is recycled. It seems quite remarkable that there two sorts of wood taken to waste. One is green waste, 90 per cent of which in the ACT is recycled and for which there is a very strong market.

The other seems to be builders' waste, which is chipped at Mugga. However, a market that had previously existed, mainly in China, has not been as active in recent months and the stockpile is growing and growing. There is an issue there for that business that is involved in recycling wood.

We have identified a number of initiatives. Some of those initiatives are street-level recycling bins and the separation of more waste at the tip face into waste streams to facilitate its recycling. In that regard, I have mentioned waste streams that would separate out metal, wood, clothing, cardboard, bottles, plastic and organics. As I have said, this is very much at the forefront of ACT NoWaste's thinking in relation to a next initiative, but I have signalled that I would wish to discuss that. It is also relative to our budget capacity.

As I said, it has been indicated to me that an expenditure of \$4.7 million a year, through a process that would allow the separation of waste at the tip face into a whole range of streams to facilitate its recycling—it is essentially around people to separate the waste; it is a manual-intensive exercise—would increase our level of recycling from 74 per cent to 76 per cent, and actually reduce 20,000 tonnes a year from landfill.

I will just have to check some of these numbers, but interestingly, an all-of-territory third bin to collect organic waste—organic waste is about 40 per cent of household waste—would cost significantly more than that and return about the same level of reduction in waste to landfill.

These are the issues we need to talk through. We have made no decisions. The significant issue between that proposal and Revolve is that Revolve did not separate into waste streams at the tip face all of those materials—that great amount of waste that is still going to landfill that involves all wood, all metal, all concrete or all bricks. It still goes straight through. Revolve took that matter that it believed it could sell.

You would notice yourself by going to see the work of Aussie Junk or Revolve that they do not take concrete, tar, bricks or a whole range of metals. They take some and they fulfil a very useful purpose. But it is a different order of screening or recycling. We are talking about 20,000 tonnes of waste that is currently not being taken by Aussie Junk because it does not have the capacity to separate it or for which it does not believe there is a market in the context of its operation.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. In his answer to Ms Bresnan's question yesterday, the minister stated that performing recycling work at the tip face is "not particularly sexy" and that the \$4.7 million was about "employing people to perform this job". Given that Revolve spent many years building relationships with low-skilled workers and others who might be able to provide at least a partial waste stream separation as was previously done at no cost to the government, would it not be more cost effective to let Revolve continue doing the work it started off doing?

MR STANHOPE: Ms Le Couteur, the role which Revolve previously undertook or played at our waste distribution depots or our waste depots, as you know, is now a function that is performed by Aussie Junk. The question, of course, was why is Revolve not doing it. Revolve is not doing it because, through an open tender process, Revolve was not successful in achieving the contract to actually perform or pursue that particular function.

There was an open tender process which we believe was appropriate in the context of value for money and in the context of an assessment of the most efficient way of actually achieving the purpose or the outcome that the government sought in relation to recycling at that level and of that status. It is an issue, Ms Le Couteur, of open and transparent government tendering. There was a tender process, objectively assessed by officers, not by government. The outcomes of that tender process were that the successful tenderer was Aussie Junk.

This happens all the time. It happens essentially in relation to most contracts every five years. It is about open, transparent government. It is about best value for money. It is about achieving best outcomes consistent with an acceptable or agreed policy. No matter to what extent the heart strings might be tugged by Revolve in relation to the function that it performed, that particular contract was put to open tender, was assessed objectively and transparently, and Revolve was not successful in the process.

Ms Le Couteur asked whether it would be better for this particular function which is now performed by Aussie Junk to be performed by Revolve. I do not think that is the heart of your question, but that is the essential conclusion that one must draw, or are you suggesting that we should bring Revolve in as well and have Aussie Junk and

Revolve working side by side? We do not believe that is particularly efficient or in the best interests of reducing waste. That is the issue.

There is a contract. There is a capacity for one company or organisation to perform a particular function, a function that used to be performed by Revolve at the tip which is now performed by Aussie Junk. If we do proceed to invest \$4.7 million into creating additional and significant waste screening at the tip face, then, of course, it may be that it is a function that Revolve would wish to tender for or that people who work with Revolve might seek to be employed in. But it is a completely different function; it is a function of a different order.

Neither Revolve nor Aussie Junk separate from the tip face every piece of cement, every piece of tar, every piece of wood, every piece of metal or organic waste. It is just not what they do. We are proposing now that we actually move to that further, more sophisticated and more difficult process of separating all waste, not just that waste for which Aussie Junk or Revolve believe there is a ready market through the sale facility which they provide. It is of a different order, and that is the point of the position we are putting in relation to this.

I look forward to the discussion. I am advised by NoWaste that providing a third bin across the territory to deal with organic waste would reduce to landfill the amount of waste going to landfill by 27,000 tonnes—14 per cent of all waste from households—at a significantly greater cost than the \$4.7 million which would see a reduction of 20,000 tonnes of waste to landfill. These are the sorts of issues that governments take into account in relation to available resources. You can spend \$4.7 million as our next investment and reduce waste to landfill by 20,000 tonnes, or you can spend tens of millions of dollars installing a third bin and reduce waste by 27,000 tonnes.

These are the sorts of equations which governments of all persuasions at all times in all parliaments forever have taken into account. I am told \$4.7 million will reduce waste to landfill by 20,000 tonnes. I am also advised—I do not have the number with me, but I will get it—that we could introduce the third bin for a greater cost. It is sexier than actually separating waste at the tip face. We all admit it. It is easy, it is sexy, it is sellable, it is visible. It is not a group of people at the tip face working day by day through rubbish. But, in terms of bang for buck, at this stage in the context of our budget position, it is a far more efficient and effective use of the next \$5 million of investment which we as a community make in waste.

Housing—Causeway

MR COE: My question is to the minister for housing. Minister, I have received several representations from residents of the Causeway in Kingston expressing deep concern over the lack of consultation on the future of their homes. Minister, why are you failing to provide critical information and public meetings for residents of the Causeway in relation to their relocation?

MR HARGREAVES: Thank you, Mr Speaker. I will excuse Mr Coe for his ignorance. He has only been here a little while.

The issue around the Causeway and the Eastlake area is, in fact, a planning matter. The community consultation process is being conducted by ACTPLA and being assisted by officers of my department.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, given that there are more than 45 public housing dwellings in the Causeway who are all very anxious about their future, will you attend the next public meeting on 19 February given that you have failed to attend any meetings prior to this?

MR HARGREAVES: I reject the second part of Mr Coe's question.

Mr Coe: There aren't more than 45 dwellings?

MR HARGREAVES: I wish you would not talk to yourself. There is a bit of a distraction when you talk to yourself.

I have not actually been invited to any of the meetings down there. So to suggest that I have refused to go to any meetings is, in fact, spurious and mischievous, I believe. I have not been invited to that one. I have not examined my diary to see whether or not the 19th is appropriate.

I reiterate for the benefit of the Assembly that the consultation process is a planning process. It is being conducted by ACTPLA on behalf of the government. Officers of Housing ACT have been in contact with residents at the Causeway quite significantly, I believe, and have been assisting in the consultation process.

At this stage of the game I have not actually—to my knowledge, anyway—seen any correspondence with me from individuals, and I never refuse to engage with people when they contact my office. I do not do that. It is not the way I work. Mr Coe, I am afraid, has got it wrong again. I am going to go back and trawl through the *Hansard* to see whether Mrs Burke asked exactly the same question. I expect she did.

Stanhope government

MS PORTER: My question is to the Chief Minister. Chief Minister, today marks 100 days since the government took office. Could you inform the Assembly of some of the progress the government has made during those 100 days in the areas that are of greatest importance to the Canberra community?

MR STANHOPE: I thank Ms Porter for the question. I am sure we all agree that while at one level there is a certain artificiality about anniversaries—other than perhaps some personal anniversaries—at another level most of us who take our jobs seriously like to measure our progress against a starting point. For governments, an obvious starting point is the day they take office, and 100 days is something of a traditional number at which to take stock.

The government took office on 5 November with some very specific priorities and some very serious things to provide to this community. I would like to take the

opportunity to comment on actions in areas of known priority to the Canberra community—protecting our economy and Canberra’s most vulnerable from the global economic downturn, delivering on urgent election commitments, and getting on with the job of building a better city and a stronger community.

One matter of unswerving priority for the government, upon taking office, was to deliver on its pledge to inject \$3.5 million into the welfare and volunteer sector, to boost resources for emergency relief for Canberrans doing it tough, and to support the valuable work of carers and volunteers. It was the subject of a special appropriation bill in December, and the money started to flow before Christmas, as promised.

One of our first acts on resuming office was to convene a number of emergency roundtables with industry and other ACT groups. Subsequent roundtables have been convened on the specific areas of tourism, construction, procurement and training and, indeed, on the broader economy. Among the direct actions to flow from those roundtables have been a \$100,000 “shop local” campaign, jointly funded with Canberra CBD over the festive season—

Mr Seselja: Was the Treasurer invited to that?

MR STANHOPE: Well, she convened two of them—\$450,000 for a domestic short-stay tourism campaign; the establishment of a dedicated industry monitoring group to work with the government to identify ways to remove construction bottlenecks; a commitment that all undisputed ACT government invoices will be paid within 30 days; and the design of a new business assistance program to help local companies adapt to tough times.

In the midst of this extraordinary activity, the government has been delivering on the priorities Canberrans tell us are important—health, education, the creation of a solar capital, and municipal services. We have opened the \$45 million Kingsford Smith school—although not the oval; the inspection that Mr Doszpot has done of the barbed wire fence—in west Belconnen, and four dedicated early childhood schools at which young Canberrans are now getting a record 15 hours of preschooling each week. We have given \$2 million to parent associations to spend on the things they believe are important. We have called for earthworks tenders for the Gungahlin college. We have begun to roll out solar panels to all of our government schools.

In the area of health, we have started work on three new operating theatres, opened another step-up step-down mental health facility in the suburbs, opened a satellite breast-screening clinic, and put 83 ACT Health workers into allied health training programs.

Of course, we have done much more than that. The government has delivered a 24-hour, seven-day policing service to the people of Gungahlin. We have rescued the much-loved RSPCA from financial strife. We have released extra building blocks for affordable housing and begun work on a mortgage relief scheme that will save Canberra families at risk. We have fast-tracked the introduction of the feed-in tariff and embarked on a process that I hope will see the construction of a solar power plant that will power many thousands of Canberra homes.

And, of course, we have been getting on with the job of delivering on initiatives begun during the last term. We have begun work on the replacement of the Belconnen bus interchange; we have duplicated the Caswell Drive section of the GDE; we have begun the duplication of Tharwa Drive; we have recruited more frontline workers for care and protection; we have installed a CCTV system at Canberra stadium; we have reinstated the community engagement unit in the Chief Minister's Department; we are starting a new community noticeboard, consolidating all kinds of relevant government notifications, starting in the *Canberra Times* this Saturday; and we have created better opportunities for the community to have input into the budget process, through a new budget consultation website.

I am pleased to have the opportunity to set out factually today just a few of the outcomes of work that the government has been engaged in on behalf of Canberra over the first 100 days of this Assembly, and each of us commits to working equally as hard and to produce similar outcomes over the next four years.

Alexander Maconochie Centre—services

MS BRESNAN: My question is to the Minister for Health and is in regard to the provision of services to the Alexander Maconochie Centre for non-government organisations. I have been made aware that community organisations with service agreements with ACT Health have had the delivery of services to the AMC added to their agreement without extra funds being provided. Can the minister advise the Assembly how the incorporation of these new requirements was negotiated with agencies and if it was a process that was entered into voluntarily.

Ms Gallagher: Can you just repeat the last bit of the question?

MS BRESNAN: The actual question or the content?

Ms Gallagher: The last couple of sentences.

MS BRESNAN: Can the minister advise the Assembly how the incorporation of these new requirements was negotiated with agencies and if it was a process that was entered into voluntarily.

MS GALLAGHER: I thank Ms Bresnan for the question. I will check up on that. I am not certain of the detail of those changes to contracts and whether or not those organisations are already providing services to the Belconnen Remand Centre or, in the case of Winnunga Nimmityjah, to Goulburn and whether that is just transferring a name change where they are already providing services to Alexander Maconochie when that changes. I will take the question on notice and get back to you with more detail.

Belconnen Remand Centre

MR DOSZPOT: My question is to the Minister for Corrections. Minister, can you confirm a recent report in the *Canberra Times* that the Chief Magistrate had directly intervened to broker minimum required conditions at the Belconnen Remand Centre?

MR HARGREAVES: No, I cannot.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Yes, thank you, Mr Speaker. Minister, what have you done to respond to the concerns of both the Chief Magistrate and the Human Rights and Discrimination Commissioner about conditions for remandees?

MR HARGREAVES: I have not had any communication with the Chief Magistrate; so I have nothing to respond to Mr Doszpot in that regard. With respect to the matters that the human rights commissioner raised about overcrowding, I make a couple of observations. I think this is the stuff to which Mr Doszpot is going. A couple of other people have described the conditions there as inhumane; so what do we do about it? And that is the thrust of where you are heading.

The first thing I would say is: I find a bit strange talk about human rights coming from the opposition over there, talk about human rights of people and talk about the human rights commissioner's approach to me. In the correspondence from the human rights commissioner she referred to the Human Rights Act. So I referred to the Human Rights Act. In fact, it was these people who—I think it was Mr Stefaniak, as part of the Liberal Party, who was spokesman at the time—declared that they were going to repeal the Human Rights Act. You cannot have it both ways, I am afraid. Mr Speaker, they cannot have it both ways. They are the people who are talking about the inhumane conditions and yet, in the election campaign just gone, it was Mr Seselja and Mr Smyth who said that they would take \$1.1 million out of the health budget for the AMC.

We know what they are going to do about it. So now I will refer to what we are going to do about it.

Mrs Dunne: On a point of order, Mr Speaker: Mr Doszpot asked a question about the BRC and Mr Hargreaves's answer has to be direct and relevant to the question. So far, he has not dealt with the question of the commissioner's concerns at the BRC; he has waxed on about everybody else's policy but his own.

MR HARGREAVES: I am trying to do just that. In fact, I will table a document in a second which will give more—

MR SPEAKER: One minute, Mr Hargreaves. The point of order is upheld at this point. Mr Hargreaves, can you come back specifically to the BRC.

MR HARGREAVES: That is what I am doing right now, Mr Speaker. The issues that Mr Doszpot refers to are in a letter to me from the human rights commissioner. I also referred to a letter that she did send to me on 4 December. She is away. We actually moved rather quickly to address those issues. I wish to table this letter. This is a letter to me from the Acting Human Rights and Discrimination Commissioner. I present the following paper:

Copy of a letter from the Acting Human Rights and Discrimination Commissioner to the Minister for Corrections, dated 4 December 2008.

I know I do not need leave. It says:

Following my visit, I took some unplanned leave and was, therefore, unable to update Dr Watchirs...

I would like to acknowledge the responsiveness of Mr James Ryan, Executive Director of Corrective Services, when I raised some issues with him on Friday 16 January. I advised Mr Ryan that I had a range of concerns about the extreme temperatures at the BRC and the lack of air flow, particularly for those detainees who are on investigation detention and locked down for 23 hours a day in E Yard. I noted the potential for adverse health outcomes, including dehydration. Mr Ryan listened actively to my concerns and undertook to take immediate action in response to them.

The answer to the first part of Mr Doszpot's question on human rights is that we have responded to the information from the human rights commission rapidly.

Alexander Maconochie Centre—statements by Attorney-General

MRS DUNNE: My question is to the Attorney-General. Minister, over the course of this week the Chief Minister apologised to the Assembly for his misleading statements in relation to the AMC. However, you have not apologised to the Assembly or to the broader community for your own misleading statements made publicly in relation to the AMC. Minister, will you now take the opportunity to correct the record and apologise for misleading the community?

MR CORBELL: Mr Speaker, I have put it on the public record.

Electricity feed-in scheme

MS BURCH: My question is to the Minister for the Environment, Climate Change and Water. Can the minister advise the Assembly on how the government's feed-in tariff legislation will assist Canberrans in utilising solar technology?

MR CORBELL: I thank Ms Burch for the question. The amendments to the Electricity Feed-in (Renewable Energy Premium) Act that I tabled today will establish the ACT's electricity feed-in scheme as the most progressive and generous in the country. The government is committed to reducing our reliance on fossil fuels and our contributions to greenhouse gas emissions.

The introduction of *Weathering the change*, the ACT's climate change strategy, was part of that response. That document recognised that Canberrans are amongst the highest per capita emitters of greenhouse gases in the country. Almost 78 per cent of our emissions relate to the use of energy in our homes, offices and businesses. That is why the government is working to help Canberrans to reduce their emissions, and the feed-in scheme is just one part of that undertaking.

Over 520 Canberra householders already contribute clean energy to the grid. While solar energy is a proven technology, it does require further uptake across the community to fully realise its potential as a significant source of clean and renewable

energy. Unlike other jurisdictions, the ACT scheme offers premium payments for every unit of clean energy generated. That means that the payback period for the investment made in the generating equipment is greatly reduced. On an average installation for a household, the payback is reduced from about 20 years to about 11.

The scheme makes environmentally responsible investment affordable for the average Canberran. The government has proposed a premium price that ensures that investment in solar or renewable generation is compatible with other long-term investment options, such as a bank deposit. For the private householder, this income is tax free.

I am advised that almost 200 solar systems have been installed over the past 10 months in anticipation of the scheme coming into effect, with another 120 installations currently pending. Modest projections of 100 additional units per month point to the stimulus this scheme will provide to renewable energy and to its acceptance and support in the community.

The introduction of this scheme is an important plank of the government's commitment to making Canberra the solar capital. We are also pursuing this aim through initiatives such as the solar farm, for which we are shortly to seek expressions of interest, and through our election commitments to protect solar access rights and to maintain solar-passive design in new estates. They are matters being addressed by my colleague, Mr Barr.

Through the release of the draft interim energy policy in the coming months I will be outlining further initiatives to promote the uptake of renewable energy. The ACT is leading the way. Labor's commitment to a solar capital is coming to fruition, and we will continue to work hard on these matters.

MR SPEAKER: Do you have a supplementary question, Ms Burch?

MS BURCH: Thank you, Mr Speaker. Can the minister explain how this legislation can assist the Canberra community to participate in the fight against climate change?

MR CORBELL: I thank Ms Burch for the supplementary. The ACT climate change strategy outlines 43 actions to prepare the community for the effects of climate change. The feed-in tariff is one element of that strategy. Government agencies are making good progress with implementing these initiatives. However, the strategy has noted that the ACT government's own emissions make up only five per cent of total ACT emissions. The answer to reducing climate change impacts very much rests with the whole community. The problem is shared; the solution must be as well.

Many Canberrans have raised with me their concerns about climate change and the future of our city. Many express a feeling of frustration and confusion over what they as individuals can do. All too often the problem can seem too daunting. The government has introduced a number of programs to assist Canberrans of all ages in participating to meet this challenge. Some are as simple as advice on energy efficiency or the benefits of buying locally raised food. Others involve financial support for improvements to housing or appliances. Still more involve raising awareness in young people through innovative school programs.

This is only one of a suite of actions that the government is implementing as part of its weathering the change strategy. Other examples that are aimed at helping the community to contribute towards reducing the impact of climate change, and indeed ameliorating it, include stamp duty concessions for low emission vehicles, assisting schools to become carbon neutral, free bus travel for bicycle riders using bike racks on buses and our community education program. We also provide a home energy advisory service, which includes energy audits and rebates for energy efficiency improvements.

The full range of actions outlined in the climate change action plan represents a significant program and a commitment by the government to respond and adapt to this challenge. But there is still more work to be done. The prevalence and the impact of a changing and harsher climate become more and more apparent to us every day. The events we have seen in Victoria only reinforce that, with an increasing tendency towards hot, dry summers and the risks that come with them, and equally reduced rainfall.

We know that climate change is a matter we must put more and more energy into. That is this government's commitment. Its program is well established and will be built on in the coming months and years.

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

Cultural Facilities Corporation—quarterly report Paper

Mr Stanhope presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation (First quarter 2008-2009: 1 July to 30 September 2008).

Financial Management Act—instrument Paper and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Chief Minister's Department to the Department of Justice and Community Safety, including a statement of reasons.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act 1996, I table an instrument issued under section 16 of the act. Section 16 of the act allows the Treasurer to authorise for a service or a function to be transferred from the entity to

which the appropriation is made to another. Section 16(3) of the act requires that, within three sitting days after the authorisation is given, the Treasurer must present a copy of the direction to the Assembly.

This instrument facilitates the transfer of appropriation for the implementation of the new work safety legislation from the Chief Minister's Department to the Department of Justice and Community Safety, reflecting the transfer of responsibility for the implementation of the new work safety legislation. I commend the paper to the Assembly.

Financial Management Act—instruments Papers and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following papers:

Financial Management Act, pursuant to section 16B—Instruments authorising the rollover of undisbursed appropriation, including statements of reasons, for the following:

ACT Health, dated 6 January 2009.

ACT Planning and Land Authority, dated 6 January 2009.

Canberra Institute of Technology, dated 6 January 2009.

Chief Minister's Department, dated 6 January 2009.

Department of Justice and Community Safety, dated 6 January 2009.

Department of Territory and Municipal Services, dated 6 January 2009.

Department of Treasury, dated 6 January 2009.

Superannuation Provision Account, dated 6 January 2009.

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

Leave granted.

MS GALLAGHER: Section 16B of the Financial Management Act 1996 allows for appropriations to be preserved from one financial year to the next, as outlined in the instrument signed by me as Treasurer. As required by the act, I table a copy of recent authorisations made to rollover undisbursed appropriations from 2007-08 to 2008-09. This package includes eight instruments signed under section 16B. The appropriation being rolled over was not spent during 2007-08 and is still required in 2008-09 for the completion of the projects identified in the individual instruments.

The instruments authorise a total of \$55.343 million in rollovers, comprising \$8.038 million of recurrent appropriations and \$47.305 million of capital injections. These rollovers have been made as the appropriation clearly relates to the project funds or where commitments have been entered into but cash not yet required or expended, for example, where capital works projects or initiatives for which timing of delivery has changed or been delayed, where outstanding contractual or pending

claims exist or where grants remain unpaid pending recipients' milestones being met. Significant rollovers impacting recurrent appropriation include \$3.9 million for the restructure fund and \$1.7 million for the capital improvements program.

Significant capital injection rollovers include:

- \$3.2 million for the cost of purchasing the linear accelerator in 2007-08 for which ACT Health has not drawn appropriation;
- \$2.8 million for CIT's commonwealth-funded projects, including the installation of a new wireless infrastructure and student services hub. These projects were delayed due to working around school teaching periods and sourcing additional information to inform tender processes;
- \$2.5 million for ESA's vehicle replacement program, which has experienced delays primarily due to finalising vehicle specifications and capacity constraints with manufacturers of specialist vehicles;
- \$2.4 million for the bus replacement program, which was delayed due to technical build issues experienced by the supplier;
- \$5 million for stage 1 of the airport roads upgrade due to delays resulting from legal action brought before the Administrative Appeals Tribunal;
- \$1.9 million for the Lanyon Drive upgrade, which was delayed due to protracted negotiations with the New South Wales Roads and Traffic Authority and the Queanbeyan City Council regarding the scope of the work, planning requirements and the method of delivery; and
- \$3.5 million for the Wilbow and Easty Streets infrastructure project in the Woden Town Centre, which was delayed due to planning and approval processes.

Details relating to these and all remaining rollovers are provided for in the instruments. I commend the paper to the Assembly.

Financial Management Act—instrument Papers and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following papers:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Chief Minister's Department, including statements of reasons—

Instrument, dated 6 January 2009.

Instrument, dated 10 February 2009.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act 1996, I table copies of the authorisations in relation to the Treasurer's advance to the Chief Minister's Department. Section 18 of the act allows the Treasurer to authorise the expenditure from the Treasurer's advance. Section 18A of the act requires that, within three sitting days after the day the authorisation is given, the Treasurer present to the Legislative Assembly a copy of the authorisation, a statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

Under this instrument \$300,000 was provided to Chief Minister's Department to make a donation on behalf of the ACT community towards the recovery efforts for the Victorian bushfires.

I table a copy of the authorisation in relation to the Treasurer's advance provided to the Chief Minister's Department. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that, within three sitting days after the day the authorisation is given, the Treasurer present to the Legislative Assembly: a copy of the authorisation and a statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides the Chief Minister's Department with \$58,000 to provide a direct grant payment to the Warehouse Circus to help fund the provision of an aerial rig and associated costs in recognition of the circus's new training venue at the Health and Wellness Centre in Chifley. The Warehouse Circus provides young people with opportunities to develop physical theatre and circus skills in a professional environment. I commend the papers to the Assembly.

Budget 2008-2009—midyear review Paper and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 20A(2)—2008-2009 Budget
Mid-Year Review.

This paper was circulated to members when the Assembly was not sitting. I ask leave to make a short statement in relation to the paper.

Leave granted.

MS GALLAGHER: I present to the Assembly the midyear review for 2008-09 prepared in accordance with the Financial Management Act. The review was formally published on 23 December 2008 and updated the estimated financial position for the

current year and budget estimates for each of the three forward years at the time. However, it is important to note that this was “a point in time” picture of the territory’s finances.

The timing of the review was necessary to appropriately inform the ACT community of the state of the territory’s finances as a lead-in to the 2009-10 budget process. The review’s publication also coincided with the release of midyear updates by all other Australian jurisdictions.

As we now appreciate, the midyear review was published in rapidly evolving economic circumstances. The review has been delivered at a time of deteriorating national and international financial markets, a deep and worsening global economic slowdown and the prospects of recession in a number of leading economies. The impacts of the global financial crisis are rapid and uncertain. There is no perfect time to deliver the midyear review. The external impacts on the territory’s finances are ongoing and evolving, and will continue to be so.

Since the release of the review, growth in global economies has stalled and, as advised in the recently released updated fiscal and economic outlook, the commonwealth has confirmed that consumer confidence has significantly deteriorated, with growth prospects continuing to slow and employment weakening. Despite these revisions, national economic growth is not currently expected to turn negative, which is encouraging, considering many countries worldwide are either currently experiencing recession or are expected to fall into recession in the near future.

The IMF has also significantly revised down its forecast for world growth in 2009 from more than two per cent to just one half of a percent—the lowest rate in the post World War II period. The key emerging economies of China and India, which are vitally important for Australia’s growth prospects, are now slowing sharply. The IMF says that, while the world economy is facing a deep recession, a sustained economic recovery will not be feasible until the function of the financial sector is restored and credit markets are unclogged.

The commonwealth has now announced that its budget will fall into deficit. But the Rudd government is acting swiftly and decisively to support jobs and the economy now and into the future through the \$42 billion nation building and jobs plan. This package should have a positive impact on the ACT economy. On top of the four per cent interest rate cuts announced in September 2008, the package of direct support for Australians, including the tax bonus for working Australians, the single-income family bonus, the back-to-school bonus and the training and learning bonus should provide a boost to consumption and thus will have flow-on effects for employment and economic activity.

The commonwealth have also announced a further reduction in the national GST pool. This is likely to result in around a further \$50 million per year not flowing to the territory as part of our GST revenue. While the Reserve Bank’s further cut to official cash interest rates will provide important relief for those with mortgages, it will mean a lower rate of earnings on the territory’s cash balances.

At the time of publishing the midyear review we were forecasting a modest surplus of \$15 million in 2008-09 and deficits in the outyears. As I outlined, with the latest

release of the commonwealth's updates and further interest rate cuts by the Reserve Bank, our budget has been further impacted by these unprecedented external factors. We will now be looking at deficits this year and moving forward over the budget cycle.

The changes that continue to impact on our operating position largely relate to lower than expected revenues and can be summarised as a result of four main effects. Firstly, there will be lower than expected GST revenues. The commonwealth government has once again revised its GST pool estimates down as a direct result of a slowdown in national consumer and business spending. Secondly, further declines in financial markets have substantially impacted on our investment returns, including superannuation and other investments. Thirdly, lower interest rates resulting from the Reserve Bank of Australia's monetary policy setting have significantly impacted our earnings on cash balances. Lastly, these external factors are directly impacting on our local economic activity. This will mean that our taxation revenue lines, such as conveyancing duties, are under pressure.

Notwithstanding these difficult conditions, the ACT economy is relatively better placed than other jurisdictions and the recently released \$42 billion nation building and jobs plan will benefit the territory's economy. To ensure that the ACT government meets the challenges of delivering the nation building and jobs plan we have moved quickly to appoint a coordinator-general and a senior team of public servants. We know what work needs to be done and we are committed to delivering to the community both the plan and our own continuing significant capital works program.

I also made the point at the time of releasing the midyear review that we will not act with knee-jerk reactions. Times are tough and appropriate policy responses will be considered through the 2009, 2010 and following budgets. We have also been busy over the last months putting together the final details of a local initiatives package supported by a third appropriation bill.

The bill, to be introduced on 24 February, will focus on a moderate package of minor new works that can be quickly implemented over the remainder of this financial year. The package will have an immediate effect on industry in a meaningful way and is targeted at supporting or enhancing government service delivery and the quality of our own assets. The package will complement the commonwealth's nation building and jobs plan by providing certainty of future activity, supporting jobs locally and boosting industry confidence.

I look forward to working with the Assembly through these difficult times to support jobs and protect the territory's economy. I commend the 2008-09 budget midyear review to the Assembly.

Embryo Research Licensing Committee—report Paper and statement by minister

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

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 April to 30 September 2008, dated December 2008.

I seek leave to make a short statement, and this statement is short.

Leave granted.

MS GALLAGHER: I present the 1 April 2008 to 30 September 2008 report to the parliament of the National Health and Medical Research Council's Embryo Research Licensing Committee for tabling in today's Assembly. Under section 50 of the Human Cloning and Embryo Research Act, the licensing committee must prepare and give the ACT Minister for Health reports on the operation of the act and the licences issued under the act during that year as soon as practical after the end of each quarterly reporting period. According to the reporting requirement of the Human Cloning and Embryo Research Act, the Minister for Health must present a copy of the NHMRC licensing committee 1 April 2008 to 30 September 2008 report to the parliament, to the Legislative Assembly, within six sitting days after receipt of the report.

Paper

Mr Corbell presented the following paper:

ACT Psychiatric Services Unit—Review, prepared by the ACT Human Rights Commission and ACT Health, dated 13 January 2009.

Attorney-General—motion of serious concern Statements by minister and member

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: Yesterday there was a debate in relation to comments brought by Mrs Dunne in relation to comments I had made about events involving two prisoners at the Belconnen Remand Centre. During that debate, Mrs Dunne alleged that I had reflected upon the guilt of two men who had been charged in relation to that incident. She went on to say that this was a live matter before the court and contended that I had committed a contempt of court.

I would like to place on the record an invitation to Mrs Dunne to correct the record in this regard. I fear she may have misled the Assembly in that the two men had not been charged at the time I made those statements. Therefore, it was not a live matter before the court and as a result I have not committed a contempt of court. I invite Mrs Dunne to correct the record and apologise to the Assembly.

Mrs Dunne: On a point of order, Madam Assistant Speaker: the attorney is going very close to reflecting on the vote of the Assembly by bring this matter here.

MR CORBELL: Are you going to correct the record or not?

Mrs Dunne: If the attorney can point out to me that the men in question were not charged when he spoke on the radio, or have not been charged, I will correct the record in the Assembly. However, the transcript of the attorney's statement, the statement that the attorney made on radio, was that charges had been laid. When he made the statement that he thought that these people were guilty of a particular offence, he thought it was a live matter before the committee.

MR CORBELL: There is no point of order.

MADAM ASSISTANT SPEAKER (Ms Burch): Mrs Dunne, I am trying to clarify what—

Mrs Dunne: I probably should seek leave to make a statement.

MR CORBELL: You should.

Mrs Dunne: First of all, I make the point of order that, in the construction of what the attorney said, he is reflecting on a vote of the Assembly. Could I seek leave to respond to the minister's invitation to make a statement?

Leave granted.

MRS DUNNE (Ginninderra): It transpired in the debate the other day that the attorney asserted that these men had not in fact been charged. I understood from some words that Ms Bresnan said that that may have been the case. However, I was relying on the advice that the attorney gave on Triple 6 radio on 3 February. I do not have the transcript with me but I recall the words quite distinctly. I am sure that my colleagues can recall the words quite distinctly: "Investigations have been underway and charges have been laid." He went on to say, "Let me make it perfectly clear," and then made the statements that we objected to.

If the attorney was wrong when he made that statement he should apologise to the community because he made the statement. And in making the statement about the guilt or innocence of those people, he implied that this was a live matter before the courts.

The question that the attorney now has to answer is: what is the truth about the date when these men were charged? You told the community that these men had been charged and, in the next breath, went on to say: "Let me make it perfectly clear. This is what I think, what the government thinks and Corrective Services thinks, about the guilt of these people." This is why I brought forward the motion the other day and this is why Ms Bresnan went on the record saying, "People in this country are entitled to a fair trial and the Attorney-General has undermined this." She said it on national television. The attorney, at the time of making his statement about the guilt of these people, did it in the context of implying to the community that this was a live issue before the court.

However, without reflecting on the vote the other day, if it is now the case, if it now comes to light that what I said in my speech was erroneous, I do apologise to the

community for that. At any stage the attorney could have raised that with me to point out that that was not the case. But he did not. However, if it is the case, I do apologise to the community and I withdraw.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): I thank Mrs Dunne for her correction. I did correct the record yesterday and did apologise for the error in my statement and I am simply asking Mrs Dunne to do the same. I am grateful that, after a prolonged attempt at trying to divert, she has done so.

I would also simply make the point that I did invite Mrs Dunne to do so in a conversation with her earlier today. She declined to give me an indication as to what she would do.

Mrs Dunne: You did not. That is a lie, Simon. That is an absolute lie.

MADAM ASSISTANT SPEAKER: Mrs Dunne!

MR CORBELL: I ask Mrs Dunne to withdraw that assertion.

Mrs Dunne: I withdraw the comment, but I do seek leave to make a statement. I do not want to have to do it tit for tat over here.

MR CORBELL: You started it.

MRS DUNNE (Ginninderra): I seek leave to make a statement in response to the outrageous accusation by the Attorney-General.

Leave granted.

MRS DUNNE: I had a conversation with the Attorney-General over the lunch break in which I asked him to come in here and correct the record in relation to the comments that he made in relation to the new standing order 213A. He did object, but I am glad to see that, after reflecting on it, he did come and do the right thing.

In the course of the conversation he said to me, “If the Liberal Party is going to take this nitpicking”—I think “nitpicking”—“approach to these matters we will be going through your speeches and demanding you correct matters of fact.” I said to him, “Simon, if you can find an occasion when I have made a mistake, and you can demonstrate it to me, I will withdraw.” He did not at any stage say to me, “Vicki, what you said the other day about charges being laid was incorrect.” He did not say that. He did not say that I had used incorrect information and invite me to withdraw.

We had a general conversation which really amounted to a threat on his part. But there was not an invitation to me to correct a particular piece of information and, therefore, the accusation that the minister made is, unfortunately, untrue.

Community services

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Burch): Mr Speaker has received letters from Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter and Mr Seselja proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Ms Bresnan be submitted to the Assembly, namely:

The importance of community service delivery in the current financial crisis.

MS BRESNAN (Brindabella) (3.15): Even in the best of times, the challenges facing those community sector groups with the task of delivering services to the disadvantaged among us are great. These are the organisations that help families in finding somewhere to live, support young people with difficulties and help them pursue educational and employment opportunities, assist the frail and aged, provide meals and, among many other things, fight for services and entitlements for those disadvantaged in our community.

It is important that we understand and acknowledge the issues faced by the vulnerable and disadvantaged people in our community as well as the enormous strain community organisations are working under to meet the increasing number of these people needing assistance. While the needs of those struggling—and it is estimated that one in 10 people in Canberra are doing it tough—continue to grow, it is essential that adequate funding, including funding for wages, staff training and occupational health and safety obligations, is provided to ensure quality service provision.

Even before the impact of the global economic crisis, the Australian community sector survey of 2008, which is conducted annually by ACOSS, recently released, reported that community services had experienced a sharp increase in demand and were under strain trying to meet the needs of the disadvantaged in our community. A lack of resources meant that one in every 25 people who wanted to access a service was turned away last year. People needing housing assistance, family relationship support and legal advice found it particularly difficult to get assistance. The survey also showed that increased demand, coupled with resource constraints, led to long waiting lists and additional unpaid work by staff and volunteers.

Over 80 per cent of agencies reported that the cost of delivering services was not matched by funding levels and more than 60 per cent of agencies reported difficulties in attracting and retaining qualified staff. The Australian Services Union, which is the key union in the non-government social and community service industry, in their paper *Building social inclusion in Australia*, released in 2007, indicated that 77 per cent of managers surveyed nominated low wages as their main barrier to attracting and retaining staff and that almost 50 per cent of managers expected a turnover of between 20 and 49 per cent over a two-year period. In the ACT staff turnover is now at 26 per cent, nearly double the rate for the community services workforce nationally.

In the ACT, the community sector also currently faces enormous challenges in relation to the Indigenous workforce and has great difficulty recruiting and retaining Indigenous workers. Their role is critical, both to ensure the cultural appropriateness of delivery for Indigenous service users and to make the workplace a culturally safe place for other Indigenous workers. I repeat that this information was released before the impact of the global economic crisis had been felt. In the harsher economic climate we are now experiencing, the pressure is even greater on those with limited resources delivering services to an increasing number of people who are affected by job losses, rent increases, rising food prices and homelessness.

Low-income households make up to 13 per cent of the ACT's population, a figure which is often not recognised given this city's reputation for affluence. These are the people who suffer the most in terms of insecure housing, financial stress, poor access to health services, transport and crisis support. It is this group that is generally first affected when there are job losses and, hence, the demand for assistance in this area will most definitely rise. There is the additional concern that increased job losses will cause more families to slip into the low-income category, therefore increasing the demand on community service delivery.

The ageing population is also being confronted with the additional challenges associated with diminishing superannuation returns and the need to manage on reduced income: return to the workforce to supplement income or rely on community support.

Research undertaken by the National Centre for Social and Economic Modelling for the ACT Council of Social Service in 2008, released last week, shows that low-income ACT households devote more of their expenditure, almost 70 per cent, to necessities such as housing, electricity, food and transport. That is more than for average ACT households. A reduction in or loss of income for this group will place additional pressure on community organisations to provide assistance.

It is essential to now ensure that, in these difficult times, the community service sector is provided with the qualified staffing resources and funding to meet the challenge of assisting the disadvantaged. Community sector organisations have difficulty attracting and retaining staff and this impacts on the ability of the organisations to deliver programs and services. Low wages and poor working conditions need to be addressed to ensure the community sector employees receive wages and have conditions that are commensurate with public sector employees who have similar responsibilities. We need to ensure that close attention is paid to the needs of this group and the work they perform, when dealing with any possible reduction in funding allocations as a result of the downturn in the economy.

As the elected representatives of the ACT, we need to listen to those delivering community services as they are the ones at the coalface helping people in great need; they are the ones who work long hours in poor conditions for low pay. We need to ensure they are resourced and have the proper level of support to assist the most disadvantaged among us in the community.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3.23): I

certainly thank Ms Bresnan for actually bringing forward this matter of public importance.

The ACT government is, of course, very aware of the magnitude of the impact that the global financial downturn has had, or may have, on the ACT community sector. The community sector is, of course, utterly central to how we, as a community, look after each other. It is utterly central to how we support each other, how we share burdens and how we share information. It is through the community sector that we show our best selves as a society—not just in times of emergency or crisis, but day after day, in suburb after suburb, making a difference in life after life. The ACT government is acutely conscious that fluctuations in the fortunes of the economy penetrate quickly through to the community sector in the form of increased demand for its services and increased pressure on its resources.

That is why one of Labor's very first acts on resuming government last year was to fulfil an election commitment to appropriate \$3.5 million to provide a significant injection of funding into the welfare and charity sectors. This money will help the sector provide emergency assistance to some of Canberra's most vulnerable and disadvantaged. It will allow the sector to give financial advice to struggling households that will help them adjust to their changed circumstances in this changing world. And crucially, it will support the carers and volunteers who are the bedrock of the sector, those who use their money to fill their cars with petrol, to transport clients across and around town and between appointments. I am referring to those who crisscross the city to lend a hand to those who cannot fend for themselves as well perhaps as they would like.

Madam Assistant Speaker, the government has considered the issues raised in *The impact of the global financial crisis on social services in Australia*, but we did not, of course, consider the report in a vacuum. For as long as we have been in government we have been working to ensure the viability and sustainability of the community sector, working to ensure that it is able to continue doing the work it does right at the front line—out in the community, out in the suburbs where people live. And we have pursued this work collaboratively with the ACT community sector.

I just remind the Assembly of some of the long-term structural measures that the government has in place to secure the viability of the sector. In 2008-09 and in the 2008-09 budget we announced portability of long service leave for the ACT community sector. This was a direct bid to increase the attractiveness of the sector to workers and an encouragement to those already working in the community sector to remain there, even though they may choose to change employer. It sends a message that work in the community sector is valued work, that it is professional work and that it involves a career path.

The ACT government is currently working with the sector to introduce the scheme. The government has also allocated \$500,000 to review the adequacy of wages and conditions provided by community service organisations and to provide an improved industrial relations environment for non-government organisations in the ACT. The ACT government has also introduced a new formula for annual indexation of funding of the community sector which has seen a significant increase in support for the sector allowing it to meet rising wage and administration costs. The government, along with

the ACT community sector, supports common indexation arrangements across funding programs, including commonwealth and state agreements. To that end, the ACT government has sought commensurate CWI indexation levels in negotiations with the commonwealth.

We know that some of the community sector services likely to feel pressure on their resources as the economy dips are those offering employment programs, those offering housing, financial and general counselling, and emergency relief providers. But demand is also increasing in the areas of residential aged care, housing, homelessness and family relationship services.

Tough economic times can be tough on everyone. The ACT government's skills strategy explicitly recognises that the community sector faces peculiar challenges in a time of skills shortage. Ours is still a competitive labour market, notwithstanding the downturn. Today's jobless figures again show this. These workforce and broader service delivery issues are even more pertinent as we are seeing major shifts in our population.

In *Australian social trends 2008*, the ABS projected that the percentage of Canberrans aged 65 and over will increase from 9.7 per cent in 2007 to 22.8 per cent in 2051. This has implications not just for the community sector workforce, which is ageing too along with society, but also for the sector's clients. The most recent Australian community sector survey conducted by ACOSS found that across the country 64 per cent of respondent organisations agreed that their clients had more complex needs in 2006-07 than in previous years. More complex needs are, on the whole, more costly needs to fulfil.

Each year the ACT government provides approximately \$130 million in funding to the community sector. Of course, we are not the only ones. The private sector contributes valuable resources and support to sustain the community sector too, not least our licensed clubs, which every year make donations without which some in the community sector may not be able to do as much as they currently do. The generosity of many in the sector is gratifying. It has proved that we are truly a community and that we look out for and after each other. The ACT government is determined to promote even greater levels of philanthropic giving in the territory. Right now we are exploring options for promoting philanthropy and new mechanisms to make it easier for Canberrans to give, with the hope of implementing these over the course of this year.

Another area in which the government supports the community sector is through the provision of facilities and infrastructure. Our investment in the west Belconnen health and wellbeing centre is one example, and there are many others. Of course, most recently we are investing millions of dollars in the creation of new community facilities at former school buildings. Cook will become an arts hub, Melrose will be a health and wellbeing hub and Weston will be a community services hub. On top of this, the government is investing in neighbourhood halls at nine locations around the city. This revitalisation and dramatic expansion of community facilities across the city helps sustain our community sector and creates clusters of services where they are needed in our suburbs.

Madam Assistant Speaker, one area in which the government has made a dramatic investment in the community sector is also in the area of social housing. As the Assembly knows, the ACT government's response to affordability has been the most comprehensive and far-reaching in the nation. Our housing affordability action plan has initiatives for up-sizers and down-sizers, for first home buyers and older Canberrans seeking supported accommodation. It has initiatives to boost the stock of rental properties and create innovative pathways to home ownership. In the area of social housing, the government has injected a massive \$40 million in equity to CHC affordable housing in addition to creating a \$50 million rolling line of credit that will see CHC deliver 1,000 new community housing properties over the next 10 years.

Madam Assistant Speaker, the ACT government is committed to a vision of our community that involves a true social compact. We acknowledge the critical role the community sector has in making that compact a reality and delivering vital services to the community and we will continue to partner with the community sector to mitigate the impact of the global financial crisis on Canberrans, especially on those most vulnerable to falling through the safety net.

I might just conclude, Madam Assistant Speaker, with the observation that in relation to some of the further or expected impacts of the global financial crisis on our community, we have spent some time this week debating issues around the \$42 billion stimulus package. In the context of the support that we know we as governments and communities will have to provide to those most particularly impacted by the financial crisis that is gripping the world, we need to ensure that we have in place programs that will support those people that are already unemployed and also that additional doubling of the number of unemployed that we expect to see here in the territory and across Australia.

I think that in the context of the global financial crisis, we should recognise the fact that it has not yet bitten in Australia at a community level to the extent that it has in some other places, but which we know that it will. Therefore, we need to be able to translate our thinking, our argument and perhaps our rhetoric into an acknowledgement of the cold, hard statistic or analysis. Unemployment will double here for us from 2.6 per cent to perhaps 5.4 per cent. We are talking about at least another 2,000 people that will become unemployed within the Australian Capital Territory over the next 12 months.

We talk about these statistics—2.6 per cent to 5.4 per cent—as numbers. But that represents 2,000 individuals, 2,000 wage earners, 2,000 families potentially without a wage earner within the house. This is over and above that number of Canberrans that currently live in households where there is no wage earner. These are not just statistics; these are not just numbers. We are talking about people. We are talking about families. We are talking about children living in a family or a home without a wage earner. In the context of all of our discussion around the urgency and the need for a stimulus package which the federal government has proposed, we need to understand that we are talking about people and we are talking about our capacity as communities to support those people that will be most significantly affected by the economic crisis and its implications for us.

The Prime Minister has foreshadowed and acknowledged that the next step in the government's response, presuming the \$42 billion stimulus package is supported, or supported in the broad and implemented, is for us to begin to look very hard and urgently at labour force programs and at programs to support the unemployed. He has foreshadowed that at this stage he expects that the commonwealth will be responding to that next major priority or imperative—a recognition that our unemployment rates across the nation will almost certainly double in the next 12 years.

We need to have the capacity to support that doubling of the number of unemployed across the nation with all the implications of that. I think this goes very much to the heart of the matter of public importance that Ms Bresnan has proposed today. I refer to the need to ensure that we as a community, particularly in the context of our reliance on the community sector to support people within our community that live in straitened circumstances—those that are unemployed, those that have issues in their personal lives and with life. We as a government, as an Assembly, must support our community sector to support the growing number of Canberrans that we know will be in serious and straitened circumstances over and above those that are already there.

We do need the capacity, and we must remain mindful of our obligations to them. We must always be conscious of the central role which the community sector plays in delivering those support services to people within our communities who do need support. I thank Ms Bresnan for the matter of public importance. It is critically important in these times and I am very happy to contribute to the debate.

MRS DUNNE (Ginninderra) (3.34): I thank Ms Bresnan for bringing forward this serious matter of importance today because in times of financial crisis our community services, particularly those which are community based, are stretched to the limit. Services that we cannot do without, such as Lifeline, the Salvos and Vinnies, have to cope with a heightened level of demand. Just recently, for example, we have heard that Lifeline is calling for more volunteers to help with its telephone counselling, with increasing demands on its telephone counselling services. Organisations such as Care Inc Financial Counselling Services also must find increased resources to meet the needs of so many people who will run into financial problems as the global financial crisis gets worse. And as unemployment will inevitably rise, these services are going to be stretched even more.

Our community-based community services do amazing work, helping every sector of the community from babies and toddlers to the frail aged and kids at risk to families in crisis, from people with disabilities to those who sleep on the streets. One of the reasons community-based community service organisations are able to do what they do with paltry financial resources and with staff who contribute so much above and beyond the call of duty is the legion upon legion of volunteers who assist them and give of their time and their skills.

Canberra is blessed with thousands of volunteers who contribute hundreds of thousands of hours of their time every year. They are the backbone of all our community organisations and make happen what otherwise would not happen. We have seen volunteers spring to the needs of our community so many times and in so many different ways. In this time of the horrific bushfires in Victoria, for example, we

remember the support of the volunteers who gave so much in 2003 when we were similarly affected by bushfires. We see that the same is happening again and that a second contingent of our volunteers has gone to Victoria.

While we are on the subject of volunteers, may I take the opportunity to mention that Volunteering ACT are launching their Volunteer of the Year awards in the Assembly reception room next week. While I am not able to attend myself, I encourage all those members who can to show their support not only for our volunteers but also for the community-based organisations they contribute to.

The call on professional services from specialists in areas such as law, accounting, taxation and health can also be heightened in this time of crisis. I note that the Law Society, for example, provides a clearing house service for people who cannot afford legal services or who are ineligible for legal services to get access to those services on a pro bono basis. These are services which should be valued and supported.

The pressure on community services is not limited just to community-based organisations; government-based community services will also be stretched. The Legal Aid Commission is one example of a government-based community service organisation that will be stretched in this time of crisis. It is important for governments to be aware of these pressures, particularly at the moment, and to ensure that the resources allocated to those services allow them to do their job properly. Like so many organisations, Legal Aid may have to turn clients away because they do not have the resources they need to provide the services that are in demand.

I have heard this government talk a lot about the current financial crisis and there is no denying that we are facing a crisis. Further, there is no doubt that the resources of our community-based community service organisations, as well as those provided by the government, will be stretched while we work our way through the crisis. We have heard the Chief Minister this morning laud Mr Rudd's economic stimulus package and castigate the opposition and the crossbenchers for what he sees as our refusal to support the package. But what is in this package for our community services? Nothing—not a brass razoo. Is there more that we can say about what the people of the ACT might expect from either the commonwealth or the ACT government as we face increased burdens that will be carried by our community services sectors as we go further into this financial crisis?

The role of our community services is a matter of importance. It is interesting that we listened to the Chief Minister for the best part of 15 minutes where he skirted very carefully around the central tenant of Ms Bresnan's matter of public importance, which she got pretty much to the point about, that in this crisis we are going to have to look at ways of funding organisations to meet the needs of the community. That means that in these financial circumstances governments are going to have to look at efficiencies that can be made in non-essential areas so that the money which is being spent in areas which are perhaps non-essential can be diverted to where it is needed most—that is, looking after the poorest in the community, the most helpless.

During the election campaign it was interesting to note that the government, feeling flushed with funds at the time and not foreseeing any economic crisis coming, was not prepared to nominate any area where they said they could cut expenditure—any area

in the ACT's in excess of \$3 billion budget where they could make cuts. By contrast, the Canberra Liberals did look at areas. The burgeoning number of senior executives and some areas of government self-congratulations and government promotion are two examples where cuts could be made for the benefit of the community. We would make cuts in non-essential areas to put money into areas where need is greatest.

In addition to that, we took with us to the last election a range of policies aimed at helping the disadvantaged. We had policies that would help people access health services in the communities where they live, actual health services with doctors, rather than so-called medical centres that do not have doctors in them, assistance for single-aged pensioners who are doing it particularly tough and the home insulation program. I know that the Treasurer is starting to tire of the mention of the home insulation program, but that program, a program that we fully support, was aimed at improving the quality of life of low income earners and at the same time having the triple bang of improving their quality of life, reducing their carbon footprint and cutting back their expenditure on energy and water. These were things that we saw as important—not just simple handouts but things that made a long-term and ongoing difference to people in the ACT.

We have not seen this from the Treasurer and the Chief Minister. It was interesting that the only mention of future options from the government was to see how much he could wheedle out of the community through philanthropy. Philanthropy is very good and I think that we should be taking steps to improve philanthropy in the ACT, but one of the things we need to see is leadership by example. We should be identifying where there is unnecessary expenditure and looking at how that can be diverted to people who are in need.

MS BURCH (Brindabella) (3.43): Madam Assistant Speaker, thank you for the opportunity to address the Assembly on such an important issue to our community and thank you to Ms Bresnan for bringing it forward for discussion today. The community sector delivers crucial services to the people of Canberra and our region and it is important to acknowledge the enormous contribution of the sector and the dedicated people who are at the very heart of the sector. Having worked and managed community support services myself, I have seen firsthand the tremendous effort and the contribution from community and volunteers and how those services are received.

The global economic crisis, as well as having an obvious international, national and local impact, also has a significant impact on the individual. The ACT is fortunate in enjoying a relatively high standard of living, including low unemployment. However, this does not alter the impact of the financial crisis and it will have a significant impact on a number of Canberrans who do not enjoy a high standard of living. The ACT government and the community sector work in partnership on these issues. The shared vision in the social compact captures the goals that the government and the community sector are both striving for and so provides a basis to work together to address these issues.

The social compact is the foundation of a robust, effective and respectful partnership. The government is supporting the community sector to identify and better meet the complexity of needs within our community. The ACT government has introduced three-year funding cycles for the community sector in order to provide them with

security and ability to plan into the future. This will assist in providing long-term sustainability to the community sector and therefore increased support to vulnerable Canberrans in the future. The ACT government has replaced the CPI based method of community sector funding with an 80 to 20 wage cost CPI indexation method. This more accurately reflects real cost of service delivery and has increased the capacity of the sector to deliver services.

In December 2008, the ACT government provided one-off funding of \$3.5 million. This funding injection went into welfare and charity groups to alleviate pressures caused by rising petrol prices, inflation and interest rate rises. This was targeted at Canberra's most vulnerable and disadvantaged. The one-off funding injection, which effectively doubled the ACT government's emergency relief funding for the year, was made possible because of the strong fiscal management of the ACT government.

Of this funding, \$1 million was provided to community organisations and support agencies to help them meet the demand for emergency relief. This emergency relief went out to our fellow Canberrans that were not enjoying a high standard of living. Also, \$150,000 was allocated to assist vulnerable children, young people and families who are clients of the Department of Disability, Housing and Community Services for emergency assistance. A further \$1.25 million was provided to regional community services, Carers ACT, Anglicare, Tandem and the Mental Health Foundation for carer support. Additionally, a further \$1.25 million was provided to Volunteering ACT to manage and distribute through a grants process. Funds will be used to offer support to volunteers for petrol, bus tickets and parking costs.

These funds have been well received by the community sector. Carers ACT has stated, "The Care Support Fund has been greatly welcomed by all at Carers ACT as we have been able to meet more carers' needs and provide respite in areas that have previously been difficult due to limitations in available brokerage." Agencies that have not provided emergency relief on this scale previously welcome the opportunity to be able to meet the needs of clients without the need to refer on to other services.

These agencies also report that they were using existing program structures, such as the family support program and youth services program, to identify need and distribute the funds within a resilience model. Just this week the Department of Disability, Housing and Community Services met with regional community services who advised that they are experiencing a significant increase in demand as the message goes out on the bush telegraph. Their feedback is that people feel that they can seek assistance from these services without embarrassment, and they are seeking assistance for things such as back-to-school requirements like clothes and shoes.

The department is continuing to work with services to manage the steady demand and to look at innovative ways of distributing these funds in a more efficient and timely manner. Since allocating these funds, demand has been steady, and they are mainly being distributed to meet shortfalls in bills, food relief, transport and clothing. This is not the only measure this government has implemented to support the vulnerable members of our community. In order to address the impact of the global financial crisis, the ACT government provides a number of concessions that deliver immediate assistance to individuals. The government provides a substantive level of concessions to ensure access to essential services for all Canberrans. These concessions address

energy, water and sewerage, public transport, motor vehicle registration and drivers licences and spectacles.

The government will continue to investigate ways to improve the community access to concessions in the ACT. We will work with the community sector to continue to mitigate the impact of the global financial crisis and we look forward to working with them closely to support the vulnerable members of our community.

MR DOSZPOT (Brindabella) (3.50): Ms Bresnan has raised some very pertinent issues in her discussion of a matter of public importance today and I am pleased to participate in the debate. We are all aware of the global financial crisis. These three words have been possibly the most used in the English language in recent months and these words can, and have, instilled a sense of apprehension around the world. Indeed, they have also become the catchcry for this government to also use as an excuse at every possible budget-related opportunity.

It is difficult to reconcile that after much continued growth in our economy over the last 10 years there are now growing numbers of men and women from all walks of life who are finding it hard to make ends meet. This also includes self-funded retirees whose superannuation has been so drastically affected, and also those who may be looking at imminent retirement but may need to stay in their jobs a lot longer than they originally planned. The responsibility for us as legislators starts at the recognition stage.

We must acknowledge that the current economic crisis also impacts us as a social crisis. A social crisis has the propensity to create a tsunami of pressure on those who deliver our community services. I have here a report from Access Economics prepared in November last year titled, similarly to our MPI today, *The impact of the global financial crisis on social services in Australia*. The report outlines the origins of the global financial crisis, the impact on the real economy and the serious implications for our social services sector. The report also provides some ideas on future policy responses from government.

The Access Economics report calls for coordinated and collaborative processes that involve all levels of government and the social services sector. It concludes that investment in social services and social infrastructure should therefore be considered as an essential part of further fiscal stimulus measures. The commonwealth's proposed stimulus package is supposed to be one of these fiscal stimulus measures, but we must question and scrutinise the coordination aspect of this approach in the ACT. We are also right to be concerned about the ability of the Stanhope-Gallagher government to deliver on these funds and ensure the funds are targeted appropriately.

It was indeed alarming for me as a newcomer to this place to hear Mr Hargreaves say during question time on Tuesday this week in response to Ms Bresnan's question asking what advice the minister had received for applying the funds he was to receive for the Housing portfolio that he would prefer not to have the federal government put chains around his wrists in relation to the application of funds. I would have thought that, given the historical realities of this government's management of projects and funds, Mr Hargreaves and this government would embrace some guidance on the application of these funds. And indeed, it would be appropriate to have certain

parameters put in place in the coordinated delivery of additional funding across the states and territories.

There is no question that there must be greater emphasis on the delivery of social services given the greater demand resulting from the current economic climate. The question is: does the Chief Minister and this government have the ability to ensure that this comes about? The community are watching and waiting.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The discussion has concluded.

Economy—stimulus package

Debate resumed.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3.54): I was just concluding my remarks on an amendment to the motion that I moved this morning as part of notice No 3 moved by Ms Bresnan of the Greens. We had not, as you know, had all that much time to give consideration to the amendment which had been moved by Ms Bresnan.

But on reflection, over the lunch break and with an opportunity to give consideration to it, the government determined that it did not believe that the approach adopted by the Greens enhanced or furthered the nature of the motion that I had moved. The government has accordingly determined that it will not support it. So, having had that opportunity in the time over lunch, that is the position the government will adopt on the motion.

MR SESELJA (Molonglo—Leader of the Opposition) (3.55): The Liberal Party will not be supporting this amendment. We do not believe that it adds anything to our amendment. In fact, it endorses a number of parts of our amendment and then simply adds what I think are motherhood statements that would be standard.

I think the Greens could not quite bring themselves to support our amendment, for whatever reason. There appeared to be not much that they opposed in it and they have wanted to make it their own by adding a few extra little bits and pieces. We do not believe that adds anything at all to the debate. I think the better course would have been to support our amendment since they seem to support most of it. They have not chosen to go down that path. We will not be supporting this amendment.

But it must be said that obviously we will not be supporting the motion. We have already spoken to the reasons but we certainly have put forward our reasons and put forward our reasons for moving the amendment. We believe that amendment is a reasonable reflection and we will not be supporting Ms Bresnan's amendment.

Amendment negatived.

Motion negatived.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) proposed:

That so much of the standing and temporary orders be suspended as would prevent order of the day, Assembly business, relating to the release of executive documents, being called on forthwith.

MRS DUNNE (Ginninderra) (3.58): This has turned out to be a fairly troublesome little item. I will go to that later, but I will speak about the generality of the proposal in the first instance.

Mr Corbell: On a point of order: the motion is that so much of the standing and temporary orders be suspended.

MRS DUNNE: I am sorry.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Executive documents—release Proposed new temporary order

Debate resumed.

MRS DUNNE (Ginninderra) (3.59): I do apologise for that. I will say those few words again, to make them valid. This has turned out to be a slightly troublesome issue because of the management of this by the manager of government business, and I will deal with that in a moment. But before I deal with that I would like to speak on the principle of the matter.

This initiative is part of the Labor-Greens agreement that was signed at the end of October after the election. One of the issues there was how to deal with disputes over Crown privilege and the tabling of documents. I suppose the emblematic issue there has been the unwillingness of the Stanhope government over three years now to table the Costello report.

In thinking about the merits of these provisions, I am a little concerned at the import of them in that it creates a situation where legislators are held to ransom to some extent and are not totally in control of their own business. It really should be the case that, if a legislature calls for documents, the documents should be provided. If there are issues on that, they should be dealt with. If the legislature persists in calling for the documents, they should be provided. If there is a recalcitrant minister who refuses to table documents once they are called for, there are forms within the house in terms of censure, expressions of grave concern and want of confidence that can be used to bring a recalcitrant minister to book. The issues of Crown privilege can still be accommodated in those forms, the forms that have stood us in good stead for a very long time—more than 100 years in Australia and perhaps close to 150 years in New South Wales.

But that having been said, there is a majority view in this Assembly that we need to create a mechanism, which is why the manager of government business has brought

forward a proposed new temporary standing order 213A. And this is the troublesome area. The Liberal opposition takes it as read that there will be a new temporary standing order 213A and our job is to make it as good as it possibly can be.

So I was alarmed this morning when I really had time to attend to the matter to note what the attorney said back on 10 December about this mechanism. Remember that on 10 December the Liberal opposition tried to obtain the tabling of the functional review, the Costello report. The attorney spoke at length about why we should not do it then; we should wait for this process and use this process. He spoke at great length about how this was a good system and he extolled the virtues of the model for this system, which is the model in the New South Wales upper house. He said:

I think it is probably worth outlining to members how that mechanism would work. In general, the mechanism in the New South Wales upper house provides for a member who calls for documents to move a motion which, if adopted, calls for the production of certain documents. The executive ... has two choices: one is to simply provide the documents and say, "There is no dispute ... " or, alternatively, to say, "No, we believe these documents are protected documents ..."

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

He goes on to say what sort of person that is. He said:

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

The minister went on to say:

I think that is a good process. It will be a process that, I am sure, in some instances in the future, will make this government uncomfortable ...

The minister went on to say why this is a good process. So imagine my surprise when I looked at the motion on the notice paper and found that the crucial part of this, the bit that says, "If the document is disputed, the document is lodged with the Clerk and members may observe the document; they cannot publish it; they cannot talk about it; but they can see the document; and they can make their own judgements about the document," was not there.

Imagine further my surprise when the attorney, the manager of government business, stood up in this place and spoke to his proposed new standing order, saying to us that that is what his new standing order would do, when it was not the case. I can see the Clerk looking surprised because the Clerk had briefed me, given me his views, this morning on how this would apply.

I did question the minister across the chamber: “Are you sure that that is what it does? Show me where it does that.” I had two conversations afterwards, one in the lobby where the minister said, “I am really sorry, but the version that was tabled yesterday was not the version that I took to caucus; it was not the version that I supported; and I will circulate as a revised version the version that I took to my party, to my caucus.” I thought, “Good, fine, the minister has just made a mistake; so we will go on and deal with this amicably.” I did have another conversation with him where I asked the minister to correct the record, which he has done.

But since then, we now see that the minister has decided that he is not going to go down the path that he described in his introductory speech this morning. He has pulled back and said he is not going to do that. At 10.30 this morning the minister stood up here and said, “This is what this process will do.” He specifically said that while these documents are in dispute they will be lodged with the Clerk and members of the Assembly will be able to view them. He specifically said that. It is not in the motion, as it is on the notice paper; it is not in the motion that the minister provided for the Clerk yesterday. Since then the minister has, by his own admission, said that he will not go down that path.

What we have is either a minister who this morning misled me in the lobby when he said that this was a mistake and he misled the Assembly—and he admits that he misled the Assembly; he did come in here and say, “I misled the Assembly”—or, alternatively, the minister is so fickle, so flip-floppy, that he can change his policy position, a policy position that he held in December last year, a policy position that he held at 10.30 this morning, but by 2 o’clock this afternoon he had reneged on his policy position. This is an incompetent minister and it has been proved time and time again this week. He has now proved himself to be an incompetent manager of government business and a man who has only had one or two meetings with the truth in the last little while and whose word cannot be believed.

He made commitments to me in that lobby, and within two hours he had broken his commitment. His word is mud. And as a result of that, and reflecting on the concerns that the Liberal opposition has about the policy itself, I propose to move the amendments which have been circulated in my name that will reinstate the elements that the attorney said were in the motion, which are not, and will make this standing order comparable to the standing order which the government said that it was copying from the New South Wales upper house, standing order 52 in the New South Wales upper house. In addition, there are some grammatical and typographical errors which would be fixed up by this.

I seek leave to move my amendments.

Leave granted.

MRS DUNNE: I thank members. I move:

- (1) omit “by the Chief Minister” wherever occurring;
- (2) in paragraph (4) after “deemed to”, omit “be”;

(3) omit paragraphs (5) and (6), substitute:

“(5) Where a document is considered to be privileged:

- (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege; and
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Legislative Assembly and:
 - (i) made available only to Members of the Legislative Assembly; and
 - (ii) not published or copied without an order of the Assembly.
- (6) Any Member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.”.

(4) omit paragraph (9); and

(5) renumber paragraphs accordingly.

Amendments (1) and (2) are simply fixing up the typographical errors. Amendment (5) does the same; it renumbers the paragraphs. The main amendment is amendment (3) which essentially replicates the wording in the New South Wales upper house standing order. Proposed new paragraph (5) says:

“(5) Where a document is considered to be privileged:

- (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege; and
- (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Legislative Assembly and:
 - (i) made available only to Members of the Legislative Assembly; and
 - (ii) not published or copied without an order of the Assembly.

Paragraph (6) fixes up some of the issues in relation to reference to a legal arbiter:

- (6) Any Member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.”.

I also propose to remove paragraph (9) from the temporary standing order which is not in the New South Wales standing orders and I cannot quite see the purpose of it. We have had either a spectacular display of untrustworthiness or pique from the manager of—

Mr Corbell: On a point of order, Madam Assistant Speaker: I think that is quite an unparliamentary reflection on my motives, is contrary to the standing orders and is suggesting that I am in some way untrustworthy. It is most disorderly and I would ask you to ask Mrs Dunne to withdraw the comment.

Mr Seselja: On the point of order, Madam Assistant Speaker: Mrs Dunne was halfway through a sentence when Mr Corbell got up. I believe she is arguing in the alternative. She is not making the assertion; she is saying it is going to be one or the other, based on what we know. So there is nothing unparliamentary about untrustworthiness.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, can you continue talking on the substantive issues.

MRS DUNNE: The substantive issue is that the Liberal opposition believes that, if we are going to go down this path, we should go down the path as it is currently laid out, and experience in New South Wales indicates that this is a path we should go down.

I advocated to my colleagues this morning in our party room that we should make it perfectly clear that we should review the operation of this standing order, perhaps in a year's time, because there may be some necessity for refining it. But at the moment this is new ground for us and I think that we should be going down the well-trodden path and that we should not be going down the duplicitous path or the path mapped out duplicitously by the manager of government business this morning.

Mr Corbell: On a point of order, Madam Assistant Speaker: that is most unparliamentary and she must withdraw that.

MADAM ASSISTANT SPEAKER: Yes. Mrs Dunne, could you withdraw?

MRS DUNNE: I withdraw, but I make the point that the behaviour of the manager of government business this morning indicates that he is either a knave or a fool, and I leave it for the Assembly to determine.

MADAM ASSISTANT SPEAKER: Mrs Dunne, can you—

Mr Corbell: Again, she is blatantly ignoring your rulings on these matters that the use of such language is unparliamentary.

MRS DUNNE: Which one, “knave” or “fool”?

Mr Corbell: She should be obliged to withdraw the offensive words, consistent with the standing orders.

MADAM ASSISTANT SPEAKER: Mrs Dunne, can you withdraw those comments and stick to the substantive issues.

MRS DUNNE: I withdraw the comments in full. But in making the point, I recall a number of occasions when Mr Corbell called members of this place a fool. Obviously he does not object to “fool”; so he must be a—

Mr Corbell: On a point of order, Madam Assistant Speaker: she continues to perpetuate the wrong by continuing to make those comments. She should withdraw unequivocally and address the subject matter of the motion.

Mr Seselja: On the point of order: we seek your ruling, Madam Assistant Speaker, on which words are unparliamentary, given the previous practice in this place.

MADAM ASSISTANT SPEAKER: Maybe I am showing my innocence as Assistant Speaker here but I did think “knave”, “fool” and “duplicitous” were unparliamentary. I suppose I could be wrong, given the standard of some of the comments that other members have made in this place. I agree that I am probably showing my naivety. I agree that Mr Seselja probably has a fair point in this place. Mrs Dunne, could you restrict your comments to the matter at hand rather than to Mr Corbell.

MRS DUNNE: Thank you, Madam Assistant Speaker. I will conclude by recommending to the Assembly the amendments that I have circulated. While we have reservations about the need for this process, there is a general recognition that it will happen and, therefore, we are determined to make it the best possible process.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.14): It is, of course, always interesting that Mrs Dunne is unable in this place to argue a point without personal attacks on members who disagree with her. That is unfortunate, but I will not attempt to perpetuate that.

The government will not be supporting the opposition’s amendments. It is the case that when I proposed the motion this morning I envisaged that elements of these amendments would be included in the motion. It is unfortunate, as I have explained to members, that due to an error in the compilation of that motion the motion did not outline the mechanism as I proposed it in my opening statement in this debate. But I have corrected the record in that regard.

The reason why the government has changed its position is because there have been further discussions between the government and the crossbench members on this matter. I do not know whether the members of the opposition have noticed, but this is a minority parliament and there is a party with the balance of power. There is, of course, the opportunity to review matters on their merits, even at a late stage in the debate. Shock, horror! That is what the government has done.

There is nothing underhanded about that. It is simply the case that if matters where other members have concerns are brought to the government’s attention, we listen to

those on their merits and we make a judgement about whether or not those issues need to be addressed. The Greens, Mr Rattenbury in particular, and his office have raised a number of concerns with my office about the mechanisms proposed in the amendments that I have foreshadowed this morning and which Mrs Dunne has now tabled in this place and we agree with the concerns raised by Mr Rattenbury and others. I know that Mrs Dunne is unhappy about that, but there is nothing underhanded or wrong about taking into account new information and new views.

The government recognises that there would be a range of issues associated with including the mechanism that Mrs Dunne proposes, in particular the mechanism that provides for documents which may be found to be privileged being viewed by members of this place. Obviously, I am sure, members of the opposition would be very keen to view documents that had been found to be privileged whilst they were held by the clerk for the duration of the arbitration by the independent arbiter.

But I think the point is well made, and I imagine Mr Rattenbury will raise this in his comments later in the debate, that that does create some fairly obscure and unusual circumstances. It is recognised that if a document is claimed to attract some form of privilege and that privilege is waived, even in the most minor of circumstances, the privilege is waived in an ongoing manner. Once privilege is waived, privilege is waived. That is, I guess, the quandary that Mrs Dunne's amendment presents to us, that the claim of privilege may be upheld, but it will have been waived to allow non-executive members to view the document for the period of time that that arbitration is occurring.

That is indeed an unusual circumstance. It is the circumstance in the New South Wales upper house, that is true, and that is why the government originally proposed the mechanism, consistent with the agreement between us and the Greens, to simply adopt the mechanism in the New South Wales upper house. But we do have to have regard to mechanisms that are suitable for this place and which members in this place are comfortable with. I agree that it does create some unusual circumstances. It was indeed the matter that the government had most concern over in our own deliberations. Given that that concern is now shared—and it is shared—by the Greens, it is appropriate that we respond to that accordingly.

So the government will not be supporting the amendment proposed by Mrs Dunne, for those reasons. I think it is important to reiterate that this amendment is not the most important part of the standing order. The most important part of the standing order is that there is an independent arbiter to determine whether or not a claim of executive privilege is valid and that the arbiter's decision is binding on all parties in this place.

The most important part of this motion is that the Assembly can call for documents. If a claim of privilege, executive privilege is made in relation to those documents, that document must be referred to the independent arbiter and the independent arbiter decides whether or not the claim is valid. If the claim is not valid the document is tabled in this place. So the whole point of this standing order, which is to resolve that conflict between the legislature and the executive on documents that are claimed to attract privilege, is resolved through the adoption of this mechanism. That is the most important element. It is being put in place in the form of the motion that I propose in the notice paper. I think that needs to be recognised by members. The government will not be supporting Mrs Dunne's amendment.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.21): I think it would be fair to say that the Assembly has made more progress towards an open, transparent and accountable government in the last two sitting weeks than any other time in the history of the Assembly. The make-up of the current Assembly has led to significant procedural changes and the Greens are very proud to be responsible for what we believe to be very significant developments which will enhance democracy and good government.

The motion before the Assembly today is a Greens initiative and we are pleased that the Labor Party has adopted it. As with previous amendments to the standing orders, this amendment is designed to improve transparency in government. This is particularly so as it follows the passage of Mrs Dunne's FOI reform bill yesterday. Clearly, this Assembly is, and will be, very different from the previous one and the Assembly and the people of Canberra will be much better informed on the government's decision-making process and the inputs into that decision-making process.

This significant reform is modelled on the New South Wales Legislative Council reform following the *Egan v Willis* case. Since the introduction of the New South Wales Legislative Council standing order, the council has reasonably frequently used its power to call for papers and a range of issues have been considered by the independent arbiter there. In fact, this new Assembly standing order is actually better than the New South Wales version. It creates a clearer and, we feel, very appropriate process to resolve contentious issues over the legitimacy of government claims of executive privilege. Given the controversy over the release of the strategic and functional review, it is particularly appropriate that the Assembly develop a mechanism and continuing means to resolve such disputes.

As I said in a previous debate on a motion concerning the functional review to which this provision would now apply, as members of this Assembly we have a responsibility to do all we can to access as much information as we can to allow us to make the best contribution to policy formulation that we can. We do recognise that there will be a tension between cabinet-in-confidence material and what should properly be in the public domain. Certain material should enjoy cabinet protection such that it can be considered and debated confidentially. However, this applies to only a limited class of material and should be the exception rather than the rule.

More than a century ago Sir William Anson wrote in *The Law and Custom of the Constitution* that the criticism and control of the executive was a function of the legislature. He wrote:

By questions addressed to ministers of the Crown, by motions for papers on matters of present interest, the members of either House can keep a check on current business and obtain explanation of its conduct, so far as it is not inconsistent with the public advantage.

The importance, subject to certain privileges, of the ability of the legislature to access information and scrutinise the activities of the executive cannot be overstated. It is our responsibility as members not only to pass laws for the peace, order and good

governance of the territory but also to ensure that these laws are properly implemented and that decisions made by the government and the executive in the application of our laws are properly scrutinised not only to ensure that they comply with the laws but also the will of the people.

In *Egan v Willis* the High Court said:

A power to order the production of State papers is reasonably necessary for the proper exercise by the Legislative Council of its functions.

With due respect, the Greens fully endorse the High Court's opinion in this matter. We need this mechanism to ensure that a fair process is followed in the exercise of this power and the Greens are very proud to be responsible for bringing about the adoption of this process. Whilst it will not overcome the problems experienced under majority government we hope that it is part of a cultural shift towards disclosure and openness and away from government secrecy. If the people of the ACT are not aware of the basis upon which decisions are made they cannot fairly judge the competence of the government and therefore representative democracy suffers.

In *Egan v Willis* Justice McHugh found:

It is the function of the Houses of Parliament to obtain information as to the state of affairs in their jurisdiction so that they can criticise the ways in which public affairs are being administered and public money is being spent. Under the system of responsible government, because the ministers of the Crown are responsible to parliament, the Houses of Parliament are entitled to require those ministers to provide to them the necessary information concerning the administration of public affairs and finances.

Our system of democracy relies on the concept of judicial review. We rely on the independence of our courts to make determinations not only on the liberty of individuals but on the functioning of our democracy and system of government. The mechanism we have devised as a community is to refer disputes to suitably qualified independent bodies to resolve disputes according to an established body of law.

The Administrative Appeals Tribunal of Australia in considering an FOI request in the matter of *J Waterford v Department of Treasury* considered the concept of executive privilege and found that it is inevitably shrouded by some uncertainty. The High Court of Ireland in *Duncan v Governor of Portlaoise Prison*—the citation is (1997) IEHC 13—explicitly endorsed the notion that:

There cannot, accordingly, be a generally applicable class or category of documents exempted from production by reason of the rank in the public service of the person creating them, or of the position of the individual or body intended to use them.

Again, with respect, the Greens fully endorse the principle enunciated by the Irish High Court.

This uncertainty necessitates independent arbitration. It is fundamentally offensive to our system of government to have a person affected by a decision making the decision.

To rely on the government or the cabinet to make such a decision that manifestly affects them is simply not appropriate. A determination on the facts of the particular case is required and it is appropriate that an independent arbiter and not the government make the determination.

In this case we have created an effective and efficient mechanism for resolving such disputes. The turnaround time provided for by the standing order allows the Assembly to conduct its business in an efficient and effective manner. Balancing and evaluating what is in the public interest is a difficult task. The public interest in knowing the particular facts must be evaluated against the public interest in facilitating an effective and efficient government by allowing certain communications and information to remain in confidence.

As discussed in yesterday's debate on the amendments to the FOI act, there are times when it is in the public interest to know. Mr Rattenbury spoke of the UK Information Commission decision in respect of the release of cabinet documents concerning the Iraq war. There are many other examples from a number of jurisdictions. The United States Supreme Court found in the case *United States v Nixon* that executive privilege did not prevent the publication of certain documents. The Canadian Supreme Court in *Carey v Ontario* considered the Nixon case and found that:

While there are important differences between the governmental structure of the United States and that of this country, the underlying values concerned are much the same. Consistent with the law in this country, the court observed that, while it would accord great deference to presidential views, the judiciary, not the President, was the final arbiter of a claim of privilege. In doing this, a court was bound to weigh the conflicting interests.

In the case the Supreme Court of Canada expressly found that the mere fact that documents were of a particular class was not sufficient to claim an absolute privilege against disclosure. The Greens very much believe that should be that case here too. It is appropriate and in the interests of our democracy to have an independent arbiter assessing the competing claims and weighing up the arguments and making an independent finding. It is in the interests of all Canberrans and the good government of the ACT that such a process exists and the Greens are proud to have been the driving force behind this initiative.

The Greens will not be supporting Mrs Dunne's amendment. The original motion offers a sensible and reasonable mechanism for assessing claims of privilege. Our system of democracy relies on the fundamental principle of judicial review. We are governed by the rule of law. All actions of the government and the executive must be according to law. We entrust the judicial arm of government with the responsibility of determining disputes according to the law. Their independence is one of the fundamental underpinnings of our constitutional system of government and a notion that the High Court has gone to great lengths to defend.

The Greens recognise that certain privileges are in the public interest and that it is important that they be maintained. Whilst we would argue that this privilege only applies to a very limited class of documents, that does not mean that it should not be properly protected. We accept that there are documents where it is appropriate that confidentiality is maintained. It is not appropriate that those with a vested interest in

the outcome, be it the government, the opposition or the crossbench, be responsible for the determinations of privilege or, indeed, as this amendment provides for, be given access to the document before such a claim can be objectively assessed.

As a society we entrust independent arbiters to assess the validity of the competing claims according to an established body of law, and there is a body of international, as well as Australian jurisprudence, that clearly establishes the role of courts and tribunals in assessing these types of claims. The person appointed as legal arbiter will be suitably well qualified to properly resolve disputes and provide defensible and impartial reasons for their decision. The Greens believe that this is the most appropriate way to resolve these disputes. It is not appropriate that these documents be viewed if they should legitimately be protected by privilege. If there is no valid claim of privilege members and the public will be able to view the documents. If there is a valid claim then it is appropriate that members do not see the documents.

MR SESELJA (Molonglo—Leader of the Opposition) (4.32): Madam Assistant Speaker, I do not know if there are still more members to speak, but there are a few questions I think we need to pose to either the Greens members or the Labor members as to how we got into such a shambolic state this morning. We need to go back through it, but I will go to that in a moment.

We fundamentally believe that the outsourcing of parliament's role of scrutiny is not the right way to go. We believe that, for instance, where there are 10 duly elected members of the Assembly who believe the functional review should be made public, that is reasonable. We have a government that has seven members, and they have significant control over whether a document can be viewed and whether it can be released at any time. Ten elected members of this legislature should not be outsourcing this role. That is our point of principle. We do not believe that this is the correct way to go.

As Mrs Dunne has outlined, there are 11 votes for this standing order to be introduced. We do not agree with the principle behind that. What Mrs Dunne is seeking to do with her amendment, which unfortunately will not be supported, is to actually make it work better and make it work in the way we were told it was going to work when it was initially brought forward. That brings us back to how we got to this position.

It must be said that this is an ever-evolving Greens-Labor agreement. We have seen that in recent days in the area of mental health. Where the agreement was that 30 per cent of funding would go to the community, I think that is now 30 per cent of new funding to go to the community sector, perhaps. I think the targets are now aspirational targets. I think we saw Ms Gallagher saying yesterday that she did not really mean it when she was talking about those targets.

Mrs Dunne: She had her fingers crossed.

MR SESELJA: She did have her fingers crossed. This is going to be the fundamental tension. It is certainly difficult for us who are close to it in the opposition, but I think it is much more difficult for people in the community to understand the exact nature of this agreement, given how quickly it seems to be changing. We can be certain of a few things as it moves forward. Given some of the policy commitments that have

been made by the Labor Party, I think the Greens should get used to disappointment, because I do not think they are going to be delivering on many of those. We have seen that already, and I would expect that the vast bulk of those commitments that we have seen from the Labor Party in that agreement when it comes to specific policies will be pushed back for a number of years, will be quietly shelved and will be downgraded in one way or another.

We are seeing the language already. We have seen that the targets are now aspirational targets. That is a very broad term which leaves a lot of wriggle room. I suppose the community, particularly those who voted for the Greens, will be starting to ask, “Are we seeing these policies being delivered?” The early signs are that this is unlikely to happen.

Let us look specifically at this part of the agreement, because when Mr Corbell talked to this issue when we were seeking documents in December, this is what he had to say. He said:

That is why the Labor Party has agreed, in its agreement with the Greens, that the way to resolve these disputes about which executive documents should be made available to the Assembly, and how calls for documents should be resolved, is to establish the independent arbiter approach.

He goes on:

I am disappointed that the Liberal Party seems to be unaware of these developments, particularly given the fact that it is spelt out publicly in an agreement between the Labor Party and the Greens and it would not take much work to go and look at the standing orders of the New South Wales upper house to understand how it works.

We have looked at the standing orders, and that is what Mrs Dunne’s amendment is about: it is about what the Labor Party and the Greens said this was going to be. Mr Corbell went on to describe how this new system would work:

That is made available to members and then it is up to members of the upper house in New South Wales to determine whether or not they want to continue to press their claim for the publication of those executive documents.

He goes on to say:

I think that is good process.

We will not have that opportunity under this new arrangement. Members of the Assembly will not have the opportunity to press their claims. There are two sides to that, of course, because the way I read it, by allowing members to look at it, the situation may be that they look at it and say, “Well, no, it’s not really worth pursuing and we don’t have to go through this process,” and they will not press their claims. But what we will have is a situation where—and this government has a record of it when they do not want to give something up—it all has to go to the independent arbiter, and we will not have any ability to examine documents unless this independent arbiter grants us that ability or decides that documents are to be released.

There are two questions that I am not clear about. If there is still to be another Greens speaker—I would be happy to grant leave for that purpose—I would appreciate it if they could talk us through how we got to this position. Back in December and even this morning the position of the Labor Party was that the standing orders from the New South Wales upper house would be implemented. That has since changed, and we were told by Mr Corbell in his speech that that changed as a result of representations from the Greens, presumably subsequent to his statement earlier today. I would like someone to confirm that, because I think that is important.

What Mr Corbell is saying to us is that what was in the Greens-Labor agreement, what was set out in December, what was introduced in terms of the language Mr Corbell used this morning, changed after that period, but it just so happened that the change matched what he had accidentally presented to the Assembly. That is the message.

Mr Barr: There could be an X file on this.

MR SESELJA: Well, someone does need to explain this to us. What Mr Corbell is saying is that he did this inadvertently. He inadvertently presented something which was different to what had been agreed between the Greens and Labor. There presumably were no discussions prior to this. He then presented it, and the Greens said to him, “Well, actually, the one you presented is the one we like, so let’s change to that.” That is how we got to this point. That is quite an extraordinary process. When it comes to legislation, we see government amendments that the Greens would like to go off to a committee. What we have seen is a last-minute, apparently accidental, inadvertent, serendipitous arrangement—

Mr Corbell: Yes.

MR SESELJA: Mr Corbell is nodding, so he is confirming that this process was as I set it out. He is confirming that the process was that the government had a position until this morning. The minister accidentally presented the wrong position, he accidentally misled the Assembly, and the Greens said to him, “Thank you. We will take the accidental one, not the one you said.” That is what Mr Corbell is saying. This is quite comical. This is how the processes are playing out here, and that is quite extraordinary. I suppose we have to take people at their word—it is more usually the stuff up than the conspiracy—but this is quite extraordinary. I really would like to hear from some of the Greens, because we have heard Mr Corbell confirm it all across the chamber from his point of view.

We believe this amendment is the right one. We believe that this process generally is not the right one, but we will try and make it better through this amendment. We are disappointed that the Labor Party and the Greens all thought that the original proposal was a good idea until this morning, and it was only through this serendipitous action where Mr Corbell accidentally tabled something that he did not mean to that the Greens decided they liked that better. That is quite an extraordinary process. This is how things are going to operate in the new parliament.

Mr Corbell: Truth is stranger than fiction, Zed.

MR SESELJA: Well, it appears to be in this case. We look forward to seeing how this Greens-Labor alliance evolves, because we have heard from officials this week that things are changing on an hourly basis. The community is not sure about it. I do not expect that the Labor Party will honour much of this agreement. We have seen the indications already this week in terms of mental health and other areas. They are going to try and back out of every part of it.

What we have seen today is quite farcical and will lead to a situation which is not ideal. It will create a situation which I do not believe will be in the best interests of the territory or the Assembly going forward.

Question put:

That **Mrs Dunne's** amendment be agreed to.

The Assembly voted—

Ayes 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Noes 10

Mr Barr
Ms Bresnan
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

MR RATTENBURY (Molonglo) (4:46), by leave: I move:

- (1) in paragraph (4), after “deemed to”, omit “be”; and
- (2) in paragraph (7), omit all words after “be” (second occurring), substitute “a retired Supreme Court, Federal Court or High Court Judge”.

These amendments are relatively straightforward. The first of them, as people can see from the sheet, simply fixes a typographical error that Mrs Dunne was just referring to. The second changes the proposed standing order so that it must be a retired judge who is appointed as the independent arbiter. As Ms Hunter noted in her earlier comments, the Greens agree with the views adopted by the superior courts of a number of other jurisdictions as well as our own. It is within the jurisdiction of the courts to determine whether a privilege exists and we believe that it is appropriate that it is a former judicial officer, a person who has been trusted with the judicial authority of a court, rather than a senior barrister who makes determinations on questions of privilege.

I think it is possible that a senior counsel or a Queen’s counsel could make these determinations, but our preference at this time is to go with a judicial officer. If we find that we have a problem filling the role—insufficient people to conduct this—then we can come back and consider expanding the list. But at this time this is the proposal we intend to move forward on.

I might take the opportunity while I am on the floor to respond to Mr Seselja's earlier comments. He may care to pay attention, as he asked us to stand up and address these points. Mr Seselja has been full of conspiracy theories this week. He has had all sorts of theories about the Greens being in collaboration with the government, about some extra agreement—I think we are an alliance now rather than there being an agreement.

I myself find that somewhat ironic in the context of the fact that this week the Greens have supported the Liberal Party's version of the freedom of information amendment. We have also supported the Liberal Party's motion of concern on Minister Corbell. I do not know where the suggestion came from. I do not want to cast too many aspersions in here. Perhaps I should compliment Mr Seselja on his creativity, but I think his suggestions are spurious and his comments to the media this week have simply been—I do not know what.

In terms of the language of the agreement, if we go to this question of the design of the independent arbiter position, paragraph 3.5, where we talk about this idea, talks about the provision of an independent arbiter to determine if a claim of executive privilege is legitimate, such as is provided for in the New South Wales upper house. We do not say that we are going to slavishly follow the New South Wales upper house. We are not going to copy it verbatim; it is not going to be a carbon copy. I think it is useful that we think about these things on the merits—that we look at it and we accept evolution. I trust that you accept evolution.

Mr Seselja, as the Greens have ably demonstrated through the course of this week, we focus on the outcome of a particular issue, of a particular vote. We are not into the politics—not about following one side of this parliament or the other. It is about finding the best possible outcome.

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Burch): Order! Mr Rattenbury.

MR RATTENBURY: Thank you, Madam Assistant Speaker. As I was observing, for the Greens it is all about getting the best possible outcome. We will vote for whichever version we believe delivers that, in consultation and discussion with other parties as well as people outside this chamber.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.51): The government will be supporting these amendments.

Amendments agreed to.

Motion, as amended, agreed to.

Strategic and Functional Review of the ACT Public Sector and Services

MR SESELJA (Molonglo—Leader of the Opposition) (4.51), by leave: I move:

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

This has been prompted by a discussion I had with Mr Rattenbury. Now that we have a process in place in relation to the strategic and functional review, the way to kick off that process is to formally move this motion.

Mr Stanhope: We love this openness, comrades.

MR SESELJA: We moved this motion in December; we believe that it should have gone through then.

Mr Stanhope: Partners. Thanks for the openness. Thanks for the communication.

MR SESELJA: But it will now go through the process that has been determined by this Assembly.

Mr Stanhope: Thanks for the commitment to the spirit of the agreement.

MR SESELJA: There is a bit of going on on the other side of the chamber; it is difficult to hear myself. Nonetheless, this is now the process. We believe that the independent arbiter should release this information, but that will be up to that person to determine. It is not a process that we necessarily agree with, but it is a process that we will follow as it is now the standing orders of this place. I commend this motion to the Assembly.

MR RATTENBURY (Molonglo) (4.53): I want to speak briefly to say that the reason that the Greens are supporting this motion is that this issue was raised in December and at the time a resolution was passed inviting the government to provide this document. At the time, we flagged that we felt that the independent arbiter was the best way to assess this. Now that the arbiter position has been created, this motion simply formalises what might have been expected from the December resolution but ensures that there is no uncertainty about whether this document has been called for or not.

The Chief Minister's suggestion that this comes as a surprise surprises me, because that resolution was passed in December and the intent was reasonably clear. At the time we indicated that we thought that the functional review would be the first thing to go to the independent arbiter as soon as it was created. That is why we will be supporting this motion.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.54): The government is not going to oppose this motion, but we will seek an amendment to it. Given that notice of this motion has not been given, I need some time to amend it, but I propose that the motion be amended to provide for the Chief Minister to provide that document to the Clerk consistent with the terms of new standing order 213A(1).

The new standing order requires that a document called for by the Assembly must be presented within a certain time. I suggest that that would be the appropriate mechanism to deal with this. The point I would make to members is that it may not be physically possible for the Chief Minister to provide the document to the Clerk before

the Assembly adjourns in the next 10 to 15 minutes. Therefore I would suggest that the Chief Minister provide the document, or make a claim of privilege in relation to the document, consistent with the standing order.

It would have been more appropriate if Mr Seselja had moved a motion simply indicating that the Assembly called for the production of the strategic and functional review. That would have been a more appropriate way of doing it than saying that the Chief Minister must table it in here before the end of the sitting day. I do not know whether he is physically capable of doing that. He may need to go and get the document from the cabinet office and get it physically into this chamber before the Assembly ceases sitting. The Assembly has nearly ceased sitting, so it would be pretty much in the next five to 10 minutes.

I suggest that the motion be amended to simply read that this Assembly calls on the Chief Minister to table the strategic and functional review of the ACT public sector and services in the Assembly. That is then an order of the Assembly. The Chief Minister will be required to respond to the order of the Assembly, and we now have a standing order in place that allows for that to occur. I seek to amend the motion by deleting all words after “Assembly”, second occurring. I move:

Omit the words “before the end of this sitting day”.

Mr Seselja: Could you read the words one more time.

MR CORBELL: That all words after the word “Assembly”, second occurring, be deleted.

Mrs Dunne: Delete “before the end of the sitting day”.

MR CORBELL: Correct. Delete the words “before the end of this sitting day”.

MR SESELJA (Molonglo—Leader of the Opposition) (4.57): We are happy to accept that amendment. The purpose is to kick off the process. We assume that, once this is passed, the Chief Minister will go through the process set out in the new standing order—claiming privilege, providing the document to the Clerk or providing it to the Clerk and claiming privilege. Yes, we are happy with that amendment—provided there is not some sort of unreasonable delay, but I think the standing order should cover that off.

MRS DUNNE (Ginninderra) (4.58): While the opposition is willing to accept the amendment, there is a problem already that comes to light in the standing order that we have just adopted, because there is no time line in standing order 213A. There is no time line so there is nothing in there that says that that the document or the claim of privilege must be provided at any time. I just draw this to the attention of the Assembly.

Mr Seselja: The Assembly’s intention is pretty clear, I think.

MRS DUNNE: I draw this to people’s attention and I make the point that, if the Chief Minister does unnecessarily delay, we will have to bring the matter back here.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.59): I think the Assembly has well and truly found its groove this week. I move:

That the Assembly do now adjourn.

Education—gender gap

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.59): I rise this afternoon in the adjournment debate to outline further the ACT government's action to enhance educational outcomes in ACT schools. This government is acting to close the gender gap in English, maths and science. Traditionally, our girls excel in English whereas our boys are achieving better results in mathematics and science. There is no doubt that these subjects are the building blocks of education, and we need to ensure that students excel across the board in these key subjects.

Quality education relies, of course, on first-class facilities and smaller average class sizes but, above all, it relies on well paid and well trained teachers. We look forward to working with the commonwealth to reward our most accomplished teachers, and we look forward to developing a merit-based system that will help our best teachers achieve these higher incomes earlier in their careers.

Quality teaching relies on teachers who regularly adapt their teaching styles and techniques to meet students' learning needs. We know that a student's needs shift from primary to the middle schooling years and then on to college. Effective teaching should reflect these developmental changes. In light of the gender gap in student results in English, maths and science, the ACT government will evaluate the results of a Western Australian government trial of single-sex classes, and we will look to formally measure and evaluate the results in the ACT based on single-sex classes within our own schools.

I can advise the Assembly that a number of ACT schools have already taken the initiative to implement single-sex classes. For instance, Melrose high school has introduced single-sex year 7 English classes and is exploring the possibility of introducing single-sex maths classes. In addition, Belconnen high school conducts single-sex science year 9 classes to support girls, and single-sex year 10 English classes to support boys. Innovative programs for physical education, leadership, personal development and design and technology have been developed and delivered in single-sex classes in ACT schools. We would like to support these initiatives by systematically gathering the results and receiving feedback from the community.

Of course, these initiatives will not solve every problem. We know that the quality of teaching and a student's socioeconomic background have the most significant impact on learning outcomes. Our \$350 million investment in school facilities and the commonwealth's \$230 million stimulus package will also enhance the teaching and learning environment in ACT schools.

We need to continue to pioneer new tools for teachers; students deserve nothing less. Single-sex classes provide students and parents with a wider range of educational options to choose from. They will enable and encourage teachers to develop teaching methods and materials which cater to more targeted groups of students. Formally evaluated ACT-based trials will help build the evidence base for new opportunities for quality teaching.

This is an opportunity for teachers, parents, students and the community to engage in a debate on ways to address the gender gap in student performance, and we look forward to evaluating the results of the Western Australian government trial and future trials within the ACT system. We certainly encourage our public schools to continue to offer diversity in their educational offerings through the programs they already have in place.

Education—student union fees

MR COE (Ginninderra) (5:03): Thousands of students will start university again this year, with orientation weeks beginning next week in Canberra and around the country later this month. University life is an exciting time and represents a world of opportunity for students around the country. Since the 2006 academic year, students across Australia have not been forced to pay compulsory student union fees. In late 2005, the Howard government implemented legislation banning the collection of compulsory union fees. The then federal government cut the unfair student tax.

When talking about the passage of the 2005 legislation, it would be remiss of me if I did not mention some of those who fought hard to ensure the passage of the legislation. Liberal student leaders Rohan D'Souza, Julian Barendse and Tim Andrews dedicated themselves to the fight for freedom on campus for many years and were instrumental in 2005. Then Young Liberal president and now federal member for Mitchell, Alex Hawke, and other federal members, including Sophie Mirabella, Senator Mitch Fifield, Senator Eric Abetz, Dr Brendan Nelson, and Senator Steve Fielding were all instrumental in the bill's passing.

Compulsory union fees do nothing except support the careers of aspiring Labor Party politicians and subsidise political protest at the expense of students who would rather spend hundreds of dollars on other things of their choosing.

In the lead-up to the debate on the legislation in 2005, we heard of the numerous examples of student union wastage. I will never forget one such example which occurred whilst I was studying at the ANU. At the 2004 market day, the ANU Students Association provided an effigy of Prime Minister John Howard for all who wanted to take a hit at it. What an absolute disgrace. I know many students who would have preferred to have spent hundreds of dollars on books or whatever else

they needed rather than subsidise such poor and distasteful politics. There are many examples from around the country of rorts in university unions that are far too numerous to mention now.

If we entrust young adults to make informed choices about their education, it is both paternalistic and ridiculous to force them to pay money to an organisation that provides services they do not use or, worse, uses funds to engage in political activity they do not agree with. I am not suggesting that students should not express political views, nor am I saying that there is not a demand for some services on campus. What I am saying is that political views are best expressed through freedom of association, and student services are best provided through demand of responsive organisations.

Despite promising before the 2007 federal election not to reintroduce compulsory student unionism, in a pattern all too familiar for the federal Labor government, they have backflipped. Julia Gillard post election said:

We are a government that delivers what we promised. We are delivering our election commitments and in this area we said that there would not be a return to compulsory student unionism.

It is another on the long list of broken Rudd promises. Yesterday, the federal Minister for Youth moved legislation in the House of Representatives that would allow universities from 1 July 2009 to set a compulsory fee capped at a maximum of \$250 indexed annually for the provision of so-called student services. It is a Young Labor slush fund in everything but name.

It does not matter if students cannot afford the charge; it does not matter if students use the services or not; it does not matter if they do not subscribe to Labor ideology. This is a tax for one and all. This is what ALP solidarity is all about. If the federal government gets its way, this will be the final year that students will not be charged unfair student taxes. I encourage all those concerned about this unfair tax to visit www.stopstudenttaxes.com and sign their online petition and join the online groups rallying against the tax. I encourage everyone to write to senators urging them to support freedom of association.

National Multicultural Festival Education—language

MR DOSZPOT (Brindabella) (5:07): I rise this evening in the adjournment debate to praise the organisation of the multicultural festival gala dinner, which was held last night at the Hellenic Club. Sam Wong and members of the Canberra Multicultural Community Forum were the driving force behind the event, and I would like to offer them my congratulations. I am sure that if Mr Hargreaves were here he would agree with me that last night—he was resplendent in his red bow tie—would also congratulate the CMFC. I must also make mention of my colleagues who were able to give up their time and attend last night's event—Mr Seselja and Mr Coe. I thank you both for sharing in this wonderful evening.

The theme of last night's event was red hot Latin nights. As this suggests, there was a distinct South American flavour to the entertainment and dress code. I would like to

mention some of the overseas missions that were represented last night—it is indeed an impressive line-up—the ambassadors of Peru, Chile, Mexico, Cuba, Lebanon, Nigeria and Morocco, and representatives from both the Embassy of Bulgaria and the High Commission of Cyprus.

It was also heartening to see strong representation from the Red Cross, who are doing such a magnificent job in coordinating the bushfire appeal for victims of the Victorian tragedy. The Red Cross ran what I believe was a very successful raffle to add to the bushfire appeal last night.

Over 300 guests attended last night's function, a credit to the organisers and the strength of our diverse and active multicultural community in the ACT. Performers included some magnificent dances from the Solarico dance group, the Tango Social Club of Canberra and the Chilean dance group. Guests were also treated to a memorable performance from the Mexican singer, Selene y su Quimba. Again, a very enjoyable evening was had by all.

Finally, and with relevance to multicultural issues, after checking *Hansard* today I have become aware of an error in my speech on Ms Porter's motion yesterday. During the debate on the motion on language education, I mentioned that there was a national Indigenous languages forum being held in Canberra. I would like to correct the record by saying that the Federation of Aboriginal and Torres Strait Islander Languages forum was held on 21 and 22 February 2008.

Legislative Assembly—Attorney General Freedom of information—reform

MRS DUNNE (Ginninderra) (5:10): It is interesting that when the manager of government business moved the adjournment he said that we are in the groove for this sitting period, but he did not seem to enjoy it very much. I think it is probably pertinent that we reflect upon some of the decisions of and events in the house this week, especially as they relate to the manager of government business.

It is not often that members are censured in any way in this house, and it is a traumatic experience for people if they are subject to any sort of censure or vote of want of confidence, but I think that the events of earlier this week show that, when necessary, members should take these matters seriously. In expressing serious concern about the Attorney-General for his comments, I think we now probably have one of the most censured members in the history of the Assembly.

There are things in relation to that issue which are still unclear, and the Attorney-General highlighted those in remarks after question time today. He needs to make perfectly clear in the Assembly—perhaps he should do this when we next sit in a fortnight—exactly what the status is of charges against certain individuals, because it is entirely confusing. The minister said on radio that the individuals had been charged. He spoke as if they had been charged and expressed views about their guilt, which unfortunately resulted in the censure. It is now time to clear up exactly when those men were charged so we know exactly what it is that we are talking about.

Some other elements of the week we saw today was the “oops, I’ve got it wrong—no, serendipitously, I’ve got it right” approach to the standing orders. It would be funny if it were not so tragic. It was comic, but it was a sorry reflection upon the performance of the manager of government business. In addition to being proven to be, by his own admission, a misleader of the Assembly—which he has done serially—he has also been proved to be less than competent in his management of issues before the house today.

On a brighter note—it is a very important issue, and I am sorry if I do gloat on this—the road to FOI reform has been a long one, and I think that what we did yesterday was great work. I am proud of the role that I have played in this, I am proud of the representation for people of the ACT, and I am proud of the consistent support I have received from my colleagues over two Assemblies in the achievement of this goal.

I was marvelling at one stage at how things had changed when I saw the Attorney-General standing and attempting to move amendments to make the FOI bill from his point of view less disastrous for the Stanhope government and having to argue at length for his case. It was interesting to see how the place has changed now that we do not have a majority government and when every party in this place in some way or other holds the balance of power. It is an interesting change, and I think it is a change that will, in the long run, be for the better of the ACT.

It is unimaginable that we could have had a debate about freedom of information or murder or bill posting of the sort that we had this week a mere four or five months ago in the previous Assembly. It would not have been allowed by the Stanhope government. Things would have been pushed through. What we achieved this week was a bit of a brake on these things. It may be discomfoting to the Chief Minister, but it is comforting to the people of the ACT to know that when their laws are made, they have been considered not in the dark but in the full public glare of scrutiny. They have been considered in committee and, as a result, of that, I am pretty sure we will end up with a better result that will not amount to amendments on the run with unintended consequences.

Economy—stimulus package

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) (5.15): I will conclude this week’s sitting by reflecting on an issue that has consumed perhaps the majority of the Assembly’s time this week—namely, the economic stimulus package, which we have just been advised has been voted down in the Senate. It has failed. The Liberal Party have carried through with its threat, and the stimulus package has not passed.

We need to reflect on the implications of that and we need to reflect again on the attitude which the ACT branch of the Liberal Party has taken to the \$350 million of capital that we had expected but which, as a result of the Liberal Party’s actions in the Senate today, along with independents within the Senate, has been defeated. The stimulus package has been defeated in the Senate as a result of the actions of the

Liberal Party and with the support and blessing and, indeed, the urging of the Leader of the Liberal Party in the ACT, Zed Seselja, and his colleagues in this place.

I have asked repeatedly over the last three days for the Liberal Party to explain to the people of Canberra which parts of the \$42 billion package they did not support. We discovered today that the Liberal Party's opposition to the stimulus package is real and is entrenched. The ACT branch of the Liberal Party has embraced and supported in its entirety the attitude of the federal Liberal Party and its federal leadership.

The stimulus package is dead; it has been defeated. The \$350 million of capital that was to come to the ACT will not come. The \$230 million which the government and non-government primary school sector expected to receive will not be received. The \$12 billion of payments to families—Australian families, working families, young families—will not be received. The cheques will not be in the mail. The Liberal Party has seen to that.

The \$102 million of funding for public housing for the people of the ACT will not be paid—the houses will not be built—because the Liberal Party has decided that it cannot support the \$42 billion stimulus package. It is not prepared to support the support for the Australian economy that the federal government proposes. This is on a day on which the Australian Bureau of Statistics reported that unemployment within Australia has jumped from 4.5 to 4.8 per cent. The cynics, the nay-sayers and the go-slowers do not believe that it is a crisis and that this matter should not be delayed.

Unemployment in Australia is reported today by the Australian Bureau of Statistics as jumping from 4.5 to 4.8 per cent. That would be the biggest jump in unemployment for a number of years. What an irony that on the day that it is reported that unemployment across the nation increased from 4.5 to 4.8 per cent, the Liberal Party, supported and urged by Zed Seselja and his colleagues here in the ACT, have stifled, stymied, voted against and brought down the stimulus package proposed by the federal government to ease Australia through this crisis.

Given his explicit support for the position of the federal Liberal Party, it behoves Zed Seselja to explain to the 100-plus government and non-government schools why they do not deserve a boost in infrastructure support. He should go to the Catholic Education Office and explain to the chief executive officer why he, Zed Seselja, does not believe that every Catholic systemic primary school in the ACT deserves a massive boost in support of its infrastructure.

The Leader of the Opposition should actually do what the current education minister has done in his consultation with schools—that is, to go to every school, to face a meeting with every school community, as Andrew Barr has done—and explain to a packed meeting of parents and friends of each of the schools in the ACT why he, Zed Seselja, has chosen to support a policy position implemented today that has led to the non-payment to non-government and government schools in the ACT schools to a total of \$230 million.

Zed Seselja should visit Shelter and talk to them about the needs of people in housing stress and to explain to them why he does not support \$102 million of additional funding for public housing. He should go out and talk to those thousands of Canberra

families that were looking forward to the insulation payment so that they could insulate their homes. He should explain to all those families—those young families, those struggling families—that were looking forward to individual payments of \$950 why he does not believe that they should receive those payments.

Those are the questions that now must be answered by the ACT branch of the Liberal Party, as it, in concert with its federal colleagues, has brought down the stimulus package and put recovery in Australia in such enormous peril and risk.

Question resolved in the affirmative.

The Assembly adjourned at 5.20 pm, until Tuesday, 24 February at 10 am.

Answers to questions

Schools—enrolments (Question No 1)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 9 December 2008:

How many (a) enrolments has the Department of Education and Training received and (b) placement offers have been made for the 2009 school year, for (i) pre-school, (ii) kindergarten, (iii) year 1 and (iv) year 2 years by each government (A) pre school or (B) school in the ACT.

Mr Barr: The answer to the member's question is as follows:

- (1) Students only have to submit an enrolment to a school for their first year of attendance. Consequently, it is not possible for the Department to identify the total number of enrolments in a school prior to the census date. The most recent enrolment numbers for ACT public schools are contained in the *ACT public school census August 2008* publication, which is available on the Department's website.

The Department does collect information on the prospective number of students enrolling for the first time in a school. This data can be used as a proxy estimate for prospective new enrolments. Official enrolment numbers cannot be finalised until the school census. Table 1 provides a summary of students who are prospective enrolments for the first time in each school by year level. It should be noted that this number is not the total number of expected enrolments as continuing students are not included. It should also be noted that, as some students elect to enrol in more than one school, the data in table 1 may be an over-estimate of the number that actually enrol.

Table 1: Prospective new enrolments for ACT public schools for pre-school, kindergarten, year 1 and year 2

School Name	Year Level				Total
	Preschool	Kindergarten	Year 1	Year 2	
Ainslie School	61	14	2	1	78
Amaroo School	178	10	6	6	200
Aranda Primary School	83	7	2	2	94
Arawang Primary School	112	9	3	0	124
Bonython Primary School	12	6	5	2	25
Calwell Primary School	79	1	0	4	84
Campbell Primary School	57	23	5	3	88
Caroline Chisholm School	33	2	0	0	35
Chapman Primary School	135	1	4	0	140
Charles Conder Primary School	112	13	1	0	126
Charnwood-Dunlop School	67	1	0	0	68
Curtin Primary School	93	4	7	3	107
Duffy Primary School	51	0	0	0	51
Evatt Primary School	53	0	2	2	57
Fadden Primary School	55	2	0	0	57
Farrer Primary School	53	2	0	2	57
Florey Primary School	88	7	2	1	98
Forrest Primary School	40	28	11	8	87
Fraser Primary School	60	0	0	1	61
Garran Primary School	53	30	0	1	84
Gilmore Primary School	31	0	0	0	31
Giralang Primary School	34	1	1	0	36

Gold Creek School	123	2	2	0	127
Gordon Primary School	119	1	0	0	120
Gowrie Primary School	45	4	1	0	50
Harrison School	134	10	13	11	168
Hawker Primary School	49	2	4	2	57
Hughes Primary School	37	15	2	3	57
Isabella Plains Primary School	54	0	0	0	54
Jervis Bay Primary School	5	0	0	0	5
Kaleen Primary School	66	4	1	0	71
Kingsford Smith School	173	66	78	88	405
Latham Primary School	41	7	2	3	53
Lyneham Primary School	47	15	0	0	62
Lyons Primary School	27	2	0	0	29
Macgregor Primary School	59	3	0	1	63
Macquarie Primary School	43	0	2	1	46
Majura Primary School	95	2	0	0	97
Maribyrnong Primary School	24	11	1	0	36
Mawson Primary School	30	8	0	0	38
Miles Franklin Primary School	67	10	1	3	81
Monash Primary School	62	0	0	0	62
Mount Rogers Primary School	74	5	1	1	81
Narrabundah Primary School	34	2	1	0	37
Ngunnawal Primary School	78	1	0	2	81
North Ainslie Primary School	84	6	1	2	93
O'Connor Cooperative School	22	0	0	0	22
Palmerston District Primary School	54	6	3	0	63
Red Hill Primary School	139	9	3	4	155
Richardson Primary School	35	4	2	0	41
Southern Cross Primary School	42	0	0	0	42
Taylor Primary School	53	1	0	0	54
Telopea Park School	0	71	1	3	75
Theodore Primary School	53	2	0	1	56
Torrens Primary School	86	2	1	2	91
Turner School	68	4	2	14	88
Urambi Primary School	80	12	1	0	93
Wanniassa Hills Primary School	83	2	1	2	88
Wanniassa School	37	1	1	1	40
Weetangera Primary School	66	1	0	2	69
Yarralumla Primary School	51	8	13	8	80
Grand Total	3979	460	189	190	4818

Source: Department of Education and Training student administration database, accessed on 16/12/2008

Gutteridge Haskins Davey—Canberra Technology Centre project (Question No 2)

Mr Seselja asked the Chief Minister, upon notice, on 10 December 2008:

- (1) What was the purpose of a meeting held on 16 October 2008 by Gutteridge Haskins Davey (GHD), the consultants employed to provide an Environmental Impact Statement for the Canberra Technology Centre project and who initiated the meeting.
- (2) Who was invited to the meeting and why were they invited.
- (3) What position, if any, was taken on behalf of the ACT Government or its agencies at this meeting.
- (4) Who was chosen to represent ACT Government agencies and how were they chosen.
- (5) What representation was there of communities that will be affected by the project.

Mr Stanhope: The answer to the member's question is as follows:

1. This meeting was arranged by the proponents and their consultants as part of their drafting and investigation for the Environmental Impact Statement (EIS). Under Part 2, Section 5 (d) of the *Land (Planning and Environment) Regulations 1992*, the proponent is required to detail the source of information relied upon and any consultation undertaken as part of the preparation of the EIS. In accordance with this, consultation with statutory authorities and agencies was undertaken on Thursday 16 October, 2008. The consultation consisted of a workshop run by the EIS Consultants in which the following was presented and discussed:

- The proponent and GHD gave a presentation of the CTC proposal, outlining the key features, the issues to be discussed and addressed in the EIS, the EIS process and the structure and content of the EIS;
- A discussion was facilitated whereby the attendees were invited to ask questions of the proponent and the consultant for the EIS about the proposal and the EIS;
- Attendees were invited to raise any potential issues they had with the proposal; and
- All attendees were invited to comment further on the proposal by submitting responses in writing to the consultant for the EIS to be considered in the preparation of the document.

2. The agencies and government bodies invited to participate in the workshop (for the reasons detailed above) were:

- ACT Planning and Land Authority (ACTPLA);
- Parks, Conservation and Lands (TAMS);
- Heritage Unit (TAMS);
- Asset Acceptance (TAMS);
- Environment Protection Unit (TAMS);
- Roads ACT;
- Land Development Agency;
- ACT Emergency Services Authority;
- Office of the Commissioner for Sustainability and the Environment;
- Australian Federal Police;
- Queanbeyan City Council;
- National Capital Authority;
- ACT Chief Minister's Department;
- ACT Health;
- Disability ACT; and
- Conservation Council for South East Region and Canberra Inc.

The following agencies and government bodies were represented at the consultation workshop:

- Parks, Conservation and Lands (TAMS);
- Heritage Unit (TAMS);
- Asset Acceptance (TAMS);
- Environment Protection Unit (TAMS);
- Roads ACT;
- ACT Chief Minister's Department;
- ACT Health; and
- Queanbeyan City Council.

3. The minutes from the meeting have been made publicly available as Appendix B to the EIS.
4. The proponent advised that they sought advice from ACTPLA to identify the relevant government agencies that should be represented. The agencies nominated the appropriate officer with the technical capability required.
5. This meeting had specific requirements under the Land (Planning and Environment) Regulations 1992 as dealt with above. Similarly as a result of the directions to conduct the EIS, there is a separate consultation process with the broader Canberra community which is currently underway.

Gas-fired power station and data centre (Question No 3)

Mr Seselja asked the Chief Minister, upon notice, on 10 December 2008:

- (1) Who were the members of the taskforce established to select alternate sites for the data centre and how were they chosen.
- (2) What were the terms of reference for the taskforce and who (a) drafted and (b) approved them.
- (3) What sites were investigated as part of the taskforce, how were they chosen and what criteria were used to assess them.
- (4) What consultation, if any, was held with affected groups and how was this consultation conducted.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The Taskforce was chaired by the Chief Executive, Chief Minister's Department (CMD) and represented by the Chief Executives and their technical experts from:
 - CMD;
 - ACT Health;
 - Department of Territory and Municipal Services (including technical experts who are now part of the Department of the Environment, Climate Change, Energy and Water);
 - ACT Planning and Land Authority (ACTPLA); and
 - the Land Development Agency (LDA).

Additionally, the ACT Government Solicitor and ACT Parliamentary Counsel's Office respectively, provided advice and legislative drafting assistance to the Taskforce.

- (2) The Taskforce terms of reference were to provide advice to Government on the transfer of the project to another site and on the criteria for project relocation. The Taskforce was also required to report to Government on issues and matters to be resolved around the timely transfer of the project to the new site. The TOR were drafted by CMD and approved by the Chief Minister.
- (3) The sites investigated include land covered by the Southern Broadacre Study, Sections 8, 21 and 22 Hume (Hume West Estate), Section 23 Hume and Block 1676 District of

Tuggeranong. These sites were among those previously identified by the proponent as meeting their selection criteria.

Key factors considered in determining the relative suitability of individual sites, based on the best information available at the time, included:

- Physical site;
- Community;
- Timing;
- Environmental factors.

- (4) Consultation in relation to the proposal is being undertaken with affected groups as part of the current Development Application (DA) and the associated Environmental Impact Statement (EIS) processes in relation to the Tuggeranong District site. Consultation with affected groups in relation to the new site will continue and be undertaken in association with a new DA for that site.

Government—web site design (Question No 4)

Mr Seselja asked the Chief Minister, upon notice, on 10 December 2008:

- (1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Chief Minister's Department in the 2008-09 financial year to date.
- (2) How much was spent, for the purposes outlined in part (1), in the (a) 2004-05, (b) 2005-06, (c) 2006-07 and (d) 2007-08 financial years.

Mr Stanhope: The answer to the member's question is as follows:

- (1) Approximately \$123,500.
- (2) I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Political advertising (Question No 5)

Mr Seselja asked the Minister for Health, upon notice, on 10 December 2008:

- (1) Did any staff of ACT Health feature in Australian Labor Party election advertising; if so, who gave approval for staff to appear in this advertising.
- (2) Were any departmental premises or facilities used in ACT election advertising; if so, who gave approval for premises or government facilities to appear in this advertising.

Ms Gallagher: The answer to the member's question is as follows:

- (1) A small number of Canberra Hospital nurses appeared in an Australian Labor Party election advertisement. The hospital was not involved in organising the nurses who appeared and they participated in their own time. The hospital has no jurisdiction over the private activities undertaken by its staff in their own time.
 - (2) Following a request from the Australian Labor Party, an area of Canberra Hospital was made available for use in an Australian Labor Party election advertisement. The Chief Executive of ACT Health authorised the use of this facility. A request for use of the facility by other political parties would have been similarly responded to. No other political party made this request.
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Political advertising (Question No 6)

Mr Seselja asked the Minister for Education and Training, upon notice, on 10 December 2008:

- (1) Did any staff of (a) the ACT Department of Education and Training, (b) ACT government schools or the (c) Canberra Institute of Technology (CIT) feature in Australian Labor Party election advertising; if so, who gave approval for staff to appear in this advertising.
- (2) Were any (a) departmental, (b) school or (c) CIT premises used in ACT election advertising; if so, who gave approval for Government facilities to appear in this advertising.

Mr Barr: The answer to the member's question is as follows:

- (1) I am advised that as far as the Department of Education and Training and the Canberra Institute of Technology are aware, no staff featured in any Australian Labor Party election advertising. All staff were advised of their obligations under the 2008 Caretaker Conventions and the Commissioner for Public Administration's Guidance on Obligations for Public Employees during the Pre-Election Period.
 - (2) The Department of Education and Training and the Canberra Institute of Technology adhered to the caretaker conventions as outlined in the Australian Capital Territory 2008 General Election Guidance on Caretaker Conventions.
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Children—autistic (Question No 7)

Ms Hunter asked the Minister for Education and Training, upon notice, on 10 December 2008:

- (1) What support is there to help graduate high school autistic children to enter the workforce.
- (2) Will all super schools have speech therapists available.

- (3) What coordination is there between the Department of Education and Training and Therapy ACT on this issue.

Mr Barr: The answer to the member's question is as follows:

- (1) The ACT Department of Education and Training is a member of the ACT Interagency Committee. The role of this committee is to increase cross-agency collaboration with a view to improving post school outcomes for all students with a disability. Members of the committee include other ACT and Australian Government agencies, the non-government education sector and private enterprise.

The two major activities of the committee are the publication of a transition guide, *Future Pathways* and the staging of an annual Post School Options Expo. *Future Pathways* assists students to make informed decisions and plans for life after school and is provided to all ACT students with a disability in years 9, 10, 11 and 12.

The aim of the expo is to provide students with a disability, their families, carers and teachers with advice on transition planning, career pathways, employment services and options, further education and training, funding eligibility, advocacy and information services, employability skills, life skills and community access services.

In addition to the work of the committee, students also have access through their schools to programs such as work experience, vocational education and training, Australian School-based Apprenticeships and the Student to Industry Program. These programs are supported at the Department level by a designated Post Schools Options officer.

- (2) Therapy services, including speech therapy, for students with a disability in ACT public schools are provided by Therapy ACT. There are no plans for the Department of Education and Training to directly employ therapists to work in schools.
- (3) Therapy ACT and the Department of Education and Training work in partnership to consider how best to meet the high levels of demand for therapy services for school-aged children.

Children—autistic (Question No 8)

Ms Hunter asked the Minister for Education and Training, upon notice, on 10 December 2008:

- (1) What is the ACT Government doing to establish a training program in the ACT in specialist areas needed for autistic children, such as speech therapy.
- (2) What professional training is there for specialists and teachers to ensure that professionals are being kept up-to-date.

Mr Barr: The answer to the member's question is as follows:

- (1) An interagency group with representation from Autism Asperger ACT, Therapy ACT, the University of Canberra, and the Department of Education and Training was

established in 2008 to develop a set of best practice guidelines and a resource kit/handbook to support staff working with students with Autism Spectrum Disorder (ASD) in ACT public schools. Once completed the introduction of the guidelines will be supported with a professional learning program in 2009. A range of other opportunities are available for staff to enhance their skills and knowledge about autism. See response to (2).

- (2) The Department of Education and Training provides a range of opportunities for staff to enhance their skills and expertise in teaching children with Autism. These opportunities include workshops conducted by experienced staff or visiting experts and supported attendance at conferences and seminars. Teachers are supported to participate in a Graduate Diploma in Disability Studies (Autism) offered by the University of Canberra and assistants are supported to enrol in the certificate and diploma courses in disability work offered by the Canberra Institute of Technology.

Children—autistic (Question No 9)

Ms Bresnan asked the Minister for Health, upon notice, on 10 December 2008 (*redirected to the Minister for Community Services*):

- (1) Given the low availability of speech therapists and other appropriate specialists for children in the autistic/asperger's spectrum, what funding is available to help families, particularly with low incomes, access privately-organised programs.
- (2) Why are the specialist home visits such as psychologist, speech therapist and occupational therapist, confined to those under five only.
- (3) What lobbying is the ACT Government doing to gain extra Federal funding for this underserved area.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The ACT Government provides free services for children with Autism Spectrum Disorders, including Aspergers syndrome through Therapy ACT and the Department of Education and Training. There are no ACT Government programs to assist families to access private programs. This assistance is provided by the Commonwealth Government through its Autism Initiatives, which includes funding of up to \$12,000 per child and access to medicare rebates. The Commonwealth will also fund autism advisers in each State and Territory to provide advice to families on the availability of services, including those provided by State and Territory Governments.
- (2) Therapy ACT currently provides services to 213 school aged children (aged between 5 and 16) with a diagnosis of Autism Spectrum Disorder. These children may be visited at home for specialist intervention services particularly in relation to behaviour modification (psychology), sensory disorder (occupational therapy) or communication (speech pathology). Visits may be at school rather than at home, as parents often identify that their child needs more support in the school environment.
- (3) The ACT Government represents the needs of all people with a disability in its negotiations with the Commonwealth Government for growth funding for disability services.

As part of the implementation of the Commonwealth Autism initiatives the ACT provided information on current services and levels of demand.

**Children—autistic
(Question No 10)**

Ms Bresnan asked the Minister for Health, upon notice, on 10 December 2008
(*redirected to the Minister for Community Services*):

- (1) How many ACT Government services are there at present for children under five with autism/aspergers.
- (2) What programs are there for school aged children.
- (3) What is the ACT Government doing to identify the needs of autistic adults.
- (4) What training is made available to parents of autistic children to ensure that they are able to support their children appropriately.
- (5) What coordination is there between the Federal and ACT health services on the issue.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There are seven key services provided by the ACT Government for children under five with Autism Spectrum Disorders (ASD) and those with suspected diagnoses. These services are:
 - Access to Child Health Medical Officers and Community Paediatricians at ACT Health who can examine the child's development, refer for assessment services and, on the basis of assessments, make a diagnosis of ASD;
 - Therapy ACT provides a comprehensive multi disciplinary assessment service to assist paediatricians in the diagnostic process through its Autism Assessment and Family Support Service;
 - This team also provides a six week Family Support program for those families with a child (of any age) diagnosed with ASD;
 - Therapy ACT Early Childhood Teams provide intervention services to children with a diagnosis of ASD, and to those with signs of autism who have not yet been diagnosed. The service delivery model utilised will depend on the needs of the individual child and could include, one or more individual therapy, group therapy (both with a parent education focus), a program within the education setting (including collaboration with the teacher), and home visits using the Early Play Program;
 - The Department of Education provides early intervention playgroups for children aged two to three years with significant needs in communication and social development. Children are able to attend two sessions per week in a small group of up to six children with a teacher and two Learning Support Assistants;
 - For children aged three to five years with a diagnosis of ASD, the Department of Education provides two, four-hour sessions per week at an Autism Intervention Unit (AIU). There are four children per group, staffed by a teacher and Learning

Support Assistant. Preschool children may also be supported through the Early Childhood Centres, a special preschool group program; and

- Respite services for the families of children with ASD are provided by Disability ACT and by community agencies funded by the ACT Government.
- (2) The same range of services is available for school aged children as there are for pre school children, but with a greater emphasis on school based activities. School aged children have access to:
- Medical and diagnostic services through ACT Health;
 - Multidisciplinary assessment services through Therapy ACT;
 - Family Support programs through Therapy ACT and with additional Family Information workshops funded by the Commonwealth Government and provided in the school setting;
 - Therapy ACT provides intervention through its school aged teams. The service delivery model will depend on the needs of the individual child and could include one or more of- individual therapy, group therapy (both with a parent education focus), programs within the education setting (including collaboration with the teacher), and home visits. However, in the school aged population, especially towards middle primary, many of the issues which are raised by parents involve the school setting, therefore intervention is often based in this setting;
 - The Department of Education provides education support. Depending on the level of need of the child and the preference of families this support may be to provide additional support in a mainstream classroom, attendance at a Learning Support Unit, or at a special school; and
 - Respite services for the families of schools aged children are provided by Disability ACT and by community agencies funded by the ACT Government.
- (3) Adults with suspected ASD can self refer or be referred to Therapy ACT for assessment and support. Disability ACT provides a range of services to adults with disabilities, including ASD. These services include:
- Community Access support;
 - Accommodation support;
 - Respite services for families and carers; and
 - Information and Planning services.
- (4) Parent Support and Education is provided through the Therapy ACT Autism Assessment and Family Support service and through the aged based teams providing intervention. The Commonwealth Government is funding two parent/carer workshops in the ACT in 2009. These workshops will be provided by the Australian Autism Education and Training Consortium
- (5) The ACT has an established an interdepartmental working group on autism services. Both Territory and Commonwealth Departments attend these meetings to exchange information on services and the progress of implementing the new initiatives.
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**Food—genetically modified
(Question No 11)**

Ms Bresnan asked the Minister for Health, upon notice, on 11 December 2008:

- (1) Given that the Australia and New Zealand Food Regulation Ministerial Council (Food Regulation Ministerial Council) announced at its meeting in October 2008 that there would be a review of all food labelling, will this review also cover the labelling of genetically engineered (GE) food which currently does not require the labelling of highly processed products or products derived from animals fed GE food.
- (2) What plans does the ACT Government have to progress the Australian Labor Party's National Platform and Constitution which states that Labor is committed to effective product labelling to ensure consumers can make informed choices, that food should be labelled to ensure consumers know both the ingredients and processes used and that Labor also supports the comprehensive labelling of genetically modified food.
- (3) Given that although the ACT has a moratorium on GE crops, however GE canola and cottonseed products from NSW, Victoria and overseas may enter the ACT as ingredients in a wide range of processed food products, will the Government call for complete labelling of all genetically modified foods at the Food Regulation Ministerial Council, so that ACT families can choose to avoid these products.

Ms Gallagher: The answer to the member's question is as follows:

- (1) Yes. It is understood that the proposed independent and comprehensive review of food labelling law and policy in Australia will cover the labelling of genetically modified (GM) food.
- (2) The ACT Government is looking forward to carefully considering the outcomes of the proposed independent review of food labeling and policy and acting on the review's recommendations as part of the Australia and New Zealand food regulatory system.
- (3) The ACT Government supports food labelling that provides consumers with essential information to make informed choices when buying food products. This includes labelling of GM food. The proposed comprehensive review of food labelling laws and policy is expected to consider a broad range of issues, including expansion or otherwise of the current labeling requirements for GM food. The ACT Government will consider recommendations from this review.

**Office of Aboriginal and Torres Strait Islander Affairs
(Question No 12)**

Mr Hanson asked the Minister for Indigenous Affairs, upon notice, on 11 December 2008:

- (1) What proportion of funding was dedicated to the Office of Aboriginal and Torres Strait Islander Affairs in the 2008-09 Budget, as opposed to the areas of Multicultural Affairs, Women and Ageing.

- (2) How many full-time equivalent staff currently are employed by the office;
- (3) What are the strategic and policy objectives of the office.
- (4) Do whole of government strategic and policy objectives exist to deal with indigenous issues; if so, what are they.
- (5) How does this unit operate in terms of a whole of government approach to achieving the objectives set out in the Minister's answer to part (3).
- (6) Will the Minister provide a breakdown of all assets or infrastructure owned, managed or administered by this office and the value of these assets.
- (7) What is the purpose, structure, role, cost and activities of the Aboriginal and Torres Strait Islander Elected Body as well as the United Ngunnawal Elders Council and are there any (a) substantive measures or initiatives which have been introduced by either body and (b) reports which assess the success, progress or challenges faced by either body; if so, what are they.
- (8) What is the status of all objectives which deal with indigenous health and education outcomes as set out in the ACT Human Capital Plan (April 2007) as well as the Canberra Social Plan.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The ACT Government 2008-09 Budget provided funding to the four areas specified as follows:

Budget Item	Amount	Percentage of total DHCS Budget
DHCS Budget P205, BP4 - GPO	\$188,517,000	100.00%
Aboriginal & Torres Strait Islander Affairs	\$830,200	.44%
Multicultural Affairs	\$2,494,600	1.32%
Ageing	\$1,312,494	.69%
Women	\$1,417,153	.75%

- (2) Five full time equivalent staff.
- (3) The information is available in the 2007-08 DHCS Annual Report Volume 1.
- (4) The information is available in the 2009-08 DHCS Annual Report Volume 1
- (5) The information is available on the DHCS website www.dhcs.act.gov.au/omatsia/atsia.
- (6) The Office manages and administers the Aboriginal and Torres Strait Islander Cultural Centre situated at Yarramundi Reach. The Centre includes two assets:
 - land at valuation at December 2008 – original cost and net (book) value \$200,000;
 - building at valuation at December 2008 – original (book) cost \$100,000, accumulated depreciation \$5,989, net book value \$94,017;

- Works-in-progress: stage one refurbishments, completed early 2008 – \$935,000 inclusive of GST; and stage two refurbishments, due for completion July 2009 – budgeted figure \$660,000 inclusive of GST.

(7) *The ACT Aboriginal and Torres Strait Islander Elected Body* was formed under the *Aboriginal and Torres Strait Islander Elected Body (ATSIEB) Act 2008*. The purpose of the Elected Body is to ensure maximum representation and participation by Aboriginal and Torres Strait Islander peoples living in the ACT in the formulation, coordination and implementation of government policies that affect them. Under the Act the Elected Body is to represent and advocate for Indigenous interests through research, community consultation, program proposals, monitoring and reporting on government programs, and providing advice to the Minister. The Elected Body must, in exercising its functions, meet at least six times per year, consult with, and consider the views of, the United Ngunnawal Elders Council and conduct community forums.

- Structure – the Elected Body has seven members
- Cost – for the 2008 09 financial year, was allocated \$300,000 for the operation of the Elected Body, including payment of secretariat salaries.

The purpose of *The United Ngunnawal Elders Council* (UNEC) is to provide advice to the ACT Government in relation to culture, heritage and ‘connection to land’ matters on behalf of the Ngunnawal people. It must also provide advice to the Elected Body in accordance with *sections 8(j) and 9 of the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) Act 2008*.

- Structure – UNEC comprises representatives of each of the 12 Ngunnawal family groups.
- Cost – for the 2008 09 financial year, \$25,000 was allocated to support UNEC meetings and other associated activities.

(a) As representative and consultative bodies the Elected Body and UNEC were created to effectively voice the concerns and promote the interests of Aboriginal and Torres Strait Islander peoples living in the ACT. While they provide advice, and in the case of the Elected Body, may propose measures, and must report on government program effectiveness, these bodies neither introduce nor manage programs.

The ACT Aboriginal and Torres Strait Islander Elected Body

The newly elected members have begun to organise around their roles and responsibilities. Consultations are well under way with several ACT and Commonwealth government agencies, educational institutions and community organisations. Members are part of the Aboriginal Justice Agreement working group, and the ACT Indigenous Education Advisory Board selection panel as well as attending various forums that involve Indigenous issues. The first community consultation is scheduled for March 2009.

United Ngunnawal Elders Council

Through extensive consultation and engagement with ACT, NSW and Commonwealth government agencies and non-government organisations UNEC contributes significantly to decision making in matters of cultural heritage preservation, water and other natural resource management, public artworks, memorials, and street naming throughout the ACT. As a result practical initiatives such as ‘Welcome to Country’ signage and ceremonies are now commonplace in the ACT.

(b) *ACT Aboriginal and Torres Strait Islander Elected Body*

Under the Act, ACTIEB must report to the Minister on the effectiveness and accessibility of ACT government programs for Indigenous people. The body is only recently formed and will consult with government and community stakeholders to determine an appropriate reporting regime.

United Ngunnawal Elders Council

As a consultative body, UNEC's work is ongoing and continues to grow, successfully promoting understanding of traditional Indigenous matters in the ACT.

(8) Indigenous health objectives

The ACT Human Capital Plan and the Canberra Social Plan highlight a number of Aboriginal and Torres Strait Islander initiatives being promoted and implemented by the ACT Government. The Human Capital Plan refers to the COAG goal of reducing the gap between Indigenous and non-Indigenous outcomes, particularly in relation to the proportion of children born healthy. The Human Capital Plan commits to reducing the gap between the proportion of Indigenous and non-Indigenous children born healthy and 'improving antenatal care' and 'strengthening the health, development and learning of 0-5 year olds' through integrated service delivery to Indigenous families.

The Canberra Social Plan contains two specific actions:

- Expand the Aboriginal Midwifery Access Program planned by Winnunga Nimmityjah Aboriginal Health Service and establish an ear health program for infants and children: and
- Improve the capacity of mainstream ACT Health services to meet the needs of Aboriginal and Torres Strait Islander people.

ACT Health provides services and support to key Aboriginal and Torres Strait Islander organisations to address the gap in health outcomes for Aboriginal and Torres Strait Islander people and non-Indigenous people.

Winnunga Nimmityjah Aboriginal Health Service

Winnunga Nimmityjah Aboriginal Health Service is a primary health care service initiated and managed by the local Aboriginal community to provide a culturally safe holistic health service to the Aboriginal people of the ACT and surrounding areas. The service is governed by a Board whose members are drawn from and elected by the local community. Services offered by Winnunga include:

- Midwifery Access Program;
- Hearing Health Program;
- Dental Health Program;
- Mental Health Liaison Service;
- Dual Diagnosis Program;
- Youth Detox Support Service;
- Correctional Outreach Services, and
- Opiate Program.

The Health Hearing Program is recurrently funded (\$133 300 in 2008-09) by ACT Health to provide a comprehensive screening service, appropriate treatment, including surgical intervention and hearing health education.

In addition, the Midwifery Access Program is recurrently funded (\$304 480 in 2008/09) to provide antenatal and postnatal support to Aboriginal and Torres Strait Islander mothers through:

- outreach clinical and non-clinical assessments at home;
- referrals to and support in accessing mainstream and specialist services; and
- the provision of information on these services.

The Canberra Hospital

An Aboriginal and Torres Strait Islander Liaison Office is located in the Canberra Hospital. It ensures that Aboriginal and Torres Strait Islander people from the ACT and surrounding region can access hospital services in a culturally appropriate way.

The Liaison Office provides:

- emotional, social and cultural support to patients and their families;
- liaison services for patients and their families; and
- information about hospital services and the linkage between the Hospital and other Aboriginal and Torres Strait Islander community resources.

Indigenous education objectives

The latest progress report on the Indigenous education objectives set out in the *Canberra Social Plan and the ACT Human Capital Plan, is the Performance in Indigenous Education: Interim report to the Legislative Assembly of the Australian Capital Territory January-June 2008*, tabled in the Assembly in September 2008.

Hospitals—wards and operating theatres (Question No 13)

Mr Hanson asked the Minister for Health, upon notice, on 1 December 2008:

- (1) Can the Minister list the number of wards originally constructed at (a) The Canberra Hospital (TCH) and (b) Calvary Public Hospital (Calvary).
- (2) Of those wards listed in part (1), how many are now being used for purposes other than the provision of bed spaces.
- (3) In relation to part (2), what impact has the use of ward space for other purposes had on the number of possible bed spaces at TCH and Calvary.
- (4) How many operating theatres are located at TCH and Calvary.
- (5) Of these operating theatres listed in part (4), how many are in use.
- (6) What is the usage of those operating theatres listed in parts (4) and (5) in terms of hours per day.

Ms Gallagher: The answer to the member's question is as follows:

- (1) No. The significant changes to the infrastructure at our hospitals, together with the considerable changes to the way in which services are provided make any comparison between the early 1970s and current provision of service of little use. A large range of services previously provided in a hospital environment are now provided in a community setting. In addition, a number of illnesses which required lengthy hospital stays now require only short term hospital admission and the ageing of the population has changed the type of services that are provided within hospitals.

Our hospitals currently have 68 wards in operation. There are 51 wards in operation across the TCH campus and 17 wards in use at Calvary Public Hospital. Preliminary results show that during 2007-08, our public hospitals provided an average of 853 beds, up 29 percent from the 670 beds available in our public hospital system at the end of the previous Government's term in 2001-02.

- (2) The \$1 billion re-development of our public hospital infrastructure launched by the Government in 2008 reflects the fact that our public hospital is reaching its capacity in terms of available space for beds, clinics, offices and other necessary spaces.

In addition, it is not appropriate to suggest that all spaces within a hospital should be available only for bed spaces. As an example, the significant increase in the number of staff specialists employed at our public hospitals and the increased emphasis on providing care in the least invasive manner, has resulted in significant increase in demand for outpatient type services. These services require the provision of suitable office space for doctors and treatment and waiting areas for patients.

The most appropriate measure of the capacity of our hospitals to meet the demand from the community is the bed occupancy rate. A bed occupancy rate of around 85% is considered optimum in terms of patient care and efficiency. Over the last three years, the additional beds provided by the ACT Government for our public hospitals has enabled our hospitals to reduce bed capacity from 96% in 2005-06, to 91% in 2006-07 and 89% in 2007-08.

- (3) The biggest impact on the capacity of our hospitals to meet the growing demand from our community was the considerable reduction in the number of available hospital beds over the period of the previous Government from 1995.

In 1995-96, the Australian Institute of Health and Welfare (AIHW) reported that our public hospitals had an average capacity of 780 beds. By the end of the Government's second term in 2001-02, this had dropped to just 670 beds.

Over the six years to 2007-08, the current Government has funded the establishment of a further 181 beds – with a total of 851 beds available on average during 2007-08 (up from the initial estimate of 830 beds that I advised the community a few months ago).

A further 25 beds will be opened during 2008-09 including 20 general ward beds, three cancer service beds and two new ICU beds.

We are also undertaking capital works at TCH to provide for the new Surgical Assessment and Planning Unit in 2009-10 and to meet additional demands from the community.

ACT Health will also provide additional bed capacity for our public hospitals over the next few years through an expansion of the Community, Acute and Post Acute Care service, which will provide for more care to be provided in peoples' homes (where clinically appropriate).

- (4) TCH has 10 operating theatres with two additional temporary theatres currently under construction. Construction work for the two new theatres has commenced and they are expected to be operational by around the middle of 2009.

Calvary has six existing operating theatres with another under construction. That construction commenced in December 2008 and will be completed at the end of March 2009. Following the completion of this construction, Calvary will have a capacity of seven operating theatres.

- (5) All of the operating theatres at TCH and Calvary are being used.
- (6) Of the ten theatres at TCH, 1 is used 24 hours per day, seven days per week for emergency surgery. One theatre is used nine hours per day, seven days per week for orthopaedic non-elective cases, and eight theatres are used nine hours per day each working day for elective surgery lists. However, the elective theatres are used for emergency cases where demand exceeds the capacity of the emergency theatre.

The six existing theatres at Calvary generally operate nine hours per day Monday to Friday, and as required after these times and on weekends for emergency surgery. Theatre seven will operate at similar capacity when it comes on-line in March 2009.

Alexander Maconochie Centre—contractors (Question No 14)

Mr Hanson asked the Minister for Corrections, upon notice, on 11 December 2008:

- (1) Who were the companies that were contracted either directly or indirectly by the ACT Government to construct the Alexander Maconochie Centre (AMC) or to provide services that were necessary for the completion of the AMC and what were each of those services.
- (2) What were the costs of each contract outlined in part (1) to the ACT Government for the provision of all services rendered.
- (3) What was the initial expected completion date of the AMC, in the view of the ACT Government, and was this date stipulated in any contracts entered into by the Government.
- (4) When did the ACT Government first become aware of any delays regarding the completion of the AMC, and where possible, can the Minister outline the nature of the delays as precisely as possible.
- (5) When did the ACT Government initially expect to begin receiving prisoners into the AMC.
- (6) How many staff will be employed directly or indirectly by the ACT Government for the provision of corrective services at the AMC.

- (7) How many corrective services officers have been trained or retrained by or on behalf of the ACT Government purposely for the provision of corrective services at the AMC.
- (8) In relation to part (7), can the Minister outline the numbers of corrective services officers that have graduated from courses provided or paid for by the ACT Government and on what dates they graduated.
- (9) In relation to part (8), subsequent to course graduation, can the Minister specify if corrective services officers are employed by the ACT Government and what is the nature of the work being undertaken by these graduates while the AMC remains offline.
- (10) Can the Minister advise if those officers outlined in part (9) were employed as corrective officers from the commencement of their relevant courses.
- (11) What has been the cost per month since November 2007 to the ACT Government for the remuneration of corrective services officers, as either trainees or graduate staff, that are or were intended to be employed at the AMC.
- (12) In relation to part (11), what has been the retention rate of graduates or trainees that are or were intended to be employed at the AMC.

Mr Corbell: The answer to the member's question is as follows:

Part (1)

The main companies that were contracted by the ACT Government to construct the AMC or to provide services that were necessary for the completion of the AMC were as follows:

- Sinclair Knight Merz Pty Ltd (SKM) – Program Manager Consultancy
- Codd Stenders Pty Ltd and May & Russell Architects Pty Ltd (CSMR) Joint Venture – Design Consultancy
- Canberra Contractors Pty Ltd – Early Works Construction
- BMD Major Projects Pty Ltd – Bulk Earthworks Construction
- Bovis Lend Lease (BLL) Pty Ltd – Main Works Construction
- W P Brown and Partners – site investigation and preliminary assessment
- Brown Consulting (ACT) – site survey
- Wayne Smith and Co – probity audit (Program Manager Consultant) and probity audit (Main Works Construction)
- Blake Dawson Waldron – probity audit (Design Consultant)
- ACTEWAGL – electrical site services
- Yarralumla Nursery – plants for verge landscape

There were also a large number of subcontracts to the major contractors for various works and services.

Part (2)

Costs of completed contracts are:

- Canberra Contractors Pty Ltd – Early Works Construction – \$2,332,751.51
- BMD Major Projects Pty Ltd – Bulk Earthworks Construction – \$3,193,387.81
- W P Brown and Partners – site investigation and preliminary assessment – \$218,165.12

- Brown Consulting (ACT) – site survey – \$102,200.00
- Wayne Smith and Co – probity audit (Program Manager Consultant) – \$10,268.83 and probity audit (Main Works Construction) – \$28,618.16
- Blake Dawson Waldron – probity audit (Design Consultant) – \$18,992.06
- ACTEWAGL – electrical site services – \$29,138.99
- Yarralumla Nursery – plants for verge landscape – \$19,465.60

The remaining contracts are not yet complete and final costs will depend upon resolution of variations and finalisation of works.

Part (3)

All construction contracts entered into by the ACT Government (past and present) contain standard clauses whereby timeframes are negotiated in accordance with agreed extensions of time. The current contracted completion date with all approved to date extensions of time, was 2 September 2008.

Part (4)

ACT Government employees were advised on 24 July 2008 of delays regarding the completion of the AMC as a result of issues associated with the commissioning of the security systems. The advice provided at that time indicated an estimated actual completion date of 15 to 22 September 2008.

Part (5)

Approximately one month after completion of the specified commissioning period.

Part (6)

174 Full Time Equivalent (FTE).

Part (7)

149 FTE.

Part (8)

- 20 Officers graduated 20/12/2007, course commenced 15/10/2007
- 8 Officers graduated 29/2/2008, course commenced 10/12/2007
- 30 Officers graduated 15/5/2008, course commenced 3/3/2008
- 5 Officers graduated 4/9/2008, course commenced 1/7/2008.

Prior to commencing work at the AMC, all 174 FTE corrective services staff must have undertaken either their induction course or their additional training in preparation for the receipt of prisoners at the AMC. The completion of various training components by individuals is incremental and ongoing.

Part (9)

All 63 graduates of the 10-week induction training course were employed by the ACT Government.

The 63 officers were employed as permanent custodial officers (under probationary arrangements) upon graduation from the induction course. All these officers have been working at the Custodial Officer Grade 1 level in the various existing ACT correctional facilities.

ACT facilities were under staffing pressures due to factors such as natural attrition, with existing officers working extra shifts to address the increased rostering requirements.

The new recruits were recruited against a timetable to alleviate the staffing pressures and enable existing staff to attend training and access a considerable back-log of leave entitlements.

Non-custodial corrections officers employed by the ACT Government for the provision of corrective services at the AMC have been developing policies and procedures, delivering training and performing general duties to support the commissioning of the AMC. Further, probation and parole officers employed for the provision of corrective services at the AMC have been preparing rehabilitation plans for ACT sentenced prisoners, developing programs and releasing existing staff for training.

Part (10)

The custodial officers outlined in part (9) were employed as trainees for the duration of their 10 week induction training course and were subsequently engaged as Grade 1 Custodial Officers upon completion of that course.

Non-custodial officers outlined in part (9) were all employed as permanent staff from the commencement of their relevant courses.

Part (11)

None of the staff employed since November 2007 are excess to current staffing requirements, as outlined by part (9). In progressing through from commissioning to comprehensive operational levels at the AMC, staff will be required at all correctional facilities including AMC, Belconnen Remand Centre, Symonston Temporary Remand Centre and the Periodic Detention Centre.

The table below gives an approximate cost per month of additional custodial recruits from November 2007 to November 2008.

Month	Staffing Cost
November 07	\$48,000
December 07	\$70,000
January 08	\$69,000
February 08	\$93,000
March 08	\$185,000
April 08	\$179,000
May 08	\$216,000
June 08	\$327,000
July 08	\$331,000
August 08	\$321,000
September 08	\$305,000
October 08	\$279,000
November 08	\$274,000

Part (12)

95%

**ACTION bus service—drivers
(Question No 15)**

Mr Coe asked the Minister for Transport, upon notice, on 11 December 2008:

- (1) What, if any, is the current shortfall of drivers on the ACTION network and what initiatives is the Minister undertaking to recruit drivers.
- (2) What is the current (a) timeliness of, (b) number of adult work trips on, (c) average costs per vehicle kilometre of and (d) average cost per passenger boarding of, ACTION services.

Mr Stanhope: The answer to the member's question is as follows:

1. There is currently no shortfall in bus driver numbers for the Monday to Friday bus network. ACTION continues to actively recruit bus drivers as part of normal workplace planning. ACTION has conducted 3 recruitment campaigns for drivers throughout 2008. The last campaign closed on 2nd December 2008.
2. (a) ACTION is currently unable to provide this information and is reviewing options for measuring this indicator.

(b) Adult boardings for the period 01 July to 30 November 2008, excluding weekends and public holidays, was 2,579,008. This represents an average of 24,103 boardings per week day.

(c) The average cost per vehicle per kilometre for the 2007/08 financial year was: \$4.18.

(d) The average cost per passenger boarding for the 2007/08 financial year was: \$5.52.

Roads—speed and red light cameras (Question No 16)

Mr Coe asked the Minister for Transport, upon notice, on 11 December 2008:

- (1) How much revenue has the Government collected from fixed speed cameras for the 2008-09 financial year to date.
- (2) Are there any accident or other statistics that show a trend as a result of the installation of the cameras.
- (3) Does the Government have plans to install any further fixed speed cameras.
- (4) What work is currently being undertaken on the fixed speed camera located at the Northbourne Avenue and Antill Street intersection.

Mr Stanhope: The answer to the member's question is as follows:

1. \$5.024m has been collected from fixed speed camera infringements during the period 1 July to 11 December 2008.
2. Speed is a major contributor to the incidence and severity of traffic crashes in the ACT, and moderation of speeds chosen by drivers is critical in establishing a safer road system. During 2007, over 38 million vehicles were checked and some 45,000 speeding infringement notices were issued by ACT fixed speed cameras (red light/speed and speed-only). These figures show that a proportion of drivers continue to drive over the speed limit.

3. Before and after analysis of speed and crash statistics will be used as part of the evaluation process for the new fixed speed-only cameras on midblocks.

It is envisaged that the number of fixed speed cameras will gradually increase over time, as part of speed management initiatives under the ACT Road Safety Strategy and Action Plan.

4. The speed/red light camera located at the Northbourne Avenue and Antill Street intersection is being replaced. The introduction of an on-road cycle lane through this intersection has necessitated the realignment of the traffic lanes and the traffic camera loop detectors. The existing camera has been in service for over six years and was only designed to capture images in two traffic lanes. This opportunity is being used to install the latest technology which allows images to be captured for offending vehicles in all four traffic lanes, including the right turn lane.

Library service (Question No 17)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008:

- (1) What are the plans for the re-establishment of a library service in the inner south of Canberra and what are the details of the new service.
- (2) If there are no plans for a new library services, why not.

Mr Stanhope: The answer to the member's question is as follows:

1. Options for the re-establishment of a library presence in the inner south are currently being prepared by the Department.

Roads—Tuggeranong Parkway (Question No 18)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008 (*redirected to the Minister for Transport*):

When will remedial work be undertaken on the Tuggeranong Parkway, given the deteriorating quality of the road surface and urgent needs for repairs.

Mr Stanhope: The answer to the member's question is as follows:

1. The 2008-09 resurfacing maintenance program includes the replacement of 950m of asphalt pavement in the right hand lane of Tuggeranong Parkway, southbound carriageway, south of the Lady Denman Drive on-ramp. This work is planned to be undertaken in February 2009.

**Roads—Belconnen Way
(Question No 19)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008:

- (1) How regularly are the verges of Belconnen Way maintained, given it is often littered with rubbish and the grass is consistently overgrown.
- (2) When will maintenance next occur given the urgent need for further maintenance.

Mr Stanhope: The answer to the member's question is as follows:

1. Each block of land managed by my Department receives a classification for maintenance. All activities such as litter collection, mowing and tree maintenance in areas of a particular classification are specified to the same performance standards that apply across Canberra.

A litter picking program is in place and litter is collected in public open spaces by ACT Government staff and contractors. The verges on Belconnen Way are inspected and litter is collected weekly.

The mowing of grass is carried out in accordance with specifications that determine the height of grass before being cut (between 75mm and 150mm). The mowing of grass is highly dependent on seasonal factors and is mown as frequently as required to maintain it within specification. On average, mowing is undertaken every 3 to 4 weeks in spring and summer and every 5 to 8 weeks in autumn and winter.

2. The verges on Belconnen Way are inspected weekly. Litter is collected weekly or more frequently if inspections, following a complaint, reveal the presence of litter exceeding the minimum maintenance standards. Contract specifications state that litter should not exceed 10 items of litter, larger than 50 mm across, per kilometre of road verge or median.

The verges on Belconnen Way were litter picked on Friday 5 December 2008 and again on Monday 8 December 2008 prior to mowing. Maintenance will next occur in accordance with the maintenance program outlined above.

**Political advertising
(Question No 20)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008:

- (1) Did any staff of the Department of Territory and Municipal Services feature in Australian Labor Party election advertising; if so, who gave approval for staff to appear in this advertising.
- (2) Were any departmental premises or facilities used in ACT election advertising; if so, who gave approval for premises or government facilities to appear in this advertising.

Mr Stanhope: The answer to the member's question is as follows:

1. No TAMS staff featured in 2008 Australian Labor Party Election advertising.
 2. No TAMS facilities or buildings featured in Australian Labor Party advertising.
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**Civic—pot plants installation and maintenance
(Question No 21)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008:

- (1) How much has the installation of raised pot plants throughout the city cost.
- (2) What plans does the Minister have for the ongoing watering and maintenance of raised pot plants, and what are the costs of this.

Mr Stanhope: The answer to the member's question is as follows:

1. Recent installation of the raised pots on light poles throughout the City was carried out by contractors organised by Canberra CBD Ltd at the organisation's expense.
 2. Ongoing maintenance of these pots will be undertaken by contractors organised by Canberra CBD Ltd at the organisation's expense.
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**Nicholls—car park redevelopment
(Question No 22)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 11 December 2008:

- (1) When will the Nicholls shop car park redevelopment take place.
- (2) Can Paisley Street cope with the additional traffic.
- (3) What consultation process did the Government undertake and what response did they get.
- (4) What assessments have been done to assess the safety and traffic flow of the Paisley Street and Kelleway Avenue intersection.

Mr Stanhope: The answer to the member's question is as follows:

1. The construction work will commence in February 2009.
2. Paisley Street will be able to cope with the proposed change in traffic management.
3. A plan showing the proposed traffic arrangements was displayed at the shops for one month. Residents of Paisley Street were informed of the proposed traffic arrangements

by letter drop as well. Roads ACT received only a small number of comments on the proposal which were generally supportive of the measures.

4. The traffic and parking situation at the Nichols Shops have been an issue for the local residents and shop owners for several years. As a result of this, a number of investigations were carried out at the carpark and the adjoining access roads to the shops. These investigations included an assessment of the Paisley Street intersection with Kelleway Avenue.

Gold Creek Homestead—maintenance and repair (Question No 23)

Mr Coe asked the Minister for the Arts and Heritage, upon notice, on 11 December 2008 (*redirected to the Minister for Territory and Municipal Services*):

What are the plans for the maintenance, upkeep and repair of the Gold Creek Homestead.

Mr Stanhope: The answer to the member's question is as follows:

ACT Property Group in the Department of Territory and Municipal Services is responsible for managing the Gold Creek Homestead site on behalf of the ACT Government. The Group is responsible for maintenance of the property and its buildings, including the Homestead. Maintenance, upkeep and repair is undertaken in order to prevent damage to the Homestead building and maintain its safety and security. The current tenant of the site undertakes a caretaker role.

Housing—public (Question No 24)

Mr Coe asked the Minister for Disability and Housing, upon notice, on 11 December 2008:

- (1) What is the occupancy rate of ACT public housing.
- (2) What is the participation in the Sales to Tenants Scheme and what resources is the Government using to encourage participation in this scheme.
- (3) What action is the Minister taking to stamp out violent and anti-social behaviour in ACT public housing.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) 98.12%
- (2) Participation rates for 2007-08 can be found on page 78, Volume One of the Department of Disability, Housing and Community Services (DHCS) Annual Report. A Sale to Tenant Kit is available on the DHCS website at [www.dhcs.act.gov.au/hcs/sale to tenants scheme](http://www.dhcs.act.gov.au/hcs/sale%20to%20tenants%20scheme). Housing ACT periodically writes to tenants paying full market rent promoting the scheme and encouraging participation.

- (3) The Disruptive Behaviour Policy can be found on the DHCS website at [www.dhcs.act.gov.au/policies/disruptive behaviour](http://www.dhcs.act.gov.au/policies/disruptive%20behaviour).
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**Bimberi Youth Justice Centre
(Question No 25)**

Mr Coe asked the Minister for Children and Young People, upon notice, on 11 December 2008:

- (1) When was the Minister first aware of issues regarding the commissioning in relation to security and other infrastructure systems and staff training at the Bimberi Youth Centre.
- (2) What were the issues and when does the Minister expect them to be resolved.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The then Minister for Children and Young People, was first advised in June 2008 that a commissioning plan was being developed to guide the testing and completion of all outstanding work for the completion of the capital works. The Minister was advised that the official opening would be early September 2008.

The Minister was further advised in August 2008, that the complex would be officially opened on the 3 September 2008, with the proposed transition and decommissioning of Quamby Youth Detention Centre by December 2008. The Minister was advised that a Certificate of Occupancy and Use had been issued and a period of physical and electronic commissioning had commenced.

In early October, the Minister was advised that the commissioning was proceeding with the testing and refining of the interface between the different elements of the security system. The Minister was advised that it was anticipated that the centre would be operational by October 2008.

In late October 2008, the Minister was advised of problems in the high level interface between the elements of the security system, some details of the nature of the problems and the process that had been put in place to work through these problems. The Minister was advised on the implications of these problems and that the anticipated transitioning of young people out of Quamby would commence in early to mid December 2008.

- (2) The commissioning process and training of staff has occurred and all young people moved into the new facility by 23 December 2008.
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**Environment—energy efficiency software
(Question No 26)**

Ms Le Couteur asked the Minister for Planning, upon notice, on 11 December 2008:

- (1) How has moving responsibility for energy efficiency assessment from the ACT Planning and Land Authority's (ACTPLA) planning section to its building section affected the development application process.

- (2) What planning has ACTPLA done for the introduction of the second generation energy efficiency rating software.
- (3) How will the introduction of the new software affect the sale of premises requirements.
- (4) Will the Minister provide all the documents relating to the changes created by this software.

Mr Barr: The answer to the member's question is as follows:

- (1) The change in responsibilities has no impact on the development applications process. Energy efficiency requirements for new construction have been dealt with exclusively under the BCA since 2006 making it part of the building approval process not the development applications process.

The requirements for energy efficiency are enforced by licensed building certifiers not the ACT Planning and Land Authority (ACTPLA)

- (2) The introduction of second generation software is a requirement of the BCA and will be enforced by building certifiers who are all aware of the change to the BCA requirements.
- (3) The energy rating report for the purposes of the sale of residential housing is a requirement of the Civil Law (Sale of Residential Property) Act 2003. The Civil Law (Sale of Residential Property) Act is an Act administered by the Department of JACS with assistance provided by the ACTPLA with respect to the energy rating tools.

The ACT Planning and Land Authority will be consulting with the energy rating community in the first half of 2009 about the most appropriate rating tools for the purpose of EER.

At this time it is not proposed to change the rating tool for EER for the purpose of the Civil Law (Sale of Residential Property) Act when the BCA requirements for new building work commence in May 2009.

- (4) It is not clear what the member is asking for with respect to "changes created by the software", please clarify your request.

Planning—development applications (Question No 27)

Ms Le Couteur asked the Minister for Planning, upon notice, on 11 December 2008:

- (1) What are the average, minimum and maximum waiting times for approval of the various types of the ACT Planning and Land Development Agency's (ACTPLA) development applications.
- (2) How many of each type (code, merit, impact and exempt tracks) of development application have been approved under the new planning system.

- (3) How many development applications has ACTPLA received that are not yet processed.

Mr Barr: The answer to the member's question is as follows:

- (1) **The average time taken for development applications lodged and approved in the period 31 March 2008 – 30 November 2008**

Code track – 7.9 business days

Merit track – 37.8 business days

Impact track - average time not available as only 1 impact track DA has been lodged and this was on 30 November.

For the period 31 March – 30 November 2008 the shortest time taken for approval of a code track application was 1 working day and the longest time was 50 working days.

For the period 31 March – 30 November 2008 the shortest time taken for approval of a merit track application was 13 working days and the longest time was 129 working days.

- (2) **For the period 31 March to 30 November 2008**

272 Code track application have been approved

704 merit track applications have been approved

0 Impact track application have been approved

363 single residential dwellings were exempt from development approval

- (3) **On 30 November 2008**

11 code track DAs still under assessment

525 merit track DAs still under assessment

1 Impact track DA still under assessment

Each year just before the Christmas/New Year period the Authority receives a higher than average number of Development Applications for assessment. Understandably, this substantial increase in lodgements can lead to an increase in the number of working days for decisions to be made.
