Debates

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Legislative Assembly for the ACT

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Thursday, 26 February 2009

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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.

Death of Mr Leslie John McIntyre OAM
Motion of condolence

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

> That this Assembly expresses its deep regret at the death of Mr Leslie McIntyre OAM, founder of the Canberra Raiders Rugby League Club, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

The nation's capital, and indeed the whole capital region, is saddened this week by the death of Leslie John McIntyre, who might justly be called the founding father of Canberra Rugby League. On behalf of the government, I offer my condolences to his family, his friends and his many acquaintances within and beyond the sporting community. The Chief Minister would have very much liked to speak to this motion, but, along with Mr Steve Doszpot, is attending Mr McIntyre's funeral this morning. The comments I make are shared by Mr Stanhope and he also conveys his condolences to all who knew Les.

Les McIntyre's contribution to the life of this city was significant. Those of us who have lived here for long enough recall that there was a time when the Raiders were not the household word they are today, when the exploits and premierships they would deliver to their fans were still in the future. The Raiders are Les McIntyre's legacy. Tributes have been paid to Les over the past week from many directions. Today he is formally farewelled, but Raiders fans will see his legacy alive and well each time the team runs onto the football field, for decades to come.

While he is best remembered as the driving force behind the Canberra Raiders' entry into the New South Wales Rugby League in 1982, Les's passion for football was deep and lifelong. In his youth he was a player, reaching the giddy heights of reserve grade for the Queanbeyan Blues. While he was a solid player, it must be said that his sporting ability was overshadowed by the talent of the many stars whose names he would go on to help make. It was after his playing days were behind him that Les made his greatest contribution to the game he loved. He was involved in an administrative capacity with the Queanbeyan Blues and was instrumental in the establishment of the Queanbeyan Leagues Club.

There were setbacks and challenges in those early years, setbacks that might have sunk a lesser man and a lesser team. A fire in the early 1970s left the Queanbeyan Leagues Club without a headquarters. Les ensured that the club could keep trading, pitching a temporary clubhouse tent on a bowling green, complete with a dance floor and poker machines. That year the club turned a $750,000 profit. Perseverance is a word that has been used to describe Les. Queanbeyan saw that quality in him under

canvas on the bowling green and saw it again as Les battled to get the Raiders accepted into the New South Wales Rugby League competition. In 1982 he succeeded.

Les's early years defined him. He was born in Cooma, one of six children of John, who ran a travelling sideshow, and Mary, from the old Wallace family of Jindabyne. The family moved to Queanbeyan when young Les was nine. At 13, Les left school to begin an apprenticeship as a mechanic. He held down second and third jobs delivering newspapers and working as an assistant projectionist at the Star theatre. It was this capacity for hard work, for making do, that saw him pan for gold and fish his way through the Great Depression. In subsequent years, he worked as a truck driver, a bus driver and a bookmaker.

Les met the woman who would become his wife, Elsie, at a dance. They married in 1940. The couple had two sons—John, who is the current chairman of the Raiders; and Kerry, who, sadly, died in 1991. Les was also grandfather to five and a great-grandfather of nine. And for thousands of Canberrans and people throughout the region, he is also the father of Rugby League and the creator of the "green machine". He was chairman of the club in its formative years and put in place the structure for a successful dynasty that has delivered three premierships.

The success of the Canberra Raiders and their contribution to the rich heart and soul of our city is about more than just football. Having our own team in the national league draws Canberrans together, gives us a common cause to rejoice or lament, creates opportunities to witness world-class sport live in our own city and cements our reputation as the sports capital of the nation.

Les was a life member of the Raiders, the New South Wales Rugby League and the New South Wales Country Rugby League and a member of the ACT Sport Hall of Fame. Les McIntyre made a great and varied contribution to Canberra and the region, a contribution that will be recalled and honoured for decades to come and which we join in commemorating today. I offer my deepest condolences to Mr McIntyre's family and friends.

MR SESELJA (Molonglo—Leader of the Opposition): I would like to join with the government and Ms Gallagher in supporting this condolence motion today. On behalf of the Canberra Liberals, I express our condolences to the family and friends of Les McIntyre.

Even those who did not know Les personally would have been aware of his work as a founding father of the Raiders Rugby League Club and supporter of local sport who has touched our community and inspired many people across all walks of life. Although this is a sad day, Les had a very full life and has left a legacy we can all respect. Les's support for the game he loved was strong and consistent throughout his life. The same could be said for Les McIntyre himself. He had a reputation of being a tough, old-school negotiator—a passionate, committed advocate but a strong supporter of the local game.

He started as a supporter of the game in Queanbeyan, helping to form the Queanbeyan Leagues Club in 1963, developing the Queanbeyan Blues as a club and moving on to

the establishment of the Canberra District Rugby League. He is of course remembered as one of the driving forces behind the entry of the Canberra team into the New South Wales Rugby League. It really was a coup at the time when the Raiders scored the 14th spot in the New South Wales Rugby League.

It has been reported that the New South Wales Rugby League was sceptical about whether a small regional centre would be able to match it with the big boys. For a while, it seemed that their scepticism may have been well founded. When the Raiders first took the field, they reported a series of large losses. This did not deter the club. By 1987, the Raiders made their first appearance in the grand final. Two years later, they took the premiership flag. I think all of us remember the city pride in 1989 when the Raiders got over the line in that classic grand final against Balmain. I am sure that Les had a moment of well-deserved vindication for his faith in his town and in his club.

Even though the club started in Queanbeyan and Les is associated with that town, the Raiders have since been a vehicle to show that Canberra is more than just a town with only one face. I am glad that the name "Raiders" was chosen. I am not sure that one of the original suggested names, "Senators", would have combated the stereotypes of Canberra politicians in the way that the "green machine" has been able to do. In some ways, the Raiders' story can be seen as a metaphor for the development of our town, a town that was a rank outsider that overcame obstacles to find success on the bigger stage, just as our fledgling team did in the 1980s and 1990s and beyond; a town that has been dealt adversity, yet overcame it and built to bigger and better things—just as the Raiders moved from Seiffert Oval in Queanbeyan to Canberra Stadium, or Bruce Stadium as it was at the time. The team has helped develop a pride and sense of place and identity in Canberra, as we have grown as a city and a region. For that, Les McIntyre deserves his due.

Les was awarded an OAM for his services to the sport. He has been inducted into the sporting hall of fame for both Queanbeyan and Canberra and was a life member of both the Raiders and the New South Wales Rugby League. We respect the passion and commitment Les brought to his chosen sport and to his community. He made a significant contribution to the sporting success and cultural development of our city. He has had a significant impact on our community that reaches beyond the boundaries of the sporting field.

To his wife Elsie and his family, to his friends and colleagues, we offer our deepest condolences.

MS BRESNAN (Brindabella): On behalf of the Greens, I would also like to support this condolence motion today.

Les McIntyre was a key figure in Rugby League, not only here in the ACT but nationally. That is demonstrated today by the list of key Rugby League figures who are attending his funeral today. Mr McIntyre was the driving force behind the establishment of the Canberra Raiders, a team which very much changed how others view Canberra. I would like to quote from an article by Crispin Hull, looking at Canberra from 1983 to 1993, in which he notes that Canberra very much established

itself as a sporting force when the Canberra Raiders made the Rugby League grand final in 1987 and then when they won the grand finals in 1989 and 1990. And Canberra's win in extra time in 1989 was very much one of the classic Rugby League grand finals of all time. As Crispin Hull stated in referring to Canberra's sporting teams:

> Each time these teams hit the top rungs of their competition ladder it helped change Canberra's image from being synonymous with Federal Government to being a city with diverse interests and aspirations.

How people see Canberra and how we see ourselves are important in terms of us being connected to other people in the region and nationally. We are very much located in a Rugby League region, and the Canberra Raiders connected us to our region. The formation of the Raiders occurred, as has been stated today, in Queanbeyan, and Seiffert Oval was the original home ground. As a Rugby League supporter myself, I want to say that Les McIntyre's unswerving loyalty to the Canberra Raiders is something I greatly admire. It is something that not only Rugby League supporters but supporters of all codes of football and sporting teams across the country can respect and understand.

Question resolved in the affirmative, members standing in their places.

Petition

The following petition was lodged for presentation, by **Ms Hunter**, *from 446 residents*:

Transport—light rail system—petition No 95

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> **This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:**
> Climate change is a real and significant threat to the people and places of the ACT
> Transport contributes to around 25% of greenhouse gas emissions in the ACT
> Light Rail costs significantly less than previous Treasury estimates.
> Light Rail with a bus 'feeder' system can reduce greenhouse gas emissions from transport more significantly than other forms of transport
> Your petitioners therefore request the Assembly to:
> **Support the development of a comprehensive light rail system across Canberra with phase 1 to be operational by the centenary of Canberra in 2013, and a complete network to be completed by 2020**.

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

Appropriation Bill 2008-2009 (No 3)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.12): I move:

> That this bill be agreed to in principle.

It is with great pleasure that I present the local initiatives package to the ACT community. The package delivers a modest program of additional capital projects, and the pre-announcement of the 2009-10 capital upgrades program. It is supported by the third appropriation bill for 2008-09 which I am presenting to the Assembly today. The bill provides additional investment in the buildings and facilities that are used to provide services to our community. I also table, in accordance with section 13 of the Financial Management Act, supplementary budget papers. These papers provide the detailed descriptions of all items included in the package and the associated bill.

This package, almost $25 million over two years, contains a wide variety of works targeted at areas where we consider, and we have advice, that there is emerging capacity in the building and construction industry. The works proposed in this package will be delivered locally by a range of trades—builders, plumbers, roofers, painters, electricians, plasterers, landscape specialists, and so on.

Through our discussions with industry over recent months, particularly the Master Builders Association of the ACT, we know there is a degree of nervousness in the construction and building industry—more so for small business—about what the future holds. The global credit crisis and the slowdown of the national economy understandably present uncertainty. This package seeks to provide some vital confidence and certainty to the industry.

This package is in addition to the already significant work that this government has announced and programmed into our budget. It comprises works that are already at an advanced stage of procurement and/or design, or can be leveraged off existing procurement contracts. It complements the additional work announced by the federal government in its nation building and jobs plan. That package, of which the territory gets a $350 million share, will have a positive impact on this city, in terms of both additional or upgraded facilities that it will provide and the jobs it will support.

The second important part of the package announced today is the details of the $44.3 million 2009-10 capital upgrades program. The program, which provides for capital upgrades works to our existing asset base, would usually be included as part of our annual budget process. However, we believe it prudent and responsible to announce projects and funding today, so that industry can plan for, resource and respond with some certainty to the package of works to be rolled out in the next financial year.

Of course, the capital upgrades program will be subject to the usual Assembly scrutiny processes as part of the 2009-10 budget. This government will, however, be undertaking as much of the planning and design components as is possible, so that we are ready to hit the proceed button as soon as the budget is passed. And industry will know now where we will focus our capital upgrade effort for 2009-10, so it, too, can plan its resources with a better degree of certainty.

I turn to some of the individual initiatives in the bill. We have allocated $7.6 million for a range of upgrade works at our schools, including $2.4 million for stage 1 of the replacement of stormwater and sewer pipes; $2 million for roof access systems; and $3.2 million to enhance the asbestos removal program. This work complements that which will be funded under the commonwealth's nation building and jobs plan, and will cover both primary and secondary schools.

We are providing an additional $2.7 million to the CIT, allowing the institute to expedite a range of capital upgrades projects at its Reid, Bruce and Fyshwick campuses to improve training facilities and amenities. We are providing $2.2 million for the stormwater augmentation program; $2.1 million for pavement and footpath upgrades; $500,000 for additional park signage and road safety message signs; $400,000 for additional bill poster silos in the city and district shopping centres; and $200,000 for the design and construction of a performance stage at the Tuggeranong town park.

We are providing $750,000 for further works at the Canberra International Arboretum and Gardens and $160,000 for a range of minor upgrades at Exhibition Park in Canberra and bringing forward $300,000 to fast-track works at Stromlo forest park. We are providing almost $900,000 for necessary minor works and upgrades at the Canberra Hospital, including the pharmacy cool room upgrade and expansion of the oncology clinic and cancer services facilities, along with a range of safety upgrades.

We have allocated $2½ million towards a joint ACT-commonwealth initiative to reduce homelessness in the territory. This is part of a national partnership that we have entered into with the federal government under the COAG reform agenda. This funding will provide for the immediate purchase of 10 blocks of land, accelerating the delivery of dwellings with tailored support to enable families to sustain longer term tenancies in mainstream public housing.

We are providing $415,000 for upgrades to a number of our arts, heritage and cultural facilities, including the Manuka Arts Centre, the Canberra Theatre, Lanyon Homestead, Calthorpes' House and Mugga Mugga.

In recognition of developments recently in the childcare sector, we are providing $435,000 to progress the design of two new childcare centres in west Belconnen and Weston Creek, along with the essential preliminary planning and design work for the renovation and extension of a number of childcare centres at other sites. We have also provided $2.1 million for energy efficiency upgrades, renovations and refurbishments to a number of community and childcare facilities across Canberra.

We are also providing $1 million to undertake minor works to existing ESA stations and sheds, including painting, carpentry, gates, fences, carports and the like.

The package I announce today serves a number of purposes. It provides confidence to the local industry and it allows it to plan ahead with some certainty. It utilises the potential emergent capacity in the industry, and it gets the important work done now, rather than waiting until the next budget or the one after. Works that I have outlined earlier bring forward considerable benefits for our community. It is an important public statement of this government's commitment to the territory's asset base and to supporting local jobs.

I commend the local initiatives package and the third appropriation bill to the Assembly.

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

Appropriation Bill 2008-2009 (No 3)
Referral to committee

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

> That:
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> (1) the Appropriation Bill 2008-2009 (No. 3) be referred to the Standing Committee on Public Accounts for inquiry and report by Tuesday, 24 March 2009;
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> (2) if the Assembly is not sitting when the Committee has completed its report, the Committee may send its report to the Speaker, who is authorised to give directions for its printing, publishing and circulation; and
>
> (3) resumption of the debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

First Home Owner Grant Amendment Bill 2009

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.20): I move:

> That this bill be agreed to in principle.

The First Home Owner Grant Amendment Bill 2009 amends the First Home Owner Grant Act 2000 to allow for the administration of the first home owner boost. The

boost is an Australian government funded initiative announced by the Prime Minister to stimulate housing activity and give first homebuyers a better chance in the housing market. The initiative will help strengthen the Australian economy during the global financial crisis and help protect Australia during the current difficult global economic times. The ACT government is pleased to be able to assist the Australian government in providing boost payments to first homebuyers. Administering the boost payments together with the first home owner grant provides administrative efficiencies for both government and first homebuyers.

The ACT government offers a range of assistance to homebuyers in the ACT, including first homeowner grants, duty concessions under the homebuyer concession scheme, duty concessions for pensioners purchasing property more suited to their needs under the pensioner duty concession scheme, a deferred duty scheme for eligible homebuyers, affordable house and land packages, and land rent options.

The boost together with the ACT government's housing affordability initiatives are important measures providing assistance to homebuyers in the ACT in these difficult times. The boost provides an additional $7,000 to first homebuyers purchasing an established home and an additional $14,000 to first homebuyers purchasing a newly constructed home. Applicants must meet the eligibility requirements for the existing first homeowner grant and enter into a contract on or after 14 October 2008 and on or before 30 June 2009. In total, applicants who are eligible for the boost and the first homeowner grant will be eligible to receive up to $21,000 in grants.

The bill provides the necessary legislative amendments to implement the terms and conditions that the Australian government has set for the administration of the boost. Other amendments contained in this bill ensure that there are adequate provisions for objection rights, along with provisions to prevent misuse of the scheme. I commend the First Home Owner Grant Amendment Bill 2009 to the Assembly.

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

Workers Compensation (Terrorism) Amendment Bill 2009

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.24): I move:

> That this bill be agreed to in principle.

The Workers Compensation (Terrorism) Amendment Bill 2009 will amend the Workers Compensation Act 1951 to extend the operation of the temporary reinsurance fund in the event of a terrorist incident to 1 April 2012.

After the 11 September 2001 terrorist attacks, most insurance companies withdrew products offering coverage for an act of terrorism. Any products covering acts of terrorism that have been placed back on the market have been prohibitively expensive. As a result, it is either not possible, or is an unreasonable burden, for employers to gain workers compensation coverage for an act of terrorism. In order to provide protection for workers injured in the event of a terrorist incident, a temporary reinsurance fund was established through the insertion of the provisions of chapter 15 of the Workers Compensation Act. A series of amendments have extended this coverage. However, ACT workers are only covered for acts of terrorism that occur before 1 April 2009.

Insurance coverage for acts of terrorism is still either unavailable or prohibitively expensive. In order for workers in the ACT to remain protected in the event of an act of terrorism, chapter 15 of the Workers Compensation Act needs a further extension. It is appropriate to extend the provision for a further three years to allow for changes in the industry with regard to coverage, and for reconsideration by the government of the risks involved on a regular basis. I commend the bill to the Assembly.

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

Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2008 (No 1)

Motion for disallowance

MR SMYTH (Brindabella) (10.26): I move:

> That Disallowable Instrument DI2008-219, being the Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2008 (No 1), be disallowed.

On 19 August 2008, the Assembly passed an amendment to the Duties Act to provide for the relevant minister to implement a scheme of differential rates of duty for motor vehicles. This scheme of differential rates of duty was to be based on the environmental characteristics of each motor vehicle as set out in the green vehicle guide.

In principle, this scheme has had some attraction. Its intention is to provide a market signal—a pricing mechanism—to encourage people to buy new motor vehicles that are less damaging to the environment. During the debate on this amending bill, however, I and other members raised a number of concerns about the policy that was being proposed by the Stanhope-Gallagher government. Fundamentally, the duty scheme comprised flawed legislation. It was flawed in 2008 and it remains flawed today. The flaws in the scheme involved an unreasonable increase in duty for vehicles used by tradespeople and small businesses; penalties for those families which require particular vehicles because of family circumstances; penalties for larger families; the limited definition of environmental benefit; and the lack of incorporation of whole-of-life costs in the analysis of environmental performance.

We are also aware of concerns within the retail motor vehicle industry about the lack of consultation on the nature and details of this duty regime. Indeed, the industry was kept in the dark about this scheme. The industry only found out the details of the scheme by accident, and this was only just before the proposal was to be debated in the Assembly.

The reasons for moving for disallowance of this duty regime today are to provide the Stanhope-Gallagher government with the opportunity to engage in effective consultation with the ACT motor industry on the arrangements for this policy; to allow them to implement a structure of motor vehicle duty that is fair and equitable to those who wish to buy vehicles; and to remedy an anomaly with respect to vehicles that have been used for demonstration purposes.

I dealt at length with the lack of effective consultation that the Stanhope-Gallagher government undertook with the industry when I opposed the bill last year. Sadly, since that time, I have become aware of additional details of how the industry was not involved with this policy which simply serve to emphasise the failure of the Stanhope-Gallagher government to consult as legislation is prepared. The reality is that the Stanhope-Gallagher government is so arrogant that it believes it does not need to consult, as has been the case on so many other matters.

What has been put in place is a scheme that discriminates against small business, it is a scheme that discriminates against families and it is a scheme that provides questionable environmental benefits. Indeed, the duty regime as it currently exists is nothing more than a tax on small business and on families which have to buy particular types of new vehicles, and often these are large vehicles. For those people with families who are required to buy larger vehicles that are determined to fall into the category of being a D-rated vehicle, they will incur an increase of up to 33 per cent in stamp duty on what would otherwise have been paid. So if a vehicle in this category costs $25,000, rather than having a stamp duty of $750, that duty will now be $1,000. That is an increase of 25 per cent.

This is a tax on families, because many families now have to buy vehicles that enable them to fit their family into one vehicle in safety. This is a tax on families at a time when economic circumstances place increased pressure on many families and simply demonstrates how caring the Stanhope-Gallagher government really is. Simply, it could not care less.

For those small businesses that use vehicles such as HiLux and Navaras, which are standard utes, as commercial vehicles for their operations, they will now pay a higher rate of duty under this proposal. The reality of the proposal, therefore, is that it is another tax on local business. It is a tax on tradies—on those small businesses that rely on particular vehicles for their activities.

There are other matters in this context that need to be mentioned. The proposal is flawed because of the narrow understanding of environmental "friendliness". The proposal uses the green vehicle guide as the basis for determining the rate of different vehicles. But the green vehicle guide, as it is presently constructed, tests vehicles only

on the basis of emission standards and fuel consumption. No other factors are taken into account and there is certainly no consideration of whole-of-life costs for vehicles. If we are to be fair dinkum about improving the environmental performance of our vehicle fleet, we should be taking the whole-of-life costs of a vehicle into account to establish a more acceptable environmental outcome for each vehicle. According to the advice available to me, this approach would raise some serious questions about some of the hybrid vehicles that have become so popular.

I have not had time to deal in detail with the problems that the ACT motor retailing industry has in dealing with demonstrator vehicles, nor have I had time to explore the important issue of the different duty regimes that now apply in the ACT and in New South Wales, which may have the impact of leading to people buying vehicles in Queanbeyan to avoid this new duty regime in the ACT.

The essence of moving for the disallowance of this duty regime, therefore, is twofold. The regime of duties is flawed and imposes unreasonable taxes on segments of the community; and the environmental benefits from this scheme are questionable. Sadly, the history of the Stanhope-Gallagher government is replete with the introduction of, or of attempting to introduce, flawed taxation policies. This is the latest in a long line of flawed taxation policies.

The best approach that this government could follow is to withdraw the duty regime as it has currently been put in place; undertake effective and comprehensive consultations with industry about the elements of a reasonable duty regime; consult also with those segments of the community which may be adversely affected by a new regime; and put in place a regime that has been properly developed.

I commend the motion to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.33): The ACT Greens will be voting to let the instrument pass without disallowance. We have concerns that it does not go far enough, but since 2006, thanks to Deb Foskey and many others, the ACT Greens have been pushing for the Assembly to focus on pollution reduction incentives in relation to motor vehicles, and this measure, we hope, is just the start.

We are starting well behind a number of other countries in incentives to increase low-emission vehicle purchasing. The UK has a vehicle registration scheme based on the amount of carbon dioxide emitted by vehicle per kilometre. Germany and the US also have tax incentive schemes around greener motoring. Motoring in Australia is being transformed slowly, with vehicles coming online aimed at significantly reducing fuel consumption and pollution levels.

In addition to the existing range of vehicles available, Toyota has confirmed it will begin producing a hybrid version of its Camry by 2010, and that follows the announcement by General Motors that a hybrid version of the Commodore will arrive in 2010. Both these versions will use a petrol engine and an electric motor which will deliver expected fuel economy savings of 30 to 40 per cent. Ford will begin producing the Ford Focus locally from 2011 which, combined with a diesel engine, could be the

most economical of the new breed of environmentally friendly locally produced vehicles.

Australians are starting to choose cleaner, greener motoring, but the success of this will depend on cost and incentives to make people change motoring habits. Cheaper up-front costs, whereby the purchase of a more fuel-efficient vehicle attracts less tax and the less efficient car is taxed more, are a good start. We maintain, however, that more needs to be done rather than just offering a one-off sales tax incentive at point of sale.

Of course, at the top of the list is that Australia should be regulating fuel-efficiency standards across the board. There are cars currently produced in Europe that are already as efficient as the hybrids being produced today, manufacturing to standards and to a market that is craving access to efficient vehicles. Setting fuel efficiency standards means that we commence a transition to lower-fuel-use cars with the least fuss and without relying on the vagaries of consumer choice. We know that when fuel efficiency is voluntary, consumers may or may not take it into account when making a purchase. When it is mandatory, they do not even need to worry about it.

In lieu of this, we need to offer more incentives. We see the need to link registration tax costs to the sales tax reduction which, when combined with petrol or diesel savings, will offer the motorist a significant incentive to change to the greener motoring option. People are not just choosing these vehicles to address pollution issues; they are seeking to reduce their running costs as well.

In the Bracks review report for the federal government on the Australian automotive industry, which was released last year, a recommendation was made that states and territories "should consider the harmonisation and reduction of stamp duties, vehicle registration and third party insurance". This type of package will go a long way to influencing people who are keen to make a change to environmentally friendly transport to look at the greener options when purchasing a new vehicle and continue to go that way in future vehicle purchases. It is about annual costs, not just a one-off sales tax reduction.

In addition, if we are serious about using mechanisms like this motor vehicle duty to reduce our emissions, tax incentives should be extended to scooters and motorcycles for those who choose to use these more efficient modes of transport. One needs to ask why these were not considered if we are really committed to reducing emissions and improving transport options.

I note that in the ACT government's green vehicles duty scheme guide on their website the scheme is "not designed to limit vehicle choice". In relation to this, I raise the fact that low-income earners are not always able to purchase new vehicles, or pick and choose, and in fact would be disadvantaged under the new arrangements by taking the option of purchasing high-emission second-hand cars as they will be cheaper. This is another reason why measures such as registration and third party insurance reductions on all green-friendly vehicles need consideration.

The Bracks review also recommended, in the review that Mr Ken Henry, the Secretary of federal Treasury, is undertaking for the federal government on taxation,

the adoption of a new fringe benefits tax statutory rate table that is more evenly spread across the range of kilometres travelled. The new rate table would encourage drivers to use their vehicles only as necessary. In the territory, we have a lot of drivers who are driving just to ensure that FBT targets are met. If the ACT government are genuine about taking this key step in greening our transport options, they should approach their federal colleagues and raise the issue of mandatory fuel efficiency standards and other measures as part of a genuine effort to reduce greenhouse emissions from our cars and encourage Australians to choose more sustainable transport options.

In summary, this measure sets us down a greener path. I make the point again, though, that without additional measures—and there is a whole raft of them, including the development of public transport—to reduce the number of vehicles on our roads, it will be too little to make a significant impact.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.39): The government will not be supporting Mr Smyth's motion. The disallowable instrument commenced on 3 September 2008 and is part of a package of legislative measures that are necessary to give effect to the government's green vehicle duty scheme. The scheme implements an important part of the government's weathering the change climate change action plan. The instrument sets differential duty rates for new vehicles to provide an incentive for the purchase of low-emission vehicles and a disincentive against the purchase of vehicles with poor environmental performance.

The green vehicle duty scheme is another demonstration of how the ACT government is leading the way when it comes to climate change. The ACT was the first state or territory in Australia to introduce a scheme of this kind. The scheme gives each vehicle a green vehicle rating based on the commonwealth's green vehicle guide. It ensures that, as the environmental performance rating of the vehicle increases, the rate of duty payable on its registration decreases. It is designed to encourage people to consider a greener vehicle when next purchasing a new vehicle.

It is difficult to understand why Mr Smyth would move a motion to disallow the instrument setting the duty rates to the green vehicle duty scheme. Members of the Legislative Assembly passed the Duties Amendment Bill 2008 (No 2) amending the Duties Act 1999 to allow the minister to adopt or incorporate an instrument subject to frequent change such as the commonwealth green vehicle guide.

It should be noted that the instrument not only sets out the rate for new vehicles based on the commonwealth's green vehicle guide, but it also sets out the applicable rates of duty on the transfer of motor vehicle registrations generally. Therefore, were this motion to be successful it would not only have the effect of abolishing the differential duty rates for the green vehicle duty scheme, but it would also abolish duty on the transfer of all vehicle registrations.

The green vehicle duty scheme is another practical step in assisting Canberrans to make more sustainable choices and to contribute to climate change solutions. It gives the best environmentally performing vehicles, with five stars in the green vehicle

guide, an A rating under the scheme. This means that those vehicles pay no duty on their first registration, resulting in a saving of over $1,000 in duty on an A-rated vehicle valued at around $34,000. Other vehicles with an above-average environmental performance also attract a reduced rate of duty.

Duty rates on vehicles with average environmental performance or no rating under the green vehicle guide have not changed under the scheme. However, vehicles with a below-average environmental performance pay a higher duty rate. This is consistent with the philosophy that actually underpins the scheme.

The green vehicle duty scheme is about encouraging people to consider low-emission vehicles when choosing a new vehicle by rewarding them with a reduction in the amount of duty payable based on the environmental performance of the vehicle. The scheme takes into account the environmental performance of vehicles without focusing solely on their fuel type. This approach means that the scheme is receptive to new vehicle technologies that may arise in the future.

To date, the green vehicle duty scheme has been successful in encouraging Canberrans to adopt greener motoring alternatives. There are over 500 green vehicles on our roads that have received a reduction in duty since the scheme began on 3 September 2008. This means that there are over 500 vehicles on Canberra's roads now that are better for the environment.

The green vehicle duty scheme is a practical and innovative scheme encouraging people to consider environmental impacts when they choose a new vehicle. It is an important step towards reducing the ACT's greenhouse gas emissions and its climate change impact. For the reasons I have outlined, the government will not be supporting Mr Smyth's motion to disallow the instrument, and we thank the Green members for their support for this position.

MR SMYTH (Brindabella) (10.42), in reply: The logic behind what the Greens and the Labor Party are saying is that it seems to be that we want to be seen to be doing something for the environment rather than doing what is right for the environment. The problem with the scheme as proposed, and the problem with using the commonwealth's green vehicle guide, is that it simply runs on fuel consumption. There is so much more to getting it right when we use vehicles.

Indeed, the Toyota Prius was mentioned. Yes, the Toyota Prius does have a lower consumption of fuel, but what are the inputs into the construction, maintenance and the ongoing use of a Prius? Anyone in this place who votes against this today clearly does not understand the notion of whole-of-life costs and the impact, therefore, on the environment. Unless you take into account the inputs in energy and material that go into the making of the Prius, as well as replacing the batteries and the whole-of-life costs, you do not understand what you are talking about.

Mr Speaker, this is flawed policy. It is a policy that, while it had some potentially positive features, fails a number of tests of what should be good policy. It imposes unreasonable taxes on different groups in our community. It is based on a very narrow definition of environmental benefit. It does not take into account the whole-of-life

costs in considering environmental performance and, moreover, problems remain with the implementation of this policy. As is the case with so much of what the Stanhope-Gallagher government has attempted, this policy suffers from a complete lack of consultation.

We also note the disingenuous approach of the Chief Minister and former Treasurer when introducing this policy last year. He said that the impact of the new duty regime on vehicles with a poorer environmental performance would result in a slight increase in duty to be paid. I am not sure whether a slight increase of anything as high as 33 per cent can be considered as "slight". I think Mr Stanhope needs to go home and do some study, along with Mr Hargreaves, on maths 101.

This policy is a tax break for the rich. If you can afford to buy a more expensive vehicle, and some of the Lotus vehicles get this break as do some of the Mercedes classes of vehicles, you get the tax break. But it then attacks the less well off, those who cannot afford to buy such expensive vehicles. It attacks families who, by the nature and size of their families, have to buy larger vehicles which are penalised.

It attacks small business. Business needs to carry goods. We have got the Deputy Chief Minister and Treasurer saying we need to stimulate the economy, we need to particularly help the construction industry, we are going to bring forward all these capital works, but we are going to make it more expensive to buy a work vehicle, particularly a ute. It is an attack on tradesmen; it is a tax on tradies. Those people that I think all of us find hard to get to come to our homes to do minor repairs and renovations are now going to pay more taxes to the Stanhope-Gallagher government because they cannot get their management of the budget right.

This disallowance should go ahead. If this place wants to have a genuine scheme that changes the way we purchase vehicles and rewards those that buy more environmentally friendly vehicles, let us have that scheme. Let us have some sort of inquiry in the environment committee or tell the government to go away and do the work. But just to be seen to be doing something is not acceptable. We hear from the Greens so often—I used to hear it from Kerrie Tucker; I used to hear it from Deb Foskey—about the precautionary principle: first do no harm. Well, find out what the real impact of these vehicles is. The issue of the whole-of-life costs for supposedly environmentally friendly vehicles has been raised in several forums.

The Liberal Party stands by this disallowance today. We are not against the concept of schemes that reward those that do the right thing for the environment, but the schemes have to be effective. They actually have to carry out what they purport to do. They should not disadvantage groups like large families and small businessmen and tradies, and they should actually be equitable and sustainable in the long term. This disallowance should be agreed to by the Assembly.

Question put:

> That **Mr Smyth's** motion be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mr Coe	Mr Barr	Mr Hargreaves
Mrs Dunne	Ms Bresnan	Ms Hunter
Mr Hanson	Ms Burch	Ms Le Couteur
Mr Seselja	Mr Corbell	Ms Porter
Mr Smyth	Ms Gallagher	Mr Rattenbury

Question so resolved in the negative.

Standing and temporary orders
Referral of government amendments to committee

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

> That standing and temporary orders be amended to include a new temporary order 182A in the following terms:
>
> 182A. An amendment to be proposed by the Government must be considered and reported on by the Scrutiny Committee before it can be moved. By leave of the Assembly, this standing order may be dispensed with on the grounds that an amendment is:
>
> (a) urgent; or
>
> (b) minor or technical in nature; or
>
> (c) in response to comment made by the Scrutiny Committee.

This temporary amendment to standing orders has its origin in the Labor-Greens parliamentary agreement made following the election last October. The amendment will ensure that government amendments to be proposed are examined and reported upon by the scrutiny committee before they are moved in the Assembly. The specific clause of the agreement dealing with the issue is clause 3.4 of the parliamentary agreement, which states:

> A new Standing Order requiring that all Government amendments to Bills will not be able to be debated unless a scrutiny report from the Scrutiny of Bills Committee has been provided unless the Assembly agrees the amendment is of an urgent, minor or merely technical nature.

This proposed new standing order will require that government amendments are provided in advance to the scrutiny committee. The amendment is of a temporary nature, as have been the other amendments to standing orders introduced pursuant to the Labor-Greens agreement. I am sure all members will monitor its operation with interest.

An important part of the proposed new standing orders are the qualifiers in subparagraphs (a), (b) and (c). They allow the Assembly itself to dispense with the

use of the standing order in certain circumstances. Members will be required to make a judgement in certain circumstances as to whether an amendment is urgent, minor or technical in nature or proposed in response to comments made by the scrutiny committee itself.

This standing order, in my view, will need to be utilised with common sense and practicality. The realities of this place are well known to members, and no doubt there will be circumstances where this standing order will be most sensibly not applied. Not least often, this will occur when amendments are proposed directly in response to scrutiny committee comments.

The proposed standing order is expressed to apply only to government amendments. This is, of course, in some senses anomalous and the government will monitor the progress of the operation of the temporary standing order with a view to possibly proposing down the track an amendment so as to apply such a requirement to all amendments, whether they are executive or non-executive.

The wording of the proposed standing order has been finalised following input from the committee itself, the Speaker's office and the Clerk, and I would like to thank each of those individuals for their comments and their feedback. I commend the proposed temporary standing order to members.

MRS DUNNE (Ginninderra) (10.53): The Canberra Liberals are concerned about this and we think that for the most part this is an unnecessary standing order. It is true that in my capacity as the chairman of the scrutiny of bills committee I wrote to the minister and asked that we be consulted about this. The scrutiny of bills committee has had input into this. The discussions that we had in the scrutiny of bills committee set me thinking about the problems that can arise from this.

I think what we have seen in this particular clause in the Labor-Green alliance document and many of the other things that are in this is that the Greens, to their credit, are trying to fix all the problems that we encountered with majority government at a time when we have done away with majority government. I think that probably the impetus for this particular amendment to the standing orders comes from some amendments to the Education Act which were forced through in mid-2006.

On the day that we were debating amendments to the Education Act, the minister's staff came down with some more amendments that related to non-government schools. Dr Foskey and I said: "We are not happy with these amendments. We have not had a chance to consult the non-government schools sector on this. Have you consulted the non-government schools sector?" They said: "No, no, no, but there has been a general discussion and it is all right. It is fine."

This was an amendment that was forced through with a majority government which, as it turned out about a month later, meant that a non-government school which was contemplating taking over the operation of Tharwa primary school was specifically prohibited from doing so. It was specifically prohibited from doing so because of that amendment that was forced through at the last minute by a majority government.

That is the problem with majority government in the ACT. There are no checks and balances and if one group controls nine votes, heaven help everybody else. What we are actually seeing here today is essentially the Greens' reaction to those sorts of events. That is the standout one in my mind and I am sure that other members will have other examples. But I do not know that in the circumstances in which we now find ourselves that it is necessary.

I remember many times coming down to this place to debate a bill and suddenly having the government drop 10, 15 or 20 pages of amendments which we knew were finalised, because you can read it on the bottom of the amendments when they are printed, days before. We got them sometimes minutes before or if we were lucky hours before. That will not happen in this Assembly because if any minister tries to do that there are enough people in the Assembly to stop it and say, "Okay, we will agree to this bill in principle and then we will adjourn debate and we will go and look at the amendments." What we have actually got here is a situation in which we are fixing up retrospectively a problem we had in the last Assembly and which we will not encounter in this Assembly.

We had a discussion in the scrutiny of bills committee. I think the first version did not refer directly to government bills. There was discussion in the committee, and there has been discussion with other members, that if this process is not dealt with generously we can derail the entire legislative program of any of the groups in this Assembly. Simply by putting some previously undiscussed amendments on the table at the last minute, you slow down the process by one sitting week at least.

I have had discussions with many people about how this should not work like this and it should not be used as a tool to slow down the legislative process. This is why we ended up with an amendment that relates to government amendments. I have got some bills on the notice paper, Mr Seselja does and Ms Hunter has bills on the notice paper. If we say that we want to list these for debate, suddenly the government can bring its government amendments to those bills and slow down the process for at least one sitting week. But we do not have the same capacity, nor should we have the same capacity, to do that to the government and slow down that process.

I have circulated an amendment that inserts after the word "government" the words "to its own bills" so that if the government wants to amend its own bills, that matter needs to go to the scrutiny of bills committee. Probably if we agree to this it actually points out to some extent the futility of it. I take the minister's point that it seems anomalous that non-executive bills will not be affected by this.

In this Assembly it is more likely that we will see non-executive bills getting up and being debated. For instance, in the last two sitting weeks, I have successfully steered through two non-executive bills, and this will happen more and more. There will be more private members' business that becomes law in the ACT. To an extent, this amendment as it is proposed requires a higher level of scrutiny for government legislation than it does for non-executive legislation, and that is anomalous.

My instincts and the instincts of the Canberra Liberals are not to support this change to the standing orders. We definitely will not support it unless our amendment is

successful. I think that this is an area where we will have sort of tit-for-tat tabling of amendments and we run the risk, if people do not act with goodwill, of really bogging down the process. It is unnecessary. I think that in the new regime, the new reality in this Assembly, it is entirely unnecessary and that if a minister or any member brings in a big swag of amendments to a bill that they are sponsoring without consultation with other people, they would rightly close us down until there is time to look at it.

That is how it should work and I think that this is an artificial construct that looks to address a problem that no longer exists. Without the support of my amendment we will not be supporting this amendment to the standing orders. I move the amendment circulated in my name:

> After "Government", insert "to its own bill".

MR RATTENBURY (Molonglo) (11.00): I rise this morning to indicate that the Greens will be supporting this motion. It is another initiative to enhance parliamentary scrutiny that has been implemented as a result of the Greens' success at the last election, and it reflects another clause in the ALP-Greens agreement. It is an agreement, of course, and not an alliance, as members on the other side of the chamber seem to keep harking back to.

I do not plan to speak for very long this morning as many of the arguments supporting these changes have been discussed and canvassed in the Assembly in previous debates around the Latimer House principles and the commitment of the Greens to improve the transparency, accountability and consultative processes of government in the ACT. In particular, the Latimer House principles deal with the relationship between the three branches of government in the Westminster system. The principles specifically state that each institution must exercise responsibility and restraint in the exercise of power within its own constitutional sphere so as to not encroach on the legitimate power vested constitutionally in the other institutions.

Under majority government, the ALP gradually accrued more and more power into the hands of the executive. While ACT Labor was more constrained than the federal Howard government, who showed utter contempt for the proper workings of parliament as soon as they gained a majority in the Senate, over the term of the last Assembly there was a conscious and steady diminution of the roles and capacities of the ACT Assembly to perform its proper function of oversight and review.

This amendment to the standing orders is taken from the agreement, as I previously mentioned, and is further evidence that we are delivering on our commitment to the Canberra community that we will hold the government accountable and, with the cooperation of the Labor Party, we will continue to implement our raft of initiatives that will enhance the quality of governance in the ACT for the term of this Assembly and hopefully into the future.

I might also use this occasion to remind the Liberal Party and again put it on the public record that the Greens-ALP agreement is a public document. There have been a lot of comments and insinuations about the state of that agreement in recent times, but I simply point out that it is available and has been since it was signed. I think that less insinuation and more reflection on the actual document would be helpful for all of us.

This amendment will insert a new standing order which will require the government to refer significant legislation for consideration by the scrutiny of bills committee. This is standard practice in other democratic jurisdictions and is nothing more than good parliamentary practice. Under majority government, the community was not well served by Labor being able to rush various bills through the Assembly—Mrs Dunne has just highlighted a useful example of that—in situations with minimal publicity, minimal scrutiny and perhaps minimal consultation. I trust that the message has been relayed by various ministers to their departments that legislative proposals now need to be developed well before the time at which they need to become operational and that the processes of consultation and scrutiny are to be embraced and actively engaged in in good faith.

The Greens are mindful of the need to ensure that governance process requirements do not adversely impact on the efficient operations of government. To this end, amendments which are genuinely of a minor or technical nature will not be required to be scrutinised by the committee, and I think that is very sensible. Similarly, this amendment also recognises that there will be occasions on which the government will have to urgently move substantial amendments to legislation and that it will be impractical on every occasion to require such amendments to be referred to the scrutiny of bills committee. The Greens, and I am sure the Liberal opposition as well, will be watching which bills are claimed to be of an urgent, minor or technical nature in order to ensure that there is no attempt to push through amendments which should properly receive more comprehensive scrutiny and public comment.

Having said all that, I do want to thank the Attorney-General and his staff for the collaborative and positive way in which they have carried forward those parts of Labor's commitments under the Labor-Greens agreement for which the attorney has carriage. I think it has been done in a timely manner and I think it has been done in a cooperative manner. I hope that these changes will improve the conduct of this place.

I also note Mrs Dunne's comments in the speech that she just made. I think that they were thoughtful comments, and I have certainly taken note of them myself. They are something we need to remain mindful of as we see how the operation of this standing order rolls out. If we find that we do have significant problems, then we may need to come back to deal with them. It is important that we continue to strive to make improvements but be open to accepting that they perhaps need adjustment or further consideration on the way.

Having made those comments, I commend these amendments to the Assembly and indicate that the Greens will be supporting both Mrs Dunne's amendment as well as the original motion put forward by the attorney.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.06): The government is inclined to support Mrs Dunne's amendment. Indeed, in every respect it narrows the application of the standing order and applies it only to government amendments to government or executive bills. That is, I think, a reasonable approach. It does create a consistency in the application of the standing order to a greater degree than perhaps was first proposed.

But I would say to Mrs Dunne through you, Madam Deputy Speaker, that it is important to stress that the workability of this is very much in the hands of the Assembly itself. Certainly, whilst the standing order says that the standing order can be dispensed with by leave of the Assembly, there are also mechanisms for an absolute majority in this place to dispense with that standing order, should there be dispute. For example, if a majority of members believed that a matter was urgent but a minority of members did not and they did not grant leave, there would still be scope for suspension of standing orders to occur to permit the standing order to be dispensed with on that occasion. I do not believe it creates a deadlock situation in the Assembly or a situation where a small number of members—certainly not a majority of members—can hinder the debate on amendments that are perceived to be urgent, technical, minor or in response to comment made by the scrutiny committee itself.

I do not envisage there being much dispute about when an amendment is proposed by the government in response to comment by the scrutiny committee itself. I think that is going to be able to be quite clear to be able to identify. Equally, I think minor and technical amendments, generally speaking, are not going to be areas for much dispute, although potentially more than in the first instance. I think where there will be perhaps greater level for dispute is whether a matter is considered to be urgent and governments and others may have different views about what is urgent. But, as I say, this is a matter that will need to be worked through, and I trust that the Assembly conducts itself and applies the standing order in a sensible fashion. The government will closely monitor that.

As I said also in my introductory comments, the real issue here is that, if it is good parliamentary practice for government amendments to be scrutinised by the scrutiny of bills committee, then it is good parliamentary practice for all amendments to all bills to be scrutinised by the scrutiny of bills committee. That is something which I have said that we need to think about further. It is not something that entered into the discussions in preparation for this amendment, and that is why I have not sought to make that change at this time. But I do flag again that the government is likely to suggest at some point later this year that this standing order apply to all amendments to all bills. As I said, if it is good practice for the executive, it is good practice for everyone who is suggesting changes to the ACT statute.

With those comments, I thank Mrs Dunne for her contribution and I also thank Mr Rattenbury for his comments. I have been pleased with how we have been able to negotiate all of these changes to the standing orders. The standing orders of this place are the rule book, and it is important to try, wherever possible, to get changes to those rules through a process of discussion and collaboration. I think we have overwhelmingly been able to achieve that very well. I thank all parties for their cooperation in that. As I say, the government is willing to support Mrs Dunne's amendment.

Amendment agreed to.

Motion, as amended, agreed to.

Executive business—precedence

Ordered that executive business be called on.

Justice and Community Safety Legislation Amendment Bill 2009

Debate resumed from 12 February 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.11): With some reservations the opposition will support most of the elements of this bill. But we will be opposing the two elements relating to the validation laws. I have suggested to members an alternative approach to this but I understand that I would not be able to suspend standing orders to do this. So I will just speak about what would be a better approach, rather than going down that path.

In most cases the amendment bill would make changes that are technical in nature, bring pieces of legislation into better alignment with others or clarify areas of uncertainty. However, most of these amendments would not be necessary were the Stanhope-Gallagher government able to think things out properly before legislation is brought into this place.

A prime example of that is the amendments to the Children and Young People Act. These amendments might not have been necessary had not the approach to the Children and Young People Act when it passed last year been such a dog's breakfast. At the time, I spoke about the fact that it was unnecessary to have all of this legislation in one 800-page document, and I have congratulated the Department of Justice and Community Safety for succeeding in eventually extracting all of the material relating to sentencing out of the Children and Young People Act and putting it in the sentencing legislation where it belongs. Some of the issues that we are amending here today are issues that were concerns to me, that I raised in briefings and was told that it was all right. Yet we are back here amending them today.

I also think that we would have solved some of these problems in relation to the Children and Young People Act if the government had agreed to refer this matter to a committee, which is what I had asked for at the time. I was told that the bill had been consulted, consulted and consulted on again, that it had been studied to death and that all the problems had been ironed out. But we are here today, about six months after the bill was passed and before it comes into operation, doing fix-ups that had been foreshadowed as problems by the Liberal opposition.

There is an amendment relating to the Domestic Violence and Protection Orders Act. This amendment widens an already broad definition of "relevant person" to include persons who were formerly in a personal relationship, irrespective of whether those persons are living together. We would contend that the public has a perception about legislation whose name suggests that it protects people in domestic arrangements and

would have some discomfort, as I do, in extending the definition quite so broadly. But I take the advice of the department and the minister's office that this has been a widely consulted-on extension. We will be watching this closely because I am concerned that it has the capacity to diminish the importance of domestic violence legislation by so broadening the definition of "relevant person".

The amendments to the forensic evidence act are important but fix-up measures that make it absolutely clear that if an order is given to take a forensic sample the police have the capacity to bring somebody into custody. It fills in an essential gap that was overlooked. I think again that if we workshop some of these things more carefully before they get into operation this could be avoided.

The principal problem the ACT Canberra Liberals have with this bill relates to the validation of appointments under the Liquor Act and the Residential Tenancies Act. When this issue was brought to me in the first instance, I asked the minister's office when they were going to introduce validating legislation and I said to the minister's office—although the minister's staff say they do not recall this—that I wanted it dealt with quickly and that I wanted it dealt with in stand-alone legislation. I said at the time that, if the minister thought that it was necessary, which I did, that it be introduced on the Tuesday and debated that week, I would ensure that my colleagues would agree to a quick passage because I thought it needed to be dealt with expeditiously. So it is unfortunate that we got this in a piece of omnibus legislation.

My colleagues and I are extremely unhappy that this was sort of slid in under the radar. The minister probably hoped that it would not be noticed. The comments in the introductory speech were simply that this was to remove all doubt about an appointment. But let us go back to what we are removing doubt about. What happened was that on the day before the election, on 17 October, the Attorney-General made three illegal appointments to two boards or tribunals that could have been easily avoided.

The provisions in the Legislation Act at section 228 are blindingly clear. Anyone who has worked on government appointments in this place over the last number of years—and Mr Corbell is no newbie in this place; he has been a minister for a long time and he has dealt with the statutory appointment provisions in the Legislation Act—knows how the system works. It is very simple. The cabinet decides to make an appointment, the minister responsible has to write to the relevant committee and ask for feedback, input, from the relevant committee and the relevant committee have 30 days to respond. The minister may not make an appointment within those 30 days unless the committee has got back to him with their comments, and he must take their comments into consideration. If after 30 days the committee has not got back to him, he is free to make his appointments.

What happened here was at least an unforgivable stuff-up—at the very least an unforgivable stuff-up and at worst just a complete intention to flout the law. I have had officials come and brief me on this and I have had officials nobly falling on their swords saying: "Mrs Dunne, don't blame the minister. It is the department's fault." That was very noble of them. But the point is that the buck stops with the Attorney-General. If the Attorney-General's Department makes a fundamental flaw

like this—if somebody in his office has given him the faulty advice and he has signed off on the brief and agreed to the faulty advice given to him—the buck stops with him. This minister made three illegal appointments and he wanted to just sneak them through. He hoped that people would not notice very much and would not ask very many questions.

It was interesting that the scrutiny of bills committee, for instance, when it first looked at this, did not look at the issue of validation of appointments. It was the justice and community safety committee, principally its secretary—the members should not take credit for this as it was the secretary of the justice and community safety committee—who raised with me that there were illegal appointments. We worked through this with the minister. He wrote to us. It was only after we published that documentation, that correspondence, that the scrutiny of bills committee advisers suddenly realised that we had a problem.

The minister hoped that this would go in under the radar—and it has not gone in under the radar. It will not go in under the radar. It will go on his record, which is a pretty appalling record: a serial misleader of the Assembly; someone who was castigated in the last sitting about his behaviour in making inappropriate comments; someone who bears around his neck the absolute catastrophe that is the AMC, the minister who was responsible for the construction all through the construction period, and when that will start we do not know. Now we have illegal appointments added to the catastrophe of the planning system, which was his baby as well. This is a man with not a very good record.

What I had proposed to the crossbenches and the government is that we should suspend standing orders and split out the validation legislation so that we had stand-alone validation legislation so that people of the ACT could see what was going on here. This is an attorney who has made a dreadful mistake, a fundamental mistake. He broke the law in doing so and he thought that he could skate in under the radar. There is no real justification; the only justification the attorney could have is to stand up and say, "I broke the law and I am sorry."

But what we have got are quite mixed messages, because one of the Greens staff gave to me, on Tuesday I think, a copy of the departmental briefing that was written on 16 October to the minister and he made these appointments on 17 October, the day before the election. First of all, I would just like as an aside to point out the number of times that members of this place have asked for copies of briefings. When ministers have said that they were told X or Y or Z and we have asked to be shown the briefing to show what happened, they would say: "Oh, no, we can't do that. This is executive privilege," or, "These are privileged documents—you know, free and frank advice."

But, when the minister wants to cover his reputation, suddenly this becomes available to me. One of the Greens staff came to me and said, "Mrs Dunne, here is a copy of the briefing and we have checked with the attorney's office and it is all right for us to give this to you." So suddenly, if it suits the attorney, if he wants to try and unsully his reputation, he will rely on the briefing which says that cabinet's agreement to reappoint these members will expire when the new government is elected on 18 October.

There was plenty of opportunity for him to do a range of things. My understanding from the briefing was that the cabinet decided to appoint these people some time before this briefing was written, some considerable time before this was written. They could have appointed them earlier than this and written to the JACS committee. I notice in the attorney's letter to the scrutiny of bills committee that he contends that the JACS committee had disbanded. That is not the case; the committees continued to exist until midnight on 17 October.

At any time between when the cabinet made the decision and 17 October, he could have consulted with these people. He could have said: "This is urgent. Can you turn it around quicker if that is possible." Madam Deputy Speaker, I know that you and I and Mr Gentleman had discussions about what business we might transact on the planning and environment committee during the caretaker period and we did discuss the possibility of statutory appointments. I understand that other committees were approached and had to do statutory appointments. Various committees adopted various approaches. Some agreed to them; others said, "As we are in the caretaker period, we will make a short-term appointment that does not require our consultation and come back to the new committee with a longer appointment after the election."

These were the courses of action open to this minister and his department. That his department and this minister collectively did not take any of the legal options is an indictment on the Attorney-General and the way he runs his department—nothing else. It is a sorry indictment of all of them—the fact that they thought, "Oh, well, it is the day before the election; we will just do it this way." Senior people whose reputation and whose experience I regard highly have advised the minister to carry out an illegal action. I am deeply saddened that people whose work I have seen over a number of years could act in this way. This is a serious lapse on the part of a number of people across the department and in the minister's office, right up to the minister himself.

We need to make it perfectly clear that what happened and what we are doing today in validating the Liquor Licensing Board and the Residential Tenancies Tribunal appointments is retrospectively making an illegal act legal. That is what we are doing. The other thing that we are doing is trying to rescue the reputations of people who are named in this legislation. That is the really terrible thing about this: three upstanding Canberra individuals are named here, not through their own fault. Nothing that they did was wrong; they had been carrying out their business. But we have validating legislation for these people because of what this attorney allowed to happen. He should write to those three people individually and apologise to them for the way that they have been inconvenienced, because the simple reading of it and the way that this was done, putting it in under the radar, implies that they may have done something wrong, and they have not. They have not done a thing wrong.

The only person who has done anything wrong is the Attorney-General and the Attorney-General needs to apologise to the people named in this legislation for the inconvenience and the slur that might accrue to their reputation for his, at least, thoughtless actions. At least they are thoughtless actions. At the very least this is a stuff-up. The possibility that they just did not care whether they broke the law on the day before the election is very high. As a result of that, the preferred option of the

Canberra Liberals is that these validation appointments be separated. As a result of that, in the detail stage we will be opposing the validation of these appointments in this bill.

MR RATTENBURY (Molonglo) (11.27): The contents of this bill have the potential to invite derisory comments about the very need for the bill itself, but to do so would be unkind. It is far better for the government to err on the side of caution in these matters and admit to minor mistakes like these while moving quickly to amend legislation so that it better reflects the original intention of the Assembly. Having said that, I do agree that some serious mistakes have been made and that that fact should not pass unnoticed.

The most series lapse we are dealing with today is the illegal appointment of a number of statutory appointees, as Mrs Dunne has just spoken about at some length. I will detail why I consider that these appointments were made illegally later. For now, I should say that I consider these appointments to be illegal in the administrative law sense of being an act purported to have been done which was beyond the legal power granted by the Assembly to the decision maker. In this case, the decision maker was the Attorney-General. However, I am not convinced that all or even a large portion of the blame should be borne by the Attorney-General.

Under the Westminster convention, the minister must bear responsibility for the actions of his departmental officers. But the realities of self-government in the ACT, with its impractical size of ministerial portfolios, mean that the convention on ministerial responsibility has to be tempered with common sense. No minister can be expected to be across the minutiae of all of their portfolio areas. In the matter of these illegal appointments, I understand the attorney was acting on the firm advice of his departmental officers, who advised him that the appointments would expire imminently and that, as a result, the operations of the Residential Tenancies Tribunal would be seriously compromised. The minister was also apparently advised that he could bypass the requirement to consult with the relevant committee and that he should make these appointments as a matter of some urgency.

When I ask myself what I would have done in the minister's position on the day before the election, I cannot honestly imagine that I would have launched an investigation into the exact terms of my decision-making powers, gone against the advice of my most senior departmental advisers, and come up with my own alternative action plan to keep the tribunals operating as required over the intervening period.

While some admonishment back down the line of responsibility may be appropriate in some cases, to be unnecessarily harsh could trigger off a chain of recriminations from the minister down, which might impact adversely and unfairly on a more junior bureaucrat and have the effect of discouraging public servants from pointing out perceived defects in legislation. I am convinced that this error was one of omission to properly examine the terms of the minister's decision-making powers rather than a deliberate attempt to bypass the requirement to consider the advice of an Assembly committee.

It is also the case that the Attorney-General made no attempt to hide what he had done. He wrote to the committee and made a full explanation based on the advice provided to him of what had happened. While the Greens have had occasions on which we disagree with the opinion of the Attorney-General and his officers, I do not think that they can be charged with gross incompetence, and I think it would be best to let this particular stuff-up be chalked up to experience and to serve as a reminder that all public servants and advisers need to trace the precise chain of statutory authority on which they and their ministers rely when they exercise public powers.

As to the amendments that are more broad than the ones we have been referring to in relation to the minister's decision, I understand that some of these amendments are the result of belated consultation with affected parties who only realised what effects these laws would have around the time they came into effect. This is one of the problems with consultation, especially when the government relies on organisations and individuals who do not have a direct personal or financial interest in the matters under consultation. It is difficult for such people, who are often extremely busy, to focus their minds on an issue when it is still at an abstract level, long before the laws under consideration come into effect and long before their client or interest group are personally impacted by the operation of any new laws.

I think this is a salient point to bear in mind both for the government and for departments when dealing with such complex and substantial pieces of legislation as the JACS bill that passed through last year. It is almost inevitable that with complex pieces of legislation some details will be overlooked and not all ramifications will be recognised and considered prior to the act commencing. Whilst it is not a fault of the drafters when these things happen, it is often the case that drafters are able to identify these kinds of problems. In fact, it is a testament to the abilities of the staff in the ACT's parliamentary counsel's office that we do not see these types of amendments more often.

Lawyers who specialise in drafting are a rare and invaluable asset for any jurisdiction. It can be difficult for those of us who are not involved in drafting legislation to appreciate the level of detail and technicality required to ensure that the words of a provision will mesh seamlessly with all existing legislation and give effect to the intentions of the instructing officers and then of the Assembly. Certainly, my own practical experience this week as we looked at the feed-in tariff laws which will come up for debate later today have borne that out, as my intentions and the efforts to then draft language that reflects those intentions have taken quite some discussion and quite some going back and forth.

I will now explain why I think these appointments that we were referring to earlier were actually illegal and, consequently, why these amendments proposed today by the minister are essential. Under section 228 of the Legislation Act, the minister must consult with the committee. The Assembly committee's recommendation is purely exhortatory, and the minister can disregard it with procedural impunity. However, the process of consultation with the committee was considered by the Assembly to be of such importance that the minister was commanded to consult.

In interpreting the effect of this provision, a court would not be particularly interested in the political reality, which is that a minister may ignore the recommendations of a committee. It would look at the clear meaning of the words of the statute. They are unambiguous. The minister's discretion is twice curtailed in section 228 of the Legislation Act by the command that he or she must consult with the Assembly committee before making an appointment to a statutory position.

To reach a conclusion that the Assembly intended that the minister should have discretion as to whether he consulted with the committee, the provisions would have to state that he "may consult" or "may choose" to consider the committee's recommendation. It is quite unusual for a provision to curtail a minister's powers in such unequivocal language, and it is clear that the Assembly intended to reserve for itself the power to comment on a minister's choice of appointee. If a clause which commands a minister in such unequivocal terms to consult can be ignored, it would make a bit of a joke of the Assembly's law-making power.

I think on the balance of probabilities that a court would find that the de facto officer doctrine would not apply in these cases. This is not a case where the government is acting with an abundance of caution just in case a court may find the appointments were not protected by the de facto officer doctrine. These amendments are absolutely necessary. It is not often that the Greens will agree that retrospective legislation is desirable in order to fix government oversights and omissions, but, unfortunately, this is one of those cases.

It is undeniable that the commissioners were qualified for their positions, and I have no reason to believe that the committee would not have agreed with the Attorney-General's choice of appointees. It would be manifestly unfair for people who have assumed that the decisions of the commissioners were validly made to find that their actions were possibly illegal through no fault of their own. While I do not expect that any prosecutions would follow from the overturning of the commissioners' powers, it would still be a major headache for the affected parties and there would be a lot of wasted energy and resources in obtaining valid authorisations and reasserting other legal rights. It would also be a waste of significant government resources.

I will now deal with the procedural provisions amending the Crimes (Forensic Procedures) Act. These amendments ensure that the original intent of the legislation is realised. I am reassured that the powers to compel the taking of a DNA sample is conditional on the order of a magistrate, and I think they are reasonable and proportionate in a human rights sense. The only problem I have with these provisions is the concern expressed by the scrutiny of bills committee. The Greens have, in the past, insisted that various provisions should include a reasonable grounds qualification in cases where the same act contains other provisions which spell out that a similar decision maker must have reasonable grounds on which to base their decisions. In these circumstances it is safest, acting with an abundance of caution, to include the same qualification.

In saying that, I in no way intend to insult or adversely reflect on the magistracy. Even though it can be safely assumed that a magistrate would always require reasonable

grounds to make a decision, the amendments that I will move later in this debate will ensure that the argument cannot be put that, by including the requirement that magistrates act on reasonable grounds in another section of the act, the Assembly intended to remove or water down this requirement in sections 40(a)(iii) and 40(c)(v).

It may be thought that all administrative decisions must be based on reasonable grounds and that a jurisdictional error will occur if a decision maker makes a decision on unreasonable grounds. This is the so-called Wednesbury unreasonable test, which is the benchmark for testing whether a decision is so unreasonable that no reasonable person could have made it. The Wednesbury standard is a particularly difficult ground of appeal to approve, as a decision has to be truly mind-bogglingly ridiculous before a court will find that a decision is invalid due to a lack of reason.

The powers under these proposed sections are very serious and concern arrest and removal orders. It is important to ensure that anyone wishing to challenge the exercise of these powers does not run up against government lawyers claiming that the standard of reasonableness required for their exercise is in any way less than that required under other sections of this act.

It is most likely that these amendments are unnecessary, and I hope they are. However, as I said, it is best to err on the side of extreme caution in this matter. When there is ambiguity as to the correct interpretation of the statute, a court may look at extrinsic materials such as speeches by the government in this Assembly. In this light, we must bear in mind that this government was happy to support the test laid down by the majority of the High Court in the McKinnon FOI case, as we discussed the last time this chamber sat and debated that point. In this case, a decision which was truly mind-bogglingly ridiculous and apparently contrary to the spirit of the act under which it was made was held to be a valid exercise of power because the merest shred of a rational process was discovered within it.

In these circumstances, until we hear a convincing repudiation of such an approach by this government, there could be a danger that a court looking for guidance in how to interpret this legislation may be guided by the government's speeches, such as those supporting the reasoning in McKinnon, as examples on how reasonable this government intends the decision must be in order to satisfy an unstated reasonableness test.

In these circumstances I think it would be prudent to follow the advice of the scrutiny of bills committee and, as I flagged, I will be moving an amendment to insert a reasonableness test into the foreshadowed provisions when we come to this detailed stage of the bill. But at this point in time, the Greens will be supporting in principle today's bill put forward by the minister.

MR HANSON (Molonglo) (11.40): Madam Deputy Speaker, I speak to the motion in support of the splitting of the bill as proposed by Mrs Dunne, and I do that because of all the issues that she has raised and also because of those that have been raised by Mr Rattenbury. He has certainly identified that serious mistakes have been made. He notes that they were illegal, and I think that it is very clear to us now that they were. He notes also that the decision maker was the Attorney-General in this case, and that

in the Westminster system the minister is responsible for the decisions and the actions of his department.

The issue with those mistakes is that the determination was illegal, that the Attorney-General was the man who made the decision and that he carries responsibility for his department. There is an inference that, by slipping this through with a number of other issues, the minister is failing to take responsibility for and be accountable for his actions, which have demonstrably been shown to be illegal and have been a mistake.

I am disappointed the minister is not taking this opportunity to separate the issues and to take responsibility for his actions. It appears that he is trying to slip it through in an omnibus bill along with a number of other issues and that there is a blame game occurring where briefs are being passed around to show that it was not his fault but the fault of his department. The minister needs to step up and demonstrate that he is in charge, that he is responsible, that he is paying attention to the detail, and that he is not just, essentially, a spectator within his department but that he is engaged in the process.

This is a view that I am starting to take not only of the Attorney-General but other ministers in this government—that is, they are spectators to what is occurring in their departments and that they get engaged only when there is a media opportunity or when there is an election opportunity. But when it comes to the hard work, the hard graft, that goes on through the important process of developing legislation and the less attractive bits and the less dramatic issues, they are not paying attention and they are letting things like this slip through.

Mr Corbell: How long have you been here, Mr Hanson? Five minutes?

MR HANSON: Long enough to form that view.

Mr Corbell: You would have no idea, Mr Hanson.

MR HANSON: Well, clearly you have no idea about lots of issues going on in your department, Attorney-General, as is evidenced by the debate today on issues raised—

MADAM DEPUTY SPEAKER: Mr Hanson, address your remarks to the chair, please.

MR HANSON: My apologies, Madam Deputy Speaker. I was addressing interjections made by the minister.

MADAM DEPUTY SPEAKER: Well, ignore the interjections.

MR HANSON: Regardless, I will continue—

Mr Corbell: Like I said, how long you have been here, Mr Hanson?

MADAM DEPUTY SPEAKER: Mr Corbell, Mr Hanson has the floor. Continue, Mr Hanson.

MR HANSON: Thank you, Madam Deputy Speaker. It goes to my point that the minister in question, the Attorney-General, does not seem to have a grip of the detail of his portfolio and, as a result, mistakes have been made. In this case something has been done that is illegal. The minister should be taking responsibility for his actions and, in doing so, he should be taking these aspects of this bill forward separately so that he can then say, "Yes, I made a mistake. Yes, it was illegal. I apologise." He should take full accountability and responsibility for his actions rather than trying to slip it through with some other issues that are being discussed and essentially blame his department for this mistake.

I call on the minister to demonstrate leadership, to demonstrate that he is actually making the decisions and that he is accountable for the actions of his department. A clear way, an easy way, for him to do that would be to split this bill, to take those issues up separately, to make a clear and definitive statement of why he made the mistake and to take responsibility for his actions.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.44), in reply: I thank members for their contributions to this debate. At the outset I have to take some issue with the repeated use of the word "illegal" in this debate. The word "illegal", as it is used in a technical legal sense, generally connotes an act constituting a crime. Actions in breach of a statute or other civil law can properly be characterised as unlawful or invalid, but not illegal. I think there is real potential for disquiet to be caused when members use those phrases in that way. I simply draw that to members' attention and refute the use of that term that members have used in this debate.

This bill is the 20th bill in a series of bills dealing with legislation within the justice and community safety portfolio. The bill makes amendments to a broad range of acts, and members would be familiar with those. The majority of the amendments contained in the bill relate to other laws that are due for commencement in coming months.

Following initial consultation with affected sectors of the community and the drafting of the head legislation, it is standard practice for my department to maintain a collaborative dialogue about the impending operation of new laws with relevant stakeholders that are both internal and external to government. These discussions are an important process to ensure that the legislation is implemented in accordance with the original policy intent and to identify any issues or concerns with the legislation prior to its commencement.

It is often only—and I stress only—in the detailed analysis phase that comes when new processes are about to commence that all minds are finally and finely focused on matters of practical implementation. This in turn gives rise to an important opportunity for finetuning and it is one of the reasons why an omnibus portfolio bill process in the justice arena has been seen as a beneficial mechanism. Indeed, it was implemented in 1999 by the then Attorney-General, Mr Humphries, and it was implemented for the very purpose that is being debated in the Assembly today.

I am grateful to all stakeholders who assist with the refinement of legislation, whether with its initial development or by subsequently providing commentary. Through this collaborative process this Assembly can be confident that matters that have arisen since the first drafting of the legislation are detected and corrected in order that various legislative schemes can operate as effectively as possible.

I make no apology for the fact that it is often not feasible to foresee all implementation eventualities associated with law reform. Once they have been identified, however, it is prudent—indeed, in some cases critical—that the government act promptly to address them to ensure that the Assembly's intentions are enacted as effectively as possible. That is what this JACS bill does.

While few, if any, of the matters being addressed in this bill are fatal to the operation of any aspect of existing or pending legislation, it is important to prepare to have legislation working as effectively as possible from day one or as soon as practical after that time.

I will not go into the detail of the various acts and the changes to them. These are matters that have been discussed at some length already, except in relation to the Crimes (Forensic Procedures) Act 2000. I am aware that the scrutiny committee has recommended a change in the provision that addresses how a magistrate should exercise his or her power in deciding whether or not to give police the power of arrest. I believe that the protections already in place in the legislation, together with the normal exercise of a magistrate's discretion, afford sufficient protection to people who may be the subject of the orders.

However, I am aware of the amendment foreshadowed by Mr Rattenbury. While I believe that this amendment is unnecessary, as the amendment contained in the bill is inherently about reasonableness, it would not be inconsistent to include these words in the provision, and the government will have no objection to that amendment in the detail stage.

I would now like to turn to the issue of the appointments made under the Liquor Act 1975 and the Residential Tenancies Tribunal Act 1997. This bill, as members have pointed out, makes amendments to these acts to ensure the validity of the reappointment of members of the Liquor Licensing Board and the Residential Tenancies Tribunal. I think I should first of all point out that these were reappointments. They were not new members being appointed. They were reappointments of existing members. The relevant portfolio committee of the Assembly had, in any event, already scrutinised the appropriateness of these people for appointment. I just make that point.

I made these reappointments last year consistent with the advice I received from my department and on the basis that these bodies needed to sit immediately after the election. I did not hide the fact that I was making these appointments in this manner. On 20 October I sent a letter to the secretary of the relevant standing committee outlining the circumstances affecting the reappointments and explaining that due to an administrative oversight on the part of my department the committee had not been

consulted before the appointments were made. The letter also noted that these were short-term reappointments of existing members pending the commencement of the ACAT and it was important that there be no lapse in the ability of these important bodies to function. I did not hide it. In fact, I wrote to the committee pointing it out. That is not the act of a minister seeking to hide his actions.

When the standing committee subsequently raised the question of validity of the reappointments I sought further advice on the matter. I received advice that because of the possibility that the reappointments may be found to be invalid due to the failure to consult with the standing committee before making the instruments it would be prudent to take action to validate them. It was not possible to validate the reappointments by making further retrospective appointments as the appointment provisions of the relevant acts had been repealed upon commencement of the ACAT legislation. The only available action to protect the interests of people affected by the decisions of the board and the tribunal was to make validating legislation.

Obviously, the government would have preferred not to have to make this legislation. But it is more important that the government do what it can to ensure the continuous seamless operation of these two important bodies of review. I remind members again that this matter relates to three short-term transitional reappointments of existing members whose names had come before the standing committee and this Assembly for consideration on numerous occasions. I stress that the integrity of these individuals is not in question in any way and that this step is only being taken to ensure that the decisions that they may have made in good faith are not left open to question by reason only of a defect in their appointment.

In that context, members may wish to note the relevant part of the report of the scrutiny committee. The report states:

> The terms of the prohibition on the Minister making an appointment, as stated in subsection 228(3) of the *Legislation Act 2001*, are cast in mandatory language … and the result as it stands now is probably—

this is the committee's view—

> that the appointment is not valid …
>
> The question is whether the terms of section 228 are such that it may be said that the Legislative Assembly intended that a failure to comply with its terms meant not only that a particular appointment was invalid from the outset, but also that any purported action taken by the appointee is also invalid. In other words, does section 228 operate to displace the operation of the de facto officers doctrine?
>
> Prediction of how a court may apply this doctrine and its qualifications is always difficult.

Again, that is the committee's view. In the end, however, it is always a question of resolving the issue in the particular statutory framework. It is not beyond reason to think that the terms of section 228 would operate to displace the operation of the de facto officers doctrine so that the acts of the member could be challenged. The

matter is not free from doubt and the government proposes these amendments to ensure that the proper operation of these review bodies continues.

I cannot finalise my contribution to the debate in the in-principle stage without dwelling to some extent on Mrs Dunne's view that this legislation should be sliced and diced so as to remove the provisions concerned with the validation of the appointments I made last year and pass them in a separate stand-alone bill. Mrs Dunne has professed to be concerned with transparency. She has told us that it is only by separately passing these amendments that one can be transparent. We have heard the motherhood statements from Mrs Dunne designed to conceal what I believe are cynical motives. We see them uttered with that look of pained sincerity and mock indignation that she does so well.

The accusation is casually flung across the chamber that the government and I have engaged in a cover-up. That is the accusation—that I have engaged in some sort of cover-up, that these were appointments made in the dead of the pre-election night and that, now having been exposed, I have somehow sought to cover my mistake by burying these amendments in a JACS bill. This is a baseless and cheap accusation which is belied by some very simple facts.

When I made these appointments, I wrote immediately to the relevant committee explaining that I had done so and why I had done so and why I believed it was necessary to do so without waiting for a reply from the committee. Is that the act of a minister seeking to cover up his actions? Is that the act of a minister seeking to make an appointment in the middle of the night hoping that no-one will pay attention to it? I wrote to the committee and I told the committee what I had done, why I had done it and why I believed I needed to do it. That is what I did.

What an absurd, baseless and false suggestion from those opposite that I sought to cover it up! The letter was sent to the relevant standing committee explaining why I had done it. I had sent it on my own volition, having immediately made the appointments. That is not the act of a minister seeking to hide his actions. Indeed, it is the act of a minister who is conscious of the issues at play and wanting to draw them to the attention of the committee in the spirit of being open and transparent about the actions I had taken.

Mrs Dunne is not concerned with transparency; Mrs Dunne is only concerned with one thing, and that is scoring political points in any way she can, even if that involves wasting the time of members here and wasting the time of hard working drafters in the parliamentary counsel's office—I am sure she got them to draft something—by attempting to split routine legislation such as this in a very poor and tawdry attempt to score political points.

In my view, members of this place should not commission or foreshadow the commissioning of drafting of legislation for cynical and utterly pointless purposes such as this. It is time wasting and it is pointless to suggest the course of action that Mrs Dunne believes should be undertaken. Whilst I have no doubt it is the right of members to do so, I also have no doubt that Mrs Dunne will continue to act in this fashion. She has form in that regard. But the point must be made that when the

processes of this place are utilised for the purposes that are so transparently base and cynical as Mrs Dunne's, the reputation of the member is reduced. I would like to thank the Greens, and in particular Mr Rattenbury, for recognising the cynical motives of Mrs Dunne in this regard and indicating to her that they would not support them.

I will make one final point on the issue of the roles and responsibilities of ministers in this place. I find it interesting that a member who has no experience of executive government in this territory and who has been in this Assembly for all of five minutes seeks to make some detailed and considered commentary about what he believes should be the roles and responsibilities of a minister in this place. I do not know whether it has been drawn to the attention of Mr Hanson and others, but within my portfolio there are literally thousands of statutory appointments. There are literally thousands of individual statutory appointments—

Opposition members interjecting—

MR CORBELL: I heard opposition members in silence, Madam Deputy Speaker. I ask them to do me the same courtesy. They have got to be able to take as good as they get. *(Time expired).*

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Schedule 1, parts 1.1 and 1.2, by leave, taken together and agreed to.

Schedule 1, part 1.3.

MR RATTENBURY (Molonglo) (12.00), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 1145]*.

I will not speak at length to these amendments. I did outline my reasoning in my earlier comments. I have heard the attorney's response in his speech and I think I flagged it in my own earlier comments that, whilst I would hope that these amendments would be unnecessary, I think that there is no harm in taking what might be called a precautionary approach to ensure that we do not find ourselves in an unintended or unfortunate situation somewhere down the line.

That is why we would like to proceed with these amendments today. That concludes my comments on these amendments.

MRS DUNNE (Ginninderra) (12.02): The Liberal opposition will support these amendments. I had this discussion with Mr Rattenbury the other day and, in fact, I actually contemplated taking the advice of the scrutiny of bills committee on this matter myself. But the problem that occurred to me is that there may be other

provisions in the forensic evidence act that may also need to be amended but did not come to our attention because they were not being amended. I decided that I literally did not have the time to survey the rest of the legislation to see whether we needed to insert "on reasonable grounds" in other clauses so as to create consistency.

The scrutiny of bills committee has pointed out that there is an inconsistency. In some places the magistrate has to be satisfied and in other places the reasonable grounds test is there. I do applaud the scrutiny committee adviser for pointing this out. I am a person who is strongly in favour of consistent language throughout legislation. It may in fact be an exercise for another omnibus bill to be passed to ensure that there is consistent language throughout. The only reason I did not go down the path that Mr Rattenbury did was that I felt I did not have the time available to me to do that work. I support Mr Rattenbury's proposal to put the reasonable grounds provisions in those schedules that are available to us today.

Amendments agreed to.

Schedule 1, part 1.3, as amended, agreed to.

Schedule 1, parts 1.4 to 1.6, by leave, taken together and agreed to.

Schedule 1, part 1.7.

MRS DUNNE (Ginninderra) (12.05): The Liberal opposition will be opposing this clause to make the point that we think this should have been dealt with in a different way. It also gives me an opportunity to address some of the ludicrous things said by the attorney and to comment on some of the others.

In relation to some of the comments that Mr Rattenbury made, I am concerned that the doctrine of ministerial responsibility has had its bar lowered again because at a very early stage in this Assembly a leading member of the Assembly has said that ministerial responsibility does not go to a range of issues and the minister is not responsible for administrative minutiae in his department.

This is not administrative minutiae. This is something that the minister does. It is not something that some junior official has delegation to do and the minister may never see. This is something that the minister signs off on. The first law officer, in this case, signs off on this. He is responsible to ensure that when he is signing off on something he has got it right.

You asked the question rhetorically, "What would I have done?" What would Shane Rattenbury have done if he had been confronted with this on the day? Without any disrespect to you, Mr Rattenbury, I put you in the case of being a newbie. You have not had the experience that this minister admits to of thousands of statutory appointments. He has been a minister for seven years. This minister of seven years, who by his own admission—in his own defence—says he has signed off on thousands of statutory appointments, should not have made this unlawful error. That is the long and short of it. I do not mean any disrespect to Mr Rattenbury, but he is not someone who has been a minister for seven years.

I thought it was quaint for the attorney to say it was not an illegal act because it was not criminal; it was just an unlawful act. As one staff member said to me the other day, you say "potato" and I say "potarto". But what it boils down to is that Simon Corbell broke the law. What we are dealing with here today is Simon Corbell breaking the law. He said, "Look, this is a short-term appointment; it does not matter." If it was a short-term appointment the minister could have made an appointment for six months or less and would not have been required under section 228 of the Legislation Act to come and consult the committee, and he could have made a lawful appointment. He need not have broken the law.

He said that he was acting prudently. Well, the prudent thing was that on 16 or 17 October last year the attorney did not break the law. The person, who by his own admission has made thousands of these appointments, broke the law and he could have avoided it. He was badly advised and he does not have enough sense to recognise bad advice when he sees it. A man who has made thousands of appointments under section 228 of the Legislation Act got it wrong. He is the first law officer, the person most responsible for making proper appointments in this place.

Mr Corbell: I am sorry, I made a mistake. Sure; all right. You have never made a mistake in your life, have you, Mrs Dunne?

MRS DUNNE: We all make mistakes. The thing is that if this minister really thought that he had made a mistake, he would have at some stage shown some contrition. What he has done all through this is bob, weave and wiggle. He said it was a short-term appointment. Yes, it was a short-term appointment. It was up until 30 June this year. But legally he was required to consult with the committee. It was transitional. There is nothing in the Legislation Act that says you do not have to consult if it is transitional. There is nothing in the Legislation Act that says that if a committee has already ticked off on these people you do not have to consult them. There is nothing in the Legislation Act that gets Simon Corbell off the hook. The only thing that would have got him off the hook was to do it legally at the time. He did not do it legally at the time.

He relies on the scrutiny of bills committee that says that these appointments may be invalid. The scrutiny of bills committee concentrated on the appointment. The scrutiny of bills committee at no time—at no time—looked at whether or not the attorney acted legally in making the initial appointments. The scrutiny of bills committee said that it may not be absolutely necessary to make these validation appointments. That is the question that they raised. The thing is that no-one is absolutely sure whether we need to make these validation appointments. We have agreed that we need to make these validation appointments to remove all doubt, to act prudently in retrospect because Simon Corbell, the first law officer, the Attorney-General, was imprudent at the very least.

One of the things that needs to be clarified here is that when my committee wrote to Mr Corbell, we wrote about three sets of appointments. We wrote about the appointments under the Liquor Act, we wrote about the appointments to the Residential Tenancies Tribunal and we wrote about the appointment of the Official

Visitor, because the Official Visitor to ACT corrective institutions was also possibly appointed illegally in the run-up to the election without consultation with the outgoing legal affairs committee.

We have written to the minister and the minister has written back. Those letters have been published. But I can put on the record for those people who do not know this—people like Mr Hanson, Mr Hargreaves and the Greens' representative who is responsible for corrections need to know this—that the Official Visitor in the ACT seems also to have been illegally appointed. This is another possible illegal appointment by this minister. But, of course, that has been hospital-passed to Mr Hargreaves. Mr Hargreaves has to fix up the mess and I get the impression that people are not quite sure how to do that. My advice to this government is to get it right and get it right very soon because we do have to deal with the issue of the Official Visitor.

The Official Visitor has a different role, but my concern is that some day something contentious is going to be happening at one of our corrections institutions—

Mr Seselja: If they are open.

MRS DUNNE: If they are open, and the Official Visitor may be prohibited from exercising his powers because there may be questions and doubt about the validity of his appointment. The government needs to get it right.

There are four appointments to three separate bodies which are in doubt. They are under a cloud. We are fixing up two to three bodies today. There is still one outstanding and this government needs to get it right. Simon Corbell stood here and said: "I have done this thousands of times. I know how to do it." Well, he clearly does not. If he has done it thousands of times, and this was raised with me by a number of people, how many other statutory appointments are wrong? How many other statutory appointments are wrong because we have suddenly found these?

The minister says, "I wrote to the outgoing committee." He wrote to the outgoing committee and said, "I did not consult with you." He did not write to the outgoing committee and say, "I broke the law." He said, "It was too inconvenient." Essentially, he said, "I did not have time and I did not consult with you." Yes, he did write to the outgoing committee and quite frankly the circumstances were that on the day before the election, that committee was not in a position to meet to receive those letters and do anything about it.

The committee secretary who was servicing the committee has moved on to another job. He has gone from the Assembly and it was only through the thoroughness of the incoming secretary that we are even aware of this, that we are even in a position to be in here today to do a Simon Corbell fix-up. It is testament to the thoroughness of the committee office that we are fixing this up today and all credit goes to them.

We are opposing this clause because we think that the process would be better done in the way that we asked for it to be done—that is, in separate legislation. We want to make the point we believe that separate legislation is important.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.14): This is a classic example of opposition for opposition's sake by Mrs Dunne. It is a classic example of: "We know you have to do this but we're going to oppose it anyway." That is Mrs Dunne's position on this. She recognises, and has acknowledged in her earlier comments, that this needs to be done, but she is going to oppose it anyway.

What sort of responsible and sensible approach is that from someone who says they are the shadow minister in this area? If they recognise there is a problem, and they recognise that it needs to be fixed in this way, why wouldn't they support it? It is because she is not interested in the practical, sensible resolution of problems; it is just opposition for opposition's sake when it comes to Mrs Dunne. If she was genuinely concerned about this problem, she would vote for this proposal.

But having chastised me for this situation, she is now saying: "I'm not going to be part of the solution. I'm not going to be part of putting this matter beyond doubt. I'm going to sit on my high horse. I'm going to stand by my own unimpeachable and completely unvarnished ability to make no mistakes ever in my life and to not in any way make an error in this place and demand the same of the minister. But I'm not going to have any responsibility, I'm going to oppose for the sake of opposition." That is Mrs Dunne's position. How responsible is that on the part of the shadow attorney-general?

The circumstances of this situation are quite clear. I was advised by my department that these appointments needed to be made as a matter of urgency. They advised me that their view was that I would be unable to consult with the relevant standing committee as I would otherwise be required to do under the relevant legislation. They drew those matters to my attention and they said: "Minister, we believe you have no choice but to make the appointments. The Residential Tenancies Tribunal and the Liquor Licensing Board will meet in the weeks immediately following the election. It would be a real problem if those bodies could not meet in the weeks immediately following the election, and we recommend to you, minister, that you make the appointments. We further recommend to you, minister, that you write to the relevant standing committee explaining your actions and outlining why you have done so."

I took that advice. I thought it was sensible advice and I must say that, given the particular circumstances, it is an extremely high bar that Mrs Dunne and others set, for ministers, acting on advice, particularly when it comes to the interpretation of legislation, to then be hung out to dry by this Assembly when they act on what can only be considered to be informed and reasonable advice at the time. That is a very interesting standard of responsibility that Mrs Dunne proposes, and the next time she gets advice that is wrong, I am sure she is going to say, "Look, I took reasonable advice but at the end of the day it's me."

Mrs Dunne: I take responsibility; you don't take responsibility.

MR CORBELL: Mrs Dunne and members, I am taking responsibility; I am addressing the problem and I have introduced legislation to address the problem.

What more can I do as a minister? What more can I do? I would ask you: what more can I do, short of going out into Civic Square, taking my shirt off and self-flagellating for my failure in this regard, what more can I do?

This shows that what the Liberal Party are really interested in here is not finding a solution to a problem or recognising the circumstances that brought this problem about; they are just interested in scoring the cheap political point. They are just interested in opposition for the sake of opposition. They are not interested in being constructive, they are not interested in listening to the facts, they are not interested in trying to be part of a solution; they are just interested in opposition for the sake of opposition. That is all they are interested in. If they were genuinely interested in the resolution of this matter, they would be voting in favour of this change in the bill.

I find the position of the Liberal Party in this whole debate to be morally bankrupt, quite frankly. It is morally bankrupt on one hand to say, "This is a problem that needs to be fixed," and then on the other hand to say, "But we won't be any part of the solution." What an appalling approach! Mrs Dunne talks about cowards. If she was so firmly of the view that this matter should be dealt with in another way, why didn't she introduce legislation to do it? If she was so firmly of the view that it should be dealt with in this manner, where is her bill—a bill that could be debated cognately on this matter to deal with it?

Mrs Dunne: Because you won't give me leave.

MR CORBELL: Oh, she has got a bill.

Mrs Dunne: You won't give me leave.

MR CORBELL: Have you got a bill?

Mrs Dunne: You will not give me leave.

MR CORBELL: Well, why don't you introduce the bill, Mrs Dunne? Why doesn't she introduce the bill? She does not have the courage of her convictions, because if she did have the courage of her convictions she would have introduced that bill. Instead, all she is interested in is opposition for the sake of opposition. That is so typical of the Liberal Party in this place. They are not interested in having a constructive dialogue. They are not interested in sharing information. They are not interested in engaging in debates leading up to the presentation of legislation. All they are interested in is scoring cheap political points. And that is what we have had from the Liberal Party today.

The government, and I as the minister, have been open and forthright on this matter from the very beginning. It did not even require my attention being drawn to this matter for me to first flag it with the standing committee in this place. I raised the matter with the standing committee in this place of my own volition. It did not take prompting from any other party in this place for me to do so. I raised it of my own volition because I understood that the decision I was taking was an unusual one and it was in unusual circumstances. So, as minister, and having regard to the processes of

this place, I explained to the standing committee why I believed I needed to take that appointment in that manner. That is not the action of a minister who has sought to hide his decision. It is not the action of a minister who has sought to undertake some sort of dead-of-the-night decision. It is the action of a minister who is prepared to bring to the immediate attention of members in this place why he believes he needs to take a particular decision.

Let us understand why the decision was taken. The decision was taken to make sure that two tribunals could continue to operate.

Mr Seselja: On such a simple matter, according to the minister, you're spending a lot of time explaining it.

MR CORBELL: Indeed, it is a simple matter. What is concerning to me is why those opposite fail to understand how simple it is. I took this decision, I explained why I took this decision, I wrote to the Assembly explaining why I took this decision, and I did so consistent with advice given to me. That is pretty simple, but those opposite seem to fail to grasp it. On top of that, they have the gall to not only chastise me for that, but then, having chastised me for that, they fail to be part of the solution.

Mr Smyth: On a point of order, Madam Assistant Speaker: I draw your attention to the standing orders concerning tedious repetition. The minister has said this about four times now. If it was that simple to explain then perhaps he should explain it and sit down, but he is repeating himself constantly.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I do not think there is a point of order. I think Minister Corbell should be allowed to be heard in silence, members.

MR CORBELL: Thank you, Madam Assistant Speaker. That, I think, is the point of the matter here: they are refusing to be part of the solution. They are only interested in opposition for the sake of opposition. They are the classic oppositionist party. They have got no interest in solutions. They have got no interest in addressing the matters before them. Mrs Dunne in particular—all of them, but Mrs Dunne in particular—wants to sit there in her polished ivory tower and say: "I am perfect. I have never made a mistake. I am going to impose this principle of absolute purity in decision making that I expect everyone else to abide by at all times." That is what Mrs Dunne wants. Of course—

Mrs Dunne: Have the courage to sit down and do good on your word.

Mr Coe: Upstairs, what are they thinking when they're watching the TV now?

MADAM ASSISTANT SPEAKER: Members, Mr Corbell has the floor. Have you finished?

MR CORBELL: No, I have not.

Mrs Dunne: You haven't? So you are going to run the clock out to half-past 12? I see.

MR CORBELL: Well, I have not finished, Mrs Dunne. Madam Assistant Speaker, the standard that Mrs Dunne is seeking to impose on all other members in this place will one day come back to bite her in the bum, and it will be a very big bite in that bum because the standard that she is seeking to impose is a very high one. In fact, in my view, it is a completely unreasonable one. And that has been recognised, of course, by the crossbenchers. They recognise what an absurd standard she is seeking to impose. The crossbenchers in this place recognise that the standard she is seeking to impose is completely unreasonable and completely impractical. I think that should be reflected on by those opposite, particularly if they are going to continue to adopt this approach. One day that standard is going to hit them so hard that they will not know what it means.

Mr Hanson: One day soon.

MR CORBELL: It will. Madam Assistant Speaker, this change is important; this amendment is important. It is important that this change takes place so that the operations of these tribunals can continue.

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 12.28 to 2 pm.

Hansard services
Statement by Speaker

MR SPEAKER: Members, before we start question time today, there are a couple of matters that I would like to raise as Speaker. Firstly, I wish to make a statement concerning Hansard services. At a hearing of the Public Accounts Committee on Wednesday, 18 February, the Chair, Ms Le Couteur, suggested that I make an announcement in the chamber to encourage members of the Assembly to provide electronic copies of their speeches, questions and answers to Hansard.

All members will recall receiving a letter from the Hansard and Communications Office in December last year advising them that, when they provide electronic copies of speeches, it helps to improve the timeliness and accuracy of the *Hansard* record and to control the cost of production. When speeches, questions and answers are provided electronically they are still checked carefully against the audio record of proceedings to ensure that members are accurately reported. I also take this opportunity to remind members that providing Hansard with speech notes containing names and quotations also speeds up the transcription process and helps to ensure accuracy.

On that basis, I would encourage everyone to play their part in reducing costs and improving efficiency within the Secretariat by providing electronic information of your speeches where possible. An email will be sent to all members in the coming days to advise you best how to do this.

Points of order
Ruling by Speaker

MR SPEAKER: The second matter is that I have been asked to make rulings on a number of points of order raised by Mrs Dunne. Yesterday, after Mr Coe made a personal explanation, there occurred an exchange between Mr Coe and the Chief Minister concerning correspondence that Mr Coe had sent to the Chief Minister. Following that exchange, Mrs Dunne raised a matter for my ruling in the Assembly yesterday, namely, whether, if Mr Stanhope tabled correspondence from Mr Coe containing constituents' names, it would be a breach of standing orders.

I note that Mrs Dunne is asking me a hypothetical question in that it presumes Mr Stanhope would undertake such an action. I also note that Mr Stanhope may have been planning on tabling the letter that Mr Coe had written to him on Tuesday asking Mr Stanhope to correct the record and not a letter containing constituents' names.

Standing order 211 provides that papers may be presented to the Assembly by a minister or the Speaker. It places no limitations on what types of documents can be tabled, nor on their contents. Continuing resolution No 7 requires that members, when speaking in the Assembly, should exercise their valuable right of freedom of speech in a responsible manner. I think the spirit of that resolution would also apply to the tabling of documents.

Can I also point out that, if Mrs Dunne believes Mr Coe's privileges have been breached, it is up to any member to take action under standing order 276. Therefore, I do not intend to take any further action in relation to this matter.

Mrs Dunne has also asked me to rule on whether the use of the word "urchin", which was made by Mr Hargreaves, was unparliamentary. "Urchin" is defined in the *Macquarie Dictionary* as:

> A small boy or youngster, especially one who is mischievous and impudent or ragged and shabbily dressed.

Having considered the matter, and whilst I do not condone the use of the word, I do not consider it to be unparliamentary.

Questions without notice
Economy—stimulus package

MR SESELJA: My question is to the Treasurer. Treasurer, what will be the impact of the third appropriation bill on the areas of inflation, employment and gross state product?

MS GALLAGHER: I thank Mr Seselja for the question. The third appropriation has been put together by the government to address emerging concerns in the ACT economy; that is the concern of industry that there is a weakening in the economy and certainly that there is going to be less work around for the next 12 to 18 months. The

appropriation is pretty small in terms of the scale of our own capital program but also of other influences in the ACT economy. I have said this to the media today: the effect of the supplementary appropriation will be difficult to monitor in terms of, going to your question, jobs; I think that was one element of your question. The aim of the appropriation was not as much to create jobs; it was to ensure that if people were considering laying off staff or reducing their workforce they consider that against the backdrop of the government's commitments through this third appropriation.

The appropriation has been designed specifically to, I guess, encourage some confidence and some certainty for our small business operators in the ACT. The size of the package, you would have to say, would not have any impact on inflation. In terms of jobs that is a difficult question to answer because what we are about—and I think the federal government have covered this off in their stimulus package—is supporting jobs; not necessarily creating new jobs but ensuring that we are not compounding a problem of rising unemployment. That is the aim of the package. It is sensible, it is modest, it is targeted, it is timely and we hope that it offers some certainty to industry over the next 12 to 18 months.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Yes, thank you, Mr Speaker. Treasurer, have you received any detailed advice from Treasury regarding the impact of the proposed stimulus package on inflation, employment and gross state product and, if yes, will you table that advice?

MS GALLAGHER: I received quite extensive advice on the third appropriation. I think I have answered in terms of the advice you seek. I am not sure how I could draw out those elements of it. We have had long discussions around this third appropriation. We have had discussions about whether we have got the capacity to afford it and we have had discussions about how difficult it would be to measure. But the size of the appropriation—let us put it in context—is $12.7 million this year. Our overall capital program is around $500 million a year. I do not think I have anything further to provide the Assembly in terms of specific advice relating to Mr Seselja's question.

Housing—affordability

MR SMYTH: My question is to the Treasurer. Treasurer, what impact will the third appropriation bill have on residential construction costs and housing affordability in the ACT?

MS GALLAGHER: You have read the appropriation, have you, Mr Smyth?

Mr Smyth: Yes, I have.

MS GALLAGHER: That's good. I am sure you have—every page, no doubt, knowing you. The appropriation is a very modest package, targeted to areas where there is emerging demand. We have been talking with industry around areas where local tradespeople were expressing concern about the amount of work. All the economic indicators at the moment, and the national economic indicators, would indicate that the cost of building and construction, including residential, is coming

down, not going up. I do not imagine that a $12.7 million program targeted to areas mostly outside residential construction will have the resulting impact of those prices going up. Come on! Are you for the appropriation or are you against the appropriation? This is $12.7 million a year, $25 million over two years, targeted to areas where we are responding to our community.

Our community is telling us, "We have concerns that we will have to lay off staff in areas such as this." We have got the opportunity to invest in our community asset base, at a time when there is some uncertainty and there is not the amount of investment that we have seen in previous years, and the government has responded. And we have responded in a responsible way. I imagine that all of those businesses that get work out of this package, or some certainty about work over the next few months, will be very pleased that the government has responded.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, have you asked Treasury to perform modelling on the impact of this appropriation bill on residential construction costs and housing affordability in the ACT?

MS GALLAGHER: No, I have not.

Environment—carbon emissions

MS HUNTER: My question is to the Minister for the Environment, Climate Change and Water. Minister, last year, on 15 December, the federal government released its white paper on the carbon emissions trading scheme. On 11 December last year, you indicated to the Assembly that you would be reviewing the CPRS in relation to the concerns raised by the Australia Institute that voluntary action to reduce emissions by the ACT would under the CPRS in its current form only result in freeing up permits for others to pollute. Minister, have you received any assurances from the federal government, either through the COAG process or directly from the federal climate change minister, that this problem will be addressed prior to the CPRS legislation being tabled in the federal parliament?

MR CORBELL: I thank Ms Hunter for the question. I have raised this issue with the commonwealth, first of all through a meeting—the most recent meeting—of ministers at the Ministerial Council on Energy, which I attended earlier this month. At that meeting, I raised with officials from the Department of Climate Change who were giving a presentation on the detailed operation of the CPRS this particular concern as raised by the Australia Institute and indicated the ACT government's concern with that approach. The commonwealth is of the view—this is expressed at official level—that the design of what they call the gateways, which determine the total amount of permits that will be made available at any particular period of the scheme, can be adjusted to have regard to changes in emissions on a jurisdiction by jurisdiction basis.

This is not, I think, an adequate answer and does not fully comprehend the issue at play. I have therefore raised this issue with the Senate committee that has been established to investigate the CPRS and I have outlined to that committee in

correspondence—in effect, a short submission—the concerns of the government in relation to this particular design of the scheme.

At this stage, no, I have not received any detailed reassurance from the commonwealth government on this matter. It is a matter that I continue to raise with them.

MR SPEAKER: Ms, Hunter a supplementary question?

MS HUNTER: Given that Minister Wong has indicated that voluntary efforts to reduce emissions, such as in the ACT, could result in the commonwealth raising the national target, have you sought assurances that she will lift the national target of five per cent by 2020 should the ACT set a higher target?

MR CORBELL: No, I have not received any such assurances from the commonwealth. As I have said, the representations I have made have been at ministerial council level at this stage and also to the relevant Senate inquiry which is underway. I do envisage raising these issues further with my commonwealth counterparts.

It is important to stress that we are in a situation where our overall contribution to Australia's emissions is small: just over one per cent of all emissions in the Australian context come from the ACT. Nevertheless, it is the principle that is important in this debate because it could have an equally significant effect on larger jurisdictions. It is a matter that I will continue to pursue with the commonwealth.

Global financial crisis

MS PORTER: My question, through you, Mr Speaker, is to the Chief Minister. Could the Chief Minister advise the Assembly of the impacts of the global financial crisis on the local economy?

MR STANHOPE: I thank Ms Porter for the question. Of course, I think there is no more important question facing this community and other communities around Australia and, indeed, the world than the impacts of the global financial crisis and the outlook for economies, large and small and, most particularly, the outlook for us. I think it is fair to say that while there are and always will be, and appropriately, differing views on the severity of the crisis, most thinking people are united in the belief or the understanding at least that we confront the greatest economic peril which we as a community and as a nation and the world have faced since the Great Depression. I say "most people" advisedly. The view and the attitude that we see from the Liberal Party in this place, mirroring as it does in block step with the federal Liberal Party, is a position of GFC denial.

We have amongst us in the Leader of the Opposition, Mr Seselja, and the shadow Treasurer, Mr Smyth, classic GFC sceptics. They are a party, a group, within this community that does not believe or accept the reality of the global financial crisis. We see that reflected in this last month in the absolute determination of the Liberal Party federally, with the support of the ACT Liberals, to oppose the $42 billion stimulus

package. We see that replicated and mirrored here over this last week in relation to decisions and issues confronting this community, most particularly through the $350 million of that stimulus package that will come to the ACT in capital payments to our schools in the government and non-government sector and for public housing.

It is a matter of grave concern that we do not have a unity of view or attitude or resolve to deal with the issues that our community will and does confront in relation to the global financial crisis. It screams at us today from the front page of the *Canberra Times* that 2,000 jobs are lost. I find it remarkable that, while we have a screaming banner headline from the *Canberra Times* today that 2,000 more jobs go, just over this last three days in this place we have seen the continuing resistance, the continuing denial by the Leader of the Opposition and the shadow Treasurer to take seriously the need for us as a community to work together, for the community to support the government and for everybody in this place to support the government in taking every step that needs to be taken to do what we can do.

One of the significant things that we can do is to work with the commonwealth in relation to the $350 million worth of capital injection into this community which needs to be dealt with urgently. We do need the Liberal Party, the opposition, the alternative government in this place, to actually forsake the temptation of the undergraduate stunt, the immediate knee-jerk determination to oppose the government at every step, the instinctive decision not to support regulations proposed by the Minister for Planning and Minister for Education to ensure that the $230 million of capital provided by the commonwealth to our government and non-government primary school sector can be delivered and be delivered as quickly as possible.

It is of grave concern to me that the reference to 2,000 more jobs to go and the estimates by all economists and governments around Australia that unemployment will have at least doubled over the next year are references to people. The *Canberra Times* headline—I repeat it, 2,000 jobs to go—provides us with that insight most starkly, an insight which just seems to froth over the Liberal Party. We talk about unemployment doubling here in the ACT to perhaps somewhere between five and six per cent and nationally between seven and eight per cent. For us, that is another 2,000 Canberrans out of jobs.

This is not just a bland statistic; these are people. This is another 2,000 families without a wage earner. This is 2,000 more families not able to pay the mortgage or the rent. This is 2,000 more families not able to meet all of the needs and requirements of their children. Yet we have this continuing undergraduate, instinctive political determination to obstruct, to stop, to prevent, to hinder the government getting on with the job of doing everything within our power to ensure that we ameliorate the impacts of the global financial crisis here in the territory. It has been a sad week. As the government strives to deal with the implications of the global financial crisis, we are stopped and hindered every step of the way by a Liberal Party determined to just obstruct, obstruct, obstruct, because they can.

Economy—stimulus package

MRS DUNNE: My question is to the Treasurer and relates to the third appropriation bill. Treasurer, today in a statement to the press you said:

> The global financial crisis and the slowdown of the Australian economy understandably present uncertainty and this package provides some vital confidence and certainty to the industry,

Treasurer, in order for the third appropriation to have the desired impact of providing confidence to, and financial impact on, the economy, what is the deadline for the appropriation to be expended and what will be the impact if the government is not able to deliver its capital works projects on time?

MS GALLAGHER: Thank you, Mr Speaker. The allocation of funds is outlined in the appropriation bill. It is spread over two years and we are hoping that the Assembly will pass the appropriation in the first sitting week in March. That is the timetable that we are working towards.

We have gone through a very close examination of the projects that were funded in this year's third appropriation to make sure they were project ready, that agencies are ready to get the work out the door, that it fits the framework that we established for the third appropriation—which was a criteria of around six elements, from memory—that it not put a drain on the ACT budget and worsen our budgetary situation, that it go straight to the areas where identified gaps have been emerging, that it is project ready, that it supports employment—and I just cannot recall the final element, but there were six.

That was the criteria. The main focus for me in talking to other ministers' offices was that the work is ready to go and that we make sure that this work is ready to go, that it supports those businesses that it is targeted to and that it supports jobs and maintains employment in the territory.

That is the timetable. We are absolutely focused on meeting it. More than ever before, we are acutely aware of the need to deliver our capital works on time and on budget.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Treasurer, what analysis has been done of the outcomes if you do not deliver on time and on budget?

MS GALLAGHER: We are focused, actually, on delivering on time and on budget. That is the focus. The third appropriation is targeted to a very small base. You can see from the projects outlined that they are relatively small projects, ready to go. The focus very much is on delivering this.

The opposition, of course, can take the negative view. There is the opportunity, of course, here for the opposition to embrace the third appropriation, perhaps even—dare I say it—to welcome it. Do not give me any congratulations. I would not expect that. But perhaps there could be just a little bit of acceptance that this is actually the right thing to do, that if Mr Smyth—God forbid!—was Treasurer, he might be thinking something along these lines as well.

There is the opportunity to embrace this. Note to self, Mr Smyth: opportunity to embrace. Peel off the post-it note that says "oppose because we are in opposition". I urge the opposition to genuinely look at the package, embrace it and work with us to support industry. They have been seeking this kind of advice from government about what we are planning to do and when we are bringing forward the capital upgrades announcement.

Mr Smyth: We gave you hints and you turned them all down.

MS GALLAGHER: Mr Smyth, just look on the bright side of life and work with us. We are going to deliver this and it will be fantastic for the ACT community. We look forward potentially to some support from the opposition, although I will not hold my breath.

Health Services Commissioner and Disability and Community Services Commissioner

MS BRESNAN: My question is to the Attorney-General and concerns the Health Services Commissioner and the Disability and Community Services Commissioner. Minister, I understand that, as of several months ago, one person has been performing these two roles, and that this will now continue on a formal basis. Can you please advise whether the recommendations of the Gallop report and the subsequent disability reform group that the disability commissioner and Health Services Commissioner need to be separate people were considered when this decision was made to once again combine the two roles?

MR CORBELL: Yes, these matters had regard to when this decision was taken. The decision was taken given the resource constraints faced by the government in the operation of the commission and the need to effectively coordinate the work of all the various commissioners.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Did you consider different arrangements within the commission to better reflect the different understandings and frameworks needed to perform these two roles and to address the concerns of the disability community?

MR CORBELL: I have every confidence that the person performing the role of Health Services Commissioner and disability services complaints commissioner has every appropriate and effective understanding of the difference between the two roles.

Capital works—projects

MR DOSZPOT: My question is to the Treasurer. The Stanhope-Gallagher government has a track record of rolling over large amounts of money in its capital works budget with 107—

MR SPEAKER: Mr Doszpot, I think you are making a preamble. Move to the question, please.

MR DOSZPOT: I am getting to the question, Mr Speaker—in its capital works budget with $107.4 million rolled over in 2007-08 and $124.2 million in 2006-07. Treasurer, what actions have you taken to ensure that the managers of the projects in the third appropriation bill deliver them on time and on budget?

MS GALLAGHER: I think I have probably covered this off in my previous answers. All the projects have been closely measured against the capacity within the industry to do the work—the fact that the work is ready to go in terms of leaving the relevant departments—and we have sought assurances from all agencies involved that this work will be delivered on time. The appropriation over two years reflects those discussions and this will be closely monitored.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Treasurer, how much of the third appropriation bill are you prepared to roll over?

Mr Corbell: I raise a point of order. That is a hypothetical question, Mr Speaker.

Opposition members interjecting—

MR SPEAKER: Order!

Mr Corbell: "How much will you be prepared to roll over?" It assumes there will be a rollover, and that is hypothetical.

Opposition members interjecting—

MR SPEAKER: Order! Mr Doszpot, would you like to try and reframe the question?

MR DOSZPOT: Mr Speaker, I think it is quite a logical question. It is not assumptive. We are asking how much of the third appropriation bill are you prepared to roll over. Have you made any—

Mrs Dunne: Have you made any provision for rollover?

MS GALLAGHER: The provision of the cash is found in the budget papers. It is clear. Those figures do not have any provision for rollover. We have not counted that in. That is not what we would normally do in any budget paper and we have not done it in this. We are working very hard on making sure that the projects are delivered on time and on budget.

I guess the flip side of the nature of the questioning from the opposition is that we should not be doing this in case we have to roll it over. That is the theme I am picking up—that we should not act because we might not deliver it. What a ridiculous

proposition from them, that we do not do anything; that we have got emerging issues in our economy— and they are only emerging—

Opposition members interjecting—

MS GALLAGHER: and some concern that there may be some softening and less work around; that there may be fewer jobs, that people might let staff go, that apprentices might not be taken on.

Opposition members interjecting—

MS GALLAGHER: We are just meant to sit there and say, "Oh, well, we might not be able to deliver a whole package; therefore we won't do one at all." What a ridiculous proposition.

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: I look forward to providing the public accounts committee with all the information that we are able to, to address some of the concerns that the opposition have jumped to immediately. Within one hour of tabling this appropriation, the opposition are already talking it down. That is not what we need at the moment. What we need at the moment is for the Assembly to accept that there are some genuine concerns from businesses around the next 12 to 18 months—genuine concern that they might lay staff off. This government does not want to sit here and pretend there is not a problem and not respond. This third appropriation is a very modest response to the concerns that we are seeing emerge—

Opposition members interjecting—

MS GALLAGHER: and the challenge to the opposition is not to talk it down but to look at it on its merit, to question me at the estimates committee and to work with us to make sure that these projects are not delayed, that they are delivered—

Mr Hargreaves: I raise a point of order, Mr Speaker. Could you draw attention to standing order 202 to those opposite, please.

MR SPEAKER: Just one moment, Mr Hargreaves. I will have to consult my book.

MS GALLAGHER: I have finished, Mr Speaker.

MR SPEAKER: I remind members on both sides of the chamber of standing order 202. I think it is one that we could use more usefully in this place, more consistently. Ms Gallagher, would you like to continue or have you finished?

MS GALLAGHER: I think I have.

Roads—Fairbairn Avenue

MR COE: My question is to the Chief Minister. In 2002, Roads ACT claimed that opposition from the National Capital Authority was the reason the duplication of Fairbairn Avenue did not proceed. The Auditor-General has been unable to find any evidence of the NCA vetoing the project. Why did the ACT government decide not to duplicate Fairbairn Avenue in 2002?

MR STANHOPE: I thank Mr Coe for the question. One has to delve back into the archives actually to get some of the information and history in relation to both roads that were the subject of the Auditor-General's report. One of them, of course, Horse Park Drive commenced in 2000, under, as I understand it, the then Minister for Urban Services, Mr Brendan Smyth. Indeed, I am advised today that planning for the upgrade of Fairbairn—

Mrs Dunne: It was supposed to be duplication.

MR STANHOPE: No, it is not actually. The upgrade of Fairbairn commenced in 2001. The brief that I have received today from urban services is quite interesting, in the context of the Minister for Urban Services then, Mr Smyth. I think he is the only survivor of that era that we have, which is quite surprising—the only survivor and of course the biggest loser. I actually reflected on this. I was reflecting on this just the other day, with a sort of a quirky interest.

Mr Seselja: On a point of order, Mr Speaker: the answer should be directly relevant to the question Mr Coe asked.

MR SPEAKER: Yes. Mr Stanhope, I do sense you are about to head somewhat off the question. I would ask you to come back to the specific question.

MR STANHOPE: We are talking about history here, going back into the archives to the period. And I need to go back to the other question which actually relates to decisions taken in 2000 and 2001 by the previous government, and the minister at the time was the now Deputy Leader of the Opposition and shadow treasurer, who at the time, was the Minister for Urban Services. As I prepared for this question today, which I expected, I reflected on Mr Smyth's longevity and I was thinking about some of the stimulating television that is presented these days through shows such as *The Biggest Loser*. And Mr Smyth is the only person in the history of self-government who has lost three elections in a row.

MR SPEAKER: Mr Stanhope, I do not want to have to—

Mr Hanson: A point of order on relevance, Mr Speaker: Mr Smyth's longevity and long and distinguished career are not relevant to the question that the minister was asked.

MR SPEAKER: One minute, Mr Stanhope. I have not yet made a finding on this point of order. I think the point of order is upheld. I do have the sense that you are

about to move some distance away from the question that was asked. I would ask you to be directly relevant to the question.

MR STANHOPE: I certainly shall, Mr Speaker. In the lead-up—and this is the advice I have—to the 2001 election, the then Minister for Urban Services, the only person in this Assembly to have lost three elections in a row, ever in its history, one as leader and two as deputy leader, which certainly qualifies him—

Mrs Dunne: Mr Speaker, you have ruled on this.

MR STANHOPE: I am going back to the question. This goes straight back to the question. The question was about the history of Fairbairn Avenue and the history involves Mr Smyth because he was the minister. In the lead-up to the 2001 election, the government of the day asked the department—the election was approaching—to develop a five-year traffic congestion program, at no notice. The program was to include upgrades of roads such as Cotter Road, Athllon Drive, Drakeford Drive and Fairbairn Avenue.

There was no public consultation on why any of these roads had been chosen for development of the roads. However, the government of the day considered that, irrespective of public consultation, the upgrade of these roads would be popular in an electoral sense. So there is the first part of the history on good old Fairbairn Avenue: the minister of the day, in 2001, in the run-up to an election, picked out five roads and asked for urgent advice on their upgrade because it might be electorally attractive.

Mr Hanson: On a point of order.

MR STANHOPE: I will get right to the nub of the question now.

MR SPEAKER: Order! I am taking Mr Hanson's point of order.

Mr Hanson: The question was quite specifically about why the ACT government did not decide to duplicate Fairbairn Avenue in 2002. We are receiving a history lesson about things that happened before then. We really need an answer about what happened in 2002.

Mr Hargreaves: Who was the minister in the ACT government?

MR SPEAKER: Order! I am listening to Mr Hanson. Mr Stanhope, wait for one moment. There is no point of order. I believe that the Chief Minister is currently providing factual information and I am sure he will come to the final point very shortly.

MR STANHOPE: I will. I will get to the point right now. I am then advised that in mid-2002 Roads ACT—

Mrs Dunne: Bill Wood was the minister.

MR STANHOPE: That is right. In mid-2002 Roads ACT—yes, you had lost the election by that stage, the first of three elections that Mr Smyth was to lose in a row to

become the biggest loser—met with the NCA on the proposed duplication of Fairbairn Avenue. The NCA, at that meeting, expressed a number of significant concerns with the project, including: why was the project being presented to the NCA prior to the completion of a planning study which considered the long-term needs of the roads in the vicinity? What impact would a duplicated road have on the safety and amenity of residents in Campbell? And the NCA questioned whether it was appropriate for an approach road passing through a residential area to be duplicated, in any event. Whilst the NCA did not veto the duplication—

MR SPEAKER: Order, Mr Stanhope, the time has expired. You will have to come back in the supplementary, I suspect. Mr Coe, a supplementary question?

MR COE: Minister, will you table the document you referred to?

MR STANHOPE: No.

Mr Smyth: Mr Speaker, under standing order 213, I ask that the Chief Minister table the document that he has been quoting from.

MR SPEAKER: Are you formally moving that that document be tabled?

MR SMYTH: Yes. I move:

> That the minister table the document he was quoting from.

It is very important. The Chief Minister has been reading certain parts of the document. Some of it seems to have been quoting; some of it seems to have not been quoting. In the interests of accuracy and understanding what the Chief Minister was saying, under standing order 213 I ask that he now table the document.

Question put:

> That Mr Smyth's motion be agreed to.

The Assembly voted—

Ayes 10		Noes 7	
Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	

Question so resolved in the affirmative.

MR SPEAKER: Mr Stanhope, I invite you to table the document.

MR STANHOPE: I will do that happily, Mr Speaker, but I make the point that—

Members interjecting—

MR STANHOPE: It is an extremely—

Mr Coe: You voted against it, but you are happy.

MR STANHOPE: Just in response to that—it is an extremely difficult precedent to establish. The government will now be using—

Mrs Dunne: It's a standing order.

MR STANHOPE: It is, but there has been a standing convention in this place that private papers—papers provided—

Mr Seselja: In majority government there might have been.

MR STANHOPE: There is a standing convention that has been here from the day I arrived in this place that papers provided to ministers for their personal use are not—

Mr Smyth: It's not true.

MR STANHOPE: It is true. But now that the precedent is established you can rely on the government utilising this particular provision perhaps on a daily basis. But I just wanted to make the point that, if I am asked any more questions in relation to Fairbairn Avenue today—can I get my one and only copy of the paper back?

Mr Smyth: You can ask for a copy back.

MR SPEAKER: I think that will be a practical pathway.

MR STANHOPE: Can you provide me with a copy so I can answer any further questions.

Pace Farm—battery hens

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and it concerns battery hens. Minister, in 2007 you opposed the Greens bill to ban the cruel practice of keeping chickens and battery hens. You promised instead to create real change by stimulating action at the national level. Can you please tell us what success your efforts at the national level had in banning battery hens?

MR STANHOPE: Mr Speaker, I will take the question on notice and provide information in due course.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Which I fear may also be taken on notice, but at the local level there was a model code of practice for the welfare of animals. Have you enforced that and ensured that Pace Farm is adhering to the new guidelines?

MR STANHOPE: I thank Ms Le Couteur for the question. The government does from time to time receive representations in relation to animal welfare issues at Pace Farm, as it does from time to time receive representations in relation to other animal welfare issues. They are always actively pursued. I am aware in the recent past of representations being made to the government on issues around animal welfare and codes of practice in relation to the keeping of battery hens and on the Australian standard that applies. I understand, and I have no reason to believe otherwise, that Pace Farm does comply with Australian standards in relation to the welfare of layer hens that are housed there. I have no reason to believe otherwise. I believe that Pace Farm operates under a best practice regime in relation to the welfare of hens. We all have a view around battery egg production methodology and, indeed, around some of the other issues that all other egg production methods represent for animal welfare.

I will take further conclusive advice, however, Ms Le Couteur, on your question—more up-to-date advice. I reiterate that I have no reason to believe that Pace Farm does not comply strictly with its requirements under law in relation to the welfare of the hens housed at its facility, but I will confirm that.

Economy—stimulus package

MR HANSON: My question is to the Minister for Planning. Minister, the Treasurer has so far been unable to clearly articulate the economic impact on the ACT as a result of the federal stimulus package, particularly as a result of the increased capital works component on the construction industry. Minister, from a planning perspective, what will be the impacts on the development and construction industry, and have you considered the implications to both the residential and commercial sectors?

MR BARR: I thank Mr Hanson for the question. There is an element within this package that I understand involves some investment in social housing, a coinvestment that the territory has with the commonwealth government. Depending, of course, on the decisions taken by the relevant housing authorities as to whether that development would be new houses in new estates, under current planning regulations new houses in new estates are exempt from development approval requirements. The current planning system in that context would not, in fact, need to be engaged in relation to the development of those particular houses.

Of course, if those properties as part of this package are determined to be constructed in an area that is not a new estate and would perhaps be urban infill, then, in that context they would, of course, either be submitted through the code or merit tracks in the planning system. That would be the only component in relation to the residential sector that would engage with the planning process.

In relation to a range of other works, the minor developments in the education sector would largely be exempt from development application, although there may be some works within the CIT component that may require development approval. Overall, its impact in terms of engagement with the Planning and Land Authority and planning systems will be minimal. The much more significant involvement and investment is part of the building the education revolution. Fortunately, thanks to the sensible

position adopted by the Greens yesterday, through the development of regulations, that will now be able to be completed largely through an exempt development category. That is an important advance. I take this opportunity to put on the record my thanks to the Greens for coming to yesterday's briefing with an open mind. It was good to see.

Mr Hanson: A bit more humble today, Andrew.

MR BARR: In relation to Mr Hanson's interjection, I will also take the opportunity to just put on the record the fact that the media release issued on 20 February by the Greens spokesperson on that particular issue did state at that time a Greens view that it was imprudent and unnecessary to go down the path the government went down. A matter of days later, following a briefing, it was no longer imprudent and unnecessary and was able to be supported in principle. I welcome that change. It is a pity that the Liberal Party were so late in the process. I understand that they might have snuck a comment into the *Canberra Times* at the end, but we are still yet to see a substantive position on the commonwealth's education package and whether they support that and whether, in fact, the ACT Liberals will seek to disallow those regulations when they are introduced and when the Assembly has the prospect of disallowance in future sittings.

Economy—stimulus package

MS BURCH: My question is to the Treasurer. Can the Treasurer update the Assembly on the benefits for the ACT of the federal government's $42 billion stimulus package?

MS GALLAGHER: Thank you, Mr Speaker. Thank you, Ms Burch, for the question. It goes to undertakings that I had given the Assembly previously on working through the detail of the federal government's stimulus package once it had passed the parliament.

Opposition members interjecting—

MS GALLAGHER: The Liberal opposition, as we have come to expect, do not want to hear any of this. They just want to snipe on the sidelines.

In several answers to questions, I think in the first sitting week in February, I made it clear that some of the impacts of the government's $42 billion stimulus package were yet to be worked through, one of those being that the legislation had not yet passed parliament. I undertook to get back to the Assembly when some of that detail had been worked through. Today I am pleased to be able to provide the Assembly with some information.

Of the $42 billion stimulus package, the ACT will see a direct expenditure in the order of $350 million. In addition, ACT households will receive in the order of $190 million in various tax bonuses and energy efficient home upgrades of around $28 million. Local small businesses will benefit by $32 million in tax breaks.

In estimating the value of the package to the ACT—I know Mr Smyth will be really interested in this part of the answer—Treasury has used data from a range of information sources, such as the ABS, Centrelink and, locally, the Department of Education and Training and the Department of Disability, Housing and Community Services to gauge the likely quantity of spending in the ACT.

For example, in estimating the cash payments to families, taxpayers and students, Centrelink data was used to estimate the number of recipients for youth allowance, Austudy, Abstudy and family tax benefit, parts A and B. ABS census data and estimates of the number of wage and salary earners in the ACT were used to derive an estimate of the taxpayer bonus while ABS survey data and census data were also used to estimate the payments for the energy efficient homes component of the package.

Under the school infrastructure program ACT students will benefit from the $14.7 billion provided under the plan for upgrading of capital infrastructure of schools. It is estimated that there will be a total of $230 million available for upgrades to buildings in every ACT primary school over three years from 2008-09. Further funding will be available for secondary schools based on applications.

In housing the ACT will benefit from the federal government's $6.4 billion social housing initiative and from the commonwealth's plans to spend $252 million on new Defence Force housing. Of this, the ACT will receive around $102 million for the construction of social housing and the territory will also receive a share of the repairs and maintenance allocation. The Defence Housing Authority advised that an extra 10 Defence Force homes will be built in the ACT. While not a significant number in itself, it comes on top of the significant investment already being undertaken in the ACT region by the Defence Housing Authority.

The ACT is expected to benefit from additional funds being made available for roads through regional and local communities. It is expected that we will receive around $1 million for the black spot program. Under the repairing regional links on the national highway network initiative an additional $100,000 will be allocated to the ACT.

An amount of $190 million will flow to ACT residents from the cash payments to be made under the commonwealth's nation building and jobs plan. ACT taxpayers will receive around $141 million in tax bonuses from April 2009. The tax bonuses will be up to $900. A further $52 million is estimated to flow to ACT residents as payments for the $950 back to school and training and learning bonuses and the $900 one-off lump sum payment for an estimated 16,500 single income families.

Businesses in the ACT will benefit from the temporary tax break to boost business investment through asset purchases. It is estimated that, based on the proportion of small businesses in the ACT, this could be worth around $32.5 million to local small businesses.

In respect of the rebates for housing energy efficiency upgrades Canberra home owners and landlords will be able to apply to upgrade the energy efficiency of their

homes through rebates of up to $1,600. The ACT's share of the package could be in the order of $27.7 million. This is comprised of $10.1 million of funding for the installation of insulation and a further $9.3 million in rebates for insulation in private rental homes. It could also attract around $8.4 million for rebates for the installation of solar hot water systems. These initiatives should support trade jobs in the ACT.

That is the information that I have to date. I have been pleased to provide it to the Assembly.

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

Economy—stimulus package

MR SESELJA (Molonglo—Leader of the Opposition): Mr Speaker, I seek your indulgence and leave of the Assembly to make a brief statement requesting some further information from Minister Barr.

Leave granted.

MR SESELJA: Yesterday in question time, I think it was in response to a Greens question in relation to briefings on the planning regulations, Mr Barr stated:

> On Friday of last week—

although you later corrected that too; you think it may have been Thursday—

> the Leader of the Opposition's office requested a briefing, and I immediately agreed to provide a briefing.

I have been informed by my office that the briefing was sought, formally, both on the phone on Thursday afternoon and at 4.38 through an email. We did not hear anything until Tuesday, so I just wanted to get you to clarify whether what you said was correct or whether I have been wrongly advised; whether there were some efforts to contact my office prior to Tuesday.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation), by leave: I issued a media release on 20 February at 2.09 pm. It was electronically sent out, and I will quote from that:

> While I am happy to provide a briefing for the Liberals on the technicalities of our proposed changes to planning regulations, the Liberals must tell ACT schools today whether or not they back the *Building the Education Revolution*.

So I made very public my commitment to providing the Liberals with a briefing on 20 February at 2.09 pm, Mr Speaker.

Intergovernmental agreements
Papers and statement by minister

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): I present the following papers:

Intergovernmental agreements—

Ministerial Declaration made under section 32 of the *Mutual Recognition Act 1992* (Cwlth)—Land Transport and Property Agent Occupations, dated 15 December 2008.

Queanbeyan Water Supply Agreement, dated 16 September 2008—

MR STANHOPE: I seek leave to make a statement in relation to the papers.

Leave granted.

MR STANHOPE: In light of the ACT government's commitment to implement non-legislative transparency measures, I am tabling two intergovernmental agreements: the ministerial declaration for land transport and property agent occupations and the Queanbeyan water supply agreement.

The ministerial declaration for land transport and property agent occupations is an agreement between the commonwealth, state and territory governments of Australia. This declaration was made under section 32 of the Mutual Recognition Act and gives effect to the express wish of the Council of Australian Governments for full and effective recognition of registered goods and occupations.

In February 2006, the Council of Australian Governments agreed there should be full and effective mutual recognition of occupational licences to enable people with trade qualifications issued in one jurisdiction to be recognised in all jurisdictions. The ACT government reconfirmed this commitment to the ministerial declaration on 24 November 2008.

Within this declaration there are seven areas of mutual recognition addressing licensing, facilitating greater mobility of skilled labour across the jurisdictions. These include driving instructors, drivers transporting bulk dangerous goods, miscellaneous licences, passenger vehicle drivers, property agents, valuers and conveyancers.

The second agreement to be tabled today is the Queanbeyan water supply agreement. It is an agreement between the Commonwealth of Australia, New South Wales and the Australian Capital Territory. The supply of water under this agreement is subject to section 12(1) of the Googong Dam Act, which provides that water stored in the Googong dam area by means of the works constructed under that act shall be supplied primarily and principally for use in the Australian Capital Territory.

The mechanism to ensure the ACT's water supply from Googong dam is through a 150-year lease granted from the commonwealth to the territory over the Googong dam leased area. This 150-year lease also provides Actew with greater surety over its maintenance program, capital upgrades and longer-term investments.

Pursuant to section 12(3) of the Googong Dam Act, this agreement is between the commonwealth and New South Wales to supply water from the Googong dam area

for use in a place other than the ACT. The 2008 Queanbeyan water supply agreement acknowledged that the territory will continue to supply water to the Queanbeyan city local government area, as has been the case since the mid-1920s.

States and territories endorse these agreements by gazetting the regulations in their respective gazettes, or in the ACT's case by notifying the instrument on the ACT legislation register. The ministerial declaration is also published on the COAG mutual recognition website and will be on the websites of the relevant licensing authorities.

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 18A—Authorisation of Expenditure from the Treasurer's Advance to ACT Planning and Land Authority, including a statement of reasons, dated 25 February 2009.

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

Leave granted.

MS GALLAGHER: Mr Speaker, as required by the Financial Management Act, I table a copy of the authorisation in relation to the Treasurer's Advance to the ACT Planning and Land Authority. 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 authorisation is given the Treasurer presents to the Legislative Assembly a copy of the authorisation, the 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, $249,636.70 is provided to the ACT Planning and Land Authority to settle legal costs incurred by the rural leaseholders affected by the residential development in the Molonglo valley following the successful completion of an arbitration process. I commend the papers to the Assembly.

Papers

Mr Barr presented the following papers:

> Education Act—
>
> > Pursuant to section 118A—Non-Government Schools Education Council—ACT Budget 2009-2010, dated 5 February 2009.
> >
> > Pursuant to section 66A—Government Schools Education Council—ACT Budget 2009-2010.

Health and Disability—Standing Committee Report 5—government response

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

> Health and Disability—Standing Committee—Report 8—*The early intervention and care of vulnerable infants* (Sixth Assembly)—Government response.

I move:

> That the Assembly takes note of the paper.

I am pleased to table for the information of members the ACT government response to the Standing Committee on Health and Disability report *The early intervention and care of vulnerable infants*. The report was tabled in the Legislative Assembly on 28 August last year. On 13 February 2008, the Standing Committee on Health and Disability resolved to conduct an inquiry into the early intervention and care of vulnerable children in the ACT, with a particular focus on the unborn child and infants aged between zero and two. The inquiry was chaired by Ms Karin MacDonald and committee members included Ms Porter and former member Mrs Jacqui Burke.

The ACT government welcomes the standing committee report. The report supports the ACT government's commitment to Canberra's children. It acknowledges the role of government in supporting parents to provide the best care for their children and facilitating early intervention strategies for families and children who are at risk.

The ACT government is committed to children having the best possible start in life. The importance of early intervention and prevention strategies is supported by compelling research that has demonstrated that trauma before birth, in infancy and in early childhood may seriously impede brain development. The extent to which a child is able to develop optimally in the early years has a critical impact on their ability to thrive, learn and participate in future years.

Under the recently released *Canberra plan: towards our second century*, early intervention for children at risk and families is identified as a priority area for ongoing policy development and integrated service responses. This will include the formulation of the ACT government's comprehensive approach to early childhood services. These services invest in the health, development, education and wellbeing of young children.

Furthermore, the ACT government, as part of the Council of Australian Governments' reform agenda, is progressing initiatives which have a particular focus on the development and wellbeing of all children and their families, and vulnerable families and children in particular.

The ACT government commenced a process of reform of services for children in 2003-04. The development of the ACT children's plan and the ACT young people's

plan provides a common policy framework and direction for service delivery. The ACT children's plan encompasses antenatal, infancy, the early school years and middle childhood. It promotes both universal and targeted services to address the needs of specific groups of children between zero and 12 years.

The range of initiatives has continued to expand in the territory. For example, the child and family centres provide an integrated one-stop-shop model of service delivering universal and targeted services to families through purpose-built centres at Gungahlin and Tuggeranong. Early intervention and prevention services operating from the centres include:

- the Smith Family's learning for life program, which offers financial assistance to families for the duration of their children's school life

- the integrated family support project, a joint initiative of the government, the commonwealth and community family support agencies, assisting vulnerable families with children aged zero to eight, providing a coordinated and integrated case management response aimed at preventing the involvement of the statutory child protection system

- The Canberra Hospital midwifery program provides outreach services and antenatal clinics, connecting parents with other services

- the Triple P positive parenting program provides support to parents who are identifying difficulties in managing their children's behaviour. This program has expanded across centres and school sites in the territory

- the Venus program, an initiative of Fernwood women's health clubs, empowers women and provides information to improve their lifestyle, health and wellbeing

- Relationships Australia provides outreach relationship counselling for families with young children, enabling families to enhance their capacities as parents.

These services are provided through cooperation between government and many non-government agencies, and I take this opportunity to thank them all for the work they do in supporting children and families in the territory.

The government has supported, supported in principle and noted 17 of the 18 recommendations made in the report. Many initiatives proposed by the report reflect current work being undertaken or will complement or augment future program developments. I thank the committee for delivering this important report and I commend the ACT government response to the Standing Committee on Health and Disability report *The early intervention and care of vulnerable infants* to the Assembly.

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

Papers

Mr Corbell presented the following papers:

Legislation Act, pursuant to section 64—

ACT Civil and Administrative Tribunal Act—Subordinate Laws, including explanatory statements—

ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009—Subordinate Law SL2009-2 (LR, 29 January 2009).

ACT Civil and Administrative Tribunal Regulation 2009—Subordinate Law SL2009-1 (LR, 29 January 2009).

Cemeteries and crematoria
Discussion of matter of public importance

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

> The importance of investigating alternatives to cremation and standard cemeteries.

MS BRESNAN (Brindabella) (3.04): Mr Speaker, thank you for the opportunity to talk about a matter of great public importance—that is, the manner in which a person chooses to be put to rest, or the manner in which family and close friends choose to put that person to rest. Some may choose a coffin burial, some a cremation. Some may choose to have a site at which they can visit the memories; some may choose to scatter the ashes. When a loved one dies, it is a painful experience for those who are left behind, but there can be saving graces if they feel they are putting the loved one to rest in a manner that the person would have preferred. There is a good chance that each of you here has had to deal with these issues and can appreciate the need to say goodbye to a loved one in a manner that is meaningful, respectful and peaceful.

This MPI is timely, given that the government is proposing to build Canberra's third cemetery, to be located in Tuggeranong. The government has also proposed a crematorium for the site, Canberra's second. The choices available in Canberra for burial methods are limited. There is cremation, or standard burial in one of three cemeteries. These options originate from our strong cultural practices and relate often to our definition as a Western society. But as our culture and society changes and broadens, so too should the choices available to citizens for laying their loved ones to rest.

Today, in the more environmentally conscious 21st century, a strong cultural shift is occurring that has changed community attitudes. A growing number of Canberrans want to be laid to rest in a more natural, environmentally friendly way. Often these people want to minimise their ecological footprint and acknowledge their spiritual connectedness with the earth. There is a recognition that even after their death they will continue to have an impact on the environment from which they came, and there

is symbolic respect in their minds if they can be laid to rest in a way that can continue to take positive environmental steps. By not being able to do this, there is a sense of disempowerment and of not being able to have their true wishes fulfilled.

The Greens have had constituents contact us about natural burial options since this option was put into the public arena. There is a large unmet demand in the community for alternatives. There is a solution available. It is to allow burial in what is called a natural cemetery or green cemetery. This type of cemetery places great importance on ecological objectives. The most obvious feature of a natural cemetery is that it looks very different from the highly maintained, orderly layout of a standard cemetery. Natural cemeteries are essentially a natural landscape such as bush or a reserve. Natural cemeteries maintain the natural environment. It seems especially appropriate for Canberra, the bush capital, and a region where we care greatly for our natural environment.

Natural cemeteries are also beneficial for the residents who live nearby. They maintain the natural amenity of the landscape and are a much more pleasant option than living near a crematorium, a prospect that is currently causing some concern amongst the residents of Tuggeranong. Natural cemeteries minimise impact on the environment by using biodegradable coffins or a simple biodegradable shroud. This allows a person's body to be returned to the soil naturally and contribute to the regeneration of life. The only grave markings are natural ones such as trees or bush rocks.

Some people are concerned that with natural burial they may not be able to locate the last resting place of loved ones. To counter this there are natural cemeteries that use a sophisticated GPS system to record the location of each grave and then supplement this with a communal memorial wall to record names.

It is also important to understand that a natural burial can be the final part of almost any funeral practice. It complements religious ceremonies and people's individual spirituality. When people are faced with these important decisions it is important to have the full range of options and information available to them. It is also important to distinguish between the kind of natural, green burial that I am discussing and regular funeral services that offer green options, such as coffins made from recycled materials. This kind of "greener" burial is already offered in some parts of Canberra. However, a natural cemetery takes the process one step further.

To some, natural burials might sound like a new concept. In fact, it is not new at all. The United Kingdom established its first natural cemetery in 1993. Fifteen years later, it has 200. If this trend continues, natural burial could become the preferred option within 50 years. Natural cemeteries also operate in other parts of the world, including the USA and New Zealand. Remember also that cremation, which is now often used, was for a long time considered an innovation.

Lismore City Council has led the way in New South Wales. It founded a natural burial ground last year on a bush site housing gum trees, possums, native birds and a large koala population. The Lismore public has been very supportive of the initiative. In South Australia, a parliamentary committee inquired into natural burial grounds and

tabled a report in September last year. The committee recommended that the government facilitate the development of natural burial grounds in South Australia. The South Australian government responded quickly and a new natural burial ground is now being established. The committee also noted the excellent opportunities for natural burial grounds to be used as buffers between conservation and other land uses. This multipurpose nature allows natural burial grounds to be inexpensive.

Pinnaroo memorial park in Western Australia and Kingston cemetery in Tasmania are multipurpose cemeteries in bushland settings. Their popularity with the public, both as burial sites and as public open spaces, proves that Australians are open to innovative cemetery designs, and those who are not supportive of natural cemetery designs are quickly being converted. All of these cemeteries differ in the degree to which they have adopted environmental objectives. Some are hybrid burial grounds where an existing cemetery puts aside an area for natural burials. Some are more focused on performing the function of a nature reserve and provide cemetery functions in addition.

Here in Canberra, we do not have any areas for natural burials, but the ACT government has an opportunity in 2009 to facilitate the creation of a natural burial ground. As an identified wildlife corridor, the site in Tuggeranong is an ideal location. I am encouraged that the government has said it will undertake community consultation about the proposed Tuggeranong cemetery, but I hope this is proper consultation and not just an empty formality.

The government has already said a number of times that it is exploring where to put a second crematorium and another cemetery. Has it already been decided then, before the consultation, that the choice for Tuggeranong is a crematorium and a standard cemetery? The government should start this process not by examining how it would build a crematorium in a standard cemetery but by bringing the public into a discussion about the full range of options for cemeteries, including those that restore and conserve the environment and respect the wishes of its citizens. The Greens will certainly be having this discussion, in the absence of any efforts by the government.

The Chief Minister stated in the media recently that he would look at changing ACT law to permit natural burials. I would like the Chief Minister to clarify what, if any, impediments there are and to ensure they are removed swiftly.

In conclusion, this is an important issue. Now is the time for interested residents to have a constructive debate. It is time for genuine community consultation about what options they would like to have available to them. This Assembly debate is part of that.

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) (3.13): The ACT government is committed to giving our community facilities and services that satisfy its needs and that respond to its changing values and desires. There is no doubt that values and desires around the way we handle death and burial have changed over the decades and over the generations. In past generations, the idea of laying a loved

one to rest anywhere but in consecrated ground within a churchyard might have seemed unacceptable, and even horrific. Until relatively recently, those of us of European descent would have blanched somewhat even at the notion of cremation. Now cremation is the norm. I understand, in fact, that 70 per cent of Canberrans choose to be cremated.

Cities are discovering that they cannot endlessly tie up fresh areas of undeveloped land for lawn cemeteries. We are no different from other communities in the sense that our tastes and needs in relation to the disposal of our dead have changed over time. If we visit St John's Churchyard in Reid or Queanbeyan cemetery, where our Protestant and Catholic forebears lie respectively, we will see the evidence of practices that are absent from a lawn cemetery or a memorial rose garden.

We should not be afraid of exploring new options and new avenues and developing new traditions. Indeed, we have recently introduced reforms that allow the community to make greater use of cardboard coffins. I imagine that, a few generations ago, some would have been aghast at the very idea of a cardboard coffin.

The ACT currently has two principal cemeteries, at Woden and Gungahlin. There is also a small cemetery at Hall. Our principal cemetery, in Gungahlin, was opened in 1979. The cemetery contains a large lake set in a mature landscape. Separate attractive areas are provided for lawn and headstone burials, and the placement of ashes. In addition to lawn, family estates, monumental, children's and babies' areas, there are special areas set aside for Jewish, Islamic, Orthodox, Aboriginal and ex-service burials.

The memorial gardens provide two areas for the interment of ashes. One area allows the placement of ashes in the ground behind an attractive granite beam. The other is an impressive structure that allows the placing of a unique coloured plaque on a granite wall. The placing of the ashes is either in an underground vault or in a garden bed. Ashes can also be scattered in shrub beds within the cemetery.

Woden cemetery was opened in 1936 and was the principal cemetery until 1979. At that time it closed. It was reopened in March 1999. This formally planned cemetery features many stately, mature trees and offers lawn and monumental burial sites in different religious and general areas. Burial sites are available in all areas of the cemetery and the rhododendron and azalea gardens are available for the placing of ashes. Ashes can also be placed in existing graves. An enclosed mausoleum for interment in above-ground vaults was completed in 2001.

The Hall cemetery has a small rural headstone area, which is mainly for longer term residents of the region. It contains some rare and endangered plants; therefore the number of burials that it will accommodate in the future is very limited. There is also one facility, Norwood Park Crematorium, which is privately owned and located in Mitchell, supplying crematoria services. A range of options are already available, including traditional monumental burials, lawn burials, garden burials in family estates, mausoleum and above-ground crypts and memorials for cremated remains.

It is important that we investigate new options as our community develops and needs change and it is important that these issues are explored in partnership with the

community. Over the coming months, extensive public consultation will be undertaken for a proposed new southern cemetery. The proposed cemetery will be developed to provide the facilities and services desired by the Canberra community. If supported by the ACT community, it is also possible that a crematorium will be built. With around 70 per cent of Canberrans choosing to be cremated and only one crematorium located in the city, I imagine there could be strong demand for a second facility. But, of course, I cannot, and I do not and will not, pre-empt the community's views on this.

If the proposal proceeds, the new cemetery would be developed in stages and cater for Canberra's needs for potentially up to 80 years. I would hope that a new facility would incorporate sustainable design elements, including the ability to use surface water and groundwater for irrigation and toilets, on-site recycling of wastewater and alternative energy sources. I would also anticipate that extensive plantings would be used to create a peaceful and natural environment.

The consultation will involve asking Canberrans to provide their feedback on the suitability of the location, as well as the design and type of cemetery they would like to see built. The community's input will feed into a feasibility study which will examine both the suitability of the site and the possible inclusion of a crematorium. In relation to the location, the consultation, which, as I think you are all aware, is being led by Mr Robert Smeaton, the Chairman of the Cemeteries Board, is seeking the community's feedback on the suitability of an area of 226 hectares, and within this zone, to identify an area of approximately 50 hectares where a cemetery would best be sited. The process will include information sessions, a community survey, stakeholder meetings with local residents, local community councils, the funeral industry, equestrian groups and other key stakeholders.

At the same time, the ACT government is exploring alternatives to cremation and standard cemeteries practice. Naturally, options for alternative forms of burial and cremation will be discussed as part of the consultation on the southern cemetery. Natural burial is one example. There is a trend worldwide towards the provision of areas for natural burial. In Australia, four cemeteries to date have implemented natural burial areas as part of their standard burial practice. Natural burials are currently available in Lismore in New South Wales, in Kingston in Tasmania, at the Pinnaroo Valley Memorial Park in Western Australia and at the Lilydale Cemeteries Trust in Victoria. Queanbeyan cemetery, it has to be noted, has a "bush" section.

The Australian community is becoming increasingly aware of the environmental impacts of conventional burial and disposal practices. While there are distinct health and environmental impacts associated with natural burials, we should not allow these to become barriers to consideration being given to natural burial. Natural burial allows for burial in a manner that does not inhibit decomposition. The body is prepared without the use of chemicals and is placed in a shroud or biodegradable coffin in a protected green space. Natural burials can take place in conventional cemeteries as well as in dedicated natural burial grounds. Natural elements such as plants and rocks are used as grave markers. In some places overseas, natural cemeteries are being used to establish or restore forests or woodlands with native species.

There are also new systems being developed as alternatives to cremation. One system is resomation, which is a water-based process which returns the body to its constituent elements. The other is promession, which uses a freezing and drying process. Resomation essentially takes high-temperature water-based alkaline hydrolysis—breaking down compounds—applying it to human remains and ending up with pure bio-ash and liquid. It is an accelerated version of the natural process of hydrolysis-driven decomposition after shallow burial. At present, resomation is available commercially only in Great Britain and Canada.

There will be consultation with the community on natural burial and other options for burial over coming months as a part of the detailed community consultation program that has been developed for the proposed southside cemetery. Early details of the consultation are available on the TAMS website—www.tams.act.gov.au—and further details will be posted soon on the government's community noticeboard which appears every Saturday in the *Canberra Times*.

This is an issue which the government is taking seriously. As members are aware, I have asked Mr Robert Smeaton, the Chairman of the Cemeteries Board, to initiate full consultation on the feasibility of a new southern cemetery to meet the needs of the people of all of Canberra, but most particularly those living in the south, and most particularly Tuggeranong. We are taking the opportunity, as part of that consultation and feasibility process, to explore all of the issues in relation to burial, including interest in or prospects for natural burial within the Australian Capital Territory.

In expressing a personal view in advance of the consultation, I am very open to the development of a natural burial capacity in the ACT. It would not necessarily need to be restricted to a new or southern cemetery. It is something that I believe we should embrace. It is an issue that is receiving popular attention in Australia and around the world. Along with other advances, changes in thinking and changes in community expectations around death, dying and burial, it is an issue that deserves the most serious consideration, and the government is ensuring that it is given that consideration.

MR COE (Ginninderra) (3.22): It is with perplexity that I am before this chamber talking about this matter of public importance. Quite frankly, I am amazed that anyone in this chamber would submit a message to the Speaker highlighting this issue as the biggest issue for discussion on this day. We serve in this Assembly in challenging times: we have a global economic crisis; we have a territory budget to go into the red; we have unemployment on the rise; we have major infrastructure problems; and many other challenges are impacting Canberrans. I am amazed that anyone in this place would rate alternatives to cremation and standard cemeteries as up there with these issues in competing for our attention at this time. The reason why so many Canberrans do not care about the Assembly's business is because of motions like this.

A further reason why I am amazed that we are discussing this issue is the new-found fame and power that the ACT Greens have in this place. To represent almost 25 per cent of an Australian parliament is a coup for them, and it is also a great responsibility.

However, motions like this make me ask the question: are the Greens really up to it? Did the people of Canberra who voted Green really expect or want these priorities to get up in the Assembly? This MPI is a return to the Greens' ideas of old, which were somewhat loopy. Investigating alternatives to cremation and standard cemeteries is not a matter of public importance at this time.

In conclusion, I do not want to detract from the good people that serve our community so honourably by working in difficult professions, people such as undertakers, funeral organisers, managers of cemeteries and crematoria, those in burial services and those running other death-related ceremonies.

MS LE COUTEUR (Molonglo) (3.24): I guess I would first have to disagree with the sentiments expressed by Mr Coe. I think most people would find the manner of their death, final resting place—whichever words we want to use—of considerable importance to them, even if not to Mr Coe. I think you would find that most people in Canberra would find this a matter of importance. I can certainly say that since the article about it was published in the *Canberra Times*, I have had a lot of feedback personally from people that it is a subject that is quite interesting to them. I guess I am a little bit older than Mr Coe, and that is possibly why it is of more interest to me. Continuing further with the comments Mr Coe made, possibly the reason that people find this Assembly somewhat less interesting than it could be is the fact that some of the debates we have just bang on and on and on about the same thing without coming to a conclusion.

I will not speak at a great length about the actual issue here, because the two previous speakers have spoken very well on the subject. I obviously agree with Ms Bresnan's speech, and I am very pleased to find that the government has an open mind on this very important subject. As I said, death and burial is a very sensitive and important issue, and there is no reason why cemeteries should not be pleasant places to be at. In fact, sitting here, I was remembering that, when I was a child, my family used to go down to what is now and was then, of course, the Woden cemetery for picnics of a weekend, because it was one place in the dry Canberra environment which had beautiful trees and which was watered. It was and still is a lovely place to go. I would really hope that, whatever new cemetery is created for Canberra, it also becomes a beautiful place to go. The one in Woden is a very formal cemetery, and I hope that we would look at having less formal, more natural alternatives for anything that we will do.

On the subject of the amount of public interest that I have found in this issue, I would just like to mention that I am planning to host a forum at the Assembly about issues relating to this and to invite a number of speakers from other areas who have got more experience in it than us.

I would like to commend this issue to the Assembly. It is a very important issue for all of us, one we will all have to face, and one where it is important that we have the full range of choices open to us and that we have enough public discussion in advance so people can make informed choices about what they would like for themselves and their loved ones.

MS BURCH (Brindabella) (3.28): Can I just say at the beginning, in response to Mr Coe's comments, that death and burial is a matter that affects us all; it is something that comes to us all and our family and friends and it is something worthy of discussion. The members of this Assembly are elected by the community to make decisions that support and sustain the territory now and into the future. The exploration of alternative practices to cremation and standard cemeteries is necessary to ensure the ACT government continues to provide the facilities and services that our community desires and needs.

As part of considering the alternative practices that have already been discussed, the presence of a second crematorium also needs to be considered. As mentioned earlier, 70 per cent of Canberrans currently choose to be cremated. With only one crematorium in town, this is something that we need to think about in our future planning. The environmental issues with crematoria are well known and are generally considered not to be significant. Work is being done in Great Britain, as outlined earlier, on alternative processes, which is something that we can consider and which should be brought up in the review and the study being undertaken over the immediate future.

Canberra's views on the nature and types of burials that our community prefers are part of the consultation on the proposed southside cemetery. This public consultation, which has already begun, I understand, will comprise information and fact sheet opportunities at public libraries and shopfronts and surveys of the community, both hard copy and online. I understand a telephone survey of members of the community will also be undertaken and there will be stakeholder meetings and briefings. I have spoken to a number of southside community groups and they have already been contacted about this process, so it is good to know that it is underway.

Canberrans will be asked to comment on a number of broad themes as well as more detailed questions. Some of the broad areas they will be asked to comment on include whether they support the establishment of a southern cemetery, whether they support the establishment of a cemetery at the proposed site, whether they agree on the inclusion of a second crematorium on the site, and whether they support reserving at least part of that site for natural burials.

As we progress on our public consultation on the proposed southern cemetery site and further research is undertaken into alternative practices around the world, the ACT community will move towards improved services and facilities. This government fully understands the importance of the investigation into alternative practices and will continue to investigate and consult fully on the scope of options so that we as a government and community are best able to meet the needs, the desires and the concerns of our community.

MADAM DEPUTY SPEAKER: The discussion is concluded.

Justice and Community Safety Legislation Amendment Bill 2009

Debate resumed.

Schedule 1, part 1.7 agreed to.

MRS DUNNE (Ginninderra) (3.34): I seek leave to introduce the appointments validation legislation, as was encouraged by the attorney in his remarks before we adjourned for lunch.

Leave not granted.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (3.34): Madam Assistant Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent the introduction and passage today of a Bill for an Act to validate certain appointments.

Madam Assistant Speaker, these are difficult procedures to heap on to the chair, and I apologise for that, but I do not apologise for moving to suspend standing orders. This is an important issue, and I said in the debate on the in-principle stage of this bill that I would not go down this path of splitting the bill because members indicated on Tuesday that they would not give leave and would not move to suspend standing orders and that I would not have the requisite numbers. But in response to my comments, the minister went down the path of saying, "Well, if Mrs Dunne wants to be part of the solution, she should table her bill."

Mr Corbell: No, that's not what I said.

MRS DUNNE: He said, "She should table the bill and I will give her leave to do so."

Mr Corbell: I did not say that.

MRS DUNNE: It was interesting, because as soon as I pulled out the bill that I was ready to table—

Mr Corbell: That's outrageous. You're an appalling liar, Mrs Dunne.

MRS DUNNE: Madam Assistant Speaker—

Mr Corbell: I withdraw the comment.

MRS DUNNE: Yes. As soon as I pulled out the bill and said to the minister that I was prepared to do just that, he realised that he had got himself in a fine pickle and then he filibustered for about five to 10 minutes, tediously repeating what he had said before so that the thing would run out before lunchtime.

This is an important issue. This is the path the Liberal opposition chose to go down in the first instance—that is, to split the bill, to take out the appointment validations from the current bill and to treat them separately. It is clear that the opposition and the

Greens think that this is an important issue. It is clear from what has been said in the debate today that the majority of members in this place think that the Attorney-General acted in an unlawful way, that he broke the law, and that it should be dealt with in an appropriate way. This is a serious matter, and this serious matter prompted us to separate the validation legislation and have that moved separately.

It was indicated to me the other day that members did not want to go down this path, so I only flagged this as our preferred option but that we would not go down that path. But after I was invited by the minister—or cajoled or goaded—into taking this course of action, I think it is the only honourable thing to do. Therefore, we need to suspend standing orders to do so. It is really a test of just how good and how courageous the attorney is.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.37): Once again Mrs Dunne misrepresents and just blatantly makes false accusations about what I did say or did not say in this chamber. I made the point in the debate that if Mrs Dunne had the courage of her convictions she would have, from the outset, tabled a bill to deal with this matter. That is the point I made.

I did not invite her to table the bill. I certainly did not say I would give her leave to table the bill, and I will invite Mrs Dunne to correct the record in that regard because she has misled the Assembly by saying so—

Mrs Dunne: Madam Assistant Speaker, I raise a point of order. That is—

MR CORBELL: Madam Assistant Speaker, I withdraw that. I believe that she may have misled the Assembly by saying so. She should correct the record, and I invite her to do so. If Mrs Dunne had been serious about this, she would have proposed this from the outset. This is just more obstructionism, more delaying, more frustration and opposition for the sake of opposition from Mrs Dunne.

We are in the detail stage of this debate. If Mrs Dunne seriously believed that this bill, which she has clearly had prepared, was worthy of debate, she should have put it on the notice paper on Tuesday. That bill then could potentially have been debated cognately with this bill today. But she chose not to do so. The moment has passed, Madam Assistant Speaker. She cannot have it both ways. Either she had the courage of her convictions at the time or she did not. She did not and she cannot now come and re-prosecute that matter.

We are at a very late stage in the debate. We are two or three questions away from completing this debate, and it is just absolutely absurd for Mrs Dunne to suggest that at this very late stage she wants to introduce her bill. If she had believed in this bill she would have put it up in the first place, regardless of what other members in this place said. But she has not done so and the moment has clearly passed.

MRS DUNNE (Ginninderra) (3.40), in reply: If no one else is going to speak, I will close, Madam Assistant Speaker. I take the minister's comments under advisement.

He does require that I correct the record. My clear hearing, my clear recollection of what he said to me this morning was as I reported it, but I undertake to go back and check the record. I will gladly check the record to see if I misheard what the Attorney said. I will always check the record if I have made a mistake.

The procedure that I discussed with the Clerk's office for dealing with this was a two-step procedure: we would have to deal with the bill that is currently before us and then introduce the second bill. That was one of two procedures we could adopt. To introduce it in two stages, to deal with the JACS bill and then introduce the validation bill, I needed a commitment to the suspension of standing orders because it would be necessary to delete the clauses in the JACS bill in relation to the validation; otherwise we would be debating them twice. I was assured that there would be no agreement to suspend standing orders so I thought that would be a futile path to go down. However, since the minister appeared to change his mind this morning about—

Mr Corbell: I have not changed my mind at all, Mrs Dunne. I have made that quite clear. That is a complete falsehood on your part.

MRS DUNNE: It appeared to me this morning that he had changed his mind and that he wanted at least to give us the opportunity of having a separate bill so I thought that I would rise to the opportunity. This is in the hands of the whole Assembly, not just the Attorney-General. If the whole Assembly does not want to suspend standing orders, well, we will go back to the course of action that we had all agreed on beforehand. The Attorney will then learn that he needs not to be free with his words and make accusations across the chamber.

Question resolved in the negative.

Schedule 1, part 1.8 agreed to.

Schedule 1, part 1.9.

MRS DUNNE (Ginninderra) (3.43): The Liberal opposition opposes this part.

Schedule 1, part 1.9 agreed to.

Standing and temporary orders—suspension

MR RATTENBURY (Molonglo) (3.43): I move:

> That so much of the standing and temporary orders be suspended as would prevent the Assembly rescinding its decision relating to Schedule 1, Parts 1.2 and 1.3 of the Bill, and for these parts to be reconsidered.

Just to explain, it seems that this morning there was an error in the amendments that I moved. They were misnumbered. During the lunch break the Clerk's office pointed this out. The purpose of this motion is simply to allow us to go back and fix that up now and prevent any confusion down the line.

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

Schedule 1, part 1.2.

MR RATTENBURY (Molonglo) (3.44), by leave: I move amendment Nos 1 and 2 circulated in my name together *[see schedule 1 at page 1145]*.

Thank you, members, for your understanding on this one.

Amendments agreed to.

Schedule 1, part 1.2, as amended, agreed to.

Schedule 1, part 1.3 agreed to.

Title agreed to.

Bill, as amended, agreed to.

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

Debate resumed from 12 February 2009, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (3.46): We will be supporting the government's amendment bill in the main, but I will also be tabling amendments, which we will be seeking support for, and we will be supporting a number of the Greens' amendments which have been foreshadowed.

As I have said in this place before, I am of a generation that does not need convincing on environmental issues. However, the challenge is to find effective, achievable solutions that address the issues in a meaningful way. Using alternative energy is one such way, and that is why we support the government's efforts.

The government's amendments do provide a greater clarification of their intentions. We welcome the government's move to restrict this scheme at this stage to residential buildings and schools and we believe that the cap that is being placed as part of these amendments is important at this time.

Of particular import is the issue of a cap. I understand the Greens intend to move an amendment in relation to the cap that will see the prevention of payments to people who generate more than 30 kilowatts. We believe that the cap both protects consumers and provides an opportunity for us to revisit this legislation in order to consider larger scale energy generation in the future. I agree with the minister that grave consideration needs to be given to the financial implications of allowing medium and large-scale generators to participate in this scheme, and look forward to receiving further information from the government as to how stage 2 will operate.

When we look around the world, it is easy to see the effectiveness of residential feed-in schemes. Germany has led the way with possibly the most successful feed-in tariff laws in the world. In 1991 the German government introduced the electricity feed act, creating their scheme. The scheme was expanded and enhanced in the year 2000 and, as a result, Germany has seen dramatic growth in the renewable energy market.

Most importantly, the solar photovoltaic industry has thrived. From 2000 to 2005 the quantity of electricity fed into the grid from eligible sources in Germany more than doubled. By comparison, Australia has less than 0.5 per cent of Germany's capacity. Australia is lagging behind Germany and other countries, including Spain and Japan, which have half the sunshine of Australia yet have 200 times the solar production capacity of our country.

Australia not only has sunshine, but we have world-class scientists, many based at universities in Canberra, who are producing cutting edge solar technology. We need to utilise this for the good of the environment and the nation. This bill seeks to encourage Canberra families to utilise this technology by installing renewable energy generators in their homes by offering a premium rate for any electricity they feed into the grid.

Initiatives that encourage families to be more environmentally aware should be applauded. However, we are concerned that one of the ongoing issues is the issue of a national approach. Currently, each state and territory has their own scheme or is in the planning stages and each state and territory appears to be different. Victoria sets their limit at two kilowatts and Queensland and South Australia at 10 kilowatts. There is a mixture of gross and net schemes. Program durations vary from between two to nine years in Western Australia to 15 years in Victoria and 20 years in South Australia, Queensland and here in the ACT. The premium rate is also different in every state.

How will the ACT's scheme fit with these other systems? On 29 November 2008 the Council of Australian Governments released the national principles for feed-in tariff schemes. The principles include that any measuring is transitional and in particular notes that the national emissions trading scheme will provide increasing support for low emissions technology. As we see these national issues play out we will need to be responsive to how our local schemes fit in with that overall national approach.

That said, we do support the bill, but we also have some amendments seeking to add further clarification to aspects of the legislation. They are designed to work with the government's amendments. The government seeks to include a new section allowing the minister to determine the normal cost of electricity. The government is also proposing that the minister may establish guidelines as to how this cost is determined.

We will support these changes, and our proposal is to set a requirement for the minister to consult with the Independent Competition and Regulatory Commission. The ICRC is the organisation best placed to provide relevant information on pricing. With the minister responsible for determining the premium rate, we believe that ICRC advice should be taken into consideration. This information should also be made

publicly available. We are proposing that the minister table in this place the advice that is received prior to the minister announcing the premium rate. This will assist in ensuring the program and the minister's deliberations are as open and transparent as possible.

There are also concerns surrounding the recovery of the feed-in tariff from consumers and ownership of the equipment should a house taking part in this scheme be sold. I understand the Greens will be moving amendments addressing these concerns, which we will support. We note that the ACT community is concerned about the environment and that everyone should play their part in protecting it. This includes the utilisation of new energy sources. However, no Canberrans should be disproportionately affected by the government's scheme.

We believe that any money collected from consumers not taking part in the scheme should be proportional to their energy use. The alternative is to impose a flat fee. A flat fee disadvantages those in smaller dwellings who may use significantly less energy than a large house or a business. We therefore support the notion that consumers pay a proportional fee.

We also have concerns regarding the ownership of equipment. It is unusual these days for families to live in the same house for 20 years; therefore the scheme needs some flexibility. We will therefore support the Greens' amendment to link the contract to the equipment rather than to the house or an individual person. We believe this allows people greater options should they move house. The ability to sell the equipment with the house or take the equipment to their new house is a choice they should be free to make.

Finding alternative sources of energy is vital as we move forward. In Australia, particularly within the ACT we have the technology and the intellect to meet this challenge. The electricity feed-in scheme is a good start but we need to see much more from this government to secure energy for the territory in the long term. We need to see this government put in place plans for the ACT that work with national schemes. We need to see the Stanhope government work closely with federal, state and territory counterparts to find national solutions, not just piecemeal approaches to these important issues.

I would also flag that we are considering a proposed amendment that has been put to us by the Greens, which I believe will be circulated soon. We have not seen the amendment, but we have had a discussion with the Greens to clarify some issues. Mr Rattenbury, of course, will speak to that amendment when he moves it. We will consider it as soon as the actual amendment is circulated and we look forward to having a discussion in relation to that. At this stage, I cannot say whether we will be supporting it or not, but I will say that the principle that we will be supporting in relation to what I understand of the Greens' amendments is that we do believe that the 30 kilowatt cap is a reasonable one. Anything which changes the impact of that cap we would not support, but if there are better ways of achieving the same outcome, then we are open to them and we will look at those amendments in that light.

MR RATTENBURY (Molonglo) (3.54): As members are aware, this bill seeks to amend an act that was passed in the Assembly last year—the Electricity Feed-in

(Renewable Energy Premium) Act 2008. The current legislation as it stands provides for renewable energy generators to be paid at a premium rate for the electricity they generate and feed back into the electricity grid. The maximum rate is determined at approximately 3.88 times the price of retail electricity, providing considerable incentive to household and industrial installers to make the up-front investment in renewable energy infrastructure, knowing that by signing what is essentially a power purchase agreement with the electricity retailer they will recoup their investments and possibly also reap financial benefits thereafter.

When this bill was passed in the Assembly last year it was hailed as the most progressive piece of renewable energy policy in the country, and since then has been pointed to as a best-case example of the application of a feed-in tariff law by industry and NGOs alike.

The purpose of this amendment bill today is to tidy up some of the technical details so that the act can come into force on 1 March 2009, as negotiated through the ALP-Greens agreement, and householders can start to reap the benefits of their investments by receiving the tariff. This is four months earlier than scheduled and reflects the desire of the Greens to see faster action on renewable energy.

The purpose of the bill today is not to remove the capacity of the act to effectively drive investment in renewable energy for the larger end of the market. The government indicated when it tabled this bill that there is further work to do in applying this act to installations over 30 kilowatts, and we agree. However, we do not believe this should be used as an opportunity to add provisions that will effectively limit the scope of the act.

Though we will be supporting this bill today, we will be seeking to amend the bill, as Mr Seselja has foreshadowed. I have circulated a number of amendments. At this point, I am seeking to draft another amendment which may cover the point I have just made around ensuring that the objectives of the act are not changed, but that the cap is inserted at a different place. I will circulate that to members as soon as we have cleared it through advice.

There has been criticism in the past that feed-in tariffs are not the cheapest way to achieve greenhouse abatement and that more cost-efficient abatement can be made through the widespread rollout of energy efficiency measures. This is not something that the Greens disagree with. Energy efficiency is important. It is the cheapest, easiest way to deliver emission reductions, and there is plenty of low-hanging fruit here in the ACT. We need to insulate our houses and build new houses taking into account solar orientation. We need to use thermal mass effectively; consider how we share energy across our houses, communities and retail sectors; and set standards for energy use, particularly in industrial and retail buildings. All these things are crucial, because there is no doubt that it is cheaper for us to invest in measures that will reduce our consumption than it is to generate electricity from new sources.

Modelling has indicated that through energy efficiency measures alone Australia can reduce energy consumption by at least 16 per cent by 2020. Energy efficiency is also an important policy initiative to insulate us from the potential rises in energy prices

that will inevitably happen with global pressure to cost carbon and as oil prices rise. But energy efficiency measures alone are not going to prevent emissions from rising to a level that will cause dangerous climate change. We must now deploy a range of measures to reduce our energy consumption and think about the ways that we will move towards electricity sources not reliant on the burning of fossil fuels. The climate change emergency that we now face does not allow us to cherry-pick abatement measures. We need to implement a full suite of policy options that deliver abatement as quickly as possible.

Renewable energy technologies are working; it is time that we embraced them on a large scale and moved away from considering them as some worthy niche of the electricity generation sector. A feed-in tariff is a mechanism that delivers not only increased penetration of renewable energy sources into the marketplace but also the longer-term expansion of the renewable energy sector on a sustainable basis.

The renewable energy industry has had a hard time of it in Australia. There is no doubt that we could be further ahead in terms of installed capacity if the policies of governments across the board had been more consistent and better thought through.

Federally, there was a photovoltaic rebate that industry and environment groups alike lobbied to have continued every two or three years. I was one of those lobbyists. The uncertainty of what the outcome would be was shocking, and the fact that this had to be dealt with every couple of years did no favours to the industry whatsoever. Last year the photovoltaic scheme was changed again, with the application of a means test. And this year it undergoes another change as it is linked into the renewable energy target certificate scheme.

That brings me to the other major policy initiative for renewables. The Howard government introduced the mandatory renewable energy target but then failed to extend the scheme, even when it was clear that the industry had easily met the target ahead of time. It was a real travesty that the Howard government failed to recognise the absolute success of its own measure and the absolute desire and dynamism of the industry.

Last year when I was in Bali at the climate change negotiations I met one of the major Australian energy companies. They had intentions to substantially invest in Australia; they had already invested substantially. But because the federal government failed to expand the MRET scheme they were heading offshore. They were going to invest hundreds of millions of dollars in Chile—Chile of all places—because they could not get the space from government to make those investments in Australia. That is a travesty for all of Australia, because we are shipping jobs offshore that should have been put together here in Australia.

That scheme has now been revamped with a higher target and a whole new set of rules, which is very welcome. Nonetheless we continue to have uncertainty. Rebates for solar hot water have started and stopped; they have overheated the market and then placed small business under pressure when they have been withdrawn. This is not the sort of thing that will develop the sector in the long term. All in all, the one thing that we could say has been lacking in the renewables industry in Australia is certainty, and certainty is something that a feed-in tariff delivers.

There are those that have criticised this scheme and other schemes that give a leg up to the renewable energy industries as a subsidy to otherwise expensive and inefficient technologies. Let us just be clear about the energy generation landscape here in Australia. Around 90 per cent of Australia's electricity is generated from fossil fuels. While many of us may have thought that we were blessed with cheap power generation by burning coal, the sad truth is that coal is the largest single source of greenhouse emissions in this country. We have become reliant on an energy generation source that is irrevocably damaging our planet, changing weather patterns, increasing the severity of storms, increasing drought and water shortages, increasing the number of hot days—and there will be fewer cold nights—and increasing ocean temperatures, threatening to reshape the biodiversity and fish stocks in our seas in ways that we are only just beginning to understand.

Despite this, coal-fired power generation still has a place in our energy market in the near term; renewable energy cannot compete with that at this point in time. In its proposed carbon pollution reduction scheme, the federal government has completely failed to send a realistic signal to the market about what the price of carbon should be.

The CPRS will not drive investment into emerging renewable technologies. The wind industry does not anticipate much benefit from the CPRS; the solar industry anticipates even less. The CPRS certainly does not make these industries cost competitive with coal-fired power for a considerable amount of time, at a time when we need urgency. And while emissions trading schemes, of which the CPRS is a pale, watered-down example proposed by a federal government with no real commitment to do anything concrete, might have some impact in driving efficiency in heavily competing industries, emissions trading schemes in general do not drive the massive upscaling of clean energy generation capacity that will be required in the future, and this watered-down version of the CPRS will do even less, unfortunately.

When we have squeezed every last drop of efficiency out of our coal-fired power stations, and the next step is to switch them off—because ultimately that is what we are going to have to do: switch them off—what will happen if we do not have up and running other sources of generation of the scale required? I imagine that those coal-fired power stations will stay switched on for longer than they should, further heating up this planet and further emitting greenhouse emissions.

This speaks to the purpose of a feed-in tariff that drives medium to large-scale installations: we need to get that capacity operating as soon as possible; otherwise we will not easily be able to switch off the coal-fired power stations when the opportunity arises—and when the need arises, more importantly.

The federal government has been lukewarm in its support for feed-in tariffs. Some, including the federal resources minister, Martin Ferguson—that progressive thinker of the ALP left up on the hill—think that feed-in tariffs pick winners and that we should just let the market decide which is the most economically feasible energy generation source to bring online. This completely misses the point that we should choose the right energy source not just on the basis of price but also on its potential to deliver base load or peak energy, decentralised energy or, indeed, energy that is appropriate for the environment in which it is being generated.

A classic case in point is wind energy. If we follow through Mr Ferguson's thinking, wind energy, as the cheapest form of renewable energy, should be the first choice of renewable energy every time. Wind energy has a huge role to play in Australia's energy future, yet we all know that wind energy has restrictions on its deployment because of the nature and capacity of energy supplied, because of the locations and sometimes because of other potential environmental impacts. Tidal power and geothermal will also have restrictions based on their location and capacity.

I make this point only to demonstrate that not all renewable energy is suitable for all locations or all requirements. We need policy that is sophisticated enough to allow us to develop a diverse and resilient energy portfolio that maximises efficiencies appropriately and is in harmony with the environment. We should not be afraid of choosing the right technology for each environment.

Feed-in tariffs have been proven around the world to be the most effective tool to stimulate investment in renewable energy generation, with an additional benefit of growth in jobs—a very relevant point in the current economic climate. I would like to take the opportunity to read a quote from German MP Herman Scheer on his analysis of the public investment made in that country. He says:

> We got with the help of this law, a renewable energy industry that has now 170,000 people employed—a new industry. That means if you compare this with the money that makes that possible, it became the [cheapest] public industrial and job promotion program ever happened …

You will excuse the grammar, but that was a direct quote. Jobs in the German renewable energy industry have continued to grow since Herr Scheer made his observation in 2005. In 2006 the German government estimated 230,000 people employed in the renewable energy sector, 130,000 directly attributed to the feed-in tariff. That is an enormous industry, of which I think many people in Germany are very proud. Now the solar industry alone is employing some 50,000 people.

Of course, Germany is not Canberra, so one would need to scale the numbers down, but it does give some indication of the potential not just to grow the generation capacity but also to grow an industry. The investment we are making is not just for electricity but for jobs for the future.

The issue of cost has been raised in relation to this scheme. It is true that some of the actions that we put in place to manage climate change will have costs, and debates will continue, I am sure, about who bears those costs and how they are distributed equitably. Here it is worth recalling that both the Stern report and the report by Professor Garnaut have said that those who act soonest will have the lowest costs and those who leave it longer will bear even greater costs and will hand greater costs on to our children and their children.

The Greens remain very concerned to see that those who are worst off in our society are not unfairly disadvantaged by carrying more than their fair share in the costs. We have indicated to the government our desire that they review the rebates to energy

concession cardholders here in the ACT. It appears that it is complex and unwieldy to exempt low-income families from the costs associated with the feed-in tariff at the point of application of the charge, so it would be appropriate for the government to consider how the rebates that currently exist could be adjusted upwards to compensate concession cardholders.

This is a discussion we have had at some length—looking for the best way to do this in an efficient manner, in a manner that is both economically and administratively efficient. That is why we have come to the view that the concession cardholder group, which currently includes pensioners, healthcare cardholders and veterans, is the best way to go about that. I welcome the minister's assurance that the government will be closely monitoring the situation and examining mechanisms to support those most affected. I urge the government to make an explicit commitment to review the status of the concessions in light of the introduction of the feed-in tariff, with a view to raising it.

In conjunction with this, we remain committed to seeing the ACT's energy efficiency programs focus initially on low-income families where energy audits and retrofits can make a significant difference to energy consumption and thereby ease pressure on energy bills. This is about being proactive and cutting the energy bills in the first place. One of the amendments we will introduce is to make the feed-in tariff proportionate, to confirm that in the legislation. That also reinforces this point of reducing the energy consumption.

As I stated at the outset, this amendment bill is to ensure that the scheme as agreed for householders and microgenerators can be implemented smoothly on 1 March 2009. We support many of the technical amendments that the government has proposed and will also put forward other amendments to ensure that the intent in the original act is fully captured.

The Greens are proposing to enshrine in the act that the cost of the feed-in scheme is passed on proportionally to electricity account holders, as I just mentioned. This was the original intention when the act was passed in 2008. This amendment seeks to make that principle explicit and clear in the legislation. I accept that it was the intention—and discussed with the Australian Energy Regulator that this is the way that it should apply—but we feel it is appropriate that it be explicit in the legislation.

We understand and support the minister's intention to address the application of the feed-in tariff to medium and large-scale installations before July and look forward to working with the government over the next few months to develop a sophisticated policy that will drive the development of a vibrant renewable energy sector in the ACT. Consideration needs to be given to the percentage of premium prices that are appropriate for medium and large-scale installations as well as the concept of introducing an annual scheme cap for the whole of the ACT.

To this list the Greens would add that there needs to be thought given to differentiated tariffs for different technologies, specifically in relation to larger scale installations. The viability of different technologies in the marketplace is highly variable and it is important that we see incentives for industry at the right level and not provide necessarily overgenerous tariffs which will see excessive profits being generated.

A real and valid concern in relation to the original bill is that without a limit on installations there is no guarantee that the scheme will not overheat, with the result that ACT electricity consumers end up with an unintended and high impost on their bills. While it is unlikely that this would happen in the first year of operation, and there are many levers in the legislation that the minister can use to either speed up or slow down the rate of investment, for a jurisdiction as small as the ACT it is a potential difficulty that we acknowledge.

It is for these reasons that the Greens support the concept of an annual scheme cap for medium to large installations. Such a proposal has the advantage of providing government with certainty about cost to consumers and will give a clear signal to industry about the investment opportunities while driving forward the development of renewable energy in the ACT in a sustainable fashion. The cost of an annual cap of 10 megawatts, for example, on the average household bill would be approximately $35 a year. That is around 67c a day. At this price it would be hard for the government to justify not supporting such a scheme cap.

We acknowledge that placing a cap on the scheme is not the optimal model for industry development using a feed-in tariff. It is not something that we would support if a feed-in tariff were implemented nationally. But given the ACT's unique circumstances—a small jurisdiction offering favourable investment opportunities—it is prudent policy. The Greens would prefer to see the ACT's renewable energy generation capacity developed in a sustainable fashion, scaled up with an eye to long-term viability.

Given the minister's commitment to announcing measures for medium to large installations in June this year, I am a little perplexed as to why the government has in this bill added a clause that seeks to limit the application of the act to installations under 30 kilowatts. I will come back to this later when we speak about the amendments.

Today the Greens are pleased that, as of 1 March, as a result of the ALP-Greens agreement, householders, retailers, small businesses, schools and universities across the ACT will be able to install clean, renewable energy and be paid an incentive to do so. This is a major step forward. It is an exciting time for renewable energy in the ACT and we look forward to not only seeing decentralised clean energy spring up around this territory but also kick-starting a vibrant new jobs sector.

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), in reply: I thank members for their contribution to the debate. On 10 February this year, as members would know, I previewed the government's preferred model for its nation-leading electricity feed-in scheme. I have been most gratified by the positive response and support I and my department have received since that time from members of the public and industry.

On 12 February I tabled in this place amendments to the Electricity (Renewable Energy Premium) Act 2008 to enable the scheme to commence by 1 March this year.

Before we discuss the amendments, I think it is important to consider again the objectives of the scheme as set out in the act. The act states that the objectives of the scheme are to:

a) Promote the generation of electricity from renewable sources;
b) Reduce the ACT contribution to human-induced climate change;
c) Diversify the ACT energy supply; and
d) Reduce the ACT's vulnerability to long-term price volatility in relation to fossil fuels.

These objectives build on those set out in the 2007 feed-in tariff discussion paper, which obviously include reducing greenhouse gas emissions by lessening reliance on non-renewable sources, increasing investment in renewable energy infrastructure, accelerating the uptake of renewable energy technologies and stimulating greater innovation in renewable energy technologies. Other objectives include reducing distribution loss factors associated with the flow of electricity through the distribution network and reducing the amount of energy required to be purchased from the wholesale electricity market by reducing the reliance on network-delivered energy.

Another objective not highlighted to date but critical nonetheless is to stimulate the green economy in the ACT to boost our green collar jobs sector by supporting solar and other renewable energy sources to compete with non-renewable sources. The government will be closely monitoring and reviewing these objectives as we consider the second stage of the scheme, which I will discuss later.

The scheme I am proposing will pay a premium price guaranteed for 20 years for every unit of renewable energy produced from solar or wind technologies. The fact that it is a gross scheme alone will make it the most generous scheme in the country. Other jurisdictions pay only for any excess units of energy after deducting for onsite use. Other technologies may be added in the future as they are developed or achieve maturity. The length of the guarantee is also essential to give certainty to those making a commitment to the technology.

The costs of the scheme will be spread across all ACT electricity users on the basis of volume of use. Larger users of electricity will pay more and lower users pay less. I note that the Greens have an amendment in this regard. It has been a matter that the government has pursued prior to that with the Australian Energy Regulator, who is involved in determining the pass-through to distributors. It is my understanding, and it accords with the assurance I have received from the regulator, that the costs of the scheme will be passed through on a volume-of-use basis. Nevertheless, there is no harm in including such a provision formally in the legislation and the government will be supporting that amendment when we debate it later this afternoon.

Members will recall the hard work done last year by former Labor MLA Mick Gentleman in laying the framework for this scheme. Since then my department has consulted with stakeholders, industry and regulatory bodies on the processes and timing of the implementation of the scheme. The amendments I have brought forward are a result of this consultation and serve to further improve the clarity, administrative simplicity and equity of the proposed feed-in scheme.

It is proposed that the scheme will commence on 1 March and that this will be considered as the first stage. It will meet the needs of ACT householders and small commercial operators with generating facilities of no more than 30 kilowatts. In June this year I will announce the extent to which larger generating facilities may in future be able to participate in the scheme. In adopting this staged approach, the government has been mindful of the potential of the scheme to impact adversely on low-income and other vulnerable households.

Utility use and other costs embedded in energy-hungry products and services represent an increasing burden on low-income households. It is the government's view that the passing through of utility costs should be fully examined before they are imposed. I am confident that stage 1 represents a justifiable and reasonable impost on the community.

The government does not, however, consider it prudent or responsible at this time to set in place generous long-term benefits for larger-scale generators when sufficient signals within the national electricity market may already exist or are about to be announced. The government wishes to avoid any premature decision that would increase the opportunities for extraordinary profits by larger businesses at the expense of ordinary ACT householders.

I would like to stress that this is why the government will not be supporting the first series of amendments that will be proposed, I understand, by Mr Rattenbury. Those amendments basically say that if nothing else occurs the cap will be removed at 1 July and the premium rate will be available for any scale of generation. The government's view is that that is premature, reckless and dangerous.

We, as a community, and the government, as the responsible entity, need to take the time to work through very clearly the potential impact of providing for a premium rate or a percentage of the premium rate for larger scale generators. We need to understand in detail what it would mean for lower income households and their electricity bills. We also need to understand what steps can be taken to ameliorate those impacts if there is, indeed, still a broader public interest in allowing the premium rate or a percentage of it to be available to larger scale generation.

Let us not fool ourselves about the potential risks that are at play here and why we need to take the time to get it right. Taking as a worst-case scenario, if we were to see a solar facility in place in the ACT which was capable of generating power to supply all of the needs of the territory—certainly, there is at least one facility that is mooted that may be interested in doing that—we are talking about an increase in electricity costs per household of $1,000 a year. That is, I concede, a worst-case scenario, but it is a scenario that we should bear in our minds.

Even a solar plant of the size proposed by the government—22 megawatts of generating capacity—would potentially see an increase in electricity bills per annum in the order of around $150 per annum. Those are the issues that warrant further and more serious consideration before a decision is taken on expanding eligibility. It is for those reasons that the government has said stage 2 needs to be done in a considered

way and needs to be done in a way that will not be pre-empted or pressured by moves to simply open up the feed-in tariff scheme to a broader range of participants in a short period of time.

Let us do the work, let us do the analysis, let us understand the impacts, positive and negative, and if there are impacts that are negative let us make sure we can work out how to ameliorate those if we believe there is still a broader public interest in expanding the scheme in certain ways or choose to limit the scheme in other ways that nevertheless go above the existing threshold, but still perhaps do not go fully into the scale of very large-scale generation. Personally, I think the opportunity is there to explore medium scale generation. That is something which is worthy of further and detailed consideration, and that is the point of the stage 2 process.

The government will be giving further and detailed consideration to the issues of annual or total scheme targets and the likely range of additional financial imposts on households, as I have mentioned. For all these reasons the government is proposing at this stage a cap of 30 kilowatts on generation capacity. The original open-ended liability of 75 per cent of the premium price for any facility above 30 kilowatts represents an unlimited risk that could not be ignored, but conversely could not at this time be fully addressed. This work will be undertaken over the coming months.

Installations of 10 kilowatts, more than enough to power the largest ACT residence, remain eligible for the full 100 per cent premium price with installations of between 10 kilowatts and 30 kilowatts eligible for 80 per cent of the premium price. Notwithstanding this interim 30 kilowatt cap, the ACT scheme remains the most generous scheme in the country.

The government is also proposing the exclusion from the scheme of most commonwealth and ACT government agencies, again based on equity considerations. It is unreasonable to expect that agencies that are funded by the public should, in using these public moneys, accrue further benefit at the community's expense. It was not the intention of the government, nor I suspect that of the Assembly, to allow double dipping.

I believe, however, that schools and other educational institutions should be an exception to this exclusion. Climate change and sustainability issues will endure well into our future. They will impact on the form of our city, the direction of our economy and the lifestyles of all Canberrans. It is appropriate therefore that the institutions that shape the attitudes and values of our young people are also examples to them of the role that renewable technologies will need to play in their lives. Whether in day-to-day use or as the basis of applied research, these technologies will serve to reinforce the measures of sustainability that colour so much of our future.

The amendments strictly define which educational organisations retain eligibility to access the premium price. The use of the transitional franchise tariff in the act, as both the interim premium base multiplier and the default normal cost of electricity, has been an issue of much discussion with industry and local and national regulators. The TFT is by definition transitional and is now not expected to exist 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 ICRC, the Independent Competition and Regulatory Commission, also advised me that the transitional franchise tariff is not a retail price actually paid by Canberrans. It is a reference point used by them in setting electricity prices and, in fact, is higher than the usual retail price. Payment of a multiple of that figure would overstate the premium price and lead to unwarranted additional imposts on consumer bills. Additional problems relating to taxation law arise from the multiplied use of a GST inclusive figure, which the transitional franchise tariff is.

I have taken these problems into consideration in determining under existing Part (10)(2) of the act that the premium price for the period 1 March 2009 to 30 June 2010 will be 50.05c per kilowatt hour, GST exclusive. No amendment was required to make this determination. However, it is the use of the transitional franchise tariff as the normal cost of electricity factor that has the potential to undermine the effectiveness and take-up of the scheme. 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 transitional franchise tariff which is about 15.2c per kilowatt hour. Using this definition, electricity retailers would be obliged to purchase ACT generated renewable electricity at a cost about three times that offered in the competitive market, which is currently between 5c and 7c per kilowatt hour. 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.

In response to this, I am proposing an amendment to the act to allow the minister to set, by notifiable instrument, a more realistic market figure. Again, based on advice received from 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.

Finally, members would be aware that the bill also contains a number of minor amendments of a technical or definitional nature. Most of these relate to the alignment of common industry terms with nationally recognised definitions under the national electricity market. This helps remove any possible grounds for confusion. We also clarify the issue around kilowatt hours and kilowatts, which is an important clarification.

I am confident that the amendments I have proposed in the bill will make the ACT electricity feed-in scheme a more equitable and durable mechanism for promoting the growth of local renewable generation and I commend the bill to the Assembly.

Finally can I indicate to members that, on the advice of the Clerk, I will be proposing a small amendment that gives effect to this bill from 1 March. I understand that commencement will otherwise be difficult in terms of the verification procedures required in the Clerk's office; so I will be circulating shortly an amendment that makes clear that the bill takes effect from 1 March.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Proposed new clause 3A.

MR RATTENBURY (Molonglo) (4.30): I move amendment No 1 circulated in my name on the green paper which inserts a new clause 3A *[see schedule 2 at page 1146]*. This is the first of a series of three amendments that I intend to move in relation to this part of the act. They speak to the desire of the Greens to hold the government to account on revisiting the application of this scheme to medium and large-scale application.

We have had assurances from the minister that stage 2 of this legislation will be addressed by 1 July this year and that stage 2 will address issues including the sizes of installations, a scheme-wide cap and the setting of the premium rate for installations beyond microgeneration scale. As I mentioned in my earlier comments, we would like to add to that list differentiated rates for different technologies.

I take the minister's comments in good faith; I think the minister has the intention of ensuring that this scheme does have the opportunity to develop the industry cap that I was speaking of earlier and I look forward to working with the government on that second phase. However, I am concerned in this context that today the government has included a new clause 5B(2) in its legislation, in the application of the act. So right at the front of the act, where it is talking about the objects—what these actually look like, what its intentions are—it has inserted a section that explicitly limits the scope of the act to exclude medium and large-scale generation.

I presume what is going to have to happen is that, when we come here in July, we are going to have to take this section back out. The government thinks that leaving clause (c) in section 8, as we are proposing, will send a mixed message. But the question I would put out there is this: what is this in-and-out process that we are about to undertake? What sort of message is that sending if it is not a mixed one?

We do share with the government the desire to get this scheme right for medium and large-scale systems. We are concerned that there is a potential here for delay or for winding back the provisions that were in the original act, which Mr Gentleman championed and which are proven policy to grow jobs in the renewable energy sector.

It is unfortunate that the word "reckless" has been introduced into today's debate. I do not think that anybody in this chamber has a reckless intention with regard to this legislation. The only thing that is reckless is to backslide on building a medium to large-scale industry in this city. The only thing that is reckless is to not build clean energy sources for the future. The thing that is reckless is to not diversify our energy supply. These are the things that are reckless. There has been no debate in this chamber and there have been no amendments put forward that speak to reckless behaviour at this point in time.

If we do not get serious about building a medium to large-scale industry in the ACT, we pass up the opportunity for new jobs. Then the community, as well as the Greens, will once again find themselves underwhelmed by the capacity of the old parties to tackle the problem of climate change head on with some assertiveness. That is the potential consequence of missing out on these opportunities down the line.

I trust—I am taking it on trust—the commitments to develop the provisions over the next few months. I look forward to both the government and its department working with great energy to ensure that by 1 July we have group provisions that will send to the many industry operators that have come to see me the signal that says: "We welcome you to the ACT. Here are some open arms; please come and build your industry of the future in our town. We want the ACT to be the hub of these industries in Australia. We want the jobs of the future in our city. We want the opportunities for our young people to have skilled jobs in the energies of the future." That is the signal that this Assembly needs to send. We think we can do this in a way that is affordable for the ACT.

Just last week, in an article in the *Age* newspaper, I was interested to read that Australia's current installed solar capacity is 10 megawatts—across the entire country. It is a disgrace for this country that we sit at only 10 megawatts. Here in the ACT we can afford a scheme that, for less than $35 a year for the average household, would see capacity to double that in one year—double the national capacity. We could get 10 megawatts installed in the ACT in a single year for under $35 for the average household. Thirty-five dollars is a lot—an amount of money that householders could ask questions about—but I put it in the context of an annual household electricity bill of around $1,200. I think that people in the ACT would be proud to contribute to the building of a renewable energy industry in the ACT and to contribute to the doubling, in one year, of Australia's solar energy generation capacity.

There is a great opportunity here. There are potential pitfalls as well. I look forward to a really good, invigorating discussion over the next few months about how we can do this in a way that is sustainable, that avoids the pitfalls but that sets that pathway that will create the opportunity for the future.

I really enjoyed the discussion in the last week or so with both the Liberal Party and the government over the provisions of the feed-in tariff. It has been conducted in good spirit on the whole. People have got good ideas, and that augurs well for the future of the ACT. I trust that we will grasp that opportunity over the next few months.

With that, I leave my amendments for the Assembly's consideration.

MR SESELJA (Molonglo—Leader of the Opposition) (4.36): We will not be supporting this particular Greens' amendment. We do understand the reasons for which it has been brought forward; we did consider putting something very similar forward ourselves. But on consideration and with further discussion, we are prepared to accept that, with respect to setting a deadline of 1 July 2009, whilst we would like to see this progressed quickly, I also have a particular concern that we get this right. This next stage of the feed-in tariff is very important. It is very important that we get the settings right, and there is only about four months until 1 July 2009.

Like Mr Rattenbury, I am prepared to give the minister the benefit of the doubt that he will work to get this done. If there is an undue delay, it is within our capacity—and we would be open to it—to bring something back to the chamber to force some action. But at this stage, I would say to the minister, "We will give you the benefit of the doubt." In particular, I would say that I do not want to see an artificial deadline which would see us rush through a scheme which may not be right for the territory.

There are some important balancing decisions to be made here by the government, and by this Assembly eventually. We need to balance the desire and the importance of establishing the solar industry in the territory and the potential economic and environmental benefits of that, which I believe is a goal we all share. At the same time, we do not want to see a situation where particularly low and middle-income households in Canberra are forced to pay far too much for their energy, potentially to subsidise solar energy and other renewables. That is the balancing act that we now face.

This next phase is an important decision. We will give the minister and the government some latitude to get that right. If we feel that they are dragging the chain, we will prosecute the case here in the Assembly and we reserve the right to bring something back. But we do want to give the minister enough latitude to get it right and not to rush a decision that would lock the territory into a scheme that does not work—that does not work environmentally, does not work economically or does not work in a way that protects the economic interests of all Canberra families, which is something we are particularly concerned about.

That is why we will not support this amendment at this time, but, as I say, we reserve the right to bring something back later should the government drag the chain.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.39): The government will not be supporting this amendment or the next two that Mr Rattenbury has foreshadowed. I will speak to all of these issues now, because the first three amendments all deal with the same substantive issue, which is when Mr Rattenbury is proposing that the cap should be removed and take effect. Mr Rattenbury is proposing that the cap should be removed as of 1 July and that the premium rate—or 75 per cent of the premium rate or some other level of the premium rate—should be made available to all generation above 30 kilowatts from that time.

I stand by the use of the term "reckless", because I think it is reckless to say, "Well, regardless of no work having been done on detailed assessment of impacts or measured ways to ameliorate impacts on household consumers, we believe that 0.75 of the premium rate should be available to all levels of generation above 30 kilowatts on 1 July." That is reckless, it is ill considered and the government does not support it.

That is why we have outlined that we will do this in stages. I think we are in agreement that there is a real opportunity with this legislation. The opportunity is not just in terms of increased uptake of renewable energy and increased generation of

renewable energy; the opportunity is also there in terms of economic diversification, creating a green collar industry in our city and establishing the city as a leader, as the solar capital. That very much is the government's view.

The government has supported this legislation from day one, and worked with the Labor MLA who introduced it, Mick Gentleman, to get it to this point. But this is a complex scheme and it has long-term impacts. It may be attractive to move an amendment at this point to say, "Well, if you don't get on with it, it is going to be 0.75 of the premium rate from 1 July." But you are talking about that policy being in place for 20 years.

It is the government's view that we really do need to make sure that we as an Assembly and as a community understand costs and benefits before we expand the use of the tariff to larger scale generation. I am supportive of expanding it to larger scale generation, but I want to have a robust analysis to back up that decision. Without that, there will not be support for this scheme moving forward, and that is what is important. That is what is important—a well-argued, well-reasoned assessment of expanding this scheme beyond the existing cap as proposed in this bill.

There are a range of issues that should be considered. The bringing forward of the implementation date for the feed-in tariff act by four months as a consequence of the agreement entered into between the Labor Party and the Greens means that a range of other work that could have looked at large-scale generation could not occur. That is not a critique; that is just a fact. We also know that there are other issues at play. Commonwealth reforms to the mandatory renewable energy target are still in play. The implementation of their solar rebate scheme is still in play. We need to understand the impacts of those measures as well.

As I have said, stage 2 will allow for the introduction of the tariff for larger scale generation. There are a range of issues that will need to be considered before stage 2 can commence. Obviously, financial impact on electricity consumers is a significant factor, but there are also other issues, such as the appropriate premium price percentage to apply, different scales of generation and the possible introduction of whole-of-scheme or annual augmentation limits. They all need consideration. These are all policy options that have been used in other jurisdictions and internationally, and they are issues that we will need to consider further here.

All of the government's modelling of impacts on ACT households has been done on the basis of the cap as proposed in the bill. The removal of that cap or the proposal to remove that cap without solid data and further, more detailed modelling is, as I have said, reckless and could lead to significant cost imposts on the community.

Let me just give some facts and figures here. For a single kilowatt installed by a householder, the cost across the community will be about $1,074 per annum: across the community, not per householder. A kilowatt installed at an above 30 kilowatt site would cost about $805. However, this differential becomes critical when it is understood that industry does not install single kilowatt systems. Industry has previously discussed the minimum installation of one megawatt—1,000 kilowatts. That would impose an annual whole-of-community cost of $805,000 per annum. The

solar farm concept currently being explored by the government, which is a 22-megawatt capacity project, would create a community impost of $17.7 million per annum, which would equate to an increase of approximately $161 per account holder.

Those are the issues that are at play. We need to consider them in detail. We need to have more than the modelling we have at the moment to back up the proposals. That is the work the government is committed to doing. I want to come back to this Assembly and say: "In detail, this is what the costs and benefits are under a range of scenarios of lifting the cap. This is how impacts will be ameliorated if they are deemed to be substantial and disproportionate. This is the way forward." That is the best way of approaching this issue.

The government wants to do this in a staged way and in a considered way. That is why the government will not be supporting these three amendments from Mr Rattenbury.

MR RATTENBURY (Molonglo) (4.47): Madam Assistant Speaker, I was not planning to stand and speak again, but the minister, in opening up the modelling, has come in here with some scary sounding figures. The word "goaded" has been used in this chamber already today and, frankly, that is the most appropriate way to describe it. He said, "Look at the impact on the ACT community; it is an outrage." The minister failed to mention that these numbers were based on flawed modelling.

Mr Corbell: They are not.

MR RATTENBURY: They are based on modelling which uses the net capacity factor of 25 per cent when, in fact, the industry and large numbers of scientific papers show that the net capacity factor is 16 per cent. I am talking gobbledygook to the average person here, but this is all about the efficiency of solar panels. The original government modelling used a net capacity factor which nobody in the industry supports. It is embarrassing that the minister is prepared to cite figures that use such inaccurate numbers, particularly given that the Greens pointed it out to him last week. So I am embarrassed for the minister that he had the audacity to walk in this place and make such a fool of himself.

The government's original modelling and the figures the minister has just cited are based on an assumption that every household in the ACT would pay a flat figure. That is why we have had to introduce a provision that makes it proportional. I am really sorry that I have to make these points, particularly in this spirit, but if the minister wants to stand in here, make grand speeches and put out numbers that make this sound horrible, when, frankly, we could go about it in a considered way, that is the way it is going to be.

The Greens in this provision are not proposing a free-for-all. We are not sitting here saying, "Yes, bugger the ACT; it's all about getting as many solar panels in this town as possible." That is not our position. Our position is that, if the government cannot get its act together by 1 July, as it said it will, there is a backup plan to get this going in the ACT, because the Greens are committed to getting this going. That is why we had these provisions because what it would have done was create a backstop; if the

work could not be done in time we would have something start, rather than having a vacuum. That is what it is all about. It is about preventing prevarication.

We have just heard the minister say, "Well, you know, there's a bunch of things that are still in play. There's the thing. There's the bodgie CPRS my mates up on the hill are trying to introduce." If we are going to sit here taking into account every other thing that is still in play, it will be well past Christmas and they will still be saying: "There are things in play. Gee, we have to keep a few other things in mind before we can get a feed-in tariff to get medium and large-scale things in this town." That is why the Greens have put in the amendments we have, because the pressure needs to be maintained.

I am not going to go into the history of this bill, but there are rumours that circulate about how much difficulty Mr Gentleman had to get his own colleagues in the Labor Party to agree to this piece of legislation. They are only rumours—I could not possibly cite them in here—but I think there are plenty of people other than me that have heard these rumours, and that suggests there is some truth to them.

I make all these comments simply in order to respond to the unfortunate direction the debate has taken, but I look forward to settling back down, dropping my heart rate and going back to a considered look at the amendments on the table.

MRS DUNNE (Ginninderra) (4.50): These are important matters and these are matters that the Liberal opposition looked at very closely and considered at some length. We made it perfectly clear that the measures proposed by Mr Rattenbury, which included the 75 per cent, were unacceptable to us. At roughly the same time as Mr Rattenbury went out and commissioned amendments that he is moving here today, we commissioned amendments which sought to extend the cap beyond the 30 megawatts and to put pressure on the minister to come up with an appropriate proportion of the premium rate at which large installations should be dealt with.

I need to touch on a few things because all of the groups in this Assembly have had conversations with people in the solar industry who are interested in setting up in the ACT. We are all talking to the same people and we all know what these industries want. We have had a briefing from the department and we have heard in here from the minister, and the implication is that the solar industry are a whole lot of greedy people who want to come to the ACT and exploit the ACT taxpayers at their benefit.

I think in the briefing the words "windfall profits" were used, and the minister here said if all these things came about and we paid people at 75 per cent of the premium rate they would make an enormous amount of money and that would adversely affect the ACT tax basis. The minister knows, as I know, Mr Seselja knows and Mr Rattenbury knows, that the large-scale solar industries do not expect that the proportion of the premium rate that is paid to them as large-scale producers is anything like 75 per cent, and it is disingenuous, not altogether honest, and not a good way to start relationships with these organisations, for the minister to imply that. They have made it perfectly clear.

As I said, the Canberra Liberals contemplated amendments which were similar to this but did not include the 75 per cent premium rate. We were not prepared to go there

and on consideration we decided that because this is such a complex issue we would rather send the message to the minister that we are watching this, we want to see progress and we want to be involved in the discussions. We do not want it to be presented to us as a fait accompli. We want to have the capacity to interrogate and look critically at the modelling that must be done. I suppose what we are saying is that we want this system to work because there is no-one more committed to introducing large-scale solar industries in the ACT than the Canberra Liberals; it was a centrepiece of our election policies.

We want to see that happen, and we believe that the feed-in tariff is part of the answer. But in all the discussions I have had with large-scale solar producers who would potentially come to town there are a lot of questions that still need to be factored in. I will just list some of them. If renewable energy is produced in the ACT and sold over the border, what happens to the feed-in tariff? What is the interplay between the feed-in tariff and green power schemes? Should there be a different premium rate for different sorts of renewable energies, which Mr Rattenbury has addressed? They are just three quite complex questions that need to be addressed before we can go down this path. Then: what is the best way of providing a feed-in tariff or in some way providing some encouragement for the establishment of renewable energy, particularly solar industries, in the ACT?

That is what this conversation is about. That is what the work on part B is all about, and in the spirit of the high level of cooperation and the high level of commitment to introducing this, we want to see the government come up with something that we can all agree on, and that means it has to be done in an open and iterative way. You cannot have the Simon Corbell who says, "What I have written I have written—take it or leave it," which is his usual form. This is the new regime, this is the new norm, and he will need to talk to all the groupings in the Assembly so that we can together come up with the appropriate solution.

The other point that needs to be made—and I have resisted saying this for some time—is that the government has fallen to the position of saying, "The feed-in tariff was not due to start until 1 July this year." That is rubbish. The feed-in tariff could have commenced at any time after it was passed in the Legislative Assembly. I went to meeting after meeting. I went to a meeting about solar issues about two days after the bill was passed and I met a large number of people who were appalled that they would have to wait for another year, at that stage, for the introduction of the feed-in tariff.

The government could have introduced the feed-in tariff before the last election. They have been brought kicking and screaming to this place today because of the Greens-Labor alliance document, whatever it is called. I know that if I get the name wrong Mr Rattenbury will chip me for it, so I apologise in anticipation so that he might not chip me for it. Whatever the document is called, we are here today because of that. But the government could have done it before the last election if they were really committed to the feed-in tariff, and that needs to be put on the record. At the time, the people in the ACT community who were committed to the introduction of solar were appalled at how long they would have to wait.

Most of these amendments could have been made before the last election if the government had had the will to do so. But they did not really have the will. They were dragged kicking and screaming onto Mick Gentleman's scheme, and the biggest sceptic was the Chief Minister; he was in the paper saying how sceptical he was and on the radio saying how sceptical he was when Mr Gentleman first floated the idea. Then, afterwards, he became the great hero of the revolution. But that was pretty much revisionist history, which is what you expect from the Labor Party.

Let us get it right. Let us get part B right. That is why we did not go down the path of making amendments in this area and we cannot support the Greens' amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.58): There has been a lot of political positioning by Mr Rattenbury and the Liberals in this debate and I am not going to try and counter that further because I think that people will see that for what it is.

I simply want to respond to some of the concerns raised by Mr Rattenbury in relation to the figures that I quoted earlier. I do stand by these figures, and the reason I do that is that the advice that I have from my department is that the 25 per cent figure is as advised to us by a range of industry and other experts, including experts from the ANU. I should say that 25 per cent equates to about six hours of generation capacity or optimum activity. The ANU advised us that it was eight hours; others advised us it was 5½ hours. The figure of 25 per cent I am advised was provided to us by the Australian and New Zealand Solar Energy Society, so there is a reasonable basis for these figures, Mr Rattenbury, and it is on that basis that I use them. So I would ask you to reflect on that.

I am pleased that Mr Rattenbury has confessed and said that this was basically a political ambit; they do not really mean to allow the 0.75 of the premium rate or any level of generation capacity above 30 kilowatts from 1 July; it is really just a political ambit to pressure the government. Okay, at least that is on the table now: it is a political ambit to pressure the government.

The Liberals perhaps are adopting a more logical position in that they say, "Yes, we want the pressure on the government as well, but we do not think it is appropriate to endorse a measure that says 0.75 of the premium rate is available for anything over 30 kilowatts."

As I said to both Mr Seselja and Mr Rattenbury, if either of the non-government parties in this place are unhappy with the performance of the government on this matter, you have got a rock-solid guaranteed insurance policy: you come into this place and you move an amendment there and then to change the cap. That is your insurance policy. That is the way you can make sure that the government, if you are concerned about it, is acting in the way that you think we should be acting. That is your insurance policy. Just go and move an amendment at the time that you have decided that action from the government is not sufficient. But this move is a political ambit, it is potentially reckless and it is not something the government can support.

Proposed new clause 3A negatived.

Clause 4 agreed to.

Clause 5.

MR RATTENBURY (Molonglo) (5.01): I move amendment No 2 circulated in my name *[see schedule 2 at page 1145.]* As I indicated before, I will not be speaking to these additional amendments in any great length as I think I have articulated already the purpose of them.

MR SESELJA (Molonglo—Leader of the Opposition) (5.02): Just briefly, I have not spoken yet to these aspects, and I will speak to amendments 2 and 3 circulated by Mr Rattenbury. We will be opposing both of those amendments. We believe that having a cap is the right thing to do at this stage. We believe that moving to the second stage is the next thing to do, but we do not agree with removing the cap in this way. We want to support the cap at the moment so that it is clear what happens for households and for smaller generators. As we move to the next phase, as outlined, the government will do the analysis and we will look at that analysis. We will keep the pressure on the government to get this right and to balance the environmental and economic concerns that are at play here.

We want to see that work, but we do not believe that amendments 2 and 3 are the right way to go at this point. We believe that the cap is the right way to go. We should move forward on that basis and then move in a considered way to the next phase. We will not be supporting amendments 2 and 3.

Amendment negatived.

Clause 5 agreed to.

Clauses 6 to 9, by leave, taken together and agreed to.

Clause 10.

MR RATTENBURY (Molonglo) (5.04): I move amendment No 3 circulated in my name *[see schedule 2 at page 1146]*.

Amendment negatived.

Clause 10 agreed to.

Proposed new clauses 10A, 10B and 10C.

MR RATTENBURY (Molonglo) (5.05), by leave: I move amendments Nos 4 to 6 circulated in my name on the green paper *[see schedule 2 at page1146]*.

I have foreshadowed the content of a couple of these amendments already, but I will just provide some brief explanation as to the intent of them. The first, proposed new

clause 10A, is to ensure that any costs incurred by electricity consumers as a result of the feed-in tariff scheme are distributed proportionally across electricity account holders—that is, it is done in a fair manner. We believe the recovery of costs for the feed-in tariff should be spread across electricity account holders, and this must occur on the basis of per unit of energy used—that is, the price per kilowatt hour. If that is not the case, as I flagged in my earlier comments, you would then have a situation where the burden of the cost recovery could fall disproportionately on residential account holders.

As I noted earlier, there is an understanding that the Australian Energy Regulator will regulate the cost recovery, and it is intended that that be done in a proportionate manner, but it does seem prudent to put that in the legislation so that it is explicit and so there is no potential for misunderstanding down the line that that was not the intention of the legislature. I appreciate the support from the government and the Liberal Party on this amendment in recognition of the fact that this is simply a prudent step.

Proposed new clause 10B gives a time line for the minister to determine the premium rates. I have had some discussions with the minister about this, and I think that was a useful discussion. We are simply seeking that the minister give notice about establishing the premium rate three months in advance of the financial year. This is designed to ensure that those who are considering investing in the sector have some indication of the price. As the minister is able to make a determination each year, we are simply creating a window here so that people who may invest very late in the financial year do not suddenly find that the price might change the next week.

I do not think that this would be a regular occurrence, but, again, this is about creating a scheme where the minister makes the determination in time so that people who feel the scheme does not suit them anymore or it is not economic have an opportunity to change their decision. It also reminds people that the rate may change, and I think that that is a wise thing to do. We do not want to create a situation where installers may feel that they have been badly done by, even though the opportunity was always there for the minister to make a determination.

With regard to proposed new clause 10C, the purpose of this amendment is to ensure that those people who do invest in renewable energy infrastructure are either able to maintain the contract with the retailer if they move house or sell the contract to a new occupier of the premises should the original occupier move house. This is an amendment that was inspired by constituents that I have chatted to in the street. No-one sent me their name and address, I assure you of that. They expressed concern about the ability to transfer the scheme should they move house. This is a practical consideration. Again, I appreciate the discussions with both the department and the minister as well as the Liberal Party where we sat down and said, "Look, this is a sensible thing to do." We would probably all assume what would happen, but it is worth being explicit in the legislation that if someone were to move house, this is how it will work.

The decision to make the investment of installing quite significant infrastructure on your house is a considerable one. Given that Australians do seem to move house

frequently in the process of upgrading or expanding because they have had more kids or downsizing as the case may be for many families, it is important that we be able to do this. These amendments allow for an occupier of a house to sell the contract in an agreement with the retailer to a new owner of the premises or, if they decide they would like to be able to reinstall their technology at their new premises and can do so successfully, they can maintain the 20-year contract at the new premises.

This amendment does not allow for an occupier to move house and install new technology and keep the same contract. It would be unfair to reapply the contract to new solar panels, for example, given that the cost of new infrastructure is not related to the premium rate set at the time when the contract was initially established, and neither can the occupiers restart the 20-year period. That is not our intention either. It certainly is also not our intention that people should suddenly start trying to move their own panels. It is important to point out that the installation or removal of solar panels should be done by qualified professionals. A very high level of electricity is being generated by these panels, and that job should sit with professionals. It is important that people do not climb up on the roof and start trying to play with these things themselves. I want to be very clear that it is not the intention of the amendment that you would suddenly go and hire a van, climb on the roof, get your panels, chuck them in the back of the van and take them with you.

I believe the amendments will provide certainty to householders who are unsure what their future plans might hold but are keen to participate in the feed-in tariff scheme. I commend all three proposed new clauses as a group to the Assembly, and I thank members for their consideration of them.

MR SESELJA (Molonglo—Leader of the Opposition) (5.11): We will be supporting all three of these proposed new clauses. The first clarifies that the recovery of the feed-in tariff from consumers must be based on the actual electricity consumed and not on a flat rate. I think that is fairly straightforward and is a reasonable way of applying this across the community. The second one requires the minister to determine the premium rate at least three months prior to the financial year, and this will ensure some openness and transparency in pricing and give people some notice of what the premium rate will be.

Finally, the third proposed new clause links the 20-year contracts with the electricity generator equipment rather than the premises or the person. I think we are aware that, despite the exorbitant rates of stamp duty that are applied to people moving house in the territory, people do look to move a few times in their lives. In a perfect world, they would probably be able to move more often. We are aware that people do have differing needs; they do move as their families grow and then again as their families grow up and move out. It is reasonable that they can have some certainty in this being tied to the equipment. For those reasons, we will be supporting all three of these proposed new clauses.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.13): The government will also be supporting these three proposed new clauses, and I would like to thank Mr Rattenbury for the very

constructive discussions we had in relation to the amendments and for his willingness to take into account some of the issues the government raised in dealing with them.

Just to talk through them quickly, his proposed new clause 10A to insert a new section 8A deals with the issue of the pass through or recovery of costs by the supplier of electricity services. The pass through was deemed to almost certainly be allocated on a proportional basis, on a volume-of-use basis, so that people who use more electricity will proportionally pay more of the cost of the feed-in tariff and people who use less electricity will pay less of the total cost. That will ultimately be determined by the Australian Energy Regulator, which will, in effect, have the final say on these matters. It is, nevertheless, important to restate the fact that that is also the government's intention, and the fact that the matter is addressed in this amendment is welcome.

In relation to proposed new clause 10B, which deals with the determination of the premium rate, I know Mr Rattenbury previously favoured a longer lead time or more notice of the determination of the premium rate for the forthcoming financial year, but I thank him for having regard to the fact that it does take a period of months before data becomes available on trends in terms of installation, costs and so on. If that period was too short, then the ability of the minister to make a reasonable determination would be constrained by not having the time to see all of the relevant or sufficient data. The proposal for not later than three months before the financial year is a reasonable compromise, and the government is willing to support that.

In relation to proposed new clause 10C, it is worth noting that the provision regarding temporary interruption to the connection for repair or maintenance work is already provided for under the Utilities Act. Nevertheless, this is a belt-and-braces approach, and the government does not object to that. If the generator is transferred with the premises to another occupier, I think it is worthwhile clarifying that matter, as it is if the generator is transferred to other premises which the occupier occupies.

On the whole, these are belt-and-braces amendments, but, nevertheless, they are ones the government is willing to support. I thank Mr Rattenbury for having regard to some of the issues that the government raised in our discussions with him.

Amendments agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (5.17 pm), by leave: I move amendments Nos 1 to 3 circulated in my name together on the yellow paper *[see schedule 3 at page1147]*. These amendments essentially ensure that the minister consults with the Independent Competition and Regulatory Commission prior to determining the premium rate. The minister must seek advice from the ICRC on any rate determinations, and, in fact, the minister is to table the ICRC's advice in the Assembly before making the determination.

I have spoken to the minister, and he says he would intend to consult with the ICRC anyway, but I think it is important that we hold the government to account on this and ensure that it is a public process so that the ICRC's advice can be tabled so that we in the Assembly can have the opportunity to consider that and the community can have

the opportunity to consider that advice. Of course, the minister, importantly, would consider that advice prior to making a determination.

We had a fruitful meeting with the ICRC this week, and we know that the ICRC has had some concerns about the feed-in tariff scheme. That said, I think it will work constructively with the government to try and improve the scheme wherever possible. It will give advice to the government on how to make the scheme as workable as possible, and I think it is well placed to provide that advice. This simply formalises that process and ensures that whatever advice is given to the minister is made public prior to a determination being made. I commend the amendments 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) (5.18): The government will be supporting these amendments from Mr Seselja. Proposed amendment No 1 relates to the requirement for mandatory seeking of advice from the ICRC as part of the annual process of reviewing or resetting the premium price and normal cost of electricity factors. It is a process that the government envisaged would occur at any event; so to make it a statutory requirement is not a proposal the government would have any objection to. Indeed, in the setting of the premium price and the normal cost of electricity factors for the first determination I did seek and receive advice from the ICRC; so those are matters that are not in dispute.

Amendment No 2 again is consistent with our preferred approach in dealing with these matters and we support that. In relation to amendment No 3, in terms of requests for advice from the ICRC and the provision of that information, the industry referrals provisions under the ICRC act already provide for making public the draft final reports of the ICRC. Therefore, in many respects this amendment mirrors those existing provisions, and again there is no argument from the government on those.

MR RATTENBURY (Molonglo) (5.20): I simply rise to confirm that the Greens will also be supporting the amendments.

Amendments agreed to.

Proposed new clauses 10A, 10B and 10C agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Clause 2—reconsideration.

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

> That clause 2 be reconsidered.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.22): I seek leave of the Assembly under standing order 182A on the grounds of urgency to move amendment No 1 circulated in my name.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name *[see schedule 4 at page 1148]*. This amendment simply ensures that this bill will take effect on 1 March this year.

Amendment agreed to.

Clause 2, as reconsidered, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Mr Mick Gentleman

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.23): I have just received a note from a former member of this place, Mr Mick Gentleman, and I thought it would be timely given the debate we have just had to relay his comments to members. He obviously has been paying very close attention to the debate we have just had.

Mr Hanson: Streaming, is he?

MR CORBELL: I think he is streaming. So I pay my best regards to him. Madam Assistant Speaker, I would just like to relay the content of this letter that he has provided to me. It is headed:

> A.C.T Liberals and Greens use privilege to distort the facts on Feed-in-Tariff

The letter reads:

> Shane Rattenbury and Vicky Dunne, in their address to the Assembly on the Feed-in-Tariff, assert that my Labor colleagues did not support my bill on renewable energy. Quite the contrary, the bill was firstly supported by my party at conference, my caucus in the Assembly, the Chief Minister in Weathering the Storm and finally in the Assembly by passing the Bill.

Madam Deputy Speaker, Mr Gentleman ends:

> Please do your homework first!

I relay that for the information of members.

Hawker Shops

MR COE (Ginninderra) (5.25): I am glad there are a couple of members from the crossbench present to hear what I am about to say. Often the opposition gets accused of lacking in integrity and I think it is very important that we set the record straight at every opportunity. Let me tell you the story about Hawker—about block 8, section 34, Hawker.

Some months ago, a block of land was put onto the sale register. It went through without too much notice, until the sign went up at the block of land to say that it was going to be sold on 18 March. A few MLAs were contacted about this sale by shopkeepers, by the people at the church and a few others because they were concerned about that block of land and what would happen to it.

Mrs Dunne, a very diligent member for Ginninderra, went to the local businesses and spoke to them. She went to the church and spoke to them. She spoke to other community groups. She spoke to residents. They all said that whilst we are pro development, we are just a little anxious that this is being rushed through; we want to stall it a little and get a proper plan done.

Mrs Dunne, being a good member, thought this was pretty reasonable; so that is exactly what she did. She put together a motion to try to stop this from happening. As per the minutes of 25 February, Mrs Dunne, pursuant to notice, moved a motion. That motion was amended in a technical way by the Chief Minister to actually delay the subsequent sale, in effect, and that was that. It was a real victory for Mrs Dunne. She did very well. She worked hard for the people of Hawker and she got a result.

But I was absolutely staggered when I switched on the radio this morning to hear Ms Porter on the radio talking about her achievements. Not only that, there was a press release put out. It is headed, "Porter acts to achieve a better plan." Ms Porter did not even speak on the motion. She did not even speak on the motion, but, wait, there are some choice quotes in this press release:

> As most know, I am constantly present at the Hawker shops … they know I get the job done.

Ms Porter: Constantly.

MR COE: Constantly? Perhaps "regularly" might be the better word. I am making direct quotes from this press release:

> I alerted the Chief Minister to their concerns and am now delighted to report back that the Block will be removed from sale and a full master planning process for the entire Hawker precinct will be undertaken.

I take my hat off to Ms Porter for achieving this. She kicked a goal for the good people of Ginninderra. The press release continues:

> Key to representing the community achieving results is conveying their concerns to the relevant Minister and Mrs Dunne has failed to do that.

It is Mrs Dunne's fault. Mrs Dunne did not do very well. Mrs Dunne did not represent Ginninderra very well. I find this absolutely appalling. Anyway, the final paragraph says:

> I am pleased to be able to report back to the Hawker community that I have relayed their concerns to the Chief Minister and the Block is no longer for sale and a master plan will be developed in consultation with the community.

We can really take our hats off to Ms Porter for doing this. She has learnt from the Kevin Rudd, the Bob Carr, the Peter Beattie, the Steve Bracks song book: spin works when there is no substance. She was going down the same line on the radio this morning.

Mr Smyth: What did she say on the radio?

MR COE: She said some very good things. She said:

> Some fortnight now I've been working on this issue with the Chief Minister and the CM and I have been trying to find a way forward on this and it's just unfortunate that a way forward wasn't found until Mrs Dunne put her motion on the notice paper.

So for two weeks a government backbencher and the Chief Minister could not find a way forward. They could not find a way forward, but Mrs Dunne could.

Then a local shopkeeper called up. Did he say, "Thank you, Mr Stanhope"? No. Did he say, Thank you, Ms Porter"? No. Did he say, "Thank you, Labor Party"? No. Did he say, "Thank you, Mrs Dunne"? Yes, he did.

Hawker shops

MS PORTER (Ginninderra) (5.30): I would like to thank Mr Coe for relaying his idea of what happened, given that he is neither me or Mrs Dunne. However, I would like to actually say that everything in that press release and everything I said on the radio in fact is true and I do work very hard for the people of Hawker. This is not a recent event that I have just suddenly decided to work on with the people of Hawker. In fact, you can find a catalogue of the changes that I have wrought in Hawker since I have been the member if you would care to look at it, including this one. My phone has actually been running hot since the motion that was passed yesterday.

Mr Seselja: We want all the names.

Mr Smyth: Yes, take all the names.

Mr Seselja: The names and addresses.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja and Mr Smyth, please cease interjecting.

MS PORTER: My phone has been running hot since the press release yesterday with people congratulating me because they know of the hard work that I have been doing. I think that it is very gratifying to be on the receiving end of so many phone calls that I have had. There was even one just before I came down to the chamber now, and that

is why I was delayed coming down to take my place in the chair. I had one of the local residents and also a shopkeeper ring me to thank me very much for what I have done. As I say, I have been in contact with several people today. It is very gratifying and I am very pleased.

They were also pleased when I fixed the Walhallow Street footpath; as they were pleased when I fixed the fence at the end of a football field for them; as they were pleased when I got a security fence put across one of the other car parks to stop antisocial behaviour happening in the car park; as they were pleased when I was instrumental in getting water tanks at the Hawker softball fields. The list goes on. In fact, several residents in Hawker have said to me—I think it is a joke, "Mary, we would like to have a little sign made up." It is a sign that could be put on things around Hawker to say "Mary Porter did this." They say this because they say there are so many things that I have done.

The list is endless and I am very pleased. It is just my job and I enjoy doing it. When I get down there at the Hawker shops in my regular mobile office I have people come up and thank me for what I have achieved. I say in response, "Don't thank me because it is just my job."

I know that Mrs Dunne worked on this as well as me, and I did say that on the radio this morning. I did also say that there was no disagreement between myself and Mrs Dunne, that we were both trying to achieve the same thing. While the Chief Minister was working away trying to achieve what he and I both wanted, Mrs Dunne put her motion on the notice paper. There is nothing mysterious about that.

Mr Smyth: That is right.

MADAM ASSISTANT SPEAKER: Mr Smyth, can you refrain your comments please.

MS PORTER: That is why, Madam Assistant Speaker, we were able to achieve the results so quickly and he was able to come in here and say that the block of land would be withdrawn from sale and, of course, that the master plan would go ahead. We had already been in discussion about this for some number of days. I thank the Chief Minister very much for listening to me and for taking into consideration the concerns of the constituents of Hawker.

I did not stand up yesterday to talk about this because there was no need for me to keep on repeating what everyone else had just said. I do not waste time in this place repeating what Mrs Dunne said, what the Chief Minister said, what somebody else says, like other people in this place do. We just waste time by repeating everything. The people in Hawker know what I do and I am very pleased to serve them as a member for Ginninderra.

Legislative Assembly—members

MS BRESNAN (Brindabella) (5.34): I would like to go back to Mr Coe's quite disrespectful remarks today in relation to the MPI. What we heard today from Mr Coe

was really very much a return to his maiden speech where he used a discussion which should have been shown some respect to just score political points and be quite disrespectful on a very important issue—which many people in the community see as an important issue. I wonder where he is getting his advice from if he thinks these sorts of actions are appropriate.

Mr Coe should have the maturity to recognise that this is a very broad community in which we live and that people have a variety of concerns which are important to them, regardless of their age. If he cannot, I really do wonder how he can represent the issues of his constituents—if he thinks that that was a bit of a joke today and if he thought he should just get up, be disrespectful and have a bit of a joke about it. It shows that he really cannot represent the concerns and the issues of his constituents if that is the way he chooses to approach issues like that.

Mr Coe suggested somehow that we the Greens were inappropriately using the Assembly as a forum to raise what I think he called "loony issues". Apparently that is a loony issue. I find this an interesting statement coming from Mr Coe, given his conduct not just today but on other days.

Legislative Assembly—members

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.36): I want to use a bit of the adjournment debate today to talk about that issue of disrespect. I just wandered in and I found another instance of disrespect going on against a member who has worked very hard in her electorate. I find it a little bit hard to put up with that when there is another press release that is flying around at the moment out there which is "Dunne governs from the opposition". That is saying that basically, because Mrs Dunne has managed to get through a very important FOI bill, a minor amendment, important to some people, around the Adoption Act, and a motion, suddenly Mrs Dunne is somehow running the territory. Let us not go over the top here with what other members may do to promote some of the things that they feel they have worked very hard on.

I would like to go to Mr Coe as well. Very, very disrespectful, Mr Coe. That was an MPI. There are many, many people in this community who consider how they may bury their loved ones and people who are ageing and starting to think about how they might be laid to rest. You come in and diss them in that manner for wanting to open up another option and have a discussion in a climate where we have a proposed new cemetery down in Tuggeranong. We have a public consultation process that will be going on down there; this may very well be one of the choices that people would like to see implemented in the ACT.

I felt that it was quite churlish of you to get up and make those remarks. I really felt that it showed a lack of preparation. We do have four of these natural burial cemeteries around Australia, and there are many across the world. This is something that has created enormous interest. Ms Caroline Le Couteur, since raising it—and not raising it very publicly; it has really been through word of mouth and so on—has had more than 40 people who have contacted her to talk about this option. We have an ageing population here in the ACT. There are many people who would quite like to have a conversation around this.

I believe that all members in this place really are dedicated. They are committed. I believe that they do want to do the best for their constituents. But I think that we do need to do it in a respectful way and in a constructive way.

Legislative Assembly—members

MRS DUNNE (Ginninderra) (5.39): The Chief Minister's rush of blood to the head earlier this week when he proposed a motion that Mr Coe table the names and addresses of constituents who had written to him about the land rent scheme cannot go without comment. The Chief Minister later acknowledged that he had an initial flare of temper when he said, "I drafted the motion in some haste and, really, with the benefit of a little more"—and he sort of faded off there. In short, what we saw was the senior minister of the ACT government failing to control his temper, and indulging in an outrageous outburst, all because the opposition had challenged him over one of his pet projects.

More importantly, the Chief Minister, who is the champion of human rights, the champion of protection of privacy, proposed in this place that personal details of a member be published. Even the substitute motion, which required the MLA to disclose personal information of a constituent or someone else, required an MLA to disclose personal information of constituents to someone else, in this case the Chief Minister.

On one construction of it, Mr Coe was under a mandatory duty to go back and ask constituents: "Can I give the Chief Minister your name and address? He wants to know who has been complaining about the land rent scheme. Do you mind"—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, I refer you to standing order No 52, which states:

> A Member may not reflect adversely upon any vote of the Assembly, except upon a motion that the vote be rescinded.

MRS DUNNE: I am not reflecting on the vote; I am reflecting on the state of mind of the Chief Minister. This is a Chief Minister who does not care one iota for the concerns of constituents. He is concerned about trying to win political points on the back of a cynical, hypocritical tirade. I would like to remind members what the Chief Minister's own Human Rights Act says at section 11:

> Everyone has the right—
>
> (a) not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily …

Mr Corbell: On a point of order, Madam Assistant Speaker: I think Mrs Dunne is reflecting on the vote of the Assembly, because she is suggesting that the decision of the Assembly to require certain material to be made available in certain circumstances is inconsistent with the Human Rights Act. That is very much reflecting on the vote of the Assembly. I think she is out of order.

MRS DUNNE: I have not said anything about the motion except in passing.

Mr Seselja: And it was his original motion.

MRS DUNNE: And the original motion was not passed.

MADAM ASSISTANT SPEAKER: I remind you not to reflect on the motion and the vote, thank you.

MRS DUNNE: I am not, I assure you.

Mr Seselja: On the point of order, Madam Assistant Speaker: I do not think there is anything in the standing orders about reflecting on a motion that goes down. The Chief Minister's motion as originally moved went down. I think that Mrs Dunne is quite free to reflect on that.

MRS DUNNE: For the Chief Minister to insist, as he did in his original motion, that names and addresses of constituents should be presented in the way that he demanded is an arbitrary interference in their privacy and could possibly be unlawful. And how outraged would Jon Stanhope private citizen be if he had written to his local member and his correspondence was treated in the way that he was asking for?

We need to remember the applications of the Privacy Act in the ACT. The principles say:

> A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose …

Principle 11 says:

> A record-keeper … shall not disclose the information to a person, body or agency …

By demanding the names and addresses as he intended in his original motion, this is what the Chief Minister blew apart—these important privacy principles.

Once again, the Chief Minister, the champion of personal privacy, has been hysterically hypocritical. It is probably time the Chief Minister took himself off to the Assembly's ethics adviser and sought advice on whether this conduct was appropriate. I hope that in future we do not see a repeat of it.

Legislative Assembly—members

MR SESELJA (Molonglo—Leader of the Opposition) (5.43): I would like to speak briefly in response to Ms Hunter, going after my colleague Mr Coe for a very legitimate criticism of Ms Porter. I am not going to make judgements on Ms Porter's overall performance as a member—that is for the people of Ginninderra to do—but I think that we in this place will make judgements about what is written by members in their press releases and what they say in the media.

Clearly, what Mr Coe said was a legitimate criticism. Mrs Dunne brought a motion, which was successful, to the Assembly. That was a great victory. It was wonderful that everyone in the Assembly thought it was good enough to support it, but Mrs Dunne initiated the motion and it is our belief that she should receive some credit for that. Ms Porter seeking to seek the credit for Mrs Dunne's motion is dishonest. There is no doubt about it—

Mr Corbell: On a point of order: that is disorderly and he should withdraw it—suggesting that what Ms Porter did was dishonest. He should withdraw.

MADAM ASSISTANT SPEAKER: The point of order is upheld.

MR SESELJA: It is plainly—

MADAM ASSISTANT SPEAKER: I ask you to withdraw it.

MR SESELJA: I will withdraw. It clearly misleads the community. That is what that press release did and that is what those statements to 2CC did. For Mr Coe to raise that is quite legitimate. I do not quite get the concern of Ms Hunter about Mr Coe raising that legitimate criticism.

In relation to the criticism of Mrs Dunne that she has put out a press release which highlights the fact that her legislative work is seeing fruit—I think that Mrs Dunne does an outstanding job in bringing legislation to this place. She did an outstanding job in presenting legislation to this place in the last Assembly, but of course at that time we had a government that was not prepared to look at anything that did not originate with them so she was not successful.

We are seeing now, early, Mrs Dunne's excellent legislative work being rewarded. That is worth highlighting to the community. After all, that is an important part of what we are paid to do. We are paid to represent the needs of our constituents and we are legislators. Mrs Dunne is taking to that role with great gusto and I believe that she is doing a fantastic job.

For Ms Hunter to criticise Mrs Dunne for saying "Look, this is what I have done" is quite unreasonable. Mrs Dunne should rightly be proud of the legislative changes. I am sure that Mrs Dunne and others in the opposition—and no doubt on the crossbench at some stage—will be bringing forward pieces of legislation which are worthy of support, many of which, hopefully, will pass into law in this place.

We hear a lot from the Greens about how they achieved this and that through the Greens-Labor agreement. We know that many of those things could be agreed by any two parties in the Assembly at any time—many of the changes to standing orders, many of the ways about how things operate in this place. It is a little bit rich for Ms Hunter to be criticising Mrs Dunne in that way when we are constantly hearing, "This is the result of the Greens-Labor agreement." Let us face it: the Liberal Party would support the vast majority of reasonable accountability measures, and we have said that we would. In fact, we would often go further than what the Greens and Labor

have agreed. There is a little bit of a "holier than thou" attitude in some of the criticisms made by Ms Hunter earlier in this debate.

I would like to finally note what we have seen this week from the planning minister. I have never sat in a briefing like this; I think the Greens would agree. I have never seen a briefing where the person leading the briefing—normally it is the public service, but in this case it was the minister—made a political speech. I could see the officials cringing as he made the political speech. The briefing pack we were provided with included press releases from the Greens, the Liberals and the minister. It was ridiculous; it was an embarrassment. The way he handled this whole process was quite embarrassing. It showed a real level of immaturity.

I think there could have been an agreement on Friday. I actually think there could have been agreement on Friday. But he did not want agreement. He played politics. He ended up looking quite silly. Mr Rattenbury made the comment last night that it was about his own political ambitions, and we saw a bit of that in question time today when Mr Barr refused to defend the Treasurer. There was critique of the Treasurer's performance. Mr Barr got up and had the opportunity to defend her. It was in the question. He accepted the premise that she was not performing well. We know that is because he wants her job; his ambitions are becoming far clearer. But his performance as planning minister this week will give people no confidence that he is up to the job of becoming Treasurer.

MR SPEAKER: Mr Seselja, I have been absent minded. Your time has expired.

Death of Mr David Balfour
Death of Mr Leslie McIntyre Snr

MR DOSZPOT (Brindabella) (5.49): I rise this evening in the adjournment debate to acknowledge the passing of two dedicated men from Canberra and Queanbeyan. This week I had the sad privilege to attend two funerals. Both funerals were to honour the lives of dedicated contributors to the ACT and district. Both contributed greatly to the Canberra and region community in volunteering capacities as well as in their respective chosen professions.

The first funeral was for Mr David Balfour, a fellow parishioner of Corpus Christi parish at Gowrie. While David was not always in attendance at mass, his wife was often a fixture in the music group and his children could often be seen accompanying their mum. David made the supreme sacrifice while repaying a debt to the Victorians who had helped us during our own ACT tragedy in January 2003. David's wife, Celia, paid tribute during the mass to the outpouring of support from the brotherhood of emergency services across Australia and indeed the world. The service itself was a fitting tribute for our very own homegrown hero.

The second funeral, just this morning, was for Mr Les McIntyre OAM, out at St Raphael's church in Queanbeyan. Les McIntyre's contribution to Queanbeyan and the Canberra region is well documented. I understand that my colleagues this morning here in the Assembly said many fine words about the man who was widely regarded as the father of the Canberra Raiders.

My own association with Les goes back to 1983, when I and the company I worked for at the time became one of the very first corporate sponsors of the Canberra Raiders. That was back when the team was only fledgling and the salaries of the players were a fraction of what they are now. As Les said in an interview on an ABC *Stateline* program in 2006, the NRL were worried about the distance the Sydney teams had to travel to get to Canberra. Now they do not blink about regularly heading interstate—Queensland, Melbourne, Sydney—and to New Zealand as well as coming here to Canberra. What a long way we have come thanks to the foresight of men such as Les McIntyre.

We are all very thankful for the contribution of both men to our community, and our deepest sympathy goes to the families of David Balfour and Les McIntyre.

Legislative Assembly—members

MS BURCH (Brindabella) (5.51): I rise in this adjournment debate to cover a number of things. Mr Doszpot, you made mention of two funerals that you attended and that this Assembly recognised this week. Recognition was due. They were two important fellows and tragic circumstances. I have a level of dismay that on this day Mr Coe comes into this Assembly and pays total disrespect to a matter of public importance on cemeteries and notions that are important. It is a matter that comes to us all. Even Mr Coe's family will one day need to consider arrangements that involve cemeteries, crematoriums and the like. I echo and repeat a level of concern at the disrespect displayed by Mr Coe today.

Another matter was raised by Mr Seselja. He threw a line across the ambitions of our frontbench, our solid government frontbench. My only suggestion to him is to look closer to home. At the weekend I saw two of those that sit in the front having a quiet conversation in Tuggeranong Valley.

Mr Coe and Mr Seselja made comment about the integrity of what is commented on in the media—statements they make and to be upright and true in those statements. I remind Mr Coe that some statements he recently made in the media were unfounded, untrue and indeed totally nonsense. Thank you.

Question resolved in the affirmative.

The Assembly adjourned at 5.53 pm until Tuesday, 24 March 2009, at 10 am.

Schedules of amendments

Schedule 1

Justice and Community Safety Legislation Amendment Bill 2009

Amendments moved by Mr Rattenbury

1
Schedule 1
Amendment 1.3
Proposed new section 40A (3)
Page 5, line 4—

after

satisfied

insert

on reasonable grounds

2
Schedule 1
Amendment 1.3
Proposed new section 40C (5)
Page 6, line 14—

after

satisfied

insert

on reasonable grounds

Schedule 2

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

Amendments moved by Mr Rattenbury

1
Proposed new clause 3A
Page 2, line 11—

insert

3A Commencement
Section 2

substitute

2 Commencement

(1) Section 8 (1) (c) commences on 1 July 2009.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) The remaining provisions commence on a day fixed by the Minister by written notice.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(3) If a provision of this Act does not commence before 1 July 2009, it automatically commences on that day.

(4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

2
Clause 5
Proposed new section 5B (2)
Page 3, line 7—

omit

3
Clause 10
Proposed new section 8 (1) (c)
Page 7, line 15—

insert

(c) for electricity generated by generators installed at the premises the total capacity of which is more than 30kW—

(i) 75% of the premium rate; or

(ii) if another percentage is determined under section 9 for this paragraph—that percentage of the premium rate.

4
Proposed new clause 10A
Page 7, line 17—

insert

10A New section 8A

insert

8A Recovery of cost of renewable energy premium

(1) This section applies if a supplier of electricity services imposes a recovery of costs on electricity consumers to recover the cost of a renewable energy premium payable to an occupier under this Act.

(2) The recovery of costs must be imposed on an electricity consumer in a way that is in proportion to the amount of electricity used by the consumer.

5
Proposed new clause 10B
Page 7, line 17—

insert

10B Determination of premium rate
Section 10 (1)

substitute

(1) For each financial year, the Minister must, not later than 3 months before the financial year, determine the premium rate for amounts payable by an electricity supplier under section 6 (Feed-in from renewable energy generators to electricity network) during the year.

6
Proposed new clause 10C
Page 7, line 17—

insert

10C Premium rate—20 years
Section 11 (2)

substitute

(2) For subsection (1), a generator is taken to remain connected to the network—

(a) during any temporary interruption to the connection for repair or maintenance work or relocation of the connection or generator at the same premises; or

(b) if the generator is transferred with the premises to another occupier; or

(c) if the generator is transferred to other premises which the occupier occupies.

Schedule 3

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

Amendments moved by Mr Seselja (Leader of the Opposition)

1
Proposed new clause 10A
Page 7, line 17—

insert

10A Determination of premium rate
New section 10 (3) (aa)

before paragraph (a), insert

(aa) must seek the advice of the Independent Competition and Regulatory Commission to assist the Minister to determine the premium rate; and

2
Proposed new clause 10B
Page 7, line 17—

insert

10B **New section 10 (3) (b) (iiia)**

insert

(iiia) any advice received from the Independent Competition and Regulatory Commission in response to a request under paragraph (aa);

3
Proposed new clause 10C
Page 7, line 17—

insert

10C **New section 10 (5)**

insert

(5) If the Minister receives any advice requested under subsection (3) (aa), the Minister must—

(a) present a copy of the advice to the Legislative Assembly within 3 sitting days after receiving the advice; and

(b) give a copy of the advice to each member of the Legislative Assembly—

(i) at least 14 days before the Minister makes the determination; but

(ii) within 30 days after receiving the advice.

Schedule 4

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

Amendment moved by the Minister for Energy

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 **Commencement**

This Act commences, or is taken to have commenced, on the commencement of the *Electricity Feed-in (Renewable Energy Premium) Act 2008*, section 6.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Answers to questions

Tuggeranong 55 Plus Club
(Question No 46)

Mr Seselja asked the Minister for Ageing, upon notice, on 12 February 2009:

(1) In relation to a Government promise in its ageing policy to build a $1.6 million permanent home for the Tuggeranong 55+ club, has a site been identified as the location for the home; if so, where will it be built; if not, when will a site be identified.

(2) What progress has been made to implement this promise.

(3) When will this club be completed.

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

(1) As part of the 2008-09 Budget Second Appropriation, the ACT Government allocated $200,000 for the feasibility and design of such a facility. The feasibility study will determine the facility location and requirements.

(2) A functional brief governing the requirements of the new Centre has been developed and will be advertised for tender by March 2009.

(3) It is expected that construction will commence in September 2009 and construction completed in the second half of 2010.
