Debates

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Wednesday, 1 April 2009

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

Personal explanation

MR SMYTH (Brindabella): I seek leave to make a personal explanation under standing order 46.

Leave granted.

MR SMYTH: Mr Speaker, yesterday the Treasurer said, in answer to a question in regard to the consolidated financial monetary report and the revision of the operating account:

> The only time those monthly updates included the revised operating result was the month following the publication of the midyear review and budget, and we do that in our quarterly reports.

She then went on to say:

> You tabled the quarterly reports monthly, Mr Smyth. You did not table the revised operating result.

Mr Speaker, this is wrong. The Carnell and Humphries governments tabled monthly financial reports in accordance with section 26 of the FMA as it stood at that time. If members would like to consult the index on page (ciii) they will see a list of all the monthly consolidated financial reports as tabled by the former Liberal government.

In regard to whether or not a revised operating result was included, if members would like to consult those documents they will see that in each month the result was revised. I will take 1999 as an example. In January 1999 the budget said that the result would be a deficit of $139 million; the year to date at that stage was meant to be a loss of $38 million. In fact, the monthly update said it was $24 million and the full year projection was $140 million. That is the month following the end of the half-year. The February result, which changes, says that again the starting point for the full year is 139—

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

MADAM DEPUTY SPEAKER: Take a seat, Mr Smyth. A point of order, Mr Corbell?

Mr Corbell: Madam Deputy Speaker, Mr Smyth is perfectly entitled to correct the record where he believes that he has been misrepresented, but I think he has done so and he is now moving into a debate on the issue. He should restrict his comments to where he has been misrepresented.

MR SMYTH: All right; thank you, Madam Deputy Speaker. Members can check the record for themselves. The misrepresentation is this: the Treasurer claims that we did not supply revised operating results. We did; we provided a range of financial information. So the Treasurer was wrong in her claims yesterday.

Mr Corbell: On a point of order: Mr Smyth cannot debate the matter; he can simply indicate where he is being misrepresented. He is seeking to advance debate or an argument and he is beyond the standing order, Madam Deputy Speaker.

MR SMYTH: On the point of order, Madam Deputy Speaker: yesterday you were given some liberty and latitude in your explanation, which took some time. I think it is quite reasonable in this case, because there is more evidence here that I can show.

Mr Corbell: Not about debate.

MR SMYTH: No; I am putting the facts—as you did yesterday, Madam Deputy Speaker. You were given a great deal of latitude by this place to put your side of the story on the table. I seek the same latitude.

Mr Corbell: No; it is about where you have been misrepresented.

MR SMYTH: She has misrepresented me by saying, "You tabled the quarterly reports monthly." I did not table the quarterly reports monthly; that is the misrepresentation.

MADAM DEPUTY SPEAKER: Take a seat, Mr Smyth.

Mr Corbell: Mr Smyth has indicated where he has been misrepresented and he has corrected—

MR SMYTH: Mary got great latitude yesterday.

Mr Corbell: He has corrected what he believes is the misrepresentation. He does not need to go into a debate about what happened; he simply needs to say where he has been misrepresented. He has said where he has been misrepresented, and that should be the end of his statement. It is not a debate; it is a statement.

MADAM DEPUTY SPEAKER: Mr Smyth—

MR SMYTH: I will finish. The other point is that it is a slur on Treasury officials that we would table inaccurate documents.

Mr Corbell: On a point of order, Madam Deputy Speaker: he is simply debating the issue. You should call him to order and sit him down, because he is debating the issue. The standing order—

MR SMYTH: I know you are tender over this, Simon. I know it is embarrassing, Simon.

Mr Corbell: I have the call, Mr Smyth.

MR SMYTH: I know it is embarrassing.

MADAM DEPUTY SPEAKER: Sit down, Mr Smyth. Mr Corbell.

Mr Corbell: Madam Deputy Speaker, the standing order is there for members to explain where they have been misrepresented and to contain their comments to the factual elements where they believe they have been misrepresented.

MR SMYTH: I want to explain. I want to put the facts on the table.

Mr Corbell: It is not about advancing a debate or making accusations against other members.

Mr Hanson: He would have been finished if you hadn't been calling him on points of order, Simon.

MADAM DEPUTY SPEAKER: Excuse me, Mr Hanson; Mr Corbell has the floor.

MR SMYTH: No; Mary was given the opportunity yesterday and you did not object then.

MADAM DEPUTY SPEAKER: Mr Smyth.

Mr Barr: Do it in the adjournment debate, Brendan. You're a child. You are a child.

MR SMYTH: You were out for coffee, sport; go and have another coffee.

Mrs Dunne: On the point of order—

MADAM DEPUTY SPEAKER: Excuse me; I am just listening to Mr Corbell at the moment. Take a seat, Mrs Dunne.

Mr Corbell: Madam Deputy Speaker, the standing order is quite clear. It allows members to explain the facts where they have been misrepresented. It does not permit members to advance other arguments; it does not permit members to advance broader debate. It is a straightforward explanation—nothing more or less than that. Mr Smyth has explained where he has been misrepresented, and that should be the end of his statement. Anything beyond that and he is out of order.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell. Mrs Dunne.

Mrs Dunne: On the point of order, Madam Deputy Speaker: it is quite clear that Mr Smyth's explanation, by the nature of misrepresentation yesterday, needs to be somewhat complex. Mr Smyth has attempted to draw the Assembly's attention to a number of instances which put the lie to the statement made by the minister yesterday and, because it is somewhat complex and it covers a period of a number of years,

Mr Smyth does need to put some of the facts on the table. I think that it is reasonable that Mr Smyth be given an opportunity to put the facts on the table, which is what he was doing when Mr Corbell obviously got uneasy about this. It is reasonable to allow Mr Smyth to put the facts on the table. Mr Smyth can take guidance on what is fact and what is not, and so far I do not think that he has strayed from what is fact.

MADAM DEPUTY SPEAKER: Thank you, Mrs Dunne.

Mr Corbell: No. It is not about what is fact; it is about where he has been misrepresented. That is the standing order.

MADAM DEPUTY SPEAKER: Thank you, Mrs Dunne. Mr Smyth, you are not allowed to debate this particular matter—

MR SMYTH: Well, it was not—

MADAM DEPUTY SPEAKER: Excuse me, I have not finished. You are not allowed to debate this matter. What I want you to do is tell me if you have any new information about other incidents where you have been misrepresented. You have already told us of the one incident where you were misrepresented. We have heard about that. We have heard why you believe you have been misrepresented. Have you got another incident from yesterday? If you have not, please come to a conclusion.

MR SMYTH: As to what you have just said, you were given certain latitude, and clearly there is one rule for some and one rule for others. I will finish here and I will take this up another way. This could have been done in a very reasonable way. I simply ask the minister to come forward and correct the record, having misled the house.

MADAM DEPUTY SPEAKER: Thank you, Mr Smyth.

Associations Incorporation Amendment Bill 2009

Mr Rattenbury, pursuant to notice, presented the bill.

Title read by Clerk.

MR RATTENBURY (Molonglo) (10.09): I move:

> That this bill be agreed to in principle.

The bill I am introducing today amends the Associations Incorporation Act 2009 to ensure that the registrar-general will maintain the confidentiality of the contact details of not-for-profit association office holders if requested to do so. Section 14 of the Associations Incorporation Act provides that only not-for-profit organisations can be registered under the act, so members should keep in mind that we are only talking about changing the provisions that apply to community-based organisations—usually, but not always, run by volunteers.

Under section 66 of the Associations Incorporation Act the registrar-general may require any committee member of an incorporated association to lodge a notice with the registrar indicating the person's current residential address. Under section 11 of the Associations Incorporation Act—or the act, as I will refer to it in the future—any person may inspect any document lodged with the registrar-general under the act and obtain from the registrar-general a copy of or an extract from any document the person is entitled to inspect. This includes residential details.

This provision has caused problems in the past with committee members who, for one reason or another, do not want to have their personal contact details, much less their residential addresses, accessible to the general public. People who are on the committees of groups that deal with victims of domestic and sexual violence, women's shelters and other crisis centres are among the groups that have extremely compelling reasons why their residential addresses should not be publicly available.

While there will be some resource implications involved in organising the data storage systems necessary to comply with these amendments, the bulk of the expense will be a one-off expenditure to set up the system. The consequences of not implementing these reforms are potentially serious.

Questions have also been raised with me about the possible incompatibility of the current system with the national privacy laws and/or the right to privacy under the ACT Human Rights Act. It does not seem likely that the benefit of providing unrestricted access to personal information is proportionate to the infringement on the right to privacy or the possible harm that could occur if people were injured or worse through having their residential addresses revealed.

I understand that when the Women's Electoral Lobby were first established back in 1972 they received violent threats and worse from people who objected to their views on women's rights, and to women's reproductive rights in particular. The obvious danger was such that I understand that they decided not to register as an incorporated association because of the disclosure provisions I have mentioned previously.

I use WEL as an example, but there are many other groups and many other reasons why some people need or simply wish to keep their details confidential. These may be people who want to avoid attention from unwanted suitors, through to people who are under the protection of apprehended violence orders, restraints or other protection orders or other people who, for instance, privately fear that an estranged partner may intend emotional or physical harm to them or their children. High profile people, celebrities or people whose activities attract unwanted attention can also have valid reasons why their details should not be made publicly available. Some organisations by their very nature attract undesirable attention—such as those who might cater to HIV-AIDS sufferers, ex-prisoner peer support groups or groups who assist recovering drug addicts.

When I drafted these amendments I could not imagine any good reason why the discretion to keep one's private details secret should not be available to anyone who for one reason or another wants to restrict the number and types of people who know

their residential address. It might just be highly embarrassing and stressful for some people if they had to explain the highly personal reasons why their details should be kept secret.

In drafting these amendments we considered whether it should be left to the registrar-general's discretion as to whether he or she accepted that there were valid reasons for keeping a residential address secret. This decision could be appealable to the Civil and Administrative Tribunal. We asked the Attorney-General's office to tell us whether there were any good policy reasons why we should go down this route, but we have heard no compelling arguments why the registrar should have this discretion.

There is enough time between today and when this bill will be brought on for debate in another sitting period for the government and the community to consider these amendments, raise issues and suggest amendments if they think they are necessary. I would welcome any feedback on these amendments and hope that we can work together in the Assembly to finetune them if necessary prior to their hopefully eventual passage.

The situation is radically different under a balance of power Assembly, and I think it is incumbent on us to make a real effort to find ways to cooperate and work collaboratively on developing legislation that is fair and as effective as possible. I say that simply to truly invite feedback, and if there are concerns with these provisions or if people feel that there is a better way to do it we are open to those suggestions.

Another issue which I am still undecided on is whether a record should be kept of everyone who has accessed even the publicly available sections of the overall records. This may discourage possible mischief and accords with good record keeping practice for government-held personal information in general. Again, I welcome any feedback. I should mention that the feedback I have received from numerous community groups has thus far been positive.

The registrar-general will still be able to demand the residential addresses of committee members if he or she feels that it is necessary in order to undertake proper supervision of the incorporation system. We are not attempting to restrict the registrar-general in the performance of his or her duties.

Apparently the registrar-general has been quite understanding regarding this issue and has been willing to keep a person's contact details secret if they are convinced that there is a reasonable need to do so. This is commendable. However, this alternative is not well known and certainly came as a surprise to many of the constituents with whom my office has been liaising in the formulation of this legislation.

Another issue which remains unclear is whether, despite his goodwill, the registrar-general is actually empowered to keep the information secret, given that section 11 of the statute under which he operates specifies that the information must be made available on request. This legislation will rectify any lack of legislative authority and remove any possibility for confusion or dispute.

Another change that I am trying to give effect to with this legislation is to allow people to provide alternative forms of contact detail. I have not heard any good

arguments why members of incorporated associations should have to provide their residential address rather than merely addresses at which they can reliably be contacted, such as businesses addresses or a telephone, email or post office box address. Perhaps the absence of an option to provide an electronic contact is a carryover from pre-internet communications technology. It would seem that an electronic contact should suffice if there is also a requirement to confirm the currency of the contact details every so often.

These amendments do not go so far as to authorise the giving of electronic contact details, but this is something which the government should consider and would seem to offer cost savings over paper records and contact details. I understand that the registrar currently scans paper documents in order to create his database. If this is indeed the case, it would seem to be a particularly resource and labour-intensive method compared to a fully automated electronic system or even a mixture of the two. Bear in mind that the registrar retains the power, under section 66, to require a person, including a public officer, to lodge a notice with the registrar indicating the person's current residential address. I have been informed that the registrar will retain this power regardless of whether or not someone chooses to provide a post office box or business address as their publicly available contact details.

These amendments merely give a person the option to provide a non-residential contact for public display if they so choose. It should be borne in mind that most people who serve on incorporated associations will be happy to provide their contact details, and they will retain that discretion.

There may be an issue with the service of legal documents, in that people should be able to know an address at which they can personally serve legal documents. But I am not aware that this is spelled out under the act. It may be that an amendment will be required whereby such service could be effected by the registrar-general. Again, it has become apparent that non-government members in this Assembly require better access to public servants and departmental resources in order to develop legislation. I think that some of the question marks we have here demonstrate some of those shortcomings, and it may be an area in which we can seek to improve the situation.

There are other issues raised here in this legislation. We should be doing all that we can to facilitate community groups to form and operate as effortlessly as possible. I am sure that Ms Porter will agree with me when I say that community groups are an integral part of the social fabric that binds us together as a society and a community rather than being merely so many disassociated and disaffected competing participants in a dispassionate and compassionless society.

The reason I have brought this legislation forward is to try and iron out possible glitches, areas of concern, so that we can make it as possible as we can for community associations to operate. Where a person's participation in that group may present a threat to their personal safety or their peace of life, we think that this legislation will facilitate removing some of those obstacles. I commend the legislation to the Assembly and I look forward to further discussion with members on the details.

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

Building (Energy Efficient Hot Water Systems) Legislation Amendment Bill 2009

MS LE COUTEUR (Molonglo): I seek leave to amend my notice by omitting the words "and for other purposes".

Leave granted.

Ms Le Couteur, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS LE COUTEUR (Molonglo) (10.21): I move:

> That this bill be agreed to in principle.

I am very pleased to introduce the Building (Energy Efficient Hot Water Systems) Legislation Amendment Bill 2009. The purpose of this bill is to reduce the environmental impacts and financial costs of hot-water systems for ACT homes. The hot-water systems covered by this bill are those that supply hot water for domestic purposes such as washing, bathing and showering.

The bill sets an energy efficiency standard that hot-water systems must meet before they can be installed in ACT houses or townhouses. The standard would allow the installation of low emission hot-water services such as solar, heat pump or high efficiency five-star gas. Most importantly, electric storage heaters, which cause around four times as many greenhouse gas emissions as the more efficient systems, would not meet the standard. These are the most common type of hot-water system in the ACT and around Australia.

The effect of the bill is that, in the future, any person installing a hot-water system in a new home or townhouse would need to install one of the efficient systems which would meet the standard. Also, from 2010, any person replacing their hot-water system would have to install one of the efficient systems. However, no-one would be forced to replace an existing hot-water system that is still working. In this way, over time, all the inefficient hot-water systems will be gradually replaced.

The most obvious impact of this bill is that it will make an important contribution to reducing greenhouse gas emissions in the ACT. Of all the greenhouse gas reduction options facing governments, energy efficiency is the lowest hanging fruit. It is a low-cost climate change response.

As I said, electric water heaters are the most common type in use in the ACT and they have the highest greenhouse impact. Water heating accounts for about 25 per cent of the energy used in an average home and is responsible for 23 per cent of the total greenhouse gas emissions from home energy use. Household water heating is actually equivalent to three per cent of Australia's total greenhouse gas emissions. To put that in perspective, it is about the same amount as Australia's aviation emissions. So there are significant gains that could be made in this area.

If an electric storage system is replaced with an electric boosted solar system, the amount of energy used to heat water is reduced by about 75 per cent. In the case of a gas boosted solar system, the reduction is about 95 per cent. This energy saving technology has existed for a long time. I am personally on my third solar hot-water system, having started many years ago. We should not delay any longer in having this as widespread technology. It is time to take real action and replace the old, inefficient technologies.

The other reason that we are doing this today is that, as well as the clear environmental benefits, the bill also will lead to positive financial impacts for ACT citizens. Many ACT residents are simply not aware of the financially positive position they would be in at present if they decide to purchase an efficient solar hot-water system. With the current commonwealth government rebates, replacing a broken hot-water system with an energy efficient hot-water system is the most sensible economic decision.

Under the federal government's mandatory renewable energy target scheme, people buying water heaters that use renewable energy are given renewable energy certificates, which they can then sell. The price of these certificates fluctuates, but they would currently reduce the price of a typical size system by about $800 to $1,200. In addition, until June 2012, a $1,600 federal rebate is available to householders replacing their electric hot-water system with either a solar or a heat pump hot-water system.

To get some idea of the discounts which are currently available and their financial impact, my staff have spoken to ActewAGL about the hot-water systems that they sell in the ACT. Their full-price solar hot-water system costs about $5½ thousand, but with the rebates, you can buy the system for less than half price—only $2,700. That means it only costs about $700 more than ActewAGL's standard off-peak electric system, which costs about $2,000. In addition to this, though, I could buy the system with a 24-month interest-free loan, which means that you only have to pay $1,300 up-front. Also, the commonwealth government currently offers low interest green loans, so that could handle the initial financing.

According to the federal government, my new solar hot-water system should save between $300 and $700 each year on my electricity bills. So with those savings I should be able to pay off the money on my solar system. In two or three years I should be ahead financially and after that I will be saving money. With the current commonwealth government subsidies, after a few years it works out to be cheaper to buy a solar hot-water system.

There are some other factors to keep in mind. If I am a landlord who upgrades to an energy efficient hot-water system, I will of course get the usual tax benefit for improving my property. An ACT resident who is upgrading their system after having a home energy audit through the ACT government's HEAT program can also get an additional $500 from the ACT government. I would suggest that the ACT government in this instance could make an easy improvement. They could allow people to access the HEAT program rebate for solar hot-water systems without going through a home

energy audit. Currently, if someone's hot-water system breaks down, they have to wait weeks for a HEAT audit before they can get a rebate to buy a new energy efficient system. This is obviously not an ideal system, so we suggest that the ACT government change the HEAT system so that it is available immediately for more energy efficient hot-water services, so that ACT residents can take immediate advantage of the commonwealth government's generous support.

This bill tries to achieve its environmental and economic objectives by also taking a realistic and equitable approach to hot-water efficiency problems in the ACT. Rather than singling out new homeowners, the bill will also apply the energy saving standard to existing homeowners. The Greens recognise that different residents in the ACT live in different circumstances, so we have tailored this bill accordingly.

Under this bill, the energy standard will only apply to class 1 buildings under the Building Code of Australia. It will cover houses and townhouses, as well as guesthouses such as bed-and-breakfasts. It will not apply specifically to multi-unit residential apartments. Multi-unit apartments face extra complexities which require a careful approach. There are ways to solve these issues and I look forward to being able to extend this standard to these residences in the future. We also need to look at how any changes would interact with the separate metering of apartments, which I understand is being rolled out by the government under the unit titles legislation.

Under this bill, the efficiency standard will not apply to the replacement of small electric hot-water systems in areas where there is no gas available. This will cover the situation where a single person lives in a house and does not use much hot water but they need to replace their small electric hot-water system because it is broken. In this case they would be permitted to replace it with an electric system provided that they also take additional measures to increase the thermal insulation of their hot-water system. This is actually something that is quite cheap to do. Bunnings and Magnet Mart sell kits to do it. I would recommend it to any owner of an electric hot-water system. You simply put a blanket around the system and it will reduce the standing losses from the system, which are about 25 per cent of the total energy. It is a good, cost-effective way of saving energy and greenhouse gas emissions.

The bill also recognises that a small number of rural residents in the ACT use multipurpose solid fuel heaters, which they also use to heat water. When wood is used for fuel and comes from a sustainable source, it creates only a low amount of greenhouse gas emissions. The ACT already has strong guidelines in place to ensure that wood is used sustainably. The bill therefore recognises the unique situation of the territory's small number of rural residents by exempting these solid fuel burners from the energy saving standard.

With respect to timing, the requirement for all new houses to be built with energy efficient hot-water services is designed to apply from July this year. The standard will apply to replacement hot-water services from 2010. These implementation dates are designed to allow sufficient time for industry to prepare for the expected increase in demand for efficient hot-water systems. Tradespeople will also have time to prepare by undertaking installation training, and people building new houses will also have lead-in time to consider their purchases.

However, the potential impacts of a reasonably early implementation of energy efficient standard will be mitigated by the activities happening in other jurisdictions. My office's discussions with representatives from industries and trade bodies such as the Master Plumbers Association indicate that the stakeholders are already getting prepared. The fact that the ACT has stayed still while other jurisdictions have pressed ahead with these changes means that we can now introduce these measures without significant delay.

The bill addresses a problem which has existed for too long in the ACT. While other jurisdictions in Australia have taken steps to phase out inefficient hot-water systems, the ACT has stayed still. Western Australia introduced similar standards to those in my bill in 2006. Queensland banned the installation of electric hot-water systems in all new homes from 2006, and it is beginning a phase-out of electric hot-water systems from existing houses next year. Similar legislation to this bill has also been in place in South Australia since mid-2008.

It is disappointing that the ACT has not been one of the leading jurisdictions to take steps to fix this problem. Because of this, we have found that some individual property developers have already started taking steps to act on this. For example, the Village Building Company's developments in west Macgregor all have solar hot-water systems as a standard inclusion. However, not all builders, architects and homeowners are aware of sustainability issues, so we cannot just rely on them to take the lead. The government needs to set an efficiency standard and apply it territory wide; otherwise more and more time goes by, greenhouse gases are created and money is wasted while we could have taken simple action to address this problem.

I am conscious that I am introducing this bill in the midst of other discussions about hot-water system efficiencies which are taking place at the national level. At the end of last year, the Ministerial Council on Energy introduced a national hot-water strategic framework, which forms part of the national framework for energy efficiency. The hot-water strategic framework envisages a hot-water standard similar to the one in my bill. The Greens certainly believe that an urgent, comprehensive national response which mandates strict energy efficiency standards is an important step.

Unfortunately, it could be overly optimistic to expect that the ministerial council or COAG would implement these measures swiftly. A quick look at the history of these cooperative bodies shows that sometimes cooperation does not actually progress further than talking. Items sometimes fall off the agenda or are lost altogether. For example, in 2004, COAG committed to implement the stage 1 measures of the national framework for energy efficiency. They said it would be done within three years. It is now 2009 and these measures have not yet been implemented. In fact, the Ministerial Council on Energy has been talking about energy efficiency ever since it was established in 2001, eight years ago. It produced an energy efficiency discussion paper in 2004, but has not yet implemented its recommendations. We all know that energy efficiency is a low hanging fruit, but unfortunately I am not sure that we can rely on the ministerial council or COAG to go ahead and pick the fruit.

I noticed that the most recent meeting of the Ministerial Council on Energy, in February, was preoccupied, understandably, with the intricacies of the carbon pollution reduction scheme and the impacts of the global financial crisis. It did not actually discuss the hot-water energy efficiency measures which it has been promising. So I am concerned that it is possible that these initiatives could slip down the agenda again.

I note also that a considerable portion of the ACT government's weathering the change climate strategy relies on work being undertaken at the commonwealth level. As I have said, we are very concerned to see that environmental initiatives go ahead at the ACT and national level, but sometimes we cannot just wait for things to happen at the national level. Climate change in particular is an area where we know we cannot afford to delay. There are benefits from having cooperative arrangements between states, but they can be problematic. Getting agreement can be so difficult that we end up with a lowest common denominator approach.

I understand that the Building Code of Australia board may produce draft guidelines for a hot-water system standard for new houses in the next few weeks. I expect that if this has not happened by the time we debate this bill in, I guess, May, the government will show its commitment to energy efficiency measures by passing my bill in its current form. It might also wish to pass the bill with a delayed start date to concur with the current national timeline. A postponed start date would also set a deadline for when this would happen in the ACT if the national process does not in fact commence.

However, I note that my bill also relates to hot-water services in existing homes, which the Building Code of Australia guidelines will not cover. If necessary, my bill could be amended to remove the potentially redundant clauses relating to installing systems in new homes. This would leave in place the parts relating to the phase-out of inefficient systems in existing homes. I am very happy to discuss this when we see the guidelines for a hot-water standard from the BCA.

In summary, I am saying that we need strong energy efficiency measures if we are going to respond properly to climate change. In the absence, unfortunately, of action at the national level, the ACT needs to act. Enacting my bill will return the ACT to the status of a leading jurisdiction. It will help set a standard for other states, and it will set a standard for the Ministerial Council on Energy to follow. It will bring immediate environmental benefits to the ACT and it will bring immediate financial benefits to residents of the ACT. I commend the bill to the Assembly.

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

Kippax family practice

MS PORTER (Ginninderra) (10.39): I move:

> That this Assembly:
>
> (1) notes that the abrupt closure of the Kippax Family Practice has caused significant concern and disruption to staff and patients and the local community; and

(2) calls on the ACT Government to investigate possible legislative responses that could be pursued to ensure that patients are afforded an appropriate period of notice.

Mr Speaker, I move this motion in the Assembly today in the context of the recent closure of the Kippax family practice. As we know, general practitioners have a central role, and a very much valued role, to play in primary health care and in the delivery of health services in the ACT.

Consumers of health services rely on their general practitioners for everyday advice and assistance. They very much rely on their general practitioner being available to them, and also as a way of accessing other health services through referral. We like to think that all consumers have a right to be treated respectfully and to be accorded the appropriate notification when any service is about to change its location or, indeed, cease its operation.

It is even more important, for instance, when that service is one that provides a person with medical advice for themselves or for their children. Recent behaviour by some service providers in the provision of general practice has not met this standard of common courtesy and professional behaviour. As we know, medical services have closed abruptly of late, without adequate notice to their patients, causing considerable distress and uncertainty.

When I imagine myself as one of those patients and contemplate the sequence of events that resulted in the closure of the Kippax family medical practice, I am left feeling dismayed and not a little angry. As I understand it, the staff members were informed by the owner of the business of his intentions on the Tuesday afternoon, and by the Wednesday morning the locks had been changed on the practice This ensured that the staff had no access to the clinic and, therefore, no capacity to attend to patients on the site.

Effectively, the locks were changed on the clinic before the patients were informed of the decision, including those patients who had appointments the following day. To say that this is hugely inconsiderate on the part of the entity who owns the clinic is an understatement. I understand that people turned up at the door of the practice only to find a note informing them that the practice had closed.

I am sure that members of this place can understand the stress that patients are placed under when these critical services are withdrawn in such a manner. It is conceivable that several of the appointments scheduled for the days following this abrupt closure were of a serious nature and that these people with serious medical conditions and requirements may have been forced to look elsewhere on the day to find another doctor, a doctor who had not been privy to their medical history and with no access to their medical records. Patients have to pay a fee and apply for a transfer of their records to get their records transferred to the new doctor. Of course, all of this takes time.

Mr Speaker, as we know the relationship between a medical practitioner and their patient is a special one. Trust is developed between the patient and their doctor or

nurse, often over an extended period of time. This is especially important when one considers the situation of people who are disadvantaged by such sudden medical centre closures, particularly when some of these patients may have been seeing the same doctor for many years. We can think of many such examples: the mother of children maybe with complex sets of needs, the elderly, those with chronic conditions. They are just a few examples.

I have been told that one such elderly patient had been seeing the same doctor for more than two decades at the Kippax practice. This person understandably feels comfortable speaking to her regular doctor of this particular practice, which is now closed, as he or she is, one presumes, intimately familiar with the patient's medical history.

When I heard of this person's situation I asked myself how comfortable that person would be to disclose personal information to another doctor who does not have the benefit of the written medical record, who may never have been consulted by that person in the past and now is confronted by this situation? Also, how soon could that patient obtain an appointment with such a doctor?

If these are the questions that immediately come to my mind, and I am forced to consider, I wonder why it is that the entity responsible for this sudden closure did not also think along similar lines. The example we are dealing with here at the moment relates to the Primary Health Care Group, and in particular Dr Edmund Bateman, its managing director, and the closure of the Kippax family practice. Of course, we also have the previous closure of the Wanniassa medical centre. The handling of these situations by those involved has, obviously, been entirely unsatisfactory for those people that rely on those services.

The reasons stated publicly related to a lack of viability and the fact that small practices find it difficult to attract doctors. They are not able to offer the facilities and services that larger practices might. I do not feel that this explains why the Kippax clinic was closed in such an abrupt manner and why no consideration was given to staff or patients in the process.

The Kippax family practice was staffed by three professionals who were informed, I believe, on the Tuesday that their place of employment would be closed the following day. Is there any wonder that this practice found it difficult to attract staff when one considers the disrespectful manner in which they treated these staff on this occasion?

Mr Hanson has criticised the Minister for Health, Ms Gallagher, in this place for calling on the entity to show corporate goodwill and for calling on them to be sensitive to the needs of the community. It seems to me to be completely reasonable for the minister to call upon the providers to be sensitive to the needs of the community when confronted with a flagrant disregard for consumers' immediate needs. If the entity is unwilling to act in the best interests of the community, alternative solutions need to be found in the form of legislation to address the issue.

Consumers of health services in the ACT require better consideration and should not be abandoned by health providers in this way. As members are probably aware, I was

working as a registered nurse and a midwife for many years. At one stage in the early years of my career I was a nursing sister in a general practitioner's rooms; so I am very aware of the importance of decision making in relation to such practices, and the processes by which patients are informed of those decisions.

In this context, my motion calls on the ACT government to clarify, in legislation, the obligations of general practitioners to provide adequate notice to their patients of closures, transfers or relocations of their practice. I find it regrettable that the government is required to address a situation in this way, where people have been taken for granted by a corporate entity that has afforded them little consideration. However, that is why I have brought forward this motion that we are debating today.

I encourage the minister to investigate legislative provisions in relation to the obligations and responsibilities of health professionals and business owners in respect of closure of a health service practice in the ACT. It is essential that effective transition occurs following the closure of such a professional health practice. That is why legislation should provide for this to happen, so that adequate notice is given to all those affected by such closures, and such pain and inconvenience to people that were involved in these recent closures will not be repeated in the future. I commend the motion to the Assembly. I look forward to members' support.

MR HANSON (Molonglo) (10.48): I want to thank Ms Porter for bringing this motion forward to the house. It certainly is a dismal situation that we find ourselves in here in the ACT with the closure of so many GP practices. Ms Porter is clearly missing the larger point. The major point is that so many GP practices are closing. It is not simply a matter of when patients are being informed. It is the failure of this government to have taken action over so many years to prevent closure after closure occurring.

Ms Porter certainly highlights a number of issues in her speech and says that she is dismayed and a little angry, as patients would be. Let me tell you, Mr Speaker, that people all over Canberra are dismayed and a little angry. It is not just by the closure of Kippax; it is by the closure of so many GPs services and this government's inaction over so long a period.

I imagine that by now Ms Porter has put out a press release in anticipation of saving the poor people of Kippax. Once again, Ms Porter is striding to the rescue of her constituents. I hope that the press release has not gone out yet, Ms Porter, in light, as I say, of the embarrassing situation you have had previously.

I find it quite remarkable that she would want to actually bring forward an example of this government's failure to act on GPs as we saw in Kippax, but maybe she thinks that this is now an opportunity to give the health minister an opportunity to wheel out the terms of reference of her task force or other action that she is finally taking to remedy what has been quite a dreadful situation.

No doubt Ms Porter will claim the credit for this with her constituents. She will put out a press release explaining how she has made such a difference to the people of Kippax. Moving to the motion, I ask whether Ms Porter did not notice that there have

been closures elsewhere. Was she not awake to the myriad of closures that have been occurring?

I believe she was actually on the committee that inquired into the closure of Wanniassa. Did she wait until there was a closure that directly affected the area of her constituents where she might be able to get some leverage electorally before deciding to make a point about it? We have Ms Porter, a backbencher in the government, reminding the government that there are closures. This is always a good thing, I suppose. Ms Gallagher has been saying recently, and indeed Ms Porter alluded to this, that, "All we can do is I guess seek the corporate good will of some of these providers." Certainly, I commend the intent that we seek the corporate goodwill of providers and I share that concern. But certainly I do not share the sentiment that that is all we can do.

We are well aware that we have a dreadful situation here in the ACT in relation to the number of GPs that we have. We are short 60 GPs, which actually constitutes the lowest number per capita in Australia. This has been going down for quite some time.

Ms Gallagher: Wrong. The Northern Territory is the lowest. We are the second lowest.

MR HANSON: Well done, Ms Gallagher. That is commendable; well done. We are only the second worst. Fantastic! I suppose it depends on where you get your statistics from. I am relying on evidence that says it is the worst.

Ms Gallagher: So you excise the Northern Territory out of every national statistic?

MR HANSON: Well, if you think second to worst is good enough, Ms Gallagher, then brilliant.

Ms Gallagher: I do not. I do not but I am saying we are not the worst. I just want you to be factually correct.

Mr Seselja: Are you going to correct the record from yesterday?

Ms Gallagher: I will respond to that, Mr Seselja.

MR HANSON: Fantastic! I am sure that Ms Gallagher would agree with my concern that we do not have enough GPs. I think she said it in this chamber that we do not have enough GPs. Interestingly, in many other jurisdictions—in fact, the evidence I have seen in all other jurisdictions—the number of GPs per capita has been increasing whilst our number has been decreasing.

We know that the situation in west Belconnen, in Ms Porter's area of interest, is among the worst in the ACT. Before the recent spate of closures—six closures in north-west Canberra—we had one GP to every 3,274 people in west Belconnen compared to one GP for every 849 people throughout the rest of Canberra.

Do not think that this is just a problem that has arisen with the closure of west Belconnen. The implications for the health and wellbeing of the people of west

Belconnen are significant, because they will not receive the primary preventative care or the early intervention they require.

As a result, what we will see in all likelihood is more people ending up in hospital than would otherwise have been the case if we had sufficient GP clinics and the GP numbers in the ACT. It is a completely unacceptable situation that we find ourselves in. I go back, as I have said before, to the impact on our emergency departments where we have the worst waiting time results for categories 3 and 4 in the country.

We have people in category 5 who just give up and walk away because they are not getting treated. We have elective surgery where we are under considerable strain, particularly in category 2. We have had all these other closures in Wanniassa, Macquarie, Kaleen, O'Connor and west Belconnen, but then finally Ms Porter puts her head up in relation to the one in Kippax, because that is the one that woke her up there on the backbench to the fact that finally we need to take action.

I remind you, Mr Speaker, that at the last election we took forward numerous policies centred on GPs and what needed to be done. One of our big focuses related to Ms Porter's electorate in Belconnen with community cooperatives as well as a bulk-billing GP clinic. That was scoffed at by the government. They scoffed at it. Did you put out a press release then, Ms Porter? Are you as scoffing at the proposal to put a bulk-billing clinic in your electorate? I am not sure if you did then. No doubt you will put out a press release about how you are so concerned about it now.

At long last, and it is well overdue, last week the government finally gave in to the opposition's pressure on this matter. They have finally recognised that, yes, there is a problem. We need to address this problem. Now we have an inquiry and we have a task force to address the issue. Hopefully, what this will do is provide the government with the ideas that they lack. Clearly, this government needs new ideas, fresh ideas. It is unfortunate that they did not respond to a number of the ideas we proposed in the election campaign and since.

Hopefully, they will listen to their own members and maybe they will respond a little quicker than they did to the latest inquiry that we had into GPs which was as a result of the Wanniassa closure. My hope is that the government will be prompt in their response and that it will not just be another talkfest. I hope that they will take action. I notice that the health minister was out yesterday talking about her magic wand. She has recognised that this is not a situation that can be saved with a magic wand.

Her language certainly indicated that she will be pushing the results that we are going to see into the never-never. She is certainly forewarning the Canberra community that the inaction of this government over a number of years will mean that this is a problem the ACT is going to endure into the near and medium future. Though the extent of this lack of imagination and ideas across the government is characterised by Ms Porter's motion, she certainly recognises the failings that have led to the closure in Kippax and what a disaster that is for the community.

Then she simply calls on, essentially, patients to be notified that their clinic is about to close. We heard from Ms Porter, an ex-nurse, about her clinical skills. But there is no

thought there about how the situation can be remedied on a broader scale. Her only response and her only thought on this matter is to say, "Let us make people aware as all these clinics close so that they are forewarned. As they all close, let us let the community know." That is a noble sentiment in itself but if that is her singular response to the number of clinics that have closed, I would say it is very limited and speaks volumes about the lack of imagination and the lack of ideas that we see from this government. She clearly does not understand that there is a broader situation at play.

I am very sympathetic to the people that are affected by these clinic closures. It is not just the ones that receive no notice. We saw the images on TV of patients who turned up to receive treatment at their GP clinic. For people that are most in need of treatment and care in our community—often the elderly—to be turned away because yet another clinic has closed is a disastrous situation.

It is diabolical, and certainly from our side of the house we are greatly dismayed about what is occurring. However, we are ultimately focused on the broader issue and that is how we can resolve the number of clinics that have closed. As a result, I move an amendment to Ms Porter's motion that is now being circulated in my name:

> Omit all words after "Assembly", substitute:
>
> "(1) notes that the abrupt closure of the Kippax Family Practice has caused significant concern and disruption to staff and patients and the local community;
>
> (2) notes that on 25 March 2009 the ACT Legislative Assembly referred the issue of 'access to primary care services' to the Standing Committee on Health, Community and Social Services for inquiry; and
>
> (3) notes that in response to the resolution of this Assembly to refer the issue of 'access to primary care services' to the Standing Committee on Health, Community and Social Services, the ACT Government has established a GP task force which will examine 'legislative options to protect the rights of patients and the health workforce'.".

What Ms Porter also seems to have failed to recognise is that we actually had things occurring in the house last week. We had an inquiry established that is going to look into GP closures in Canberra. You will remember that Ms Burch moved a motion that was unanimously agreed to. It talked about the need to look at the broader aspects of primary health care in the community. It speaks to some of the issues that you are concerned with.

In response to the debate in the Assembly, the health minister finally took action and put together a task force. One of the terms of reference for the task force is to look at legislative options to protect the rights of patients and the health workforce. I am not sure whether Ms Porter was awake and listening to that debate, whether she has been talking to the health minister or listening to what she has been saying in the media or reading the terms of reference, but this goes to the nub of the matter.

Really, time has passed on, Ms Porter, and there is now a task force and an inquiry that will be looking at exactly what the second part of your motion is calling for. I have moved an amendment that maintains the first paragraph that Ms Porter is concerned about, which is that there has been an abrupt closure of the Kippax family practice and it has caused significant concern and disruption.

But my amendment, as you will see, then identifies that there is an inquiry that will be taking care of these sorts of issues and there is a task force that will be taking care of these issues. What we do not need is yet another investigation into this piece of legislation; what we need is the action now from both the inquiry and the task force.

In summary, I certainly thank Ms Porter for the opportunity to talk about GPs in the ACT again. It is a very important issue that this government is finally taking action on. It has responded to calls from the opposition over the last few months—years, in fact—for action to be taken on GPs.

It is great to see that the backbench is engaged. I think that Ms Porter is a bit behind the times, but it is great to see that she is taking some interest. I do hope that it is not simply about Kippax and about her moving motions in this house so that she can put out press releases either before or after the event lauding what a wonderful job her government is doing and what a great part she is playing in that because, as we have seen from the evidence, that is not the case. I have moved and circulated an amendment that I think improves the quality and the substance of Ms Porter's motion. I commend that amendment to the house.

MR DOSZPOT (Brindabella) (11.01): I note that Ms Porter's motion states:

> That this Assembly:
>
> (1) notes that the abrupt closure of the Kippax Family Practice has caused significant concern and disruption to staff and patients and the local community; and
>
> (2) calls on the ACT Government to investigate possible legislative responses that could be pursued to ensure that patients are afforded an appropriate period of notice.

I also note that at its meeting on Thursday, 7 August 2008, the previous Assembly resolved:

> That the closure of the Wanniassa Medical Centre be referred to the Standing Committee on Health for immediate enquiry and to report back to the Assembly on Tuesday, 26 August 2008.

The committee resolved to consider the circumstances of the closure, the impact on the residents of the Tuggeranong Valley, the nature of the ACT government's relationship with privately owned general practice in the ACT and possible options for the future delivery of GP services in the ACT. That committee's membership was Ms Porter, Deputy Chair; the Chair, another government MLA, Ms Karin MacDonald; and Mrs Jacqui Burke from the opposition.

I understand that the Standing Committee on Health and Disability duly carried out an inquiry into the closure of the Wanniassa medical centre in August 2008 and that report was presented to the Stanhope government also in August 2008. Now, five months into the term of the current Stanhope-Gallagher government, after numerous requests for when the government response to the closure of the Wanniassa medical centre would be provided, behold it was finally presented to this Assembly yesterday.

The interesting point here is that Ms Porter's motion was due to be presented last week but, due to some technicality, that did not occur. Maybe it is all just a series of coincidences but it so transpired that the delay allowed the government to finally table the long-awaited response to the closure of the Wanniassa medical centre, prior to being embarrassed by the tabling of Ms Porter's motion which we are debating today. I say "embarrassed" because the wording of the motion by Ms Porter is almost identical to the terms of reference that were given to the Standing Committee on Health and Disability and the circumstances of the Kippax family practice also has several similarities to the circumstances in the Wanniassa medical centre closure.

My concern is that the government has taken over five months to respond to the report of the Standing Committee on Health and Disability on the very controversial closure of the Wanniassa medical centre—five long months of indecision and prevarication, during which time the pain and the suffering of the Wanniassa community have now been inflicted on yet another community, five long months of this Assembly missing the opportunity to look at possible legislative responses that could be pursued in this regard. This is another example of the government's disregard of the committee system and committee recommendations, even in cases where the majority of these committees were government members, including the chairs of the committees.

We have seen this in the case of Mr Barr or Mr Corbell, who have made that decision disregarding the committee recommendations that have just resulted in the closure of a major community facility, the Deakin pool, causing huge inconvenience to hundreds of clients of the pool and the loss of 50 jobs. The now legendary reputation of this government to resist the temptation to be proactive has been demonstrated again at the tragic expense of the community of Kippax.

I support the amendment put forward by Mr Hanson and urge the government to act before we face yet another similar closure as experienced by the communities of Wanniassa and Kippax.

MS BRESNAN (Brindabella) (11.06): I would like to thank Ms Porter for bringing this issue to the attention of the Assembly. The Greens will be supporting the motion. The closures of medical practices, including that at Kippax, are of great concern to the Greens, the Assembly and the community.

It is a distressing situation for patients. As I have noted previously in the Assembly and as Ms Porter referred to today, people often build up relationships with their GP over a number of years. It is a distressing situation to then have that relationship taken away from them and to have to go through another process of building up trust with another GP. It does often take quite some time for that to happen, and trust is a key

issue in the relationship between a consumer or a patient and their medical practitioner.

Ms Hunter will be speaking specifically about the impact the closure of the Kippax family practice has had on its local community. I, in the meantime, would like to address a few issues about the closure of centres generally. Firstly I would like to acknowledge the role the Health Services Commissioner has taken in ensuring that medical practices are aware of legislation regarding consumers' health records when a practice closes and I understand that the Health Services Commissioner has been assisting consumers in obtaining their records.

One of the main reasons why we are seeing the closure of smaller medical practices is the federal government funding and incentive model for GPs. This model has very much lent itself to the conglomeration of GPs in larger sized medical practices. There are things that we can do around the edge and there are also actions we can take in the short to medium term such as progressing access to nurse practitioners and community health centre initiatives. The Greens would very much like to see these incentives brought on line in a timely manner and call on the government to do that.

But to address this problem in the long term, we really do need to tackle it on a national level, by a forum such as the National Health and Hospitals Reform Commission and through the Australian Health Ministers Advisory Committee. According specifically to the commission's terms of reference, by June 2009 the commission will report on a long-term health reform plan to provide sustainable improvements in the performance of the health system, which will include addressing the need to improve frontline care, to better promote healthy lifestyles and prevent and intervene early in chronic illness.

We may, as a result of the commission's work, see shifts in the funding and management of primary health care. I believe a number of community organisations see this as a chance to make a positive shift and are highly engaged in the debate. Addressing the issue through AHMAC also places it directly in a forum where health ministers and their representatives discuss issues of national importance, which access to GPs and the closure of practices is.

The health committee does of course intend to look at the issue of primary health care, and the government has announced the GP task force. The health committee is yet to determine its terms of reference but I note the GP task force has already committed to explore and recommend on legislative options to protect the rights of patients and the health workforce. So it is good to see the essence of this motion happening already. This is an issue of significant important to the ACT community and it is appropriate that it be examined through different ways, which gives all parties in the Assembly and, most importantly, members of the community a chance to have a say.

With regard to Mr Hanson's amendment, which we did see just a few minutes ago, I really did not have a chance to discuss it with him or look at its substance but, just by looking at it now, the Greens would not support the amendment. Again, as I have already pointed out, I think it is entirely appropriate for legislative responses around a period of notice to be investigated and, again, I think it is appropriate that we be

looking at this issue legislatively and through the committee process and through the GP task force. So we will all approach the issue in a different manner and, I think, from different angles, which all need to be examined.

As I have noted, the committee very much gives people, in particular the community, a chance to input on the issue. I think, seeing that we actually have two closures and other issues on GP access, it is important that we provide that. It is important also that we have a task force, such as a GP task force, which will engage organisations such as the Division of General Practice; so you are involving professional organisations plus government in looking at that issue.

With the legislative response, we do need to be looking at that because we have to look at ways through legislation by which we can provide patients at these practices appropriate notice. I also think it does put somewhat organisations such as Primary Health Care on notice as well because they then know that they cannot do what they did with Kippax practice and get away with that. I think it is important that we look at that also.

Again, thank you, Ms Porter, for bringing this motion to the Assembly. We will be supporting it.

MRS DUNNE (Ginninderra) (11.12): The plight of my constituents in Belconnen, especially those in west Belconnen, and their access to primary healthcare services is an extraordinarily important one. I thank Ms Porter for the opportunity to address those issues.

There has been much said by Mr Hanson and Mr Doszpot about the needs, in general terms, of people in the ACT in relation to access to primary healthcare services but I think that we really need to drill down substantially into what is happening and what is not happening to the people of Belconnen in general and west Belconnen in particular. I think we need to take the opportunity to look at the failings of the Stanhope government over a number of years in addressing the needs in that area and to dwell on the extraordinary achievements of individual members of the community in trying to make things better for the people of west Belconnen.

In doing that, I think that what we see here is a motion of lost opportunities. Ms Porter, in her attempt to be relevant to the people of west Belconnen, whom she has substantially let down on these matters, is trying to wave the flag and show that she is interested. But let us look at the record. Let us look at what has happened.

West Belconnen has lost yet more doctors. They have been moved, without consultation and essentially against the will of the doctors themselves, to other places. At the same time, Ms Porter and I have attended meetings in and out for the last four or five years, in various capacities, in relation to the West Belconnen Health Cooperative, which is still yet to see the light of day. Ms Porter and her entourage have been pretty good at attending meetings and saying the right things in relation to this but, when it came to the crunch, there was not support from Ms Porter.

The West Belconnen Health Cooperative is an extraordinary example of what can be done by members of the community who put their minds to it. This is a grassroots

organisation of people who saw, five or six years ago, the mounting problems of access to primary health care for some of the most disadvantaged people in Canberra, the people who live in west Belconnen, and they decided they were not going to sit around and take the approach that the Stanhope government has done, and Ms Gallagher has done, and say, "There is just nothing we can do about it."

They went out in search of a solution. They canvassed the community. They looked around for solutions. They came up with what looks like a good model. They had seen it in operation elsewhere. They did the research. They raised the money for the feasibility study. They commissioned people to put together a model of good healthcare practice and they went out and received pledges of in excess of $200,000 from individuals and community organisations, which was a third of the funding needed, the seed funding, to get this organisation off the ground. This health cooperative then went cap in hand to both levels of government, the ACT government and the federal government, in search of money. I have been very critical over many years of the slowness of both levels of government to come up with that money.

I think that it was not so much a missed opportunity but a delayed opportunity, which has had adverse effects upon the health of people in west Belconnen. Three years ago this organisation was ready to go. All they needed was seed money. They went seeking roughly $200,000 each from the ACT government and the commonwealth government. The ACT government, to its credit, fairly quickly said, "Yes, we will put the $200,000 you ask for in but only on the condition that the commonwealth does it." They had a get-out-of-jail-free ticket. The commonwealth, under two successive governments, was very slow indeed to address this issue.

Early last year, I went to my party room and said, "Here is an issue which is crying out to be addressed and for the want of $200,000, which is not yet committed, we are holding back an extraordinarily important development in west Belconnen." On the basis of the arguments put forward by me and my colleague at the time Mr Stefaniak, we convinced the Liberal Party party room that it was appropriate and highly appropriate that the ACT government should fund the entire shortfall. When we made that announcement in, I think, March or April last year, I said to the people of the West Belconnen Health Cooperative, "We, the Canberra Liberals, will not be able to deliver this unless we are elected in the October election but the fact that we have gone out and said how important it is may actually put the pressure on the Stanhope government to come up with the $200,000 shortfall. I hope that, in the context of the 2008-09 budget, you will see that money. That will help to put the pressure on the government."

But what did we hear from the minister? A whole lot of carping, fish wifey comments about it is not her job to fund primary health care; it is not her job to fund GPs—not looking at the fact that we were not asking, and the community was not asking, for her to fund GPs. The community was asking, and we had committed, for seed funding, setup money, money that would do the fit-out of the building, money that would help them buy the equipment that they needed. That $200,000 was not going to pay for GP salaries. That was already factored into the business plan.

But Ms Gallagher, over and over again, passed up the opportunity to help provide primary health care in west Belconnen because she could not think outside the square.

They have already said, "We will do it if the commonwealth will do it." They were joined at the hip to the commonwealth and they could not think outside the square of a way to cut through. When the Canberra Liberals provided them with that opportunity, they still could not think outside the square.

We now eventually have that funding and the organisation is in the process of doing that fit-out but a year later than was necessary, probably two years later than was necessary. And if the Stanhope government and Ms Gallagher as the Minister for Health had had some vision last year or the year before, the people of west Belconnen may not be in the parlous situation that they are in now. They would have had a functioning, cooperative GP service that provided bulk-billing to a large number of people who until then did not have access to GPs and the fact that Primary Health Care closed this clinic may not have had such an adverse effect.

What we have had here is the Labor Party trying to cover their confusion with this fairly weak motion from Ms Porter. It was a weak motion last week when she, for some reason, failed to move it when she had an opportunity to do it. It is an even weaker motion this week because, as a result of what has happened last week, we have a reference to the committee; we have a task force; we have all sorts of things already put up, already in train, as Ms Bresnan has said. The issue in relation to legislating notice provisions for doctors, which is such a small and narrow aspect of this whole issue, shows once again that the Stanhope government—all of their members, both executive and non-executive—are bereft of ideas when it comes to the really important issues that affect the people of the ACT.

Ms Porter again is seeking relevance but in a way that is so constrained by what goes on in her party room that she cannot come up with anything more inventive and more useful for the people in the ACT. She would have been better off last year advocating for the funding for the West Belconnen Health Cooperative to be provided in a timely way.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.22): As Ms Bresnan has mentioned, I would like to thank Ms Porter for bringing this matter to the attention of the Assembly, and I am pleased to see Ms Porter taking a proactive approach to assist patients in these situations.

As noted by the NATSEM 2007 report *Characteristics of low income ACT households* and research such as the Community Inclusion Board's *Socioeconomic status and population mobility in Canberra suburbs* as well as Uniting Care's report *Living on the edge: an overview of the community of West Belconnen, the services and service gaps of the area*, Belconnen, and west Belconnen in particular, has one of the highest levels of social exclusion in the ACT. The *Living on the edge* report notes that west Belconnen is an area that combines low levels of income and high levels of housing stress with geographic isolation and relatively poor access to transport to create a community of localised disadvantage with particular needs.

Kippax, as a key hub for many west Belconnen suburbs, needs to and does offer a wide range of services for residents. With limited public transport and a low number of households having private transport relative to other areas of the ACT, it is vital

that the Kippax town centre offer essential services such as shopping and health care, because the families are often single parent families, they may be carers or they are the working poor. These residents are already struggling to survive on low incomes, and it would be difficult to have to travel further or travel by bus to a health centre outside of their own suburbs or to take time to sit in emergency for services that a GP should be able to offer. The time required may mean they have to take time off work, which may stretch their already stretched incomes even further.

The lack of GP services in the ACT in general is concerning, and we have already amply covered this issue in the Assembly today. I would like to acknowledge the moves by the community to set up a replacement health centre in west Belconnen, and it has recently opened. I welcome the upcoming review and inquiry which will address these matters.

I agree with Ms Bresnan's comment on Ms Porter's motion and also on Mr Hanson's amendment. I also find it very odd that Mr Hanson has said that he is the champion of health consumers while his amendment deletes the clause that relates to investigating a legislative response, ensuring health consumers are given an appropriate period of notice of closure of their GP's practice. So I do find it quite strange that that would be deleted by Mr Hanson's amendment. Therefore, I support Ms Porter's motion.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (11.25): I thank Ms Porter for bringing this motion to the Assembly today. It is important to note that this was scheduled to be debated last Wednesday, but it was the desire of the Assembly, including the opposition and the crossbench, to retire at 7 o'clock last Wednesday—

Mr Hanson: It was the government's decision. We would have supported the government if they wanted to sit late.

MS GALLAGHER: The government does not have the numbers around the adjournment, Mr Hanson. That is the interesting thing here. It was due to be debated, and, lo and behold, we got through every other item on the business paper except the government's piece of work, and the Assembly adjourned. So the timing of this motion has been out of the government's control, but we have been very happy to pick up the idea of Ms Porter in relation to investigating legislative responses.

Prior to this Assembly passing this motion today, the government was very happy to adopt the idea around investigating legislative responses. Mr Hanson's entire speech—he struggled to actually fill the 15 minutes that we had to endure—was an extremely negative speech, which we are becoming used to hearing from Mr Hanson. What his speech indicated was a complete lack of understanding of the health system, how it works, what the government has responsibility for in different areas of the health system and the capacity of the ACT government to actually refuse businesses the right to close. We do not have that capacity, but what we do have is some capacity to investigate ways to protect patients through the process if a medical centre is to close. So it is not about—

Mr Stanhope: You need to understand the scope, mate. You haven't got a clue.

Mr Hanson: Really?

Mr Stanhope: Absolutely. Get used to that reality. That's your seat, mate—

Mr Hanson: You wait till you're sitting over here. You'll last five minutes. Your ego couldn't survive it.

Mr Stanhope: That's your seat for as long as you're a member of the Assembly, Jeremy.

Mr Hanson: Mine's over there—health minister.

MS GALLAGHER: I will just take a breath.

MR SPEAKER: Sorry, Ms Gallagher, but it is your team that is also making the racket, so I do not quite know where to go.

MS GALLAGHER: I am aware there is a bit of cross-chamber discussion—

Mr Stanhope: I beg your pardon, Mr Speaker. I am just bemused by Mr Hanson's claim just now that he intends to be sitting here as Minister for Health in five months time. I just find it rather remarkable.

Mr Hanson: No, 2012, I said. Is that when you're resigning?

MR SPEAKER: Order! Ms Gallagher has the floor.

Mr Hanson: I said, "When you're no longer sitting over there, I'll be Minister for Health." I thought it was 2012. In five months you're going?

MR SPEAKER: Mr Hanson, that is enough, thank you. Ms Gallagher.

MS GALLAGHER: I must say, the government did have some hope when Mr Hanson replaced Mrs Burke. We thought maybe the standard of the opposition health spokesperson might just lift a little bit, but as the weeks go past, that hope, that desire that we had to see a little bit of quality debate being brought into the opposition's capacity around health, is just sinking so fast. Your speech, Mr Hanson, I have to say, showed a complete lack of understanding of your portfolio responsibilities. You have no understanding of the health system, how it works and what the government has responsibility for. The priority for the ACT government has, and presumably always will, rest with the provision of high quality public health services. That is the responsibility of the ACT government. It always has been and it always will be.

A third of the ACT budget goes to ensuring access to high quality public health services to the community. Now we are dealing here with an issue around access to private health care. That is the issue that is affecting the community, and I think probably the biggest issue facing the health system across the territory is access to

primary health care which, in the instance that we are talking about now, is private health care.

We have had this debate in this chamber before—in fact, before Mr Hanson was here—and Mr Hanson has ignored the amount of work that has gone into this issue over a number of years. I know you will say, "Well, you've delivered nothing," but the work has been done by the AMA, the Division of General Practice and the government in collaboration, recognising that this issue is an extremely complex one and cannot be fixed overnight. In fact, it cannot be fixed in the next couple of years. As much as I would love to be able to stand here and say that and for Mr Hanson to accept that, it simply will not be. That is not to say that work has not been done over a number of years; it has. If you took the time to actually do your job properly, Mr Hanson, and speak to the professional bodies and to the Division of General Practice, you would understand.

If you read the AMA's articles on this, if you read the articles in the next edition of the newsletter of the Division of General Practice, you will start understanding the complexities of the issues we are dealing with here. Mr Hanson spent some time trying to say that we should be trying to stop closures. How on earth can we stop the closures? How can the ACT government and, indeed, the ACT Assembly, stop the closures? I will give you a little lesson here of what happened. What happened was small suburban general practices sold their businesses to a corporate provider. In fact, in this instance they sold it to Symbion. Symbion owned those businesses for a number of years, and then Symbion was sold to Primary Health Care. So now we have a whole range of suburban practices owned by Primary Health Care which, indeed, also owns the large bulk-billing practices at Ginninderra and Phillip.

Dr Ed Bateman, who heads up Primary Health Care, and his son made a business decision. They said, "We do not want to run small suburban general practices." Now we might have very strong views about disagreeing with that, but Dr Bateman decides this and he consolidates those contracts he has with general practitioners—they have voluntarily signed up to these contracts—and consolidates his business in a metropolitan model in group centres. That is a business decision.

I challenge Mr Hanson to identify at what point the ACT government could have stopped that. You cannot identify at any point along that way any way to stop the closure. If you look at the terms of reference of the GP task force, you see that it is about looking at ways to grow the workforce in the future, ways to protect patients in the future and opportunities within the health and hospital reform commission and the national work to see about the future of general practice in the ACT.

This work is pulling together work that is already being done within ACT Health. I know Mr Hanson keeps interjecting, "Why didn't you do this earlier?" This work has been ongoing for two to three years. That is the complexity of the issues we are dealing with that Mr Hanson simply fails to understand. He thinks you can have a task force, that it can report in six months and that, presumably, in three months time there will be no GP workforce shortage. That will not happen. But the GP task force is about—

Mr Hanson: I am saying if you had introduced these sorts of measure a lot earlier, we might have had more of an idea about what we could do from the government.

MS GALLAGHER: What you do not understand, Mr Hanson, is that this work has been ongoing for three years, but the landscape is changing now. The turbulence we are seeing in GP land now is—

Mr Hanson: GP land?

MS GALLAGHER: Well, yes, GP land, and that incorporates small practices, the medium practices and the large new corporate structures. In fact, a couple more are opening up in coming months. That landscape is changing and the pressure on the suburban GPs is considerable. GPs are making decisions about their own workload and their own commitments to their businesses. That is a significant change that we have been watching over the past 12 months.

What this motion does is call on the government—it will be done through the task force—to consider any possible legislative responses to this, and I think it is a fair piece of work. I want to look at the pros and cons of moving down a legislative model. I do not want to put additional pressure on general practice through legislation; that is not the aim of the work that the task force will be doing.

We need to look at how we are supporting existing general practice now, and we need to make sure we are fostering the workforce for the future. That is the work that the task force will be doing, and that is the work that this Assembly should embrace. When that report is tabled, we should work through the recommendations that that task force presents the Assembly with and work on delivering those two areas—support for existing general practice and fostering the next generation of general practitioners. That is the only way this workforce shortage will be solved.

MS PORTER (Ginninderra) (11.34): I thank members for their contributions to this debate this morning. I will not be supporting Mr Hanson's amendment. I think Mr Hanson misses the point entirely; he still does not get it. He has been here for quite some considerable time, but he still does not get the fact that this is a private business we are talking about. We are talking about business decisions. It is rather like a supermarket, for instance. Any business can choose to close or relocate their business or change the focus of their business at any time. The motion we are addressing today is, of course, about the manner in which it is done. We are talking about the abrupt closure of this practice.

Of course, Mr Hanson has totally disregarded everything that the Minister for Health has said on this point in this place over and over again. She said it last term and she has repeated it this term. Of course, Mr Hanson was not around when the minister first gave evidence before the previous inquiry into the Wanniassa health centre. Of course, he was not here to listen to the evidence given to that committee by the health minister at the time. He was not here to hear the evidence given to that committee by the general practitioners. So I guess he can be forgiven for actually not understanding what was going on. However, he has been here since he was elected, and he has not

been listening to the minister for all that time, and Mr Hanson was not listening to her today; he was too busy interrupting her at every stage of the game.

Regarding the terms of reference of the previous inquiry, I think that Mr Doszpot has been reading from another set of terms of reference and another set of recommendations. For Mr Hanson's information, I was on the steering committee of the Charnwood community health co-op and then became its patron, as did Mrs Dunne and other members in this place. I can recall Mrs Dunne turning up to at least three or four of those early morning meetings. I think I attended practically all of them, but I know Mrs Dunne did, in fact, turn up to three or four of them. She participated in that committee, and we all tried to participate in that committee to the best of our ability, and 7 o'clock is a bit of a challenge.

As the minister has just pointed out, the difficulty with this whole issue is that people are talking about this as though it is an ACT and Assembly responsibility when, in fact, general practitioners are a federal responsibility. As you know, I did support the Charnwood co-op in their application for funds to both the federal government and the ACT government and also to the corporate sector. In fact, it is worth noting that, through my communication with the Canberra Labor Club, $15,000 was provided to this organisation to do some initial work on the feasibility. Then $50,000 from the ACT government was also supplied to them for feasibility studies. I recall that, and I thank Mrs Dunne for highlighting my role in the complicated process that has taken place and the fruits that my work yielded in that time.

There seems to be a flagrant lack of consistency in the arguments espoused in this place by those opposite. Last week we had Mr Hanson saying that if the minister's response to the closure of yet another family GP practice is to say that all we can do is to seek corporate goodwill then that is not enough. Now he is saying that we should actually amend my motion to knock out the bit that calls on the minister to do something. It just does not make sense.

Now we have got Mr Hanson complimenting the government on the fast and efficient way in which they have provided a response that is not confined to this motion but also has taken the form of a task force. But, of course, he went further and said that the government have failed to take responsibility for this issue and failed to come up with an adequate response. Lo and behold, this week he seeks to amend the motion, as I said, and remove the second point. He is effectively amending the motion so that the Assembly does not investigate legislative responses aimed at avoiding a repeat of the Kippax family centre abrupt closure. Another example, I am afraid, Mr Speaker, of opposing for opposition's sake; blocking the government from ever making, meaningful, positive changes for the people of the ACT.

I think the opposition are very confusing and inconsistent in their approach. We have seen a number of occasions last week and this week when an opposition which calls for small government is calling on the government to intervene in business and to actually rescue businesses over and over again. As we know, all we have seen from those opposite since they have come into this place has been the continual practice of opposing for opposition's sake.

We know, of course, that the opposition believe their sole role in life is to oppose everything. We do understand that. We understand that they do not actually realise they have any other role except to oppose people. They do not want to represent their constituents; they do not want to actually allow business to be done by this government. They want to block, block and block, and then if they cannot block, they want to oppose. Well, this morning, we have a brilliant example of that opposition once again. We are now opposing the part of the motion which calls on the government to do something about something they have been asking us to do something about. How ridiculous is that? It just defies imagination. If all they can do is scrounge around in the background to look to see whether Ms Porter has put out a media release or not, they should get into the act here and actually do something about looking at what we are proposing here. Have you got something better to do with your time?

I ask that I get support from the Assembly on this motion. I think that it will be good if the government are able to act quickly to introduce legislation that will stop this sort of behaviour by private practices, and I would call on the Assembly to support me. I do thank Ms Bresnan and Ms Hunter for their considered approach to this motion and for realising that the privatisation of general practice and the reasons why it is happening are of great concern to us right across the nation. The federal government can take leadership in this, and we could see some national approaches to this, which would be a good thing.

At the moment, I think that this is a good thing that we can do. I would call on the minister to act as quickly as she possibly can to do that. I thank her for the support that she has given me in undertaking to look at this legislation.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Motion agreed to.

Government Agencies (Campaign Advertising) Bill 2008

Debate resumed from 10 December 2008, on motion by **Mr Seselja**:

> That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (11.46): The government will oppose this bill. The bill, as drafted, will not achieve its stated purposes. It will have unintended consequences.

I think I probably should put on the record, too, that it has caused me already some significant personal grief. I lost the bet in caucus that the Leader of the Opposition would never bring such a silly bill on because he would not want to make a goose of himself. I bet my caucus colleagues that we would never see this bill debated because the Leader of the Opposition would not want to actually display his appalling ignorance—would not want to make the goose of himself that actually bringing bill forward makes of him.

This is the kind of bill you get when you begin with a politically motivated notion. It is the sort of draft legislation you get when you want to score a cheap point. It is sloppy, lazy and ill-conceived—from an opposition leader who we all know is work shy and here for a good time, not a long time. He is the leader of an opposition whose memory of being in government is so hazy that it cannot remember that 99 per cent of what is done in government has nothing at all to do with the political party one belongs to and everything to do with the community.

That is what government information campaigns do. They inform, they advise and they educate. It may be inconvenient and galling for the Leader of the Opposition to reflect that it will be a Labor government doing this informing over the next four years, but that is no excuse for a bill that is nothing short of a temper tantrum in disguise by a Leader of the Opposition who still has not got used to the fact that he delivered the second worst electoral result that any Liberal leader has ever delivered since self-government—31 per cent. Only Trevor Kaine—rest his soul—actually produced a worse result for the Liberal Party than Mr Seselja managed to deliver at the last election.

The stated purpose of the bill is to prevent the use of public funds for advertising or other communications for party political purposes. What the bill would do is severely impact on the ability of government agencies to effectively provide to the community timely and accessible information on government programs and hinder government efforts to effectively engage the community. If this bill were to be passed in anything like its current form, we might as well abandon any idea of effective health or road safety campaigns, messages about changes to services or even advice about upcoming community consultations.

I will come to the more ridiculous and undergraduate aspects of this bill in a moment. First, I would like to point out that the unexceptional parts of the bill actually reflect current practice. In other words, they are redundant because they simply reflect what we currently do. What a piece of work—a bill in which every clause is absurd, ridiculous or redundant.

Some of the definitions in the bill seem also to be deliberately crafted to create confusion and uncertainty. The definition in the dictionary provided at the end of the

bill of "responsible chief executive" arguably does not include statutory officeholders. It refers to the Auditor-General Act, which, in turn, refers to the Financial Management Act, which, in turn, does not recognise statutory office holders as chief executives. The definition could be taken as making the Chief Executive of the Department of Justice and Community Safety the responsible chief executive under clause 11 for Electoral Commission advertising. This would violate the Electoral Commission's statutory responsibility and the Electoral Commissioner's statutory independence. We can add another adjective to the list of descriptions of this bill. It is redundant, absurd and illegal.

Let us dig deeper. Clause 5 of the bill aims to prevent government advertising for party political purposes, yet the term "party political" is not defined. There is further uncertainty in clause 13(3)(e), given the very wide interpretation that could be given to the expression "promoting the government or party political interests in any way".

The bill reveals the opposition leader's ignorance about the relationship between the executive and statutory authorities. That is a worrying ignorance by someone who just a few months ago, before he delivered the second worst ever electoral result for the Liberal Party, was presenting himself to people as an alternative Chief Minister. They responded to that possibility, of course, by according him the second lowest vote that any leader has ever received.

I must say that, in some of the less than kind things I say about Mr Smyth, at least it has to be acknowledged that, as Leader of the Opposition, he delivered a bigger vote than his current leader did. So I think that in the context of unkind things I have from time to time said about Mr Smyth—rarely, admittedly—it does need to be acknowledged that he produced a higher vote as a failed Leader of the Opposition than his current leader did. I think we do need to bear on that.

Clauses 10 to 12 of Mr Seselja's bill would have very serious implications for statutory authorities, as they indicate that the minister is responsible for agency advertising. The bill goes so far as to state in clause 11 that the minister actually conducts the advertising. In the case of a statutory authority, the relevant minister, of course, plays no part in approving advertising campaigns.

In other words, the suggestion included in the bill is that if Actew or ActewAGL wanted to advertise in *City News*, they would actually have to go through this particular process. They would actually have to go through this rigmarole. The advertising would have to be assessed for its party political nature. It would then have to be adjudicated on by the Auditor-General. *City News* will go broke if this legislation passes. *City News* depends on us. We pay their two right-wing commentators, plus, of course, the other excellent journalists. I think there would be wholesale sackings in some of our media if this bill were to be passed.

These clauses in the bill reveal an incredibly sad ignorance—amounting almost to contempt—of the independence and apolitical status of statutory office holders. As constructed, it would violate the independence and responsibility of statutory authorities.

The bill duplicates current mandatory requirements in the authorisation of government advertising campaigns. It simply duplicates provisions in the Electoral Act 1992 and the Commonwealth Broadcasting Services Act 1992. Indeed, these acts are far more specific in their requirements than Mr Seselja's woolly and hastily drafted political response to his shellacking at the last election. The only effect this bill would have is to create confusion as to whether compliance with these other acts, as with commonwealth legislation, would be sufficient.

The implied requirement in the bill that a radio or television or radio advertisement would require authorisation at the start and at the end borders, of course, on the ridiculous. Just imagine that. Every radio ad and every television advertisement would require a statement before the ad commences and at its conclusion that this is a party political ad. Subtext: a 15-second ad. It would have the authorisation at the start, two seconds in the middle for the ad, and then another authorisation at the end. Ten seconds of authorisation and five seconds of message is what you get under this particular proposal. There would be barely time for anything but authorisation, unless, of course, we doubled all the 15-second ads to 30-second ads, with the commensurate cost that that would impose.

In any case, all the government's external communications is already authorised. Our current branding policy states that all external government communication must prominently display the ACT government brand. There is no confusion. The logo is front and centre, and proudly so. The policy is always adhered to in all our notices.

The requirement in clause 10 that campaigns costing more than $20,000 must be reviewed by the Auditor-General to ensure compliance with the proposed bill is a major concern for government, and I imagine it would be a concern for the Auditor-General. In 2008-09, more than 25 campaigns costing more than $20,000 were conducted. These included the shop local campaign conducted over Christmas to encourage Canberrans to support local businesses, and the great jobs come with the territory campaign. Each of them, of course, had jingles, so each of them would be caught up by the Seselja bill. They could not be authorised or placed without going through this whole process. The shop local campaign, conducted of course in partnership with CBD Ltd, could not—

Mr Seselja: Do you think the Auditor-General would not have ticked it off?

MR STANHOPE: For the Auditor-General to be deciding whether government policy or a government decision is appropriate really is a very significant issue, and I will go to that in a minute.

Reviewing every campaign that crosses this magic, if somewhat arbitrary, threshold of $20,000 would mean a significant increase in workload for the Auditor-General's office and would impact on the capacity of the government to respond rapidly to an emerging issue. Yes, we need to actually get an ad out on this, but we had better go through the process; we had better get it up; we had better refer it to the Auditor-General; we had better see if she will tick it off.

I think the more fundamental issue in relation to government policy decisions being referred to the Auditor-General—an independent statutory officer—for authorisation before the fact, before the action is undertaken is that the Auditor-General becomes part of the decision making process. That is just inappropriate. Who, then, audits the Auditor-General? Who then audits whether or not the Auditor-General's decision was appropriate? What do we do—appoint a super Auditor-General, the Auditor-General who then adjudicates on decisions that the Auditor-General makes in relation to government actions, activities, projects and programs?

That is absurd. To include the Auditor-General in the decision-making chain in relation to a government program is to fundamentally misconstrue the role of the Auditor-General. Under this bill government advertising would be approved by the Auditor-General. Who then audits the Auditor-General? I believe the Leader of the Opposition, with this bill, fundamentally misunderstands the importance of the role of the Auditor-General as a person who scrutinises decisions and assesses them for their effectiveness and efficiency of government. The Auditor-General is not a part of the government decision-making chain.

The bill is fundamentally flawed and fundamentally misconstrues the role of the Auditor-General in government. To ask the Auditor-General to make decisions on whether or not advertisements that will be lodged should be lodged is to fundamentally misunderstand the role of the Auditor-General.

I think one of the greatest concerns the government has about this ill-conceived, nonsense bill is the prohibition in clause 13(3)(c) on the use of slogans or other advertising techniques. That would mean that when the government advertises in *City News* with its four-page shop locally ads, it is not to use little advertising techniques like "please shop in Canberra". It is an advertising technique. It is imploring people to do something. It is an advertising technique—a slogan, a jingle. Good jobs come with the territory. Heck, it is a jingle! That is banned. Good jobs come with the territory. We cannot have that. It is a slogan. The government is not to use slogans. The government is not to use advertising techniques in its advertising.

How absolutely absurd! What a farce, what a joke! The government, in its advertising, is not to utilise advertising techniques. The government, in its advertising, is not to employ slogans or jingles. What a joke. Good jobs come with the territory—a slogan—banned by the Liberal Party. We would be an absolute laughing-stock.

Just imagine a directive by the government to those that we rely on to develop our advertising: we want to advertise this great government service or program or project, but please do not use any slogans or jingles. Please do not employ any advertising techniques. Do not employ any advertising techniques in ACT government advertising. I have never seen anything so ridiculous in a piece of legislation—you are not to employ advertising techniques when you prepare an advertisement on behalf of the ACT government.

It is a remarkable suggestion by the Leader of the Opposition that the ACT government, in its directions to its advertisers, is to instruct them that when they

develop an advertisement for 2CC or 104 or WIN Television or the *Canberra Times* or *City News* the advertisements are to be developed and constructed without employing any advertising techniques. What a farce! Can you imagine? I wonder if any self-respecting advertising agency in Canberra would actually be prepared to take the government's money in the preparation or the setting of advertisements that drone out from our radio stations or fade into the background of our newspaper pages.

The instruction would be: when you place this advertisement on behalf of the government, do not make it catchy, do not have any slogans, do not include a jingle—do not employ advertising techniques. Perhaps we could take out a blank spot and have this: this space is devoted to an advertisement, but we are not allowed or permitted to use any advertising techniques so perhaps we will not advertise at all. The advertising campaign without a slogan or a jingle or that does not employ advertising techniques would be stunningly successful, I am sure. Just imagine an advertisement with no slogans and no jingles—no advertising techniques. It would be a stunningly successful advertisement, wouldn't it?

I always thought that the idea of advertising campaigns was actually to instil awareness in the target audience. The idea was that they not be bland, that they are catchy, that they are not forgettable, that they not bore the audience or reduce them to some catatonic state. Slogans and jingles are basic tools of the work of advertisers and of advertising. It is about assisting recall. It is about grabbing attention. It is about leaving an impression. I think we all know that that is the purpose of advertising. That is why we do it. We do it to ensure recall, to grab attention and to leave an impression. We do it to achieve an objective and an outcome.

We do not do it to bore the potential listener or watcher or reader to the point where they do not even notice the advertisement—an advertisement that does not use advertising techniques. For goodness sake! There is an awful lot more that one could ridicule in this bill—

Mrs Dunne: Just go and have a good fulminate. Don't let the facts get in the way.

MR STANHOPE: Well, it is not good for my soul. I think I have probably gone far enough. One could ridicule this bill for as long as one actually has the capacity or authority to speak. It really is so absurd. I am not joking. I am not joking about the discussion we had in caucus. We did have a discussion in caucus. As we prepared for the business of the Assembly I did claim that this was a bill we would never have to debate.

We ignored this particular bill on the notice paper because we thought that it was so absurd, so ridiculous that with, the benefit of a bit of mature reflection, the Leader of the Opposition would have realised that bringing it on would simply expose him to the ridicule that he deserves to be exposed to. I did suggest to my colleagues in caucus—and I was wrong—that the bill is so absurd that it would never be brought on. I was wrong about that.

To conclude, if the bill, as drafted, passed—and I do not know whether this has dawned on its supporters yet—it would mean such fundamental things as the

Electoral Commission not being able to advertise in the lead-up to election day. My advice—and I will bet my advice is better than yours—is that if this bill passed today the electoral commissioner could not, in the lead-up to the next election, let voters know the location of polling booths or advise them of their responsibilities under the law. That is as it is currently drafted.

I see that you have circulated a few amendments today to try to overcome some of the more absurd aspects of the way in which the bill has been drafted. You have recognised a few of your errors and tried to rectify them through your amendments. You have amendments to explain or to give a better understanding that, in fact, the bill will not outlaw public health safety programs. All of a sudden the Leader of the Opposition has recognised how flawed his bill is. He is now saying, "Perhaps the government should be able to advertise public health programs. Perhaps the government should be able to advertise road safety programs." We have a couple of exceptions creeping in now. As the Liberal Party realises the absurdity of this bill it is now beginning, through amendments, to list things that it will allow the government to advertise. We see through these amendments.

How thorough is the bill? It is a knee-jerk, political piece of legislation. We are now seeing knee-jerk responses to criticisms that I have made of the bill. I have pointed out that the legislation, as drafted, would prohibit the government from engaging in advertising campaigns on health or road safety, so the amendments are starting to flow. The opposition now says that it never meant to ban advertising on public health, so it will introduce an amendment to the bill. It says that it never meant to outlaw public safety or road safety campaigns, so it will introduce amendment to the bill. There are an awful lot more amendments needed to overcome the raft of really serious mistakes in this totally flawed concept. *(Time expired.)*

MR RATTENBURY (Molonglo) (12.06): As Mr Seselja noted last year in December when he introduced this bill, this was an issue that I also raised during the election campaign last year, because, frankly, at the time I was appalled by the level of government money that was being spent on government advertising in the context of an election campaign. So I congratulate Mr Seselja and his team on tabling this legislation and bringing forward a model that seeks to address the abuse of taxpayers' money that we saw during last winter.

The Greens will be supporting this bill in principle today and we believe this legislation provides a good foundation to address the problem that I think will be referred to further in this debate. In that context, and in light of Mr Stanhope's comments, I speak specifically to the object of the act, which is "to prevent the use of public funds for advertising or other communications for party political purposes". It is that last clause which is the essential element, the essential tenet, of this legislation. Some of the comments that Mr Stanhope has just made are ameliorated by looking closely at the object of the act, because this is not about limiting government advertising; this is about limiting government advertising for party political purposes. That is why the Greens will be supporting this bill in principle.

That of course can be challenging; getting the definitions exactly right requires a level of care, and that is why later in the debate I will be moving a motion that this bill be

put to a select committee so that we can consider this carefully and make sure that the model that has been put forward gets it right, or that we seek expert advice to ensure that we do not make unintended errors, that we do not pass a bill that has unintended consequences, that lays booby traps for government down the line. We need to avoid that and that is the intention of Mr Seselja as the sponsor of this legislation as well. I appreciate the discussions we have had in agreeing a sensible and practical way forward here, to put this to a committee to have a look at it and to make sure we get this absolutely right. It will be valuable to have some external contribution to this debate from those in the media. Media academics will also be able to offer further thoughts and help us make sure that we do not create those unintended consequences.

It is quite clear that the government should be able to share information with the community. I do not think anybody in this place disputes that. But it is also clear, and we have seen this in the last 12 months, that the government cannot be left unchecked in going about this. We need to put in place the safeguards to prevent what essentially amounts to an abuse of power and a waste of taxpayers' money.

I have already referred to the object of the act. It is also of value to reflect on clause 6, the general principles on the use of public funds for government campaigns. Paragraph (a) states:

> members of the public have a right to access comprehensive information about government policies, programs and services which affect their entitlements, rights and obligations.

The Greens concur with that; I think there is no problem with that. I think, from the comments he has just made, Mr Stanhope agrees with that as well, although he put it rather more colourfully than I have in reading it out of the bill. Paragraph (b) states:

> governments may use public funds for information programs and education campaigns to explain government policies, programs or services and to tell members of the public about their entitlements, rights and obligations.

Similarly, that makes perfect and clear sense. Paragraph (c) states:

> information programs and education campaigns must not be conducted for party political purposes.

That is obviously where the point of dispute is here. I think it is worth noting that there are examples of good government advertising. The government has now moved—and I am sure most members in this place have noticed—to place the community noticeboard in the Saturday *Canberra Times*, to move away from relying on public notices, and I think that is a good initiative. I congratulate the government on that, because something we have seen over the last couple of years from talking with members of the public is that they do not see things in the public notices; most people do not get to that bit of the paper any more. So it is appropriate for the government to say at the front of the paper: "These are the things we are doing. Here is a committee you can submit to at the moment. Here are some road closures that are coming up." That is a welcome government initiative and one on which it is valid for government to spend money on advertising.

We had a discussion in this place last week about the government doing a mail-out to all households about changes to the unit titles legislation. That again is an appropriate expenditure of government money because there are in the region of 30,000 unit title holders in the ACT. These are significant changes to that act and it is warranted to send them a short booklet saying: "We've changed the laws. This will now affect the way you have to sell your property" and detailing various other obligations that owners of unit titles have.

A number of people have talked to me about how much of an impact the recent federal government advertisement about obesity—the one with the fellow walking along the time line—had on them. That was an entirely appropriate and very clever government advertising program that had an impact on the community.

Mr Stanhope: It uses a few advertising techniques, though, Shane.

MR RATTENBURY: I am coming to exactly that point. But I would also recall some of the, I think, less appropriate examples of government advertising, particularly that we saw during last winter. The first was the budget brochure that we all got through our letterboxes and which again I referred to during the election campaign. That was a nice little brochure, but there was, in my view, no new information provided in that brochure about services that the government would be providing to the residents of the ACT. Rather, it was simply a brochure about how much money the government was going to be handing out to the community, in quite general terms.

Interestingly, that brochure was conveniently broken down into geographic areas. There was a special double page on each geographic area and, surprisingly, those geographic areas fairly closely matched the electoral boundaries in the ACT. It may as well have said, "For voters in Ginninderra, this is what the Labor Party has given you," because that is pretty much how the brochure was set out.

In a similar vein, every household in the ACT received a brochure outlining what the government was going to be spending money on, on health. The health brochure set out in very similar terms, only weeks before the election, conveniently just before the caretaker period—I think it was last August that that brochure came out—"Here are all the things the government is going to do in health. Here is our massive investment in health." Come on; people know that health was an issue of concern to ACT voters at the last election. How convenient that the government circulates, at taxpayer expense, a brochure detailing all of its major initiatives just a matter of weeks before the coming ACT election.

Interestingly, my favourite one during the election campaign was the infamous Actew ads. I do not know if we can fix this with this legislation—this is an interesting point—but I would like to—

Mr Seselja: The committee can certainly look at that.

MR RATTENBURY: I think the Assembly committee should have a look at it because it would be interesting to get to the bottom of those ActewAGL ads which ran

ad nauseam during the election campaign, clearly designed to neutralise people's concern about water. Any person who ran for this place during the last ACT election knows that the community are concerned about water security in the ACT. It is an issue of considerable public interest. However, what was really extraordinary was the way that Actew suddenly did a whole lot of advertising saying: "Hey, we've got it under control. This is not an issue. It is all taken care of." I wonder how it is that Actew came to the conclusion that a few weeks prior to an election was the best time to inform Canberrans they had nothing to worry about with their future supply of water.

I wonder whether the two voting shareholders, the Chief Minister and his deputy, when they had a board meeting down at Actew, queried the expenditure of funds at this point in time. Were questions put to the board at their regular shareholder meetings or their less formal social interactions? Did they ask John Mackay or Michael Costello: "John, do you think this is really the best use of public funds at this point in time?" or "Michael, these ads seem to be about selling emotions and feel-good images rather than imparting factual information. Do you think they are appropriate at this time?" I suspect those questions were not asked by the ACT government shareholders down at Actew. I wonder whether they asked the question, "Do we need to run these as saturation ads?" Frankly, I think we were all sick of the sight of that Actew ad by the time they had run it on high rotation during last winter.

I suspect none of these questions were asked, and these are the sort of issues that we are trying to get to with this bill. I guess that implicit in my intention to move this to the committee is that I do still have some reservations about this legislation, but I think they are in the detail, not in the intent, of the legislation. These questions are far from fatal to the future of this legislation but are areas where we think a bit more work can make what is a good bill with the right intentions an even better bill, and make sure that it does not create unintended consequences, which I have already alluded to.

We have seen some amendments from Mr Seselja today, and I think they already start to address one of the areas I see as a problem, and that is with things like jingles. We want government advertising to be effective. We want it to penetrate through the plethora of advertising that is out there. I think of a campaign like the slip, slop, slap campaign, which was a government agency advertising campaign. Perhaps I am showing my age here, but that is a campaign I remember from my younger years. We do want government to have the ability to make those sort of campaigns because they are effective and they make the government's message more effective in getting through to the community that it is trying to influence.

The federal government's obesity ad that I referred to earlier is another example where the government needs to have the most effective ads it can have. This is an area where perhaps the intention of the provision is correct and that we just need to look at the detail a bit more closely. I am also keen to explore the detail of the exemptions a little bit more. Probably the wording could be made more effective there to ensure that the government does have the ability to advertise when it needs to and for appropriate community information campaigns.

I am also not convinced the Auditor-General is the right person to adjudicate on these matters and to seek advice from. We need to think about whether there is another

model we can use, and that is the value again of moving to a committee phase, where the government, members of the community, academics and experts may also come forward with alternative suggestions. That may be a more suitable place to have these decisions taken, because I am not absolutely convinced that the Auditor-General is the right person. I may be convinced, though, that the auditor is the right person; that is a discussion that is out there to be had. But I think there is value in taking this off to a committee.

I would also like to note that I support the suggestion of a blackout in the run-up to an election. We have the great advantage in the ACT of having a fixed election date. Voters in the ACT probably value that as much as do any of the political parties in this place. Having a specific blackout period is warranted and we support that. Again, we just need to look at the provisions around that to make sure that again we do not interfere with necessary government work during that time.

They are my comments at this stage. As I said, the Greens support this bill in principle. Whilst in a way we should not need to have this legislation, the activities of the last 12 months have demonstrated that we do, and the question now is to make sure that we get this right. I look forward to further discussions about this in what will no doubt continue to be a feisty debate.

MR SMYTH (Brindabella) (12.20): There is just one simple question that the Chief Minister failed to answer in his 20-minute tirade, and that is: does he believe in the principle that is outlined in the objectives—that public funds should not be used for advertising or other communications for party political purposes?

No matter how much scorn he throws or how many adjectives he uses, he does not answer the fundamental question: do you believe in not wasting taxpayers' money? More importantly, do you believe in not using it for party political purposes? The fact that the Chief Minister does not go to that point, does not address it, does not even speak about it, simply shows that he is very happy to spend taxpayers' money to his own ends.

MR SESELJA (Molonglo—Leader of the Opposition) (12.20), in reply: I thank members for their contributions. I thank in particular the Greens for their support in principle of this bill, and we will be happy to support the motion that Mr Rattenbury will be moving to refer the bill to a committee.

It is interesting that one of the points the Chief Minister harped on about was the Auditor-General. Of course, this is the model that was put forward by the federal Labor government; it was one of their election promises. If you read from their federal guidelines on campaign advertising, it says:

> Government information and advertising campaigns with expenditure in excess of $250,000 must be reviewed by the Auditor-General, who will report on the proposed campaign's compliance with these Guidelines.

Presumably the letters from the Chief Minister will be going to the Rudd government to tell them how inappropriate this is for the Auditor-General to look at. But we need

to go back to the principle. Once again here we are speaking about waste by the government, but in this case it is wasteful spending that not only shows a disregard for correct priorities but is a cynical abuse of the power of incumbency. This is spending used for the purpose of gaining unfair influence and maintaining a grip on power, regardless of the cost to the community.

The Government Agencies (Campaign Advertising) Bill is designed to end the rorting of the ACT budget for purely political ends. At its core is a simple premise: government advertising should be about informing the electorate, not influencing an election. This is an important bill, a fair and reasonable bill, and deserves to be passed into law. We saw the sensitivity, and Mr Rattenbury touched on this, about some of the outrageous advertising that we saw last year, that was clearly designed to try and frame the government as having achieved significant things. It was not there to inform the community about upcoming events, it was not there for health and safety; it was there to say that really the Labor government had done a fantastic job. We know it when we go through some of their advertising. We saw the seamless transition from the government health ads, saying what a wonderful job they had done, to the Labor Party health ads, saying what a wonderful job they had done. It was really just an extension of the same campaign. It had slightly different wording and it had a slightly different format, but it gave virtually the identical message.

That government advertising was party political advertising. It was designed to get people to vote for Labor at the next election. We saw it indeed in relation to even the use of health facilities, though this may not be well known. We saw the seamless transition from the government advertising to the ALP advertising on health, but then the ALP ads, the ones funded by the poker machines and by the ALP, were actually shot in the hospital. So we had government facilities, public facilities, facilities owned by the taxpayer, being used for ALP election advertising. This is how far out of control those opposite got. They used the hospital. They got permission to use the hospital for ALP advertising. I suppose it might be because there was such a seamless transition—they were no longer sure whether they were doing the government advertising or the ALP advertising. But this was a blatant misuse of public resources.

The other one—Mr Rattenbury touched on this one and it is worth giving some more detail on it—was the Actew advertising. The Actew advertising was an absolute blitz that ran in the lead-up to the last election. We asked questions on the cost of this advertising blitz and we asked for a breakdown of the water for life campaign. $668,570 was spent on this advertising blitz. We got a breakdown of the run. It ran from the week commencing 29 June right up until the week commencing 24 August. So we asked for a breakdown of the water for life campaign. In that pre-election period the government managed to spend $688,570 of taxpayers' money, essentially telling us what a wonderful record this government had on water. That was the message we got—for $688,570. We had ads about major projects—Murrumbidgee extraction, Tantangara dam, demonstration of water purification plant—$688,000.

We get to the heart of the sensitivity here of the Chief Minister: $688,000 spent just on one campaign by one agency, one campaign spent telling us how good the government is, in the lead-up to the election. This goes to the heart of the principle. This goes to the heart of why the Chief Minister does not want to support the principle.

The principle is that the government should not be furthering its own electoral ends through taxpayers' money. It can raise all the funds it wants from the unions and the poker machines and any other place that it is legal to do so—but it cannot use taxpayers' money to advertise for its own party political purposes.

That is the principle behind this bill. We are very pleased that the Greens support the principle. We look forward to moving it to a committee. We are very happy for some of those details to be worked through. But we know why—with $688,000 spent on one campaign, and the seamless transition in the health advertising with the ALP actually using government facilities for its own advertising—the government will vote against this. We understand the sensitivity. We know why they are voting against it, but it is nonetheless shameful that they will be voting against this piece of legislation in principle. I commend the bill to the Assembly and I look forward to the committee process.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 6	
Ms Bresnan	Ms Le Couteur	Mr Barr	Mr Stanhope
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson	Mr Smyth	Mr Hargreaves	
Ms Hunter		Ms Porter	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Campaign Advertising—Select Committee
Establishment

Motion (by **Mr Rattenbury**), by leave, proposed:

> That the Government Agencies (Campaign Advertising) Bill 2008 be referred to a Select Committee on Campaign Advertising with the following terms of appointment:
>
> (1) the Committee to be composed of:
>
> (a) one Member to be nominated by the Government

(b) one Member to be nominated by the Opposition; and

(c) one Member to be nominated by the Greens;

to be notified in writing to the Speaker by 4 pm on the next sitting day;

(2) the Committee is to report to the Assembly by 31 August 2009;

(3) if the Committee is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

(4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (12.33): The government will not support the proposal. We think this is really a stunt. I will say just two points in relation to it: (1), I am pleased that the Speaker has been able to identify funds within his budget for a select committee; and, (2), I do need to draw attention to the fact that it occurs to the government that it is somewhat surprising that the Liberal Party and the Greens do not have time for a major inquiry into road safety but they do have time for an inquiry into a political stunt.

MR SESELJA (Molonglo—Leader of the Opposition) (12.34): We will be supporting the motion.

Question resolved in the affirmative.

Sitting suspended from 12.34 to 2 pm.

Personal explanation

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): Yesterday in question time I answered a question from Mr Smyth, when I made certain comments which were not correct. I would like to correct the record and apologise to the Assembly for my error.

There are two comments which I made in answer to Mr Smyth's question. One, I said:

> … the revised budget outcome is reported on twice a year **…** and that has always been the way of things in this place …

This statement was not correct. The revised budget outcome was recorded in monthly reports until June 2001, when the Liberal government changed the reporting requirements in the Financial Management Act to quarterly reports, recognising that the move to quarterly reporting would provide more meaningful information to the Assembly.

The second part of my comments which was incorrect related to comments that I made when I said:

> You tabled the quarterly reports monthly, Mr Smyth. You did not table the revised operating result.

The first part of that statement was correct. However, the second part was not. In making those comments, I was acting on advice from my department. However, I did follow up on Mr Smyth's interjections and asked that the advice be checked again. I have received further advice today that the original advice was not entirely correct.

In some monthly reports the estimated outcome for the year was not reported, just year to date, but in others it was. The decision to move from monthly reporting to quarterly reporting was made to improve the quality of the information provided to the Assembly and was supported unanimously at the time.

Mr Speaker, I hope that corrects the record, and I apologise for any inconvenience to the Assembly.

Mr Smyth: I would like to thank the Treasurer for standing up and making that correction and addressing the concerns that I had.

Questions without notice

Alexander Maconochie Centre

MR SESELJA: My question is to the Minister for Corrective Services and relates to the transfer of prisoners into the AMC which commenced this week. Minister, according to Corrective Services officers giving evidence to the inquiry into delays at the AMC, on the completion of the five-day fault-free period, there should be a period of four weeks to allow "staff to completely familiarise themselves with all the working environments right through the centre". According to Corrective Services, this was to be done because, according to the—and I quote:

> … enormous amount of literature on commissioning prisons … the risks are fairly high [and that the risks include] anything from assaults to deaths in custody, riots and escapes.

Yesterday, minister, you told the Assembly that Corrective Services took possession of the prison on 20 March and that prisoners started arriving on 30 March. Minister, why did you cut short the four-week familiarisation period?

MR HARGREAVES: My recollection is that it was indicated that it could also be shortened, which it was. We also need to understand that one of the benefits, if you like—sad but true benefits—of the delay—

Mr Smyth: But why was it shortened?

MR HARGREAVES: Mr Speaker, if I get interjections, I will just stop, start and then start all over again. If you want to have only 25 per cent of the question answered, it is your call.

It is my understanding that in evidence to the committee it was also indicated that the period could be shortened. In fact, one of the benefits—sad but true benefits—of the delay was that it enabled us to have most of the officers go through and become familiar with the operations of the facility before the end of the commissioning period. The delay in the commissioning period in fact was a software issue. It was not anything to do with the physical layout, with the way in which operating procedures would need to be done. So we were actually able to do it in concert and in certain parts in parallel.

What Mr Seselja is saying is that this is the optimum; this is the desired one. And I would agree. The only issue was that we had an imperative to provide relief for those people in the remand centres, and we have been able to do so. The simple fact is that we received our prison on the certification of the independent evaluators of the things that these people here were calling for. I am satisfied that it is safe, but I am satisfied that our staff are highly trained, competent and capable.

Mr Speaker, it is interesting, isn't it, that Mr Seselja, of all people, would be asking questions that are critical of us for not opening it quickly enough, yet now he is saying that we are opening it too quickly. A couple of years ago he was saying, "We're never going to have one." I had to look up the Liberal Party's policy, Mr Speaker, and I will table it for you now. I table the following paper:

> Canberra Liberals—Purported corrections policy.

Mrs Dunne: On a point of order, Mr Speaker.

MR HARGREAVES: And note that it has got "please turn over" on both sides of the page.

MR SPEAKER: Mrs Dunne?

Mrs Dunne: The answer to the question needs to be directly relevant. The question was about the 28-day familiarisation plan.

MR SPEAKER: Mr Hargreaves?

MR HARGREAVES: With respect to the 28 days, we were able, as I have just indicated, to shorten that period because a lot of the training was done in parallel and in concert. The software was the issue regarding the delay and not the hardware. But it didn't take 28 days to do this particular policy, did it? It didn't take 28 months to do this policy. There is nothing. All there is are public statements from Mr Seselja saying: "We will not have one at Hume. There will be no prison at Hume." That is what Mr Seselja said. Mr Smyth says, "I'm not going to have it at all." Mr Smyth says, "We're going to take the $100 million and put it into recurrent." Now Mr Hanson is an apologist for those two leaders.

MR SPEAKER: Order, minister!

MR HARGREAVES: What are we seeing, Mr Speaker—a leadership challenge? Good luck, Mr Hanson!

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, can you guarantee that the AMC is now safe enough to receive prisoners?

MR HARGREAVES: I have every confidence in the people who have built the prison, BLL. I have every confidence that the subcontractors, Chubb, have found the solutions that they needed to find to enable the prison to operate and function quite safely for prisoners, for the officers, for visitors and for the general community. I have every confidence that, as we go down the next 12 months and we receive all of the prisoners in there, it will be a signature facility.

This is the second most significant social justice imperative and initiative that the Stanhope Labor government has delivered to this city—after the Human Rights Act. Make no mistake about it. And these people seek to deride it. Why don't you accept the fact that we are doing the right thing and bringing our prisoners home? Why don't you accept that we are doing the right thing and closing down the BRC as quickly as we can? Why don't you come with us on this journey instead of apologising for your lack of policies on it? If you can do a better job, put a policy together and share it with the rest of Canberra, because right now you haven't got one.

Budget—community sector

MS HUNTER: My question is to the Treasurer and it concerns the upcoming budget. Treasurer, can you give those working under additional pressure in the community sector an assurance that in the upcoming budget funding will not only be maintained at present levels but may be adjusted to take into account the increasing demand for their services?

MS GALLAGHER: I thank Ms Hunter for the question. It is a difficult one to answer, five weeks out from delivering the budget, in the sense that budget deliberations are still ongoing and final sign-off on the budget has not been agreed to by cabinet. But I can say that cabinet has been extremely mindful of—and I said this yesterday—our role in supporting jobs in the ACT. We can do that through our own employment in the ACT public service, in employment largely in community organisations where our grants are either the only source of income or, alongside the commonwealth income, are a significant proportion of those grants to those organisations, and in our capital infrastructure on how we invest in private sector jobs in the territory.

That has been very much at the core of discussions that ministers have been having in budget cabinet, acknowledging that we do have pressure on our budget, largely outside of the control of the ACT government, but certainly pressure is there. We are expecting a pretty tough 12 to 18 months before the national economy begins to recover and we have a key role to play in supporting employment and supporting services in the community.

I cannot entirely answer your question because of the point in time that we are at. Rest assured that they are very much part of the discussions. We acknowledge that cutting back on key areas of service delivery would not be something that we are actively considering in this budget process.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: There is an increasing demand, as you know, on the community services. Is the government exploring other strategies to address this increase in demand?

MS GALLAGHER: Yes, we are. As the first response to representations we had from the community sector around additional pressure we met in the second appropriation with $3½ million for emergency relief support to community organisations, and that has been very well received. We have been, of course, receiving submissions from the community sector around areas of pressure for them, and they are included in the budget process and, I think, in discussions that I have had with you, Ms Hunter, and others.

I have a meeting arranged with ACTCOSS as the peak; a meeting to talk about the community sector as a whole and how we, I guess, do a bit more forward thinking, similar to the thinking we are doing in health, or we have done in health, about projecting forward 10 years, about where we need to be and what the level of demand for services is, so that we can have a look at the money that is available, where the projections are indicating we are going to go, how we apply that money and what other additional resources are needed to get to where we want to be.

It is going to be a pretty difficult discussion because some of that needs to involve some structural reform in the community sector. But I think there is a willingness there to commence those discussions, and I will be doing that shortly in a more formal way with ACTCOSS. We are hoping that our investment into the former school sites, building them up as community hubs and relieving those organisations that have applied for space in there from paying commercial rent, will hopefully assist those organisations with how they deploy their resources, and we are doing a lot of work around that. So there is some work underway and there is going to be a more focused discussion, which I hope ACTCOSS will lead with its members but work with the government to do a bit more longer term planning.

The other area would be in the second appropriation, the money that we organised for the community sector IR work that we had agreed to as part of the parliamentary agreement. I understand that we are giving the information to you around the terms of reference for that, to look at the workforce issues, pay and conditions and what we can do around there. If we can pull all that together nicely, certainly in a year's time I hope that we will have a better idea of where we are going and how we meet the needs of the community sector and the community in years to come.

Education—public system

MS BURCH: My question is to the Minister for Education and Training. Would the

minister advise the Assembly how the ACT Labor government's ongoing investment in, and reform of, the ACT education system has been reflected in the 2009 ACT school census?

MR BARR: I thank Ms Burch for the question and for her interest.

Good government is about taking hard decisions for the long term. In education this government has made record investments and we have made difficult reforms. These reforms have worked. I am very pleased to report to the Assembly that ACT public schools have recorded a record growth in the number of enrolments for the first time in a decade.

Opposition members interjecting—

MR BARR: That is for the first time in a decade, Mr Speaker. The 2009 ACT school census reveals that, after 10 years of consecutive reductions stretching back to the neglect of the public education system by the previous government, we have seen the number of students in ACT public schools increase to 38,280. This increase in enrolments shows that ACT Labor's record of investing in public education is paying dividends. This is a direct result of the actions that this government took back in 2006 to invest $350 million in upgrading every public school and building new, state-of-the-art schools where they most needed.

The enrolment at the Kingsford Smith school is a good example of the impact that Labor's record investment in public education is having. The new Kingsford Smith school has recorded higher enrolment than the combined total of the former Holt and Higgins schools. Kingsford Smith has a school population of 751, from preschool to year 7. Of these, 625 are in the years from preschool to year 6. That compares with 442 in P-6 components at Holt and Higgins combined last year.

Opposition members interjecting—

MR BARR: This strong enrolment in Kingsford Smith shows that parents understand how important top-class facilities are to a student's education. It also shows that parents, carers and students understand how important it was for this government to take hard decisions in 2006. Whilst on the subject of Kingsford Smith, I want to congratulate the school's principal, Mr Richard Powell—

Opposition members interjecting—

Mr Corbell: Mr Speaker, I raise a point of order. The opposition have continually interjected throughout the whole duration of Mr Barr's answer to date. I would ask you to call them to order.

MR SPEAKER: Thank you, Mr Corbell. You have just beaten me to it. Members of the opposition, the minister is giving factual information. You may care to listen.

MR BARR: Thank you, Mr Speaker. As I was saying, I would like to take the opportunity to congratulate the principal of Kingsford Smith school,

Mr Richard Powell, the acting principal, Bill Maiden, and all the staff for the work they have done in establishing what is clearly a magnificent school. I look forward to seeing Mr Powell back at work soon and wish him all the best in his recovery.

ACT Labor has a continuing program to improve where, what and how students learn in ACT public schools. ACT Labor's record investments, combined with the commonwealth's "building the education revolution" package, will see over half a billion dollars invested into where ACT students learn. Because we have worked with the community to develop what is effectively a planning code for schools, we have been able to ensure that every ACT student in every ACT school will benefit from this historic investment in their future.

We have also worked to improve what students learn through our new curriculum framework, *Every chance to learn*, for preschool to year 10. It is now in operation across all ACT schools—government, Catholic and independent. ACT Labor will continue to work on how students learn, by hiring more teachers to reduce average class sizes across all levels of schooling—primary schools, high schools and colleges—with a particular focus on high schools because we want to attract, reward and retain the most accomplished teachers in our classrooms.

The census does reveal that we face ongoing challenges—challenges the government has shown that it has the political courage to face. The census reveals that ACT public high school enrolments fell, and they did. There were fewer high school students across all schools, and that did impact on the public system. But the important thing is that the government has a plan to invest in our high schools to reduce average class sizes and to invest in facilities, and we will continue to work to ensure that public high schools remain a real choice for parents and students in the territory.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: I do have a supplementary question, and again it is to the Minister for Education and Training. Would the minister advise the Assembly about community reaction of which he is aware to the ACT government's reform process, which has again been reflected in this year's schools census?

MR BARR: I am aware of a great deal of community reaction to the government's ongoing reform agenda and our record investments in making the ACT education system better. I do remind the Assembly of some of the public and community reaction to the results—a fantastic result for public schools in the territory.

Mrs Dunne: Point of order, Mr Speaker.

MR BARR: I want—

MR SPEAKER: Mr Barr, please. Stop the clock.

Mrs Dunne: Generally speaking, Mr Speaker, the use of props in the Assembly is not tolerated, and I ask that the minister not use them.

MR SPEAKER: One moment.

Members interjecting—

MR SPEAKER: Order, members! It is, according to *House of Representatives Practice*, not normal practice to illustrate newspaper headlines in the Assembly. My take on this matter—and I will continue to apply this through the course of this Assembly—is that demonstrating same for the purposes of illustration is acceptable, but we should not go excessively with the use of props in the Assembly. I think Minister Barr has made his point. I am sure that if you desist from using it now, Mr Barr, that will be fine. Thank you.

MR BARR: Thank you, Mr Speaker, for your ruling. I return to my answer. The very strong enrolments at Kingsford Smith school are just the latest in a very strong vote of confidence that ACT parents, carers and students have shown in the difficult decisions that were made in 2006 and all of the benefits that have flowed from that reform process.

I can tell you firsthand, Mr Speaker, that school communities such as St Clare's Emmaus Christian school in Amaroo are very happy with the $15,000 in support for their parents and friends associations that the ACT government has provided.

I know that Ms Porter can attest that the school communities at Canberra high, St Francis Xavier and Belconnen high school, amongst others in her electorate, are very positive about the government's plans to invest more in their education.

I know Ms Burch can attest to the very positive reaction from school communities such as those at Holy Family Parish primary, Torrens primary and St Anthony's primary in her electorate of this government's support for—

Opposition members interjecting—

MR SPEAKER: Order, members of the opposition! Mr Barr is not—uncharacteristically not—jumping into you guys. So I invite you to listen quietly while he actually gives the information he is giving. If he is making political points against you, I think it is one thing to interject, but when he is just giving information, I think we can listen to him in some degree of quiet. Thank you. I call Minister Barr.

MR BARR: Thank you, Mr Speaker, and thank you for your commentary on my question time responses. I am also aware, though, Mr Speaker, that there are those in this place who—

MR SPEAKER: Mr Barr, do not take advantage of my better nature.

MR BARR: But it would be worth observing, Mr Speaker, that throughout the 2006 reform process, those opposite stood in opposition for opposition's sake. In terms of community reaction to the government's reforms in 2006, we see one set of community reaction and that is parents and students voting with their feet and enrolling in public schools.

It is terrific to see that this return to public education has at its heart a return in the early childhood years; so we have particularly strong results for government preschools and kindergartens. That augurs well for the future. It augurs very well for the future of public education.

A strong public education system underpins a strong ACT education system. There cannot be a strong ACT education system without strength in the public system. This result today, as determined by the schools census and as determined by the parents and students of Canberra, is a strong vote of confidence in public education.

I congratulate each and every ACT public school on their efforts to contribute to this. Each and every school principal has played a significant role in what is a renaissance for public education, backed by a record amount of ACT government investment and done against a backdrop of total opposition for opposition's sake from the Liberal Party—a group who characterise all of the government's expenditure on public education as throwing good money after bad. That is the constant mantra of the shadow minister for education throughout this debate. That was one element of community response—*(Time expired.)*

Alexander Maconochie Centre

MR HANSON: My question is to the Minister for Corrections. I refer to the minutes of site meeting 61 for the Alexander Maconochie Centre, dated 22 January 2009. This document states:

> The meeting also noted the rectification of Security System item 2.6 (System Hierarchy) will be set aside for completion after the Prison has been handed over to the Territory.

The minutes also state that the defect will be fixed before either May 2009 or December 2009. I seek leave to table the document.

Leave granted.

MR HANSON: I table the following paper:

> Minutes of site meeting 61 for the Alexander Maconochie Centre, dated 22 January 2009

Minister, has security system 2.6 been fixed and, if not, when will it be fixed?

MR HARGREAVES: Mr Speaker, it had been my intention, and I intend to fulfil that intention, to clarify—that is the wrong word—to expand on the response I gave to Mr Hanson in respect to 2.6 at the conclusion of question time, and I am happy to do that. But in respect to his specific question, he is quoting from a document which he got under FOI. I think there were about 600 pages in that request. He is quite within his rights to request that, and I respect that. However, it has been quite some time since I saw that document and, quite frankly, I do not trust him to quote it properly, so I will have to go back and have a look at it before I can respond.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, as the minister, you should be well aware of your responsibilities under the act. Has 2.6 been fixed or not? Yes or no?

MR HARGREAVES: As I indicated in my original response to Mr Hanson, I intend to give an expansion at the conclusion of question time. I have to go back and revisit what the exact wording is on page 61 of 22 January. As I said in my response originally to Mr Hanson, I will be expanding at the end of question time on the response that I gave yesterday. I do not trust him, so I will have to go back and look at the exact wording of site meeting 61.

Mr Speaker, as I said originally in response to the question from Mr Hanson, I intend to expand on the question at the conclusion of question time. I will need to have a look at that, because the fact is, the document has 600 pages in it. I have to go back and have a look at it, because I do not trust them not to twist the words. But, once I have done that, that will be the position. As I indicated at the beginning of my response to Mr Hanson, I intend to expand on the answer I gave yesterday at the conclusion of question time.

Trees—removal

MS LE COUTEUR: My question is for the Minister for Territory and Municipal Services. I am sure that you are aware of the article in today's *Canberra Times* on page 3 concerning a 300-year-old yellow box in O'Connor. Minister, while we agree that there appear to have been concerns about falling limbs, was it necessary to remove all of the limbs, has the tree already been poisoned and, if all that has happened, will you consider at least leaving the trunk standing as habitat for native birds?

MR STANHOPE: I thank Ms Le Couteur for the question. I am aware of the article, Ms Le Couteur, and most certainly I share the distress of all tree-loving Canberrans, and I would hope all Canberrans, about the decision that was taken to render safe a large remnant of yellow box in O'Connor which is a very significant tree aged at approximately 300 years of age, a tree that had been assessed as a result of representations or complaints, concerns, expressed by the O'Connor cooperative school to Territory and Municipal Services that they feared for the safety of their children.

The tree was assessed by the tree maintenance unit within Territory and Municipal Services. As a result of that assessment, it was agreed that the concerns expressed by the O'Connor cooperative school were well founded, that the tree represented an unacceptable risk to the safety of children and to all other people using that particular area or passing within range of that particular yellow box. It had dropped three large branches in recent times and a decision, with great regret and hesitation, was taken that we simply could not afford to risk the life of any Canberran passing under or near that tree.

I rely, of course, on the advice of departmental officers and officials. I rely on the advice of the tree assessment unit in relation to the assessment of the state or status of any tree. It is a matter of great distress that the decision was taken that there was no safe alternative, on the basis of the risk presented, other than to treat this tree in the way that it was treated.

I think it is important in the context of that, though, to understand that in the last six years 18,500 mature trees have died within the urban area of the ACT—drought affected, age affected and drought stressed. Of those 18,500 trees, 15,000 have been removed, at a cost of somewhere in the order of $3 million to the territory. That is the nature and the scale of the issue we face in relation to an ageing urban forest and a drought that has now persisted for coming up to eight years. It has resulted in the death of 18,500 mature trees. It has required us to remove 15,000.

It is at the heart of the initiative which we are actively pursuing in relation to the maintenance and replacement of our urban forest, a forest of 630,000 trees, 400,000 of which we believe will need to be removed over the space of the next 30 years. In the last five years—in the context of this issue, this is an issue we do all need to engage in and on—the ACT government, through this unit within Territory and Municipal Services, has removed 15,000 dead and drought affected trees. In the next 30 years, the intention at this stage, subject to the outcomes of more detailed studies and of community engagement—in the last five years, we have removed 15,000; in the next 30 years, as things stand today, we intend to remove 400,000 trees—400,000. In the context just of the nature and the scope of the report in today's *Canberra Times*, that is one tree in 15,000 that has already been removed, and there are 400,000 more to come.

We need to have a conversation around this. I welcome the contribution by the *Canberra Times*, but I do believe that it would be useful if we could put that particular article in context. The tree was removed following representations from a local primary school that the primary school feared for the safety of children attending the school. The department, I believe, on the basis of its assessment that the fears were well founded, had absolutely no option but to take, regrettably and distressingly, the steps that were taken.

I love trees. I receive an awful lot of criticism as a result of my love of trees. The last thing I want to do is to see any tree removed. I am a tree person. My colleagues from time to time question me on my love for and pursuit of trees.

Mr Hargreaves: It can be the subject of mirth.

MR STANHOPE: It is not. It is an issue I find interesting. I find interesting the political attacks launched against me on the basis of trees. And yet we have one tree here—*(Time expired.)*

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: It is my understanding that this tree is not, in fact, placed on the tree register. What assurances can be given about similar trees which are not placed on the tree register?

Mr Coe: You are a tree person.

MR STANHOPE: I am a tree person, even to the point actually of suffering repeated, serial, consistent attacks by a non-tree loving opposition, as a result of my love of trees. As I have put it—and I have pursued the *Animal Farm* theme—there are the Napoleon trees, which all reside in the arboretum, of course, and there are the snowball trees that actually had been planted by others and formed the remainder of the urban forest. But of course the Napoleon trees are the evil trees because not all trees are equal.

In the context of trees not being on the register, I am not aware at this stage and I have no formal, conclusive advice on the issue that you raise, Ms Le Couteur, in relation to the status of trees. I will have to confirm issues in relation to the status of the tree, whether it was registered or regulated, and, if so, why or why not. I am more than happy to take advice on that and respond to you in full when I have that advice confirmed.

Children—care and protection

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, on 3 March, during the annual report hearings before the Standing Committee on Health, Community and Social Services, you said:

> Our most recent recruitment campaign in the United Kingdom, I am advised, has attracted 36 new case workers to the territory, and we now have our full complement of 105 care and protection workers.

Yesterday's edition of the *Canberra Times* noted that you failed to mention anything about the workers you were getting rid of but did quote you as saying that the nine former contractors could not be retained because the budget only allowed for 105 workers. Minister, why did you recruit more British workers than you needed?

MR BARR: The government did not. Mrs Dunne is obviously pursuing an agenda here that is anti British workers. It would appear that Mrs Dunne—Mrs Dunne of all people, in a party that includes Mr Seselja and Mr Doszpot—has a problem with skilled migrants coming into this country. Seriously, Mr Speaker, is Mrs Dunne suggesting that I should have intervened in this merit-based recruitment process and preferred Australian workers over these workers? Is that what she is suggesting? Is that seriously the position that Mrs Dunne is putting? No, it probably is not. Mrs Dunne needs to get herself across the details of this matter. She has had ample opportunity to inform herself. She consistently gets it wrong.

No workers have been retrenched. No workers have been sacked. Can I make that any clearer for the shadow minister? Apparently not, Mr Speaker; apparently it is not possible for Mrs Dunne to understand that when a temporary contract expires—a temporary contract that was put in place only to ensure that there were workers in the position until the new recruits came in—that temporary contract was not a guarantee of ongoing employment and that there would be a merit-based selection, as you would expect for all public sector jobs.

Let us come back to first principles. The most important people whom we have to consider are the 1,200 kids whose lives are impacted by the quality of the care and protection workers that we employ. That is our first priority. I, as the minister, have an obligation: my constituents are those children and their interests will always come first. And when it comes to recruitment we will recruit the best. We will recruit the best care and protection workers.

We have had a number of recruitment rounds and attempts in Australia. We were unsuccessful in filling all of the available positions, so we went overseas, and we have some outstanding care and protection workers. We have increased the number of workers in that unit from about 30 up to 105. There has been a 150 per cent increase in resources in this area because this government and the Labor Party take these matters seriously. We believe child protection is above petty politics, opposition for opposition's sake, which is what we are getting yet again from Mrs Dunne, who is more interested in a cheap headline than the care and protection of 1,200 vulnerable kids in this territory.

That is the sad state of the Canberra Liberals today—that her only point is that I should have intervened, in a merit selection process, to prefer Australian workers. That is her point. That is her public policy position. It is weak, it is pathetic and it really goes to the heart of what the Liberal Party stands for, and that is nothing—nothing but cheap headlines. This government, once again, will stand firm in support of those 1,200 kids. That is our number one priority—and anything that Mrs Dunne has to add on this matter is opposition for opposition's sake.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, you were also quoted yesterday as saying that the people whose contracts you did not continue were unqualified. What qualifications were these Australian workers lacking?

MR BARR: I indicated in my response that some of those workers did not have their full qualifications. Some were still studying for them. Others did, but the other applicants in this recruitment round had more experience and, in many instances, better qualifications, and that is the important thing.

I come back to this point: if a temporary contract is to mean an indication of ongoing permanent employment then we will have to rethink IR laws in this country. We already have made a major reform at the federal level. Again, our really consistent public policy experts, our team of purists over here, have had such a strong position on that. But if they are suggesting that we alter the public sector recruitment policies, such as to prefer one nationality over another, if that is the serious point they want to make then let them move a legislative change to that effect. Put your money where your mouth is. Don't run this racist campaign against these British workers. If that is what this is all about, what have these people done wrong, other than wanting to work in our care and protection system for the benefit of vulnerable kids? What have they done wrong to deserve this sort of treatment from this opposition? It is outrageous.

I am going to draw a line in the sand here and say that I have had enough of this sort of politics from Mrs Dunne where race becomes the issue. This is about the best care and protection workers for kids in the ACT. That is what it is about. That is what it will always be about. That is this government's priority: the best workers to assist our vulnerable kids. And that should be the goal of all in this place. There was a bipartisan consensus on this until about a week ago, and it is very disappointing that they have taken this approach.

Children—care and protection

MR SMYTH: My question is to the Minister for Children and Young People. Minister, there are a number of immigration rules relating to foreigners coming to work in Australia. Minister, what process did the government follow to ensure that it complied with all Australian immigration rules in relation to the British staff that were recruited to the childcare and protection agency?

MR BARR: My advice from the department is that they followed all the relevant policies and procedures.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Minister, will you guarantee to the Assembly and to the people of Canberra that the government followed Australian immigration rules to the letter?

MR BARR: Mr Speaker, I answered that question previously.

Planning—Deakin swimming pool

MR DOSZPOT: My question is to the Minister for Planning, the minister whose previous response to Mrs Dunne borders on racism. Minister, in statements in the Assembly last week in response to my questions regarding the closure of the Deakin pool you indicated that there were issues with taking some form of performance guarantees to ensure that the developer and owner of the Deakin pool site would make good on his refurbishment obligations. Minister, why was a performance guarantee in return for the approval to redevelop the site impossible in this case?

MR BARR: I thank Mr Doszpot for the question. Mr Doszpot would do well again to understand the nature of the territory plan variation that occurred in 2005 that extended a range of development rights to the owner of that facility. Mr Doszpot would do well to understand that the owner of that facility has not taken up all of those development rights and, therefore, has not triggered the additional provisions that were put in that territory plan variation that required the pool to be upgraded.

The owner of the facility has been given, granted by this parliament, the right to extend considerably for office development on that site and he has not taken that up.

Mr Doszpot: The minister is not answering the question. My question related to the minister's refusal to accept the committee's recommendation, not the territory plan aspects of it.

MR SPEAKER: Minister, there is a specific question but I am sure you are coming to that.

MR BARR: Thank you, Mr Speaker. What Mr Doszpot has to do is read the territory plan variation, read the government response at that time. The minister of the day responded to that specific issue of a bond. There was no legislative provision and no way of doing that

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, bank guarantees are a normal course of action in most commercial transactions, and this is no different. You are trying to confuse the issue with—

MR SPEAKER: Mr Doszpot, the question.

MR DOSZPOT: I am coming to the question, Mr Speaker. Will you table the advice, minister—and stick to the point of what the question relates to—which supports your assertion that the government could not accept the committee's recommendation to place a performance guarantee on the developer-owner of the Deakin pool site? I am really fighting for the developer here, am I not? I am actually trying to get you to answer a question—

MR SPEAKER: Mr Doszpot!

MR BARR: The minister at the time tabled the government response to the standing committee's recommendation. The territory planning variation has those provisions in place. The issue that Mr Doszpot still does not quite get, even though I have explained it three times, is that the extra development rights that were tied to refurbishing the pool have not been taken up. So, even if there were a performance bond, he has not taken up the development rights; so there would be nothing to tie him to. We have in the territory planning variation the requirement that if he does extend his office space on that site, he must at the same time upgrade the pool. He has just never taken advantage of that.

Education—excursion fees

MS BRESNAN: My question is to the Minister for Education and Training and concerns the Birrigai outdoor school. Noting the minister's recently emphasised desire to see sustainability and environmental subjects feature prominently in school curriculums and be accessed by all students, is the minister aware that government primary school students are required to pay $15.50 each to attend the Birrigai outdoor school when visits to similar outdoor schools across Australia are free or cost less than $5 per student? Can the minister justify this inflated cost?

MR BARR: There are costs associated with running a facility of the quality of Birrigai. We have a choice: if we want a quality facility, which we have at Birrigai, there is a cost associated with that. I do not believe that $15.50 is an outrageous fee.

There is support, through the student support fund, for students for whom that might be too much of a contribution. But ultimately that is the challenge that we face in the provision of any quality public facility. If we want to ensure its long-term viability, if we want to ensure that it is the best of its kind in Australia, there is a cost that is associated with that. My view is that, provided there are appropriate concessions and that there are ways to ensure that no student misses out, a fee of that nature is reasonable and appropriate in the circumstances.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. What then are the equity implications of this approach to facility management, and can you table in the Assembly any equity impact analysis which has been conducted into this by the department?

MR BARR: I answered this in the first part of my response. There is in place a half-million dollar fund across the ACT public school system that assists students with access not just to Birrigai but to all school excursions, to ensure that no-one misses out. That fund is often not fully expended, so there is capacity in that fund to meet those costs. But I repeat my point: ultimately, a fee of $15.50, for the quality of facility that is available at Birrigai, I believe is appropriate, and if we want to be able to maintain and expand that facility into the future, having an appropriate revenue stream to meet the costs of running a facility of that quality is necessary. The important point is to ensure that there are equity measures in place, and there are, but it would not be reasonable for everyone else to be subsidising that facility for those students who clearly can afford a $15.50 fee.

Planning—unit titles

MR COE: My question is to the Attorney-General and it relates to unit titles. Attorney, on Thursday last week, you made a ministerial statement in which you made a commitment to publish an information booklet for unit title owners and to distribute it via letterbox drops and agents. The 28 March edition of the *Canberra Times* carried a community noticeboard advertisement of the ACT government, in which advice of a website was given for more information on unit title changes. A phone number for the Office of Regulatory Services was also provided. Attorney, is it still the government's intention to publish and distribute the information booklet in accordance with your undertaking last week? If yes, when? If no, why not?

MR CORBELL: Yes, and I am pleased that Mr Coe is paying attention to the community noticeboard, a very important initiative designed to centralise government information and make it more accessible to the Canberra community.

Mr Stanhope: We'll probably have to discontinue it if that mad legislation goes through.

MR CORBELL: I am very pleased that that is made available. Of course, as the Chief Minister indicates, it is potentially a form of community advertising at threat through Mr Seselja's bill.

If Mr Coe had been paying attention to the statement I made to the Assembly in the last sitting, he would also be aware that the advertising of that website information was just one of the commitments the government gave to the Assembly in the last sitting. The government will be meeting all of those commitments in full. Yes, the government will be undertaking that mail-out.

Mr Coe: When, Simon? When?

MR CORBELL: The answer as to when is: as soon as possible.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Attorney, why would an officer in the Office of Regulatory Services, when contacted by a unit title owner earlier this week, advise that the government had no intention of publishing or distributing any information booklet and that all the necessary information could be found on the website?

MR CORBELL: I regret if that is the case, and I will make inquiries to that effect and ensure that all officers are aware of the government's position on this matter.

Roads—safety

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. Minister, with four road deaths this year, the most recent being just this past weekend where two Canberrans were killed and two other people were critically injured in a car accident, what can the government do to help change cultural attitudes in the community about safe driving practices to decrease the risk of road fatalities?

MR STANHOPE: I thank Ms Porter for the question. As Ms Porter has stated, and as I am sure members are aware, the recent road tragedy over the weekend resulted in the loss of the lives of two young Canberrans, with two other young Canberrans critically injured. Mr Speaker, it is not only the lives of those injured in the accidents which will be changed forever as a result of the tragedy; the families and friends of those injured in the accidents will also be affected for the rest of their lives.

I will not comment, of course, on the particular circumstances of any of the four road deaths that have now been suffered in the ACT in the last six weeks. But we all know from painful experience that the two most common factors leading to road accidents and road deaths are speed and alcohol. Yet the general community perception appears to be that it is still okay to speed.

Following the motion on road safety and the proposal to consult on whether the ACT should introduce 40-kilometre-per-hour speed limits around shopping centres, there was a talkback segment on ABC 666, where an expert on road safety, Stuart Newstead from Monash University's accident research centre was interviewed. The interview was about whether or not 40-kilometre-per-hour speed zones actually do work. It was a very intelligent discussion with an expert in road safety talking on the ABC about things that we can do as communities to make our roads and our communities safer.

There was actually no reference in any of the conversation or discussion on that 666 segment to speed cameras or other initiatives in relation to enforcement. Despite that, I think the first of the talkback-back calls received by 666 on the discussion was, "The government's only interested in revenue raising." There was no discussion throughout this segment on speed cameras, on policing or on enforcement, but the immediate and automatic response by talkback callers was, "The government's really only interested in revenue raising."

I raise this as an example to highlight the community perception and the cultural attitude prevalent in Canberra towards road safety measures, as if it is a sacred right to regard a 60-kilometre zone as actually and practically a 70 or an 80-kilometre zone, or that a 40-kilometre zone is actually a 60-kilometre zone, or that a 100-kilometre zone is actually a 120-kilometre zone.

It seems to me—and this particular instance reinforces the fact—that we desperately need a cultural change in this community towards road safety. That is why I announced in the Assembly that I am convening, together with the NRMA, a roundtable of key transport bodies and stakeholders to discuss the importance of road safety measures with specific reference to how the ACT can adopt a cultural shift on the effects of speeding and other key factors which increase the risk of road accidents, such as drink driving. I am sure members would have noted that the police reported that another 49 people were charged over the weekend with drink-driving offences. I think that in the last four months the police have now charged in excess of 400 Canberrans for drink driving. We have a significant cultural issue in this town in relation to speed and drink driving, a culture which we need to address.

The Swedish government have sought to address this same issue, and they have made significant achievements with their vision zero policy shift through legislation and greater engagement with the community on this important matter. Zero is not a target to be achieved by a certain date but an aspirational target where, in the context of the Swedish policy, eventually no-one will be killed. This is the aspiration: let us aspire to nobody being killed or seriously injured within the road transport system. The program has been successful in Sweden where there has been a gradual decline. In 2006, 445 people were killed on Swedish roads while in the base year of 2000, 591 were killed. As I said, Sweden has backed up its vision zero concept with a strong political influence through legislation.

I look forward, certainly, to the support of the Assembly in relation to pursuing the achievement of a new culture in relation to road safety within the ACT. Just in the context of this issue and the blase attitude which we appear as a community to adopt to it, we do need to realise that in the five years from 2004 to 2008—that is, in the space of the last Assembly—76 Canberrans were killed on our roads. Just in the first three months of this year—in fact, in the last six weeks—four Canberrans have died on our roads. We do need to address this issue through a cultural shift within the community.

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

Supplementary answers to questions without notice

Hospitals—dischargeable patients
Alexander Maconochie Centre

MR HARGREAVES: Yesterday I received a question from Ms Bresnan on the review of disability services, and I can respond in this way. The review of the role of governments in the provision of disability services in the ACT produced a final document in the form of a think-tank report. This report is available on the Disability ACT website under the title "Final think tank report". A document showing progress to date against the think-tank recommendations is now available on the Disability ACT website, and the new disability strategy will be released later this year. And—

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Mr Speaker, I wish to make two clarifications regarding comments I made during question time yesterday. I indicated in answer to Mr Hanson that the current funding for the chapel of the AMC could be part of the current contract to construct the AMC. This inference is not correct. The $513,000 allocated by this government over financial years 2008-09 and 2009-10 for the construction of a chapel or a quiet place will be subject to a separate procurement process. And, as I indicated yesterday, Mr Speaker, it will be delayed somewhat so that we can conduct consultation with those people who are residents of the AMC, because, after all, they are the people who receive the benefit from that. I also want to have conversations with the chaplains, who will also operate from that facility.

Secondly, Mr Speaker, in the same answer it could be interpreted that, when referring to the issue of item 2.6, I may have given the impression that the matter was fully addressed and that the contract had been completed. Work under the contract has been completed and, as is normal in construction matters, a 12-month defects liability and maintenance period is now in place. The matter of item 2.6 has been put aside for resolution within that period. At issue is the resolution of a particular descriptor within a relevant clause of the contract that relates to the specifications of the hierarchical security system.

The issue of the specific hierarchy within the security system reflects the yet unresolved difference in interpretation of the system specifications. It is the government's view that this specification has yet to be met. This difference in this yet to be resolved interpretation has no impact whatsoever on the efficiency and effectiveness of the security systems in place; nor does it impact on the safe operation of the facility. There is certainly no downgrading, as claimed by Mr Hanson. Clearly, Mr Hanson does not understand the intricacies of state-of-the-art security systems or matters which refer to the relationships and interconnectivity of the systems modules.

Mr Speaker, I am satisfied, based on the project team's advice and the independent certification provided by the Webb Australia Group, that the AMC's security system is suitable for its intended purpose and that it will meet the security and operational needs of the centre, including staff, prisoners and visitors. The technical details of the

contract, particularly in relation to item 2.6, were discussed in detail, in camera, before the Standing Committee on Justice and Community Safety. It must be terrible to be sitting next to the chair of that committee, who has the answers, yet Mr Hanson cannot get them.

Personal explanation

MRS DUNNE (Ginninderra): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Leave is granted, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. In answer to questions today, Mr Barr imputed that I in some way was a racist because I was asking questions about UK-trained people who had come to work in the ACT. He also made an imputation that in some way, because members of the opposition have southern European names, we should be above—or something; I am not quite sure. But there were certainly imputations about race.

First of all, in addition to that, I would like to draw the minister's attention to the fact that I also was born with a southern European name. I do not engage in racism; I ask questions about matters of public policy. I want to put on the record that the ACT Liberal Party has supported the overseas recruitment of suitably qualified people, but not at the expense of Australians who hold similar qualifications. The questions were about whether or not the government had over-recruited. It is not a matter of race, and it is not a matter of anyone having a particular prejudice against anyone—except people in the ACT who are at risk of losing their jobs.

Mr Speaker, I seek your ruling under standing order 55 in relation to the imputations made by Mr Barr that I was a racist and that members of the Liberal opposition were racist. And if you think that he has made inappropriate comments, I would ask him to withdraw them.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Mr Speaker, if it would assist you, I will withdraw any imputation that Mrs Dunne has a sense that I have suggested that she personally is racist. I will withdraw any imputation that that is the case. And, if other members of the Liberal Party similarly feel that that was implied in my answer, I apologise to them.

Mrs Dunne: It was not implied; it was said.

MR SPEAKER: Order! Let us hear Mr Barr.

MR BARR: However, I do not resile from the comments I made in question time in relation to my personal feelings about the nature of this debate in the public sphere—not necessarily as raised by Mrs Dunne in her question, but the public debate as portrayed in the media has tinges of racism.

MR SESELJA (Molonglo—Leader of the Opposition): I seek leave to briefly respond to Mr Barr if I could.

Leave granted.

MR SESELJA: Thank you, Mr Speaker. Mrs Dunne has touched on issues around misrepresenting her, but I think there was a far stronger imputation which was made by the minister. The imputation was—and it was very clear—that, because the Liberal Party in the ACT has members with the names Seselja and Doszpot, we cannot take up issues such as whether or not British workers should be brought in to replace Australian workers. I think that is quite a disgraceful imputation. It is essentially saying that we cannot engage in these public policy debates, that we cannot talk about these very legitimate issues, because of the surnames of some of our members. I find that particularly offensive. I ask the minister to withdraw it and think very carefully about making those kinds of comments in the future.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Mr Speaker, I did not say that, but again, if Mr Seselja has taken that interpretation, I apologise.

MR DOSZPOT (Brindabella): Mr Speaker, I would like that apology applied to myself as well, thank you.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Mr Speaker, if Mr Doszpot would also like that apology extended, if he has taken the inference from my comments to that effect, then I apologise; that was not my intention and I apologise to Mr Doszpot.

Mr Hargreaves: And me too, Mr Speaker; I come from England.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Mr Speaker, if Mr Hargreaves has taken offence, as the grandson of a British migrant—

Members interjecting—

MR SPEAKER: Order, members! We are now returning to private members' business.

Youth Week

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3:11): I move:

> That this Assembly:
>
> (1) notes:

(a) the importance of providing opportunities for young Canberrans to reach their potential;

(b) the events currently occurring around the ACT and nationally as part of Youth Week 2009; and

(c) the success of Youth Week for highlighting the achievements and concerns of young people; and

(2) calls on the Government to:

(a) commit to ongoing support for Youth Week and other youth events; and

(b) produce an updated ACT Young People's plan in order to provide a framework for the implementation of adequate and appropriate youth-centred and youth-oriented policy, services and programs across the whole of Government.

This week is Youth Week. The theme for 2009 is "Make a move", an idea which can encompass many aspects of our lives. Youth Week is a national annual celebration of young people and has been celebrated in various states and territories for more than a decade. It brings together an assortment of events, programs and activities for young people. I would like to thank the Youth Coalition of the ACT for coordinating a wonderful week of activities. These diverse and engaging activities have been organised and will be run by many young people and workers from many community youth services.

As a former director of the Youth Coalition for a decade, I was involved in organising Youth Week programs. It was a wonderful chance to work with young people. Sometimes that was helping them to run an event, letting them go and run their own event or linking them up with organisations who could run the events that they had identified that they wanted to see out there on the program. I was very lucky to work with such passionate, creative and vibrant young people as well as dedicated staff teams at the Youth Coalition and in the many youth organisations who got involved in Youth Week.

On Friday last week, I attended the Young Canberra Citizen of the Year awards. Congratulations to Daisy Sanders and the other worthy recipients. I would also like to acknowledge the recipients of the group award, the Lanyon youth centre's youth council. This has been a highly active youth council for many years that has been well supported by the YWCA, who run the youth centre.

The Youth Week 2009 program offers a great range of events around Canberra—and indeed around the country—including the successful expo last Friday night in Garema Place. The ACT Greens held a stall at the expo and asked young people to tell us what they thought were the big issues. Of the young people who responded, the three main issues were better public transport, cheaper education and cheaper housing—all things that the ACT Greens are committed to achieving.

Youth Week not only is a showcase of the talents and achievements of young people; it also serves to highlight a number of issues that are important to young people. I would like to discuss one of these issues today.

Young carers are being recognised for the daily work they do caring for a family member. This year they could take some time off and relax at a zoo fun day that is being held this Saturday. This activity aims to give young carers and their families a fun day out and a much-needed break. In previous years it has been the young carers big breakfast, which has been held at the Yacht Club, and then a day of rides and activities over at Black Mountain Peninsula. But I am pleased to see that there has been a change to the program and that a new activity, a day at the zoo, has been put together.

The Australian Institute of Health and Welfare have noted that, whether caring for a parent or caring for other family members, young people who become carers may experience a restricted social life, lower educational achievement and increased stress. Young carers are often invisible to government and to support services. They may not consider themselves to be carers and they may not know that they can seek support.

The Youth Coalition *Stop to listen* findings from the ACT youth carers research project in 2005 found that regarding the impacts of caring on their lives, health and wellbeing, and their participation, young carers may experience positive impacts of caring, including feelings of pride and worth, a sense of accomplishment, greater levels of fitness, greater resilience, stronger family relationships, better outcomes in education, more skills and a positive outlook on life. Young carers may also experience negative impacts of caring, including fatigue, injury, greater levels of stress, anxiety and feelings of hopelessness, family conflict and breakdown, financial insecurity, limited social and recreational opportunities and poor outcomes in education. And young carers caring for a relative with an alcohol or other drug issue are likely to experience similar impacts as other young carers, though they may experience greater social isolation, be exposed to less safe situations and be less likely to receive support.

The poor outcome in education is of significant note. In the past decade, much of the research about young carers has highlighted the need for flexible education options for young carers. Some work has been done to assist them but, as with all carers, the obstacles still remain. It has been noted that a young person's education and career opportunities may be affected due to not attending school or being unable to concentrate once there.

Young carers will often stay at home to care for their relative. Even where care responsibilities are episodic, school success and attendance can be affected. Due to the fact that many young carers are still hidden, schools are often unaware of the impact of disability or illness on students' family life and are then—or may be in some cases—unsympathetic to their needs. Many young carers have school results with low levels of academic achievement and a considerable number of absences—approved and unapproved. This in turn could mean lack of employment opportunities, especially with lower educational outcomes.

I call on the ACT government to use Youth Week as an opportunity to highlight the needs of this small but vulnerable group in our community and to continue to work with them and with groups such as Carers ACT, CyclopsACT and the Youth Coalition, who work so diligently to assist our young carers by providing programs or advocating on their behalf.

I would like to acknowledge the work currently being undertaken by the ACT government and youth services. I would also like to draw attention to the Youth InterACT conference being held on Friday. The theme of this year's conference is "Redefine 2009"; forum topics that will be addressed during the conference include cyber-bullying, binge drinking culture, mental health and wellbeing, the perception of youth in the media and "environment—a climate for change". This conference and the Youth Advisory Council are essentially the government's formal consultation mechanism with children and young people.

I would really like to see the Minister for Children and Young People interact far more broadly with the young people of the ACT and actively obtain and process feedback from services and events beyond the formal mechanisms. While I recognise the value of this conference and the work of the minister's youth council, and the engagement they provide with young people, I sincerely hope the government will act on the outcomes or recommendations of the conference.

I have been advised that this year the conference will result in a series of recommendations that the government have said that they will respond to and, hopefully, implement. I look forward to seeing the report and talking to the minister about how the information collated at the conference will be actioned. Perhaps the government should prepare a government response such as they do for committee reports here in the Assembly.

My motion calls on the ACT government to produce an updated young people's plan, something that has been in the works for over a year—certainly when I was at the Youth Coalition. This plan was due to run out in 2008. It was sitting with the minister for some time for him to decide where to go. Having checked this information out there with youth services, and extensively, I want to say that no formal process has been started about a new youth plan. The feedback I have had as late as today is that no youth organisation out there across the territory has been engaged in any sort of formal process—nor have any been informed of any process—and that none of the presenters who are facilitating at the Youth InterACT conference have been told, as part of their briefing for that conference, that that might be the start or part of putting together a young people's plan.

As far as I have been informed, the minister and the department are still in high level discussions about the future plan. I have heard that the minister is considering whether it should be a joint children and young people plan or whether it should be two separate plans for children and for young people. It seems that we are not yet down to the nitty-gritty of what is actually in the plan and how it would impact on youth services and youth issues across government.

When it is finally produced, the plan should provide a whole-of-government framework. Such a framework is sorely needed. Youth matters are connected to all areas of government. They are not solely the responsibility of the Office for Children, Youth and Family Support. As Ms Bresnan will discuss later, the draft multicultural strategy appears to have neglected ongoing funding and support for multicultural youth services. This shows a disturbing lack of a whole-of-government approach that a properly developed young people's plan should help to address. I call on the minister to let us know why the updated plan has been consistently delayed.

The evaluation of the youth services program, which many of our community-based youth services are funded through, is also something which is well overdue. There are dozens of youth services available in the ACT that are funded through this program; these services are facing increasing uncertainty in a period of increasing demand. The funding contracts are coming up for review; in fact, they are already in negotiation for new ones. The lack of independent evaluation has meant that there is little clarity and therefore great uncertainty about the types of youth services the government wishes to fund through the next triennial funding agreements. Nor do we know the services that are needed, what works and where improvements or changes should be made—because there is no independent evaluation to guide the negotiations.

The question remains as to the status of this evaluation. The government has advised that it has been put to tender twice and there have been no takers. What is the government's next step on this matter? It has been suggested that contracts may be extended for a year to allow for the evaluation to be completed, but this has already been done and is not the best solution. It still leaves services and clients up in the air about what can and cannot be planned for and delivered. How do you plan long-term effective programs when you are just being given year-to-year funding?

Our young people and the dedicated services that work with them deserve far better. I call upon the minister to prioritise the issue and ensure that all organisations funded under the youth services programs and the young people who use their services are respectfully and meaningfully engaged in a process that identifies the types of services and programs that will meet the needs of young people over the next several years.

Youth Week and other youth events, the young people's plan and the youth services program's evaluation are all keystones for engaging our young people and providing them with opportunities to reach their potential. I look forward to the contribution of other members to this debate.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (3.23): The government has been strong in its commitment to improving youth participation and involvement in terms of both interaction with government and at the community level. In 2004, the young people's plan was developed to align with the Canberra social plan. The social plan states that we will "invest in children and young people", "increase education participation, engagement and achievement of children and young people" and "improve the transition between school, further study

and the workforce". This was reflected through the young people's plan, which clearly articulates the government's commitment to young people, and provided a whole-of-government policy framework for all young people in the territory based on the four themes of participation, access, transition and support.

The government achieved the key policy directives through a number of funded programs and through its own service delivery. Throughout the life of the young people's plan, the government has committed $30 million to the youth services program, which funds organisations to provide services to at-risk young people aged between 12 and 25. Additionally, $400,000 was provided to fund the government's youth participation initiative, Youth InterACT. Youth InterACT is a participation strategy launched by the government in 2002. It represents ACT Labor's way of involving and consulting with young people from a diverse range of backgrounds and experiences, allowing them to have their say about youth issues in Canberra and to be actively involved in their community and at a government level. The initiative encompasses six mechanisms: the Youth Advisory Council; the Youth InterACT conference; the Youth InterACT website; a consultation register; and the Youth InterACT grants and scholarships.

The Youth Advisory Council at a broad level recognises that young people, as Australian citizens, have the right to participate fully in the social, cultural, political and economic life of our country. The council consists of 15 young people aged from 12 to 25, from diverse backgrounds and life experiences, including culturally and linguistically diverse backgrounds, a young person with a disability, and young people attending public and private schools, CIT and university.

The role of the Youth Advisory Council membership includes providing me with direct and well-informed advice on matters relating to young people, and ensuring that the diversity of young people's experiences and circumstances is reflected in advice to government. The council consults widely with young people in the ACT through community-based forums, open meetings in the community, the online youth website, the annual Youth InterACT conference and the Youth InterACT consultation register.

Over the last 18 months, the council has held a number of forums, including "Young people and the law", "Body piercing and tattooing under the Children and Young People's Act 2008" and "Increasing the school leaving age". The Youth Advisory Council has played a key role in the annual Youth InterACT conference through identifying current topical issues that are important to young people and cofacilitating each forum at the conference with a mentor.

The annual Youth InterACT conference aims to inform and engage young people in a variety of topical issues. It provides young people with opportunities to engage in activities, decision-making and advisory forums, as well as community and government events. This year's Youth InterACT conference, as Ms Hunter has indicated, will be held on this Friday, 3 April. It aligns with the closing of National Youth Week and aims to promote youth participation and feedback to the ACT government on issues of importance to young people.

Since 2002, the Youth InterACT conference has been gaining recognition amongst young people in the territory, with 240 people in attendance at the 2007 and 2008

conferences. It is anticipated that up 200 young people will be in attendance at this year's conference, themed "Redefine 09". The conference is focused on generating discussion on issues that impact on young people, and promoting youth inclusion, participation and feedback to government on issues of importance. Forum topics that will be addressed at this year's conference include cyber-bullying, binge drinking culture, mental health and wellbeing, the perception of youth in the media, and "environment—a climate for change". The Youth Advisory Council then reports the outcomes of the Youth InterACT conference to me. The Youth InterACT conference and outcomes reports clearly have streamlined our approach and improved our responsiveness to the needs of young people.

The Youth InterACT initiatives also consist of a Youth InterACT website, which is a participation focused website and is really the primary source of information about Youth InterACT programs. It allows young people in the territory to have the opportunity to participate in forums, to contact me, to apply for Youth InterACT scholarships and grants and to contact the Youth Advisory Council. An average of about 700 young people are currently registered on the website consultation register.

This, of course, is not the only way that we seek to engage with young people and it is not the only way that I seek to engage with young people. For example, I will be available this evening live online on Facebook so that young people can ask questions and have a discussion live over Facebook Chat. Young people have also been given the opportunity to pose questions directly to me via the Youth InterACT website. The website's consultation register allows young people to express their interest in participating in consultation activities. Members of the register are notified about the range of consultation opportunities that are available and regularly receive information about youth issues and events.

Another aspect of Youth InterACT is to highlight young people's achievements and to build on their own personal and professional development. This is accomplished through the Young Canberra Citizen of the Year awards, and the Youth InterACT scholarships and grants. The Young Canberra Citizen of the Year awards were announced on Friday, 27 March. Ms Burch had the pleasure of representing the government and me at that event, as I was detained on another matter. This coincided with the launch of National Youth Week in the territory.

These awards recognise young people who have made a contribution to the ACT community through their personal efforts, highlighting young people's desire to achieve and to be actively involved in their community. As Ms Hunter has indicated, Daisy Sanders was the recipient of the Young Canberra Citizen of the Year award. She was recognised for her active participation in the Canberra community in volunteering, raising money for charities and involvement in sport and cultural arts. I add that Ms Sanders is a very impressive young lady who also received a number of awards at the BSSS awards at the end of last year, upon completion of her year 12 studies. There is no doubt that she is a fantastic representative of young people in Canberra.

The major sponsor of these awards is Community CPS Australia, who provide the prize money in each of the categories. There are three other awards. The personal

achievement award went to Reg Hodges, the encouragement award went to Kyle Knowles and the group award went to the YWCA Mura Lanyon Youth Committee. Again, my congratulations go to all of them on their achievements.

The Youth InterACT scholarships provide funding of up to $500 for individual young people to attend an activity relevant to learning, sporting, conference, personal or career development. The scholarships provide an opportunity for young people to enhance their professional and personal development through participation in a range of activities or events.

Funding has been provided to 22 young people so far this financial year. The funding has been for a number of worthwhile events, including various sporting events such as the Australian schoolboys cricket tournament in Darwin, a young person's attendance at the Pan Pacific water polo festival in New Zealand, sponsorship of young people participating in the clown doctors training workshop, young people attending the disability, disadvantaged and development conference, and assisting young people to attend the World Festival of Performing Arts.

The youth InterACT grants, another grant round provided by the government, provide up to $1,500 in funding for young people to organise projects, events, activities and programs—referred to as projects—for other young people in the territory. A new grants round will commence in May this year. These grants are based around youth participation for young people to actively participate in making decisions and taking action around issues that affect them, individually and collectively.

I am very proud of the achievements of this government in implementing the priorities under the young people's plan. There are many stakeholders involved and each has, in their own way, been influential in their involvement with young people. To this end, the government is committed to the development of a new young people's plan and has already undertaken a number of consultations with young people through the Youth Advisory Council. 280 young people were asked, in a survey in October 2008, what issues were important to them, whether they were able to access youth services, what concerned them around their health and wellbeing and what they valued. The responses will be incorporated into the development of a new plan.

Additionally, at this year's Youth InterACT conference, "Redefine 09", young people's ideas will be sought on what they see as priority areas for government. In the coming months, further consultations will take place with key stakeholders, both government and non-government, the youth sector and the community more broadly. Ultimately, it is the community and young people more broadly, rather than just sectoral interests, that need to be reflected in a new young people's plan. The time frame for delivery of the new plan is December this year.

National Youth Week in the ACT is funded in partnership with the commonwealth Department of Education, Employment and Workplace Relations. But unique to us here in the territory, National Youth Week is coordinated in partnership between the Department of Disability, Housing and Community Services and the Youth Coalition of the ACT. Mr Jeremy Mann is the ACT young member for 2009 and represents young people's views on the National Youth Week Planning Group and assists in the planning and coordination of National Youth Week in the ACT.

The week provides young people in the territory with a wonderful week of events to highlight the contribution that young people make to the community. More than 50 events will be held during the course of the week, offering a range of different opportunities for people to be involved. The week concludes on 5 April and was, as I indicated, launched on Friday, 27 March at the Young Canberra Citizen of the Year awards.

Ms Hunter's motion calls for a government commitment to continue to support Youth Week and other youth activities. I am very pleased to be able to give that commitment. In fact, I will move an amendment to reflect just such a commitment. Having given it, I hope that the Assembly will see fit, through the amendment I will move, to also acknowledge that consultation on development of a new plan has commenced and will continue, continuing on Friday and then throughout the rest of this year, with a new plan to be released in December 2009. I seek the support of the Assembly for such an amendment and at the conclusion of my speech I will formally move it.

It is important to note that a key success of the now finalised young people's plan for the period 2004 to 2008 and the youth interACT strategy was youth participation. That relates to the genuine development of partnerships between young people and adults across all areas of life, so that young people may take a valued position and role in our society and so that the community as a whole, as well as young people, can benefit from their involvement, insights, ideas and energies.

The government, of course, remains committed to the establishment of a new youth plan. Ms Hunter is right: there is active consideration being given to creating one plan for children and youth. I look quite favourably at that direction, and that is how the government intends to continue its consultation process. However, it is an open consultation process. If there is a view that there should be two plans and that view comes through very strongly, I am open to consider that. But I think there are some clear advantages in incorporating both of the plans together.

I will now formally move my amendment to Ms Hunter's motion, which simply acknowledges the commitment I have just given publicly. I move:

> Omit all words after paragraph (1)(c), substitute:
>
> "(d) the Government's commitment to ongoing support for Youth Week and other youth events;
>
> (e) that consultation on the development of a new Young People's Plan commenced in 2008 and will continue at the InterACT 'Redefine 09' Conference this week; and
>
> (f) that the new plan will be released in December 2009.".

I thank the Assembly in advance for their open-minded consideration of this amendment.

MS BRESNAN (Brindabella) (3.37): I wanted to talk briefly today about the need for targeted and adequate services for multicultural youth in the ACT. I support the

importance of providing opportunities for young Canberrans to reach their potential. The Multicultural Youth Service is a great example of a service that is providing much-needed support for young refugees and asylum seekers in the Canberra community.

In the ACT, young people make up a large proportion of the multicultural community. In the last 10 years, there has been a marked increase in the proportion of young people under the age of 30 arriving through Australia's humanitarian program. In fact, 75 per cent of refugee arrivals in the ACT since 2001 have been youth. Many new arrivals have been exposed to extreme poverty, conflict and violence in refugee camps or in transit in other countries. These unpredictable and sometimes volatile circumstances often leave severe and detrimental psychological effects on many people. As a result, refugees and newly arrived young people are particularly affected by settlement issues.

The Youth Coalition of the ACT notes that many young new arrivals experience significant effects on their psychological wellbeing, family relationships and adapting to a new environment. These experiences are further complicated by the fact that they may also experience similar issues to other young people such as housing and homelessness, health, education and employment, lack of recreational opportunities and family and peer relationships. In addition to these pressures, homelessness for refugee youth is particularly high as a result of the high levels of family conflict.

Research shows that culturally and linguistically diverse youth are up to 10 times more likely to become homeless than an Australian-born youth. In particular, young female refugees in the ACT are becoming increasingly at risk and facing homelessness, living in refuges, having unwanted pregnancies, experiencing high levels of family conflict and dropping out of school, all of which have negative impacts on their mental health.

Young women also find cultural transition particularly difficult. This has contributed to high levels of school dropout, truancy, social isolation, family conflict, relationship issues and unplanned pregnancies. And while this research is compelling, there remain limited multicultural settlement services in the ACT. This was noted in the 2006 to 2009 multicultural draft strategy and still remains an issue today. While the ACT government has stated its commitment to all migrants, there remains a notable gap in targeted essential services for CALD youth.

The Multicultural Youth Service is an organisation that has been actively supporting a range of multicultural youth groups, ranging from Burmese to their largest consumers, Sudanese youth. In the last eight years, it has provided support, outreach, drop-in facilities and community development activities to migrant and refugee young people. MYS has over 2,000 client contacts per month and deals with up to 40 youth per day.

They deal with complex cases such as severe mental health issues, including cases of those affected by suicide, and provide a safe space for young people to come together, play pool and use the internet. They have been active in many forums and have advised the government on gender and drug and alcohol issues that affect

multicultural young people. And while these promising practices have been effective in Canberra, this service faces increasing uncertainty because of funding issues.

The mainstreaming of youth services can be effective on many fronts. It has the capacity to bring welfare, education and other government services into core service delivery. Many youth services in the ACT successfully deliver these services for young people of all backgrounds. However, there is concern that mainstream youth services do not have the capacity or scope to deal with the specific needs of multicultural young people and, in this light, it is problematic to suggest that multicultural youth should be accessing these mainstream services simply because they are there.

The Youth Coalition of the ACT's recent survey found that mainstream services in the ACT, while positive in many areas, do not have the specialist expertise and knowledge required to work with the support of specialist multicultural services, particularly in regard to supporting people who are newly arrived. In the ACT, specialist, appropriately funded multicultural youth services are required as part of the service system.

MYS has been supported, by means of a partnership with the Office of Multicultural Affairs, as recipients of a community inclusion fund to the amount of $78,000 per annum. This fund is due to expire in June 2009 and, while the government has committed one-off funding to "a multicultural youth service", it has not specified who will get this funding or in what form that will be. While we strongly support the ACT government's commitment to multicultural youth service provision, one-off funding is not an appropriate way to fund essential services.

We are particularly concerned that, while MYS continues to be nationally recognised as a promising best practice model, the issue of funding continues to jeopardise the existence of MYS. We cannot allow the closure of this essential service and I therefore call on the ACT government to appropriately and consistently fund this service.

MR COE (Ginninderra) (3.43): I thank Ms Hunter for moving this motion which recognises the role that young people play in our community. This year National Youth Week runs from 28 March to 5 April and the theme is "Make a move". It is a great initiative and celebrates the great contribution so many young people make to the Canberra community. The week also brings together many young people to discuss issues of concern amongst young people in Canberra and brings ideas for government.

This is the 10th National Youth Week. The first was in 2000 and was established by the then Minister for Education, Training and Youth Affairs, the Hon David Kemp. I understand the concept of Youth Week in Australia was set up in 1989 by the New South Wales government, led by the Hon Nick Greiner, with Terry Metherell as the minister for youth. National events, whether they be in commemoration of military events, national days, cultural days, promoting a cause or charity or highlighting the achievements of groups, in this instance young people, are important occasions.

Young people make a great and positive contribution to the life of our territory and an event such as National Youth Week brings to the fore their accomplishments and contributions. I would like to publicly thank the sponsors of the national event—the Australian Sports Commission, the Australian Federal Police, the Butterfly Foundation, the Department of Health and Ageing through their drinking nightmare campaign, and beyondblue.

I agree with the motion's call to recognise the importance of providing opportunities for young Canberrans. Indeed, the Canberra Liberals' youth policy for the recent election recognised the importance of investing in the development of our youth to ensure their best prospects in life can be realised. There is also a need to recognise that not all young people in Canberra have the same dreams and aspirations. Youth cannot be lumped in one category. The services we provide for students will be different from the services we provide for apprentices and young families and those going into business. Indeed, youth policy is for all walks of life and is not just about building skateboard parks. Unfortunately, too, some youth face disadvantage and will need extra support and encouragement.

I also wanted to place on the record my thanks to the adults that work in the children and youth sector. The work they do is invaluable and is often not recognised. It is not a lucrative career but a noble one.

In supporting an updated young people's plan, I believe there are some initiatives that should be included and issues considered. First and foremost, youth are entitled, as with any other sector in our society, to be heard by government. The government needs to consult regularly, including with youth peak bodies. Late last year I joined several other members at the Youth Coalition's yogie awards, which celebrates individuals, youth workers, organisations, projects and programs that have been outstanding in serving the young people of Canberra. I acknowledge the mover's leading role in this organisation immediately prior to entering this place.

The Youth Advisory Council is one youth body that is particularly deserving of recognition in this place. The Youth Advisory Council ensures that issues confronting the youth of the territory are brought to the attention of the government and other members of this place. I am impressed by the enthusiasm and passion with which the Youth Advisory Council carries out its functions and I look forward to working with the council into the future.

The plan must consider the need, especially when dealing with youth issues, to ensure that, across government, communication and cooperation mechanisms are in place. So many of our vulnerable youth interact with health, education and police that it is important that the office of children and young people is working with each of these agencies. If there are youth at risk, there is a much better chance of government being able to help if each of the agencies that might come into contact with this person has all the appropriate information and resources at its disposal.

Law and order at Canberra's nightspots is a significant issue for youth. Better transport options after dark are one of the best ways we can contribute to safety

throughout Canberra. That is why at the last election the Canberra Liberals listened to the suggestion of Youth Advisory Council members and committed to an expansion of the Nightrider bus service. Such transport options should be on the table. The current Nightrider service only operates around the Christmas and new year period and I would imagine a service over the summer period could be an option. Other measures to make nightspots safer include better lighting, an increased police presence and more CCTV cameras.

In the development of a new plan, I would encourage the government to consider the important role played by community organisations. Whilst there are some areas where government should provide services directly, there is a significant proportion of youth services that can be provided by community organisations. These organisations are often closer to the people they serve and are much better at targeting resources to services that are needed by young people.

This is especially relevant for young people in business. Young people, with all their energy and enthusiasm, should have the appropriate support mechanisms available to ensure their business ideas in their infancy can eventually flourish. Equipping young people with skills to develop their business plans, conduct basic accounting and be aware of corporate ethics and responsibilities are also tools that will enable young people to make a move into business.

A matter that cannot be ignored by young people in business is government taxes and charges. This plan must examine the impact that business taxes and charges have on young people trying to start their own business. There is no doubt that some taxes and charges are direct disincentives to some young people looking at going into business.

In closing, I again thank Ms Hunter for bringing forward this motion today. We wish all those involved in Youth Week well and look forward to the government's response to this motion and an updated young people's plan that takes account of some of the issues that have been raised in this place today. In closing, I move the amendment circulated in my name.

MADAM ASSISTANT SPEAKER (Ms Burch): The Clerk has just pointed out that, in fact, Mr Coe cannot move an amendment until we have dealt with the first amendment.

MR COE: That is okay.

MR SESELJA (Molonglo—Leader of the Opposition) (3.49): I rise to speak briefly in support of this motion and also in support of Mr Coe's amendment, which I presume he will need leave to move later. I foreshadow that I will be supporting Mr Coe's amendment when it is moved and that we will not be supporting Mr Barr's amendment as circulated. I think that what Ms Hunter has brought forward is eminently reasonable. It is, in fact, difficult to disagree with anything in this motion. It is the second part that the government appears to have a problem with, where the motion calls on the government to:

> (a) commit to ongoing support for Youth Week and other youth events; and

(b) produce an updated ACT Young People's plan in order to provide a framework for the implementation of adequate and appropriate youth-centred and youth-oriented policy, services and programs across the whole of Government.

I would have thought that they are quite reasonable words, and we have no problem supporting them. Mr Coe's amendment, which will be moved later, just clarifies and calls on the government to adequately consult with concerned individuals and organisations and to release the report by the end of this year.

Those of us who had the opportunity to attend the launch of Youth Week last Friday enjoyed some excellent entertainment. What was most enjoyable was seeing some of the young people at the launch and their efforts. We saw Daisy Sanders who, in fact, was the Young Canberra Citizen of the Year. It was wonderful to see her response to that award and the wonderful joy she had in receiving it.

The long list of activities and achievements that she is engaged in is quite extraordinary for someone who, I think, is 18 years old. She was dux of her class and also found time for numerous extracurricular activities throughout her time at school. This is a very impressive young lady and I think everyone who was there, not only hearing her resume but also seeing her accept the award, was particularly impressed.

We also saw Kyle Knowles get the encouragement award. In fact, I think Kyle Knowles went up twice. I think he got the encouragement award for being a volunteer martial arts instructor, but I am sure he was part of another group that came up later for another award; so he did very, very well.

Reg Hodges got the personal achievement award. Reg Hodges is a Torres Strait Islander who has overcome issues relating to his disability. His response was also quite beautiful. He was genuinely chuffed to be receiving the award that he got. The group award went to 15 young people who run the YWCA Mura Lanyon Youth Committee, which organises social events and information nights for the community.

I would like to take the opportunity in speaking in support of the motion to congratulate those who organised all of the Youth Week activities, but particularly the opening that we went to, and I congratulate those who received the awards. No doubt what we see there is a lot of work that is done behind the scenes by these people, and they are nominated amongst their peers and amongst, no doubt, some very impressive other people who miss out on the final awards. On behalf of the opposition, we certainly congratulate them. We believe very much in the importance of helping young people reach their potential, and I think that what Mr Coe added to the debate is important to remember. We cannot box young people into any one particular group.

Our young people in the ACT come from all walks of life and they undertake various different things. We need to find ways of supporting disadvantaged youth, but we also need to find ways of encouraging young people to engage in our community. There are many reasons why young people do not engage in our community.

I know we have debates about this in this place. I know that the previous Greens member raised the issue of engagement in the political process. I think that still not

enough of our young people are engaged in the political process. I refer to those who are are often the most passionate and who are just brilliant to have around. Unfortunately, however, I think you still see a disengagement right across the community, but perhaps more so amongst some of our young people.

Therefore, it is important that we find ways of engaging them in our political processes and in gaining an understanding of how our community functions. It is important to find ways to draw young people into the life of our community in the future. This is part of the job of National Youth Week. We certainly support the intention behind Ms Hunter's motion. We will therefore support it and support Mr Coe's amendment. We will not be supporting Mr Barr's amendment.

Mr Barr's amendment negatived.

MR COE (Ginninderra) (3.55), by leave: I move:

> Add new paragraph (3):
>
> "(3) calls on the Government to adequately consult with concerned individuals and organisations and release the report by 31 December 2009.".

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (3.55): I do not have a major problem in agreeing to the amendment. It is ostensibly the same as the amendment we have just voted down in terms of the time frame for delivery of the report. In fact, it probably gives me a little more time than I was—

Mr Coe: Without the spin.

MR BARR: What spin? My amendment stated "that new plan will be released in December 2009" versus Mr Coe's amendment stating "calls on the Government to … release the report by 31 December 2009". Talk about spin; I mean, all this is about is the use of the word "note" versus the word "calls". It is about whether you get to put out a press release that you called on the government. I mean, seriously, that is all it is.

The only other thing I would point out is that I intend to consult with more than just "concerned individuals". I will consult with all. I will go beyond that, Madam Assistant Speaker. However, I do want to acknowledge a point that Mr Coe raised. It is that there is no point trying to have a general statement about what youth in Canberra think.

If anything, too much of youth policy has been hijacked by particular narrow focus groups, and there is no doubt that a broadening of youth policy in the territory will be the direction that I will outline tomorrow in my ministerial statement. I am sure you all look forward to that.

Mr Coe's amendment to **Ms Hunter's** motion agreed to.

MADAM ASSISTANT SPEAKER (Ms Burch): The question now is that Ms Hunter's motion, as amended, be agreed to.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.57): I thank members who contributed to the debate this afternoon. I would like to wrap up the debate by making a few points. The point that Ms Bresnan made about the Multicultural Youth Service and the important role of specialised youth services in the ACT is one that cannot be underestimated.

There is certainly a very important place for general youth services, but there is also a place for specialised youth services. We certainly hope that the plight of Multicultural Youth Services and the uncertainty about future funding will be taken into account. We sincerely hope that that issue will be addressed and that Multicultural Youth Services will be guaranteed regular ongoing funding as of 1 July after their Community Inclusion Board funding ceases.

I just want to pick up on a couple of things. One of the reasons why I could not support part of the amendment moved by Mr Barr related to the consultation process around the new young people's plan begun in 2008. In fact, my staff had asked in a briefing with the department on 19 March where it was up to and were told that it was still with the minister and had not started.

Although I think it is great that the youth council did conduct a survey last year to identify issues and needs of young people across the territory, and that that will now be included in the development of the young people's plan, I still stand by the information I have received that there has not been a formal public process that has begun around development of the plan that, I suppose, other people outside of the youth council have been informed about.

There are hundreds of youth services across the territory. That is why I also get a little concerned about relating to this idea that there is a very narrow sector or that somehow it is a few people who have hijacked something. I find that quite alarming because, in fact, we have hundreds of youth services.

An example of this is something like the *Big Red Book*, which is available online at the youth coalition website. It is a project that was participated in by so many youth services who continue to support that. We are talking about scouts; we are talking about guides; we are talking about youth centres; and we are talking about health and fitness groups. The broad gamut of groups that you could think of participated in that book. I would see that as a good starting point when developing a young people's plan to be not only directly engaging with young people across the territory, but also to be hooking in with those who work with them and the services that work with them who also do have a role to play in putting together a new young people's plan.

There is one other thing I would also like to touch on. I am a little concerned that the minister talked about the fact that there had been debate on the matter. He acknowledged the point about whether there would be one plan or two, and he said that he was favouring only one plan, which would be a children and young people's plan.

Based on my experience, I would very much be urging the idea of there being two plans as has been in place for many years. I ask that that seriously be considered because the needs of children are very different from the needs of young people. We are talking about a different developmental stage of life and different issues. There are very different needs for services. They certainly have different life experiences at that stage. Therefore, that is why you would look at separating them, as has been the case here in the ACT for a long time.

I believe that what can tend to happen when you do put large groups or very different needs into one plan is shown from the experience of another state such as Western Australia. There tends to be a greater focus on the earlier age groups, especially when funding is very tight. That means that those later years, those teenagers and young people, tend to get less of the allocation of resources. That is also not a desirable thing.

Let me sum up on Youth Week. I think we are all in agreement that we have a territory full of fabulous, talented and very engaged young people. We have the highest rates of youth volunteering here in the ACT when compared to the rest of Australia. We have incredibly high rates of volunteering and incredibly high rates of engagement. We just need to look at things like how many young people are participating in education and training and so forth to realise that this is the case. I am very pleased that we are all in agreement that this sort of celebration of young people needs to continue for years to come and that, in fact, it is not just about one week; it is about every week of the year that we look at ways to engage and to include young people and their views in whatever we do.

I take on Mr Seselja's point around engaging young people more in the political aspects of life and decision making and know that there are many out there who start on their student representative councils at school and then go on to continue to engage in political life in one shape or form.

I thank members for their contributions this afternoon. I hope that the young people of the ACT do get involved and do go along to some of the activities and the wonderful events that have been organised for this week. I urge them to get involved in the youth interact conference on Friday and to provide their views to that conference. Of course, that will go back to government for consideration. I wish everyone—the young people, the youth organisations and everyone who is involved in this wonderful event—best wishes and good luck. I know it will be a great week.

Motion, as amended, agreed to.

Standing and temporary orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent order of the day No 5, Executive business, relating to outlaw motorcycle gangs, being called on and debated cognately with notice No 5, Private Members' business, relating to organised crime.

Organised crime

[Cognate motion:
ACT Policing—investigative powers]

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I understand that it is the wish of the Assembly to debate this motion cognately with executive business order of the day No 5, outlaw motorcycle gangs. That being the case, I remind members that, in debating private members' business No 5, they may also address their remarks to executive business order of the day No 5.

MR HANSON (Molonglo) (4:05): I move:

That this Assembly:

(1) notes that:

(a) serious and organised crime poses a major threat to community safety both within the ACT and across Australia and is estimated to cost the community in excess of $10 billion per year from crime related activity; and

(b) organised crime networks, such as outlaw motorcycle gangs (OMCG) operate across State and Territory borders;

(2) acknowledges that:

(a) State and Territory Governments have the primary responsibility of administering and implementing effective laws which restrict and disrupt serious and organised criminal activity within each jurisdiction;

(b) a number of jurisdictions have implemented or are in the process of implementing legislation targeting organised criminal networks to safeguard the community, including South Australia, New South Wales and Queensland;

(c) the Australian Federal Police Association, the professional association representing ACT Policing officers, have consistently called for more effective powers to disrupt organised criminal networks in the ACT, such as those being implemented in other jurisdictions;

(d) legislation targeting organised criminal networks has been successfully implemented in other jurisdictions with protections and oversight mechanisms and contain due regard for civil liberties; and

(e) the Federal Labor Government has singled out Serious and Organised Crime as a threat to national security, as outlined in the First National Security Statement of 4 December 2008, and is currently considering a national approach to this threat;

(3) directs the Government to:

> (a) liaise with all other Federal, State and Territory governments to determine what current legislation is in place and what is being proposed to combat organised crime organisations, especially OMCG; and
>
> (b) report back to the Assembly with a summary of other legislation and action being taken by other jurisdictions by the first sitting day in May 2009; and
>
> (4) directs the Government to introduce into the Assembly by the last sitting day in May 2009 legislation that will address deficiencies in current ACT law and ensure consistency with other jurisdictions so that the ACT does not become vulnerable to organised crime, especially OMCG.

We are debating this motion today cognately with the minister's motion in response to the decision by the Premier of New South Wales to drive organised criminals—specifically, outlaw motorcycle gangs—out of New South Wales. He felt it necessary to take strong action in response to recent events that are well documented in New South Wales involving outlaw motorcycle gangs. He said on 24 March:

> I want to get the best legal minds over the next week, put together a package that is robust and drive these criminals out of New South Wales.

His decision has had a ripple effect across other jurisdictions, including Queensland, which is indicating that it will follow suit. South Australia already has made legislative changes along the lines of those being proposed by New South Wales.

The impact on the ACT of these legislative changes will be significant. If we sit here vainly hoping that the ACT will be isolated from the worst elements of organised crime, then we are failing in our duty to maintain the safety of our community. This is not a knee-jerk reaction; this is a serious response to events that are happening right now in New South Wales and elsewhere.

Organised crime and outlaw motorcycle gangs are a reality. They are a real problem throughout Australia, and our relatively low number of members and incidents should not lull us into the illusion that we are not vulnerable if we do not stay in step with legislative changes in other jurisdictions in Australia. This is a national problem, and we need to be part of a national solution.

I am not making this up. In a letter to me yesterday the President of the Australian Federal Police Association quoted evidence from the South Australia government to advise:

> … that the effect of the South Australian reform program has seen displacement interstate of some members of criminal groups that could be targeted by South Australia's new laws. Displacement of this kind may continue to occur in order to avoid the reach of legislation.

Further, the Australian Crime Commission has also given an opinion that:

> … anticipating legislation that will effectively outlaw OMCGs in South Australia, there are indications that some outlaw groups have already relocated to other jurisdictions.

Anna Bligh, the Premier of Queensland, shares my concerns, and she has indicated that she will be introducing laws in response to the action being taken in New South Wales.

Let me move on now to discuss a little bit about outlaw motorcycle gang activity and why we do not want them migrating to the ACT as they are driven out of New South Wales. I would like to first clarify the fact, though, that when we are referring to outlaw motorcycle gangs we are not really talking about motorbikes; what we are talking about is organised crime; people who are conducting illegal activity. We are not referring to other motorcycle clubs like Ulysses or the BMW Motorcycle Club.

The Australian Crime Commission states in relation to outlaw motorcycle gangs that they exist in a dynamic environment. Members are involved in a large number of serious and organised criminal activities designed to generate income and protect gang interests. Such offences include murder, firearms, illicit drug supply and production, extortion, prostitution, serious assault, sexual assault, arson, robbery, theft, vehicle rebirthing, receiving stolen property, fraud, money laundering, corruption, bribing officials and perverting the course of justice.

I quote further from the letter from the AFPA received yesterday:

> Police have seized from premises connected with outlaw motorcycle gangs fully automatic assault rifles, thousands of rounds of ammunition, ballistic vests, and a range of prohibited and dangerous weapons.

In response to the recent activity in New South Wales, Kevin Rudd, our Prime Minister, has said that organised crime more broadly is a growing concern for Australia and one that the government is determined to combat.

The first national security statement of December 2008 formally acknowledges:

> **Serious and organised crime**, as an ever present threat to the safety and prosperity of Australians and a challenge to the integrity of our institutions, is as important as any other security threat, with an estimated cost in excess of $10 billion per year. Crime is increasingly sophisticated and transnational. The states and territories have major roles and the Commonwealth needs to engage effectively with them in this area. The current arrangements for coordinating Commonwealth efforts and priorities are limited … A strategic framework for Commonwealth efforts in relation to serious and organised crime should be developed for consideration by government.

So that sets the national framework in the situation we are dealing with in response to the organised crime elements and what is occurring in New South Wales. But what of the ACT? We know that organised crime does occur here in the ACT. We know, for instance, that there is an established outlaw motorcycle gang which operates in the territory within our borders but with limited fear of the law. We know they exist, that they undertake criminal activity, that they are a force to be reckoned with, and yet, for some reason, we appear to tolerate them. Why is it that as a community we simply accept that a group of criminals is able to operate with apparent impunity?

I have requested a briefing from the police minister's office in relation to organised crime activities specific to the ACT. His office is arranging the briefing, and I thank the minister for his assistance and cooperation in this matter. Notwithstanding, I have been provided with advice, and it is also well evidenced either through media reports or through various provided criminal statistics, which leaves me in no doubt that we do have an organised crime problem here in the ACT, which includes an outlaw motorcycle gang.

Just recently we have had high profile fatal incidents in New South Wales which are gang related. I note that incidents of this type do not appear to be typical in Canberra, however, they do serve to remind us that, with organised crime, there is always the threat of violence as a final means of recourse. We have seen violent activity in Canberra that, although not described technically as gang activity, nonetheless has involved Rebels' members and included the murder of Rebels' members.

Mr Corbell, the police minister and the Attorney-General, should know that my call to provide adequate power to the police is not a knee-jerk reaction in the face of media attention. He should well remember his own Chief Minister tell the Assembly in August 2004 about criminal elements, such as outlaw motorcycle gangs, that deal in illicit substances. The Chief Minister said in relation to such organised crime:

> … we're talking here about extremely bad, evil people; people who do not hesitate to murder; people who do not hesitate to maim or shoot off legs; people who try assiduously to corrupt every official that they can identify as corruptible for part and purpose of their illicit drug trading. We're talking about extremely ugly people. And that's what this legislation is designed to attack—our capacity to deal with some of the ugliest people which we as communities nurture.

So that is a quote from the Chief Minister with relation to organised criminal elements conducting corrupt dealings, similar to the outlaw motorcycle gangs. Before that, in 2003, when Ms Tucker at the time took issue with Mr Stanhope's trust in our courts and ACT Policing and their ability to administer new powers with integrity—something that I fear Mr Corbell is taking some issue with now in his resistance to enact some tougher laws—Mr Stanhope said:

> We just should not be proceeding from the automatic assumption that you cannot trust the courts, because you can, despite the fact that sometimes some of us might have thoughts about particular issues and particular instances.
>
> I do not think in developing legislation on a difficult subject such as this you can proceed, as I think Ms Tucker does, from the assumption you cannot trust coppers and you cannot trust courts. At some stage you have got to just let yourself go and trust a little bit.

Mr Corbell also needs to acknowledge that our call to bring the ACT into line with other jurisdictions in tackling organised crime is not specific to the Canberra Liberals. In fact, his own government has made the same argument as I am making in this place. In 2003, former police minister, Bill Wood, argued:

> Organised crime is increasingly becoming more sophisticated, entrepreneurial and hidden in nature. It is critical for an effective national response that the states and territories work with the Commonwealth in the fight against such crime.

He went on to say:

> This is an acknowledgment by the ACT that it is not a stand-alone island within the policing network and that contemporary policing requires law enforcement agencies to carry out investigations that extend beyond jurisdictions.

I will reinforce the point that was made by Mr Wood that the ACT is not a stand-alone island. Some two months later, Mr Wood was again speaking in defence of the Stanhope government's decision to legislate in line with other jurisdictions. He said:

> These changes represent a major restructuring of national law enforcement, among other things, to overcome jurisdictional boundaries that have often hindered the effective investigation of organised crime … If we are to deal effectively with organised crime, jurisdictions cannot operate in isolation.

That is entirely appropriate and consistent with the argument that I am making in relation to our laws and those being enacted in New South Wales. The point is that we are not an island. We are not calling for new laws in response to the media or any sensationalism over recent events or what is currently occurring in the ACT; we are calling for appropriate laws, because the simple reality is that South Australia, New South Wales, Queensland and other jurisdictions have either introduced tough laws or are about to, and we are not an island.

In his letter to me yesterday the President of the AFPA said:

> The ACT is at risk of becoming an oasis for organised crime syndicates, including but not limited to outlaw motorcycle gangs, if we fail to follow New South Wales' lead to enact tougher and specific organised crime legislation.
>
> The New South Wales government, New South Wales Police Force and New South Wales Crime Commission have stated that a key area for improving the national response to organised crime would be closing the legislative gaps between jurisdictions which can be exploited by increasingly sophisticated crime syndicates.

He goes on to say:

> The AFPA has no doubt that if New South Wales enacts amendments in line with the South Australian organised crime legislation, that organised crime, including outlaw motorcycle gangs, will be further displaced and that the ACT, being located halfway between Adelaide and Sydney, will be a safe haven for organised crime without specific organised crime fighting legislation.

I am not going to argue the specifics of the law here, and I am personally yet to form a view as to exactly which would suit us best, whether it is New South Wales laws,

South Australian laws or perhaps an amalgam. But what is clear is that we need laws that prevent the ACT from becoming a haven for organised crime as other jurisdictions drive outlaw motorcycle gangs and other criminal elements out of their jurisdictions.

The defence against such laws, of course, is one of civil liberties and of human rights. Simon Corbell has described the laws introduced in South Australia as draconian, and we know where he stands on the issue. As you may recall, I made some mention of my regard for freedoms that we enjoy in our society in my maiden speech. I also made the point in my maiden speech:

> Although I embrace these freedoms, they are only possible in a society that has strong laws that are upheld and enforced fairly and with conviction. Individuals have a responsibility to adhere to our laws, and I will be working to ensure that the police have the powers and the resources to enforce those laws properly.

The government will also say that we do not have a big problem yet so let us wait and see. That means we will wait and then see the same sort of violence in Canberra that has happened in New South Wales before they are prepared to take action. I understand that the crossbench may not support my motion and prefer the government's more ponderous and ambiguous approach, but my motion before the Assembly makes it clear that I favour a more timely and direct approach. I believe the facts are before us. There is detail to be worked out, but let us not put our heads in the sand and ignore the evidence. Let us not send a weak and ambiguous message to organised crime.

If we are to go with the government's motion, I will be proposing amendments to that, and I will wait for the debate on that motion. But I will recommend that we do at least three things: firstly, we do need to recognise that there is a real problem with organised crime and outlaw motorcycle gangs across Australia and that we are not immune to the impact of legislative changes in other jurisdictions, in particular what is going to be occurring in New South Wales.

Secondly, let us recognise the importance of a national response, a national framework, when dealing with organised crime. Whether it is enacted at the national level through engagement with the commonwealth or through closer cooperation between the states and territories, we do need a seamless national approach. Thirdly, let us declare unanimously as an Assembly that we will not allow the ACT residents to bear any risk of an increased outlaw motorcycle gang presence because we have failed to provide sufficient legislative deterrent to organised crime in line with other states and territories. Let us declare that we will respond. Let us send a clear message to criminals that we will not be a safe haven. I commend my motion to the house.

MR RATTENBURY (Molonglo) (4.20): The issue that is up for debate today is obviously one of considerable public concern at the moment. It has obviously had quite a lot of coverage in the media. The Greens are alive to this but we are also mindful to ensure that we take a considered approach when we talk about changing the criminal law and other major laws. In order to ensure that we are as informed as possible, we sought a briefing so that we can operate on a basis of facts in addition to what we just read in the press.

I had a very useful briefing this morning from the Department of Justice and Community Services and the Australian Federal Police. We were given an update on both the police perspective and the departmental perspective on both the current situation and future directions. That was a very useful briefing and I thank the minister for organising that for us.

In terms of what I have been reading in the press and from my own research in addition to what we were told this morning, I think there are some important things to cover. The key point we got this morning was that we should look at some of the elements of the South Australian laws. I think it is useful and instructive to look at some of those provisions in the context of thinking about what laws you want here in the ACT.

Firstly, in South Australia, there is the power to declare an organisation, and that power sits with the attorney. That can be any organisation, not just a motorcycle gang or some other gang or other group that we might be discussing at the moment. There is also a power to make control orders similar to the anti-terror laws and there is also the power to make public safety orders which can prohibit people gathering in public places or at events or in particular circumstances.

In the briefing this morning, we were also led through the potential human rights implications of the South Australian laws on freedom of association, freedom of assembly. You see the impacts on people who may belong to a group for a range of reasons and who are not involved in a criminal activity.

There are also issues on the right to a fair trial under the South Australian legislation because, the way the law is written, the control orders or the declaration can be made on the basis of intelligence gathered which does not have to be disclosed in a trial. That was my understanding of the laws in South Australia, and I personally find that quite concerning as regards the matter of a fair trial. It was interesting to look at some of the elements of the South Australian law.

When I asked about the current laws in the ACT, the Australian Federal Police indicated to me that the legislation currently available in the ACT is adequate to bring successful prosecutions at this point in time for the issues that may arise with the one known motorcycle gang in the ACT as well as with people undertaking similar activities.

I think that is an important point. I think we really need to come to these questions or these issues by looking at what is the behaviour we want to control, not what is the group or who are the people we want to control. I think it is really important that we focus on that and not start to focus on groups of particular people because I think that is a slippery slope and one that I would be very reluctant to even take the first hint of a step down.

The AFP has further indicated to me that some areas relating to group activity with a common purpose are areas where they think there may be room for law reform. I think that the motion put forward by the government provides the avenue to have

this kind of a discussion and to start looking at whether there are deficiencies in current ACT laws, both from a general point of view and in relation to the specific issue.

That is why the Greens, in the context of this cognate debate and talking about both the motions, have indicated to Mr Hanson that we would not support his motion; that we felt the approach put forward by the Attorney-General was the one that was right for the current state of discussion, which is to look at the laws, to look at what other states are doing. I think we do need to be mindful of dislocation issues or displacement issues. We do need to keep an eye on what other states are doing.

I am also aware of the fact that there is a national approach going on and I think it is important that the ACT move forward in the context of considering those national movements and not just on a state-by-state approach. I think one of Australia's great travesties always is the state-by-state approach we take to some things like this where there is value in looking at a more consistent approach.

I think it is also important—and this is why I prefer the Attorney-General's approach—that we not get caught up in the moral panic that is out there. I appreciate Mr Hanson's comments on that. I think the discussion we are having here today has been, so far, a measured and valuable one. I think it is important that, as the Assembly, we also do not demonstrate some moral panic and that we move forward in a considered and thoughtful way, because I am personally not prepared to see a rushed response on this.

I would like to come back to the South Australian laws to illustrate this point. Under the South Australian laws, the definition of organisation is quite broad. Under section 10 of the South Australian law—and the New South Wales law is mooted to make a similar provision—an organisation can be outlawed for one of two reasons: firstly, if members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity; and, secondly, if the organisation represents a risk to public safety and order in that state.

Then it is useful to look at the definition of an organisation. It is "any incorporated body or unincorporated group (however structured)". However, serious criminal activity not only means offences such as rape, murder, assault and fraud but any other offence that the government decides should be deemed to be serious.

I have taken some of this information from an article that appeared in *Crikey* yesterday. The writer of this article, Greg Barnes, then goes on to make an interesting point, having observed the state of the South Australian legislation:

> It does not take too much of an intellectual leap to see how these sweeping powers could be abused by government. One example would be environmental protest groups. If that group's members engage in damage to property, trespass on to land or resist arrest—common enough offences committed by some environmental activists—and the government comes under pressure from corporate interests and the police to curtail this group's influence, then the easiest thing to do would be to proscribe them. This would then mean that any time any two or more members of this environmental group gathered they would commit a serious criminal offence.

Mr Barnes goes on to say:

> If someone joins the group simply because their motivation is to save the planet, they are deemed to be a serious criminal. Unions too, could find themselves on the wrong end of these laws. Their industrial opponents, be they other unions or employers, could lobby government to proscribe a union that was at the militant end of the spectrum simply for political reasons.

I think the points made by Mr Barnes are a good pointer to us to be mindful not to rush into legislation. Of course, people know my background. This argument he makes would be close to my heart. But I think it sends a warning to us to think through any legislation that would be proposed. That is, again, why the Greens support the approach put forward by the Attorney-General to consider this and the various points that he makes about looking at other states, looking at other legislation. That is why we have preferred that approach.

The final comment I would make is that, from discussions with Mr Hanson, I know he has now come up with some amendments. In the event that his motion is defeated, he will put some amendments to the Attorney-General's original motion. I will speak to them now, to keep it all in one intervention. The Greens will be supporting the amendments put forward by Mr Hanson. I think they do flesh out and add some further details to the attorney's original motion. I think that is valuable, gives the inquiries a slightly broader scope and invites the government to come back with more concrete results at the end of that discussion process at the end of June.

MRS DUNNE (Ginninderra) (4.29): I thank Mr Hanson and the minister for bringing forward these matters. I think that they are important and that they are matters that we do need to be measured about. We cannot spend our time taking up a hyperbolic position to make the point.

We must be careful, though, to keep in mind that we in Australia are not immune from organised crime and other serious criminal activities and that we in the ACT are not so immune. There has been a bit of a propensity over the years for us to romanticise people like Al Capone or Squizzy Taylor but the reality is that organised crime is one of the most serious threats to the safety and security of our community.

For most of us, the watershed experience in relation to organised crime came in the 1970s. The acme of that would be the as yet unresolved mystery surrounding the death of Donald Mackay and the involvement of Robert Trimbole and others. More recently, we have seen the horrors of Melbourne's gangland wars. In recent weeks, violent events in Sydney, culminating in a death at Sydney airport and a series of drive-by shootings, explosions and the planting of unexploded bombs, have served to heighten our awareness of and abhorrence of the issues of organised crime and serious criminal activity generally.

The cost of organised crime in our community is monumental. In its 2009 report on organised crime in Australia, the Australian Crime Commission estimates that in 2008 the conservative cost for Australia of organised crime was $10 billion. The commission report notes that these costs are realised in loss of business and

government revenue, high costs of law enforcement and the costs in social harm. Imagine what the Australian economy could do with a $10 billion boost, if it were not diverted by organised crime. How many roads, hospitals, schools, how many tax breaks and better services could be provided if the insatiable greed of organised crime was stopped in its tracks?

Of course, the cost of organised crime is not limited to money. There are serious people costs. Organised crime typically involves murder and other acts of serious violence that can leave families and communities devastated for life from the mental and physical effects. For instance, even today, more than 30 years later, the family of Donald Mackay and the Griffith community in general are still mourning his violent death in 1977, after his campaign against drug trafficking.

Importantly, the Australian Crime Commission report notes that organised crime has the ability to keep ahead of the game. It is able to adapt quickly to new conditions, developments at law and new technologies, which means that we as legislators must be doing all we can to keep ahead of the game and not sit on our hands. This poses serious challenges for governments and the legal system in Australia to maintain the momentum needed to keep ahead of the game. It is a fluid, volatile and competitive environment and it is incumbent on governments of all persuasions to meet those challenges head on.

The events in Sydney have highlighted the awareness of organised crime but perhaps it is somewhat a narrow view. The awareness has centred on motorcycle groups, the so-called outlaw motorcycle gangs, or OMCGs. There is no doubt that there are some bad elements in the motorcycle fraternity. For example, the Australian Federal Police Association, in a letter to Mr Hanson, which he has quoted from, has noted that police have seized from OMCGs all manner of illegal weapons. And who can forget the motorcycle gang shootout between the Bandidos and the Comancheros at Milperra on Father's Day in 1984, where seven people died, including a 15-year-old female bystander.

It is important for us to keep our eye on the issue as a whole. It is not just about motorcycle gangs. This is an issue about organised crime, of which motorcycle gangs are just one manifestation.

Indeed, there are elements of the motorcycling fraternity that go to great lengths to show that they have nothing to do with crime and I think that we need to be very aware of that. It is not about bikes, it is about what you do. We have to be careful in a debate that is really about organised crime in general not to take too narrow a view and certainly not to stereotype particular interest groups.

Nevertheless, the elements of the bikie gangs lurk not far below the surface and Canberra is not immune from these elements. I can recall a number of serious incidents in recent years that have been associated with organised crime activity and biker gang activity in the ACT, where biker gangs have flexed their muscle. And we have seen it, not so much in the criminal sphere, only this week with the biker funeral and the manifestations that we saw at that.

We all recall, in 2005, Canberra's Rebels motorcycle club threatened people from the Ulysses motorcycle club against wearing their club insignia while they were in Canberra for their annual meeting. Obviously, the local motorcycle gang, the Rebels, were intent on protecting their patch and they saw the Ulysses motorcycle club as threatening that, which I am sure they were not.

The events over the past few weeks must not go unnoticed. If any good can come out of these hateful activities, it is that it has made us all take stock and review the impact of these kinds of events on our local community. While I suspect that the New South Wales government is trying to be a bit hairy-chested in saying that it will introduce the most severe and toughest legislation in Australia, I think that we do have to take notice and we do have to take steps to clamp down on what is happening in illegal motorcycle gangs and other forms of organised crime, in the way that has happened in South Australia. And I will move on to South Australia in a minute.

If the ACT does nothing and if it sits on its own hands, we may find ourselves an island, a haven for criminal elements to infiltrate. And while the attorney and police minister says that, at the moment, we do not have particular problems from motorcycle gangs and other organised crime, that may change very quickly if the laws elsewhere change and ours do not.

If New South Wales does something or even threatens to do something and the ACT does not, the South Australian experience suggests that criminal groups, not just motorcycle gangs but the wider criminal groups, might relocate themselves relatively quickly to the ACT and elsewhere. This is probably why we have seen in recent days both the Northern Territory and Queensland saying that they too will have to look at their laws because they fear the infiltration of outlawed gangs being pushed across the border.

The reality is that there is much at stake in organised crime. The spoils of organised crime are great. Organised crime groups are quick to respond when the need arises. I think we must be diligent. While not endorsing the South Australian model as a preferred model, it is simple, clear, open and transparent legislation that clearly defines the process, includes appeal processes, has an annual judicial review mechanism and a sunset clause. Perhaps the sunset clause should be shorter than the 10 years in the South Australian legislation but, generally speaking, it is not the draconian legislation that the attorney would have us believe.

It is quite clear, from the issues that have been raised by the AFP Association, that they fear that, if the ACT does nothing, we will be in a very invidious position a few months down the track. I do note the points referred to by Mr Rattenbury in his speech when he quoted a Greg Barnes but I think that is drawing a rather long bow.

The clear intent of the South Australian legislation, and any legislation that I would support in this place, would be to address organised crime and to say that, even with our wildest imagination, trade unionists going about their business or environmental warriors could meet any common man test of organised crime is ridiculous and I think that it does nothing to further the debate to bring in red herrings like this.

This is a very important issue. I congratulate Mr Hanson for bringing this matter forward and for driving it. I think that he has forced the attorney to take a position. I think that the attorney's belated taking up of this issue is welcome. I think that the proposal put forward by Mr Hanson is the preferable one but, if that does not succeed, I think that the Assembly should look very seriously at his amendments to the attorney's original motion.

MR SESELJA (Molonglo—Leader of the Opposition) (4.39): I will speak briefly to this issue because I think that Mr Hanson and Mrs Dunne have covered some of the issues well. It is worth looking, I suppose, at what is driving the response of the Attorney-General because we seem to have been getting some pretty conflicting messages about what his position is on this issue. The very first thing he had to say about it was that he really did not believe there was any need to take action by way of legislation.

The AAP website of 30 March 2009 contains a summary of the shift in approach that we have seen from the minister on this issue. It states:

> The ACT government is taking a wait-and-see approach to the introduction of tough anti-bikie gang laws, hardening its stance following two slayings in Canberra.
> …
>
> ACT Attorney-General Simon Corbell had rejected the need for tougher laws in the territory, following the shooting death of two Rebels bikie gang members in suburban Canberra last week.
>
> But on Monday he signalled he would consider whether new laws were now needed in the territory.
>
> "It's a wait-and-see approach" …

An earlier report stated:

> "South Australian laws are extremely draconian, they're effectively the equivalent of anti-terrorism laws for domestic uses," he said.
>
> "I think it is very important that we don't take a knee-jerk reaction to these issues" …

We have now seen the shift, and I suppose it is partly because Mr Corbell has seen the response in the community. We saw a similar shift, although perhaps a far more dramatic shift from Nathan Rees who originally did not have much to say but is now on a crusade to deal with bikie issues.

While the minister has been slow to come to this issue, I commend Mr Hanson for seeing straightaway the significance of what was happening. The ACT cannot stand alone on an issue such as this. We cannot simply be the only jurisdiction which does not update its laws to deal with this threat. We saw the recent statements from

Anna Bligh. She essentially said that she did not want New South Wales laws to result in bikies going over the border to Queensland. She immediately sensed the ramifications of New South Wales acting and Queensland not acting.

It is perhaps even more important in relation to the ACT. Mrs Dunne has gone through the South Australian legislation without the hysteria, and I think she has quite rightly said that, while she does not endorse necessarily the South Australian legislation, aspects of it are worth looking at.

What New South Wales does is worth looking at from a number of perspectives. Certainly, we can always learn from other jurisdictions in terms of what they do. But the important point that has been made by Mr Hanson is that it will affect us. What happens in New South Wales will affect us. We cannot simply block our ears and pretend that there is no organised crime problem in the ACT.

We do not overstate the issue when we say that we are touched by organised crime. We can debate how extensive that is and how significant that is, but when we consider the incidents of bikie violence around the nation and look also at the tragic shootings here in the ACT it gives us cause for concern.

It is important to respond in a sensible way. The minister's original approach was that there is not a problem; there is nothing to see here; we don't have a bikie problem and therefore we do not need to bother about toughening up our legislation. The opposition is very pleased that he has now responded to some of the community concern which has been evident by shifting his rhetoric somewhat. We cannot pretend that we do not have any problems with bikies. We cannot pretend that we do not have problems with organised crime.

Fundamentally, we are talking about a problem with organised crime. It has little to do with motorbikes. Motorbikes just happen to be the way that a number of these groups around the nation identify. Fundamentally, it is a problem of organised crime and all of the associated social ills that go with that. It really matters little whether they are riding a bike or not. We need to make it fundamentally clear as well that most Canberrans who ride motorcycles have nothing to do with outlaw motorcycle gangs. This is an organised crime issue, and we cannot simply bury our heads in the sand about this.

Mr Hanson's motion calls on us to start moving to look at what we as a jurisdiction need to do to respond. The constant refrain from the Attorney-General is that we cannot have knee-jerk reactions. No one in the ACT that I know of is calling for knee-jerk reactions. The Liberal Party is not calling for knee-jerk reactions. I have not heard Mr Hanson in any of his statements say that we need to act right now to pass legislation to respond to this issue. What he is saying is that we do need to get moving on it, that there is a sense of urgency.

One needs to ask the question why it takes incidents like the incident at Sydney airport before governments actually act. The intelligence is there. It should not need a public event where someone dies in a brawl for a government to act. I think there would be a lot of people in the community who would be asking why it is that it

is only when there is a highly published event that we actually see any real action. The government actually has the intelligence on what is happening, and I am sure they are not going to try and pretend that there is not gang-related activity in the ACT and that there is not organised crime in the ACT.

Mrs Dunne's point which highlighted some of the gangland wars in recent times is worth reflecting on. There is a certain glamorisation of organised crime through series such as *Underbelly*. We see almost a romanticising of some of the most hardened and cold-blooded criminals in the nation, and that does not help the situation. It does not help the situation for there to be hysteria about organised crime, but viewing organised crime in any sort of favourable light does not help either.

We are dealing with serious criminal gangs across the nation. The ACT will never be immune to what happens in New South Wales and in other jurisdictions, and a measured response that learns from what is happening in South Australia and what is being proposed in New South Wales and does not ignore or pretend to ignore what goes on in other jurisdictions around the country is critically important.

The minister has been particularly slow, I think, to wake up to this fact. He has now shifted his rhetoric, and we welcome that. Mr Hanson has foreshadowed that if the Greens do not support his motion he is prepared to move some amendments which would improve Mr Corbell's motion to ensure that we actually do see some action. Let us just make it clear. We do want to see some action. No one is arguing for knee-jerk responses. That is just a straw man that has been put up. We are looking for measured and sensible action which protects Canberrans and particularly takes account of the fact that we do not want to become a haven for organised crime as a result of changes in other jurisdictions.

We welcome the AFPA's contribution to this debate, which backs Mr Hanson. They make exactly the point that Jeremy Hanson has been making, which is that if we do not change our laws and New South Wales significantly strengthens its laws and Queensland does and other states do, we run the real risk of providing a haven for organised crime. That is something that we need to guard against. That is something that we as lawmakers here in the territory need to ensure does not happen.

We call on the minister to take all reasonable steps along that path. We hope that, whatever is eventually agreed to in this motion, it will give a clear direction to the minister to take up this issue with gusto to get some sensible changes to our laws to ensure the protection of citizens here in the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.48): I welcome the opportunity to speak to Mr Hanson's motion. The government will not be supporting the motion today. It does not, in our view, provide an appropriate way forward in dealing with the important issues raised and being debated across Australia around so-called outlaw motorcycle gangs.

I note Mr Seselja's characterisation of my position in this debate, and I will respond to those matters at the close. I would say, though, that Mr Hanson's contribution has

been quite an irresponsible one. What this motion does well illustrate is that Mr Hanson is quickly showing that he is not, in fact, the new more sensible face of the Canberra Liberals. Some voiced that opinion following his election—that he somehow represented the new moderate face of the Liberals. Unfortunately, his public contributions on the issue of outlaw motorcycle gangs show that this is definitely not the case.

His actions and statements, in fact, show that Mr Hanson represents the same old, law and order tub-thumping that we have come to expect from the Canberra Liberals—the same old approach of taking a sensationalist and reactionary approach to issues of law and order and always seeking to hijack informed debate for political advantage. This knee-jerk motion—and that is what it is—from Mr Hanson today not only perpetuates that sensationalist and reactionary approach, that law and order approach; it also clearly breaches the separation of powers doctrine.

Mr Hanson's motion stands in stark contrast to the motion I moved yesterday. The government's motion aims to facilitate a process by which members of this place are informed about the range of important issues that are raised by the recent developments concerning outlaw motorcycle gangs.

Members of this place often talk about consultation, and they often express the sentiment that, as members of the Assembly, the government should better facilitate the flow of information and better involve members in policy development issues at an early stage. There can be, in my view, few issues as profoundly significant in a democratic society as those raised by a proposal to ban organisations. The laws in South Australia and the mooted laws in New South Wales do that. They ban organisations. They restrict the rights of citizens to associate and assemble. These are grave and extraordinary steps that we, as legislators, must consider with great seriousness. So it was in the spirit of providing information, in the spirit of engaging early in issues around policy development that I put forward the motion that I did yesterday.

I have been very clear from the beginning of this debate and consistent from the beginning of this debate that the government will not be rushed. We will not be propelled at a furious pace by media clamour, but we will take a reasoned and responsible approach to these matters. This should be at the forefront of all members' minds before we propose to rush headlong in following other jurisdictions. There is a need for informed and responsible decision making.

That is why I have sought, through my motion, to start a process whereby members of this place are informed at an early stage on the range of issues that are raised by calls to introduce South Australian-style anti-bikie legislation. The government's motion does not pre-empt these issues or rule out any particular proposals. It seeks rather to ensure that members will be properly informed.

Mr Hanson's motion, however, is predicated on the basis that legislation is needed, and that it is needed now. Indeed, it purports to direct the government to introduce such legislation next month. So much for reasoned and responsible decision making. Mr Hanson's preferred path is for the Assembly to direct the government to legislate

virtually immediately, within the month. Incredibly, Mr Hanson seeks to direct the government to legislate in May, but he does not even tell us exactly what he wants us to do.

What Mr Hanson is really saying through this motion is this: we must do something, anything, in order to be seen to be dealing with these bikies. Legislate, he says. He says in his motion, "I direct you to legislate," but he cannot even tell us what he thinks the legislation should be. It is an irresponsible approach; it is one that the government rejects.

I have sought advice from the Government Solicitor on the legality of a motion that purports to direct the executive to introduce legislation. His advice is clear. The executive cannot be so directed. In fact, I have never seen in my time in this place a motion that directs another member to introduce legislation. But that is exactly what Mr Hanson's motion does. It is clearly beyond the power of the Assembly to direct the executive to introduce legislation. For the information of members, I would like to provide a copy of the advice from the Government Solicitor in that regard. I table the following document:

> Proposed resolution to direct the Executive—Copy of letter to the Attorney-General from the Chief Solicitor, dated 1 April 2009.

Mr Hanson's motion purports that the Assembly has the power to coerce a member of the Assembly, indeed, a member of the executive, to prepare and introduce law. This is an absurd proposition, and it is clearly beyond the Assembly's power. Any member of the Assembly may introduce a bill, if they wish, but the majority of the Assembly cannot force an individual or a party to prepare and introduce a bill.

I can understand perhaps why a novice like Mr Hanson would have approached this matter with such a fundamental misunderstanding of the roles and responsibilities of the executive and the legislature, as outlined in the self-government act, but I am surprised that someone like Mr Seselja, formerly a senior lawyer with the commonwealth Department of Transport, would allow his shadow minister to introduce such an embarrassingly flawed motion. That is what it is. It is embarrassing, and he should be ashamed for even suggesting it.

But what it really demonstrates is the rank opportunism of the Liberals. They oppose for the sake of opposition and then they call for legislation simply for the sake of being seen to act. They pay no regard to the fundamental legal reality of the separation of powers.

I want to turn now to the issues of substance in this motion. It is important for members to consider the facts. There are a broad range of territory laws already in effect that target organised crime. These include: the Australian Crime Commission Act (ACT) 2003; the Crimes Act 1990; the Criminal Code of 2002; the Crimes (Control Operations) Act 2008, which I introduced and had passed by the Assembly last year; the Crime Prevention Powers Act 1998; the Confiscation of Criminal Assets Act 2003; the Firearms Act 1996; the Crimes (Sentencing) Act 2005; and even the Major Events Security Act 2000.

The government will also be drafting the balance of the cross-border investigative powers model laws to enhance a nationally coordinated and cooperative approach to cross-border investigations into organised crime. I foreshadowed this last year when I introduced the Crimes (Control Operations) Bill in the Assembly.

These laws were recommended by a joint working group established by the Standing Committee of Attorneys-General and the Australasian Police Ministers Council, as it then was. The foreshadowed laws cover the protection of a witness's identity, assumed identities and the lawful use of surveillance devices. The ACT government is also involved in the following national forums and organisations, which are instrumental to developing national policies and strategies to fight organised crime:

- Ministerial Council on Police and Emergency Management;
- Australia and New Zealand Police Advisory Authority;
- Intergovernmental Committee of the Australian Crime Commission;
- Australian Crime Commission;
- Standing Committee of Attorneys-General;
- CrimTrac;
- AusTrac;
- Australian Institute of Criminology.

Mr Hanson's motion mentions the commonwealth national security statement. In his speech of 4 December last year the Prime Minister noted:

> The government will develop two initiatives in the related areas of border management and serious organised crime. We will strengthen border management by simplifying arrangements and improving coordination across all agencies.
>
> Second, we will clearly define the role of the Commonwealth in combating serious and organised crime and enhance coordination among Commonwealth agencies.

This is very much the main game in the fight against organised crime, and the ACT welcomes the commonwealth's efforts.

It is important that we have regard to these actions when we consider what may or may not be required at a territory level. The territory is also actively involved in addressing national security issues through membership of organisations such as the National Counter-Terrorism Committee and the Ministerial Council for Police and Emergency Management—Police.

The fact is that Mr Hanson's motion presumes that the South Australian law, the New South Wales proposed law and the Queensland proposed law will be the same. It is self-evident from the announcements made by New South Wales and Queensland that the laws will not be consistent between jurisdictions. Mr Hanson also asserts that the police unions are experts in this area. All governments, including this one, respect the work of the police unions, the work of their members and their views. But it is not

the only source of information. Australian governments are advised by their police forces, indeed, by the Australian Crime Commission.

Federal parliament currently has a joint committee inquiry into the legislative arrangements to outlaw serious and organised crime groups. In its submission to the inquiry, the Australian Crime Commission expressed caution about the long-term effectiveness of the South Australian laws. The ACC also noted the risk of making members of these groups more difficult for police to monitor or target.

I do not accept the assertion as a given that, because New South Wales legislates in one way, we will be swamped, to use Mr Hanson's language on radio this morning, by bikie gangs from New South Wales. As I have just indicated, the Australian Crime Commission itself has indicated caution about such assertions. Indeed, it is difficult to determine whether or not that will be the case.

I stand by my comments that the South Australian legislation is draconian. Elements of it clearly are, and they raise significant questions about the application of fundamental legal and human rights principles in terms of the power of the police, the judiciary and the state overall. These are matters that warrant serious and considered consideration, rather than knee-jerk populist demands to do something straightaway.

I note that Mr Hanson is proposing an amendment to my motion. He has foreshadowed that. I think it is important to place on the record that Mr Hanson's motion replicates in its entirety all of my motion and adds only one additional point. Mr Hanson's proposed paragraph (2)(f) states:

> any legislative changes it considers appropriate to ensure that the ACT will not attract organised criminal elements that are dislocated from other States and territories …

I note that that is the only substantive change to the advice that I propose; in effect, he is agreeing with my motion, and I welcome that. The government will not be opposing this amendment, even though effectively it deletes all my motion, then reinstates it and adds one more point. I will leave that as said for the sake of procedural cleanliness and effectiveness.

I note also that he is proposing to add a new paragraph (1). That is simply a noting provision. Again, that noting provision deals with my comments and adds a couple of others, none of which I think members in this place would disagree with. I think that this reaffirms the importance of conducting this debate in a considered way and without presenting some nightmare scenario that the ACT is going to be swamped by outlaw motorcycle gangs if New South Wales legislates in a particular way.

It is interesting to contrast the approach of the New South Wales government with the approach of the Victorian government when they had a gangland war in Melbourne. It did not involve outlaw motorcycle gangs, but it was the same behaviour—shootings, attempted shootings, drive-by shootings, attempted bombings, all of these types of activities.

Did the Victorian government take the approach of requiring legislation like the OMCG legislation? No, they did not. The police got on with the job of tackling the issue and using their existing powers to break up the gangland syndicates involved, to arrest the people who had committed the murders and to prosecute those matters. So there is an interesting contrast between the two jurisdictions, and that is something we should bear in mind in this debate.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.03): As the Attorney-General has just noted, all Australian jurisdictions have laws that seek to combat organised crime, and the ACT is no exception.

From time to time we amend these laws, as our understanding of the operations of organised criminals improves and as the technologies that help us combat such crimes improve. As Mr Corbell has just iterated, last year the ACT government introduced the Crimes (Controlled Operations) Act 2008, which enables ACT Policing to use covert investigative measures to identify suspects and obtain evidence for criminal prosecution.

The ACT also has the Confiscation of Criminal Assets Act 2003, which deprives offenders from gaining material advantage from their criminal acts. This same law also enables the effective tracing and seizure of criminal assets and allows the territory to enforce interstate confiscation orders. The Crimes (Sentencing) Act 2005 currently authorises the judiciary to impose non-association orders and place restriction orders upon convicted offenders.

Madam Assistant Speaker Dunne, as you would be aware, the ACT government is also currently reviewing all police investigative powers in the territory. A steering committee which includes representatives from ACT Policing, the Director of Public Prosecutions, the Bar Association, the ACT Law Society, legal aid and the Human Rights Commission meets, I think, quite shortly to start this important work.

As part of this process, the ACT government will also draft the remaining elements of the cross-border investigative powers model laws, which are helping the jurisdictions to take a coordinated and cooperative approach to cross-border investigations into organised crime. These laws cover the protection of witnesses' identities, assumed identities and the lawful use of surveillance devices. This is how good law is best made: soberly; based on evidence rather than intuition; and driven by expert opinion, not the editorial pages of the most outrageous tabloids we can find and the most shrill and ignorant of the morning radio shock jocks.

Laws should not be made to make people feel safe; laws should be made to make people actually safe. Good law rarely arises from knee-jerk reactions to isolated instances of criminality. Good law does not routinely treat an alleged murder committed by a Chinese triad member as qualitatively different from an alleged murder committed by someone wearing motorcycle leathers. Good law is dispassionate, not passionate. Good law does not seek to inflame community fears, but to establish realistically the degree of fear that is warranted.

I do not say categorically that this nation or this jurisdiction must not seek new ways to combat organised crime by gangs or that new approaches to law enforcement are not called for. I do suggest that it is reasonable not to slavishly follow another place or engage in a bidding war for the title of the toughest state or territory on bikies. This past weekend our city witnessed an influx of motorcyclists, many hundreds of them club members, at a time of heightened emotion in the bikie scene and heightened anxiety in the community. Yet our fine police, ACT Policing, dealt with that influx professionally, calmly, and with existing laws at their disposal.

When the South Australian government introduced its Serious and Organised Crime (Control) Bill in 2007 to provide for the making of declarations and orders for "the purpose of disrupting and restricting the activities of criminal organisations, their members and associates", it did so because its evidence showed that outlaw motorcycle gangs remained prominent within the criminal class of South Australia and continued to expand. It is relevant to note that police in that state had reported to the government that outlaw motorcycle gangs were involved in many and continuing criminal activities including murder; drug manufacture, importation and distribution; fraud; vice; blackmail; intimidation of witnesses; serious assaults; the organised theft and re-identification of motor vehicles; public disorder offences; firearm offences; and money laundering. The South Australian government made its decisions in relation to motorcycle gangs on the basis of that sort of advice. In addition, outbreaks of violence between rival gangs were believed to pose a risk to public safety.

The same is not being said of the ACT's bikie culture or our crime trends. The opposition asserts, with its usual hyperbole and hysteria and lack of evidence, that, if we do not follow the proposed law of New South Wales word for word, hordes of outlaws will move to the ACT. Indeed, last week, and I see it repeated again this week, the opposition were actually asserting that we would become an oasis for bikies. I am not quite sure which dictionary they consulted in coming to this conclusion. The Australian Oxford describes an oasis as "an area of calm in the midst of turbulence". What the opposition probably intended to suggest was that if the ACT does not instantly adopt New South Wales laws the bikie gangs will pack up their saddlebags, start their motors, and relocate en masse to the national capital.

Of course, that is precisely what the opposition said in 2005 in relation to the anti-terrorism legislation of the Howard government—that the national capital would become the home of every terrorist organisation and aspiring and emerging terrorist in Australia; that we would become a safe haven for Al-Qaeda, for the Taliban and for every other terrorist organisation in existence. The language being used today by Mr Hanson and the Liberal Party in relation to bikie gangs is exactly the language that was used in 2005 by the then leader Brendan Smyth, Bill Stefaniak and the Liberal Party in this place. The language is identical: legislate now or risk being inundated with terrorists; legislate now or risk being inundated with outlaw bikies. Forget, of course, about those inconvenient considerations such as proportionality or workability or necessity or evidence. The opposition say: "Forget about evidence. Just legislate now, today."

Mr Corbell's motion, the motion that we should support, is all about compiling an evidence base that will allow the ACT to determine whether or not tougher laws are

needed to combat organised crime by bikie gangs. There is not this mad rush, this urgent need, today—no greater need for instant action today than there was a month ago or six months ago. That is why we should, as a parliament, do the right thing—not, in the minds of the Liberal Party, the obvious thing. We should assess the facts, consider our options, stop playing crass, populist politics with a complex issue, and support the motion that Mr Corbell proposes today.

MR SMYTH (Brindabella) (5.11): It is amazing how quickly those who directed former governments to do things forget about their own actions. We have the sanctimonious approach of the government in this place today—how dreadful it is for Mr Hanson and the Liberals to direct the government to do something—when it is exactly what they did when it suited their purposes. And it is Mr Corbell who sits there, and Mr Stanhope who flees the chamber, who forget.

I read from the minutes of proceedings of the Fourth Assembly, 2000. There are a couple of good examples in 2000. In 2000, the Assembly "directs the government to appoint a board of inquiry"—directs action, directs a minister to go and do something that he did not want to do. He indicated he did not want to do it; he would do it in his own way, in his own time.

Mr Corbell was part of the Labor opposition who directed the government to do something. How quickly they forget and how hypocritical it is in this place today to say that Mr Hanson cannot do the same. That was Mr Wood. Mr Wood directed the Assembly to have an inquiry. Later Mr Hargreaves moved that this Assembly "directs the government". It is precedent. It has happened in this place. It was done on the votes and the votes said, "Government, go and do what the Assembly tells you to do or suffer the consequence." But there we are, we forget.

Mr Corbell: But you were gutless. You were gutless.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Corbell, withdraw that.

Mr Corbell: I will withdraw it if Mr Smyth withdraws the claim of hypocrisy.

MADAM ASSISTANT SPEAKER: No, you will follow the direction of the chair and you will withdraw "gutless".

Mr Corbell: Madam Assistant Speaker, I withdraw and I ask you to direct Mr Smyth to withdraw the claim of hypocrite.

MADAM ASSISTANT SPEAKER: Did you use the word "hypocrite", Mr Smyth?

MR SMYTH: I used "hypocrisy" but I did not name any member.

MADAM ASSISTANT SPEAKER: Using "hypocrisy" in general terms is something that you do on a regular basis, Mr Corbell.

Mr Corbell: He claimed that I was a hypocrite and I ask you to ask him to withdraw.

MR SMYTH: I did not name you specifically.

MADAM ASSISTANT SPEAKER: There seems to be a dispute about that so I—

MR SMYTH: If we could stop the clock, please?

MADAM ASSISTANT SPEAKER: Yes, I will stop the clock first.

Mr Corbell: The simplest thing is for Mr Smyth to say if any offence has been taken he withdraws the inference, rather than play these childish games.

MADAM ASSISTANT SPEAKER: First, of all we will deal with my ruling, Mr Corbell. I call on you to withdraw the term "gutless", which you used twice.

Mr Corbell: And I did.

MADAM ASSISTANT SPEAKER: Mr Smyth, if you—

MR SMYTH: I am happy to withdraw, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Thank you. Start the clock, please.

MR SMYTH: It is interesting to go to *House of Representatives Practice*, which governs this place. It says, on page 313, under "Motions":

> The House has the power, within constitutional limits, to make a determination on any question it wishes to raise, to make any order, or to agree to any resolution.

It goes on to say:

> In the conduct of its own affairs …

Mr Corbell: Read the rest of it.

MR SMYTH: No, wait until the next line, Mr Corbell.

Mr Corbell: Read the rest of it.

MR SMYTH: You are always so anxious to get in first. I continue:

> In the conduct of its own affairs the House is responsible only to itself.

In this matter the house is calling the government to order for its ineffective approach to this problem. It goes on to say, and we accept what follows:

> However, the effect of such orders and resolutions of the House on others outside the House may be a limited one.

Mr Corbell: Including the executive.

MADAM ASSISTANT SPEAKER: Do not interject, Mr Corbell.

MR SMYTH: I did not say that, Mr Corbell. You are very good at this. But you are the one here who voted to direct the government—

Mr Corbell: Are you arguing in favour of your—

MADAM ASSISTANT SPEAKER: Mr Corbell, do not interject. Mr Smyth, address the chair.

MR SMYTH: I know it is galling to you to be hoist with your own petard.

MADAM ASSISTANT SPEAKER: Mr Smyth, address the chair.

MR SMYTH: Madam Assistant Speaker, I know it is galling for Mr Corbell—

Mr Corbell: No, you are meant to be arguing in favour of your proposition, Mr Smyth, not against it.

MADAM ASSISTANT SPEAKER: Mr Corbell, be quiet.

MR SMYTH: I continue:

> Some resolutions are couched in terms that express the opinion of the House on a matter and as a result may not have any directive force.

But it does not stop us doing it.

Mr Corbell: Yes, that is the key point. It has no force.

MR SMYTH: No, just wait, Mr Corbell. You are always so anxious. He is always so anxious, Madam Assistant Speaker. I continue:

> However, this is not to say that the opinions of the House are to be disregarded, as it is incumbent upon the Executive Government and its employees and others concerned with matters on which the House has expressed an opinion to take cognisance of that opinion when contemplating or formulating any future action.

And there is the whole picture.

Mr Corbell: But they are not bound by it, Mr Smyth.

MADAM ASSISTANT SPEAKER: Mr Corbell, be quiet.

MR SMYTH: Poor old Mr Corbell. There he is, stung because we have got somebody who wants to take action to protect the citizens of the ACT and he is unable to do so. It is interesting that Mr Corbell tabled the Government Solicitor's advice. It is great. When they think it is on their side they are more than happy to slap a bit of Government Solicitor advice on the table.

Mr Seselja: I thought it was all privileged.

MR SMYTH: Mr Seselja, apparently it has changed. "When it suits me I will slap it on the table but when it does not suit me I will not release it." It is interesting. Like all legal advice, it is an opinion. Mr Garrison says, "In short answer, it is my opinion." That is all it is. It is a legal opinion. It is interesting that Mr Corbell, of course, forgot to read paragraph 7.

Mr Corbell: Yes, of course it is a bloody legal opinion. What else do you think it is?

Mr Seselja: There is not one definitive legal opinion.

MADAM ASSISTANT SPEAKER: Mr Seselja, Mr Corbell, stop talking across the chamber.

MR SMYTH: It reads:

> I note that Mr Hanson's notice of motion touches upon a topic which is largely unexplored in the court and in legislatures that pertains to the relationship between a member and a chamber of Parliament.

In that, the Government Solicitor is right. This is largely unexplored.

Mr Corbell: I would love to see yours.

Mr Seselja: It is a sore point for you.

MADAM ASSISTANT SPEAKER: Mr Corbell, Mr Seselja, cease interjecting.

Mr Seselja: It is a sore point for you, what he is reading, isn't it, Simon?

MADAM ASSISTANT SPEAKER: Mr Seselja!

MR SMYTH: It is.

Mr Corbell: No, I think it is more of a sore point for you, actually.

MR SMYTH: Madam Assistant Speaker, perhaps we could stop the clock?

MADAM ASSISTANT SPEAKER: Mr Seselja, Mr Corbell, cease interjecting.

MR SMYTH: Madam Assistant Speaker, it is interesting that all the standard lines are trotted out. There was Mr Corbell being tough on the news last night. He was not going to be bullied; he was not going to be hurried; he was not going to have any regard for what the Assembly has to say. But he is willing to leave the people of the ACT exposed to the same fears that the Premier of New South Wales is acting on, the same fears that the Premier of Queensland is acting on, the same fears that the government of South Australia enacted upon.

We hear the same old "human rights compliant" words trotted out—"It is draconian. It is tough." It is tough because it needs to be tough. How tough does it need to be?

We only need to go back to 2005 to see how strong our government is. The head of an outlaw motorcycle group was asked what they would do if people did not accede to their request to remove their colours. It is easy. Asked if the Rebels had threatened Ulysses members with violence, the head of the Rebels said:

> Whatever—that's what they say. Whatever it takes mate. If you want to play the game you want to be in shape to play it, don't you.

Then we have the story of a member of Ulysses, a 60-year-old woman, a 60-year-old female member, who was allegedly forced onto a roadside and made to remove strips from her jacket otherwise she would be bashed and her bike destroyed. That is the sort of group that Mr Corbell does not think needs the attention of this place and needs it urgently. We squibbed it in 2005. The government squibbed it. We had several thousand visitors. We had 5,000 members of Ulysses come to Canberra—

Mr Corbell: Are you criticising the police?

MR SMYTH: Come on. It was 5,000 members of Ulysses—

Mr Corbell: It sounds to me like you are criticising the police.

MR SMYTH: I am not criticising the police; I am criticising you and your government because they—

Mr Corbell: Who enforces the laws? The police.

MR SMYTH: Members of Ulysses said they were reluctant to officially alert police for fear of reprisals.

Mr Corbell: I would have thought threatening violence was a crime.

MADAM ASSISTANT SPEAKER: Mr Corbell, I told you not to interject.

MR SMYTH: I know this galls you, Mr Corbell.

MADAM ASSISTANT SPEAKER: You are on a warning, Mr Corbell. I warn you.

MR SMYTH: But the problem for the people of the ACT is that the government took no action in 2005. Here we are in 2009 revisiting the same issues and we hear all the lines from the human rights compliant Chief Minister and the human rights compliant attorney. But what about the human rights of those people who expect to be protected, to live in a suburb where there is not murder, not to be threatened on the road by motorcycle gangs? We can get as much advice from the GSO as we want but what Mr Hanson is doing in his motion and what the Liberal Party supports in his motion is a call for action from a minister who clearly has no idea how to combat this.

He talked about law and order tub-thumping. Hardly! Premier Rees is a law and order tub-thumper? Premier Bligh is a law and order tub-thumper? I note the Attorney-General calls us knee jerk. Nathan Rees and Anna Bligh are probably knee

jerk in the same context. It is appalling that we have got an Attorney-General who has no idea of how to counter what is occurring and may occur in this city. It is his responsibility to ensure that people have a safe place to live and to go about their business without hindrance from others.

Mr Seselja: Let us put out a press release.

MADAM ASSISTANT SPEAKER: Mr Seselja!

Ms Porter: Not warned?

Mr Seselja: Is that a reflection on the Chair?

MADAM ASSISTANT SPEAKER: I consider it friendly but unnecessary advice.

MR SMYTH: The overwhelming intent of the excellent motion drafted by Mr Hanson is to gather as much information as you want, but at the end of the day you have to tell us what you will do. I note from Mr Corbell's motion that his only call to arms, his only piece of action, is to provide information. Mr Hanson has plenty of information. He has seen the recommendations of various reports, he has seen the comments of the Prime Minister and he wants something to be done for the people that he represents. *(Time expired.)*

MR HANSON (Molonglo) (5.22), in reply: I turn to some of the comments that have been made by members of the Assembly, firstly, to the Chief Minister, who said that we are engaged in some form of bidding war trying to get the toughest laws. That is clearly not the case. No-one in the opposition has said that or implied it. What we have said is that we want appropriate laws, and because South Australia has brought in tough laws and New South Wales is talking about bringing in tough laws, we need to make sure that we have appropriate laws. We are certainly not engaged in any form of bidding war and trying to beat our chests. In fact, the people who have been the toughest and most emotive in their language are the Chief Minister's Labor colleagues, in particular Nathan Rees. I suggest that if he has concern about community fears being built up, then he should give him a call.

The Chief Minister also said that we lacked evidence to support our claim, and that is not the case. The South Australian government has pointed to evidence in its reports on hearings that outlaw motorcycle gangs are being displaced. The Australian Federal Police Association has said that, even in anticipation of tougher laws, organised crime is being displaced, and that opinion is entirely consistent with what we have been saying to the government—that is, if you create tougher laws in one place and not in other jurisdictions, you do create a vacuum. It does not matter whether you use the word "oasis" or "haven". Mr Corbell, the Attorney-General, has described me as irresponsible, political and sensationalist.

Mr Seselja: You're really getting under his skin, Jeremy. Take it as a compliment.

MR HANSON: I do. But what I take most seriously is the fact that we have got to a position where we are talking about this issue and we have movement occurring.

Clearly, the Attorney-General was going to be sitting on his hands. He has said that I have been sensationalising this issue. The reality is that he is the one that has been using the emotive language. He has described the laws as draconian and so on. What I have said is let us have the appropriate laws here to prevent an increase in crime.

As to the debate about whether my motion is legal or not, I think Mr Smyth has made some valid points, but I also acknowledge the points Mr Corbell made. However, the intent of my motion remains valid—we do need laws to be brought into this Assembly and we need to make sure that we do not just go through an endless process of looking at things, waiting and seeing. We actually need at some stage to recognise that a legislative response is required to what has occurred in New South Wales. The only emotive language I could use is to call the Attorney-General weak and indecisive. Given the response from the minister today, I do not step away from that.

Mrs Dunne made a number of good points about the laws that we are discussing, the fact that there is an appeal process in the South Australian laws and that in New South Wales you actually need to apply to the Supreme Court. To proscribe an organisation is not something that can be done easily. The issue of a sunset clause is very important, and I concur with Mrs Dunne's view that we do need to make sure that, if we introduce such laws, we have a sunset clause.

It is interesting that Mr Corbell has criticised me here and in the media for not describing specific laws. Basically, what I am saying is that we need to make sure that we do look at this seriously. We need to introduce the appropriate laws and we need to ensure that they are measured and do not go any further than they need to. I have been saying that consistently. Mr Corbell has criticised me for not coming in here and banging on the table and saying, "These are the laws we need." It is a very inconsistent argument he is running. The point I am making is that we need the appropriate laws. I am not going to come in here and say that it is this law or that law that we need. That is the job he needs to do, and that is what I am calling on him to do.

The Attorney-General needs to send a clear message to the community and, in particular, to organised crime that we, as a jurisdiction, will not allow organised criminal elements to set up here as they are driven out of New South Wales. Nathan Rees has declared he will drive them out of that state both by legislative action and by instigating task force Raptor, and we must ensure that we do not become a soft touch and an area where organised crime can operate without the appropriate laws that we need to deal with them.

I thank Mr Rattenbury for his indications that he will support my amendments to Mr Corbell's motion. I do feel, though, that he is extrapolating concerns about these laws too far. I understand where he comes from as an environmental activist. However, these are laws that are specifically targeted at organised criminal elements and organised crime. The sorts of safeguards that would be included in these laws with regard to how they would be used in the Supreme Court or how they would be actually enacted in the ACT would guarantee that they would be specifically targeted at organised crime and could not be used against unions, environmentalist groups or other elements. Certainly, we would support any laws introduced in the ACT to make sure those safeguards existed.

Let me get back to the important point of this motion, though—this is in response to legislative amendments that are proposed in New South Wales. This is not the Canberra Liberals responding to any activity that is currently occurring in the ACT. What we are trying to do is anticipate actions to get ahead of the game and to be proactive rather than reactive. I will remind you of what Nathan Rees has said:

> I want to get the best legal minds over the next week, put together a package that is robust and drive these criminals out of New South Wales.

The rhetoric he is using certainly indicates that he is going to follow through on that. If we do not have the appropriate laws here in the ACT, there is no doubt that, based on the advice that I have received from the AFPA, the advice the South Australian government has given and the advice from the Australian Crime Commission, the impact on the ACT will be severe. The Canberra Liberals do not want to wait and see the impact of outlaw motorcycle gangs and other organised crime elements here on the streets of the ACT before we act. This is not a knee-jerk response.

I reiterate the point that, when we talk about outlaw motorcycle gangs, we are not referring to biker groups and people who ride motorcycles. It is important to make the distinction in this place—we are not talking about motorbikes; we are talking about organised crime. There is no doubt that members of outlaw motorcycle gangs are involved in a lot of serious crime. Indeed, the Chief Minister outlined a number of the activities they are involved in. They are reprehensible, and we need to make sure we have laws that combat the problem.

I endorse the position that Kevin Rudd is taking in this matter where he has called for a national approach, as has the federal Attorney-General. The Prime Minister has said that organised crime more broadly is a growing concern for Australia and one that the government is determined to act on.

There were concerns raised in this house about the impacts on human rights. I reiterate the comments of the Chief Minister, who said:

> At some stage you have got to just let yourself go and trust a little bit.

Further, he said that you cannot make:

> … the assumption you cannot trust coppers and you cannot trust courts.

Indeed, I concur strongly with the Chief Minister in this regard. So we are not calling for new laws in response to any media and sensationalism over recent events. We are calling for appropriate laws, not the toughest laws. We are calling for the most appropriate laws in response to what is occurring in other jurisdictions, notably, those jurisdictions which have Labor Premiers—South Australia, New South Wales, the Northern Territory and Queensland.

This is just not the Canberra Liberals saying this; this is advice from the South Australian government, advice from the Australian Crime Commission and advice

from the AFPA. It is important that we close those gaps between the jurisdictions, otherwise that is where we will find organised crime operating most effectively.

So I thank members for the debate today. Aside from some of the more emotive language and name calling, I think it has been a useful debate. We have the issue on the table. There are two motions, and I hope that mine will be successful. I will talk briefly to Mr Corbell's motion when that is put forward. But, certainly, I believe that we all share the same sentiment in this house—that is, we must take all action necessary to keep our community safe, as well as being mindful at all times of the impact upon human rights legislation. If we do those two things, then I believe that we are meeting the responsibility of the chamber.

Question put:

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

Ayes 6	Noes 11	
Mr Coe	Mr Barr	Ms Hunter
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope
Mr Smyth	Mr Hargreaves	

Question so resolved in the negative.

ACT Policing—investigative powers

Debate resumed from 31 March 2009, on motion by **Mr Corbell**:

That this Assembly:

(1) notes:

(a) current community concerns regarding the activities of outlaw motorcycle gangs (OMCG) and apparent gang related violence in some Australian cities;

(b) the relatively low level of OMCG membership and associated criminal activity in the ACT; and

(c) the involvement of OMCG in organised crime in Australia and overseas;

(2) resolves that the Government provide advice to the Assembly on:

(a) the nature and operation of existing Territory laws used to combat organised crime groups and any proposed review of such laws;

(b) issues arising from the South Australian *Serious and Organised Crime (Control) Act 2008* including any available early evidence as to its operation and efficacy in reducing organised criminal activity;

(c) any legislation introduced into the New South Wales Parliament to provide for special powers to combat OMCG;

(d) any other legislative developments internationally that could be of relevance to combating organised crime groups in the Territory and any available evidence as to the efficacy and operation of such legislation; and

(e) the human rights issues raised by legislation that provides for mechanisms similar to those contained in the South Australian legislation that allow for the banning of certain organisations in circumstances where a sufficient nexus can be established between the organisation and criminal activity; and

(3) resolves that this advice be provided to the Assembly by the last sitting day in June 2009.

MR HANSON (Molonglo) (5.37): I move:

Omit all words after "Assembly", substitute:

"(1) notes:

(a) current community concerns regarding the activities of outlaw motorcycle gangs (OMCG) and apparent gang related violence in some Australian cities;

(b) the relatively low level of OMCG membership and associated criminal activity in the ACT;

(c) the involvement of OMCG in organised crime in Australia and overseas;

(d) the recommendations and outcomes of the Ministerial Council for Police and Emergency Management—Police Senior Officers Working Group;

(e) the Prime Minister's First National Security Statement of 4 December 2008; and

(f) the current inquiry into the legislative arrangements to outlaw serious and organised crime groups by the Parliamentary Joint Committee on the Australian Crime Commission;

(2) resolves that the Government provide advice to the Assembly on:

(a) the nature and operation of existing Territory laws used to combat organised crime groups and any proposed review of such laws;

(b) issues arising from the South Australian *Serious and Organised Crime (Control) Act 2008* including any available early evidence as to its operation and efficacy in reducing organised criminal activity;

(c) any legislation introduced or being introduced into the New South Wales and Queensland Parliaments to provide for special powers to combat OMCG;

(d) any other legislative developments internationally that could be of relevance to combating organised crime groups in the Territory and any available evidence as to the efficacy and operation of such legislation;

(e) the human rights issues raised by legislation that provides for mechanisms similar to those contained in the South Australian legislation that allow for the banning of certain organisations in circumstances where a sufficient nexus can be established between the organisation and criminal activity; and

(f) any legislative changes it considers appropriate to ensure that the ACT will not attract organised criminal elements that are dislocated from other States and Territories as a result of legislative changes to criminal law either proposed or enacted in those jurisdictions; and

(3) resolves that this advice be provided to the Assembly by the last sitting day in June 2009.".

I will be brief in speaking to my amendment. The motion that Mr Corbell has put forward has been amended. In paragraph (1) I have essentially just added that a number of activities are occurring in the national debate which will better inform the house when Mr Corbell comes back. I have included Queensland, where the laws are being looked at and are about to be introduced. So it is not just New South Wales, but also Queensland.

The substantive element is subparagraph (f), which makes it clear that when the minister does report back to the house in June he will not just provide a report on what is going on elsewhere but will identify any legislative changes that are considered appropriate to ensure that the ACT will not attract organised criminal elements that dislocate from other states and territories as a result of legislative changes to criminal law, either proposed or enacted in those jurisdictions.

So it does give the government the ability—I note that it is not directing us to do so, but certainly the ability which we would support is in there—for examination of various laws over the next several weeks. If they do identify that there are deficiencies in our law or that the laws being introduced in New South Wales will in fact create a situation where we may see leakage of organised crime to the ACT, it will give them the ability to introduce law at that stage. I commend my amendment to the house.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.39): As I noted in my comments in relation to the debate on Mr Hanson's motion, I note that Mr Hanson's amendments in their entirety retain elements of my motion and make only one other significant addition in relation to the advice that I am suggesting the government provide to the Assembly. That is point (f) in relation to legislative changes that the government may consider to be appropriate

"to ensure that the ACT will not attract organised criminal elements that are dislocated from other States and territories" et cetera.

For ease of process, I am happy to agree to Mr Hanson's motion, although I note that it effectively replicates mine, with one change in relation to the terms of reference, if you like, for the government's report.

I do, however, want to move an amendment to Mr Hanson's amendment to amend Mr Hanson's amendment at 2(f) where he says "any legislative changes it considers appropriate to ensure that the ACT will not attract organised criminal elements that are dislocated from other States and territories". I would take issue with the assertion that there will be dislocation. I think it would be fair to say that there may be dislocation; therefore, I am simply proposing a simple amendment to replace the word "are" with the words "may be", recognising that this is one of the issues in debate. Whether or not there may actually be dislocation is a matter for some discussion and further analysis. I do not think that we can accept it as a given, and we should not proceed on that basis. I move:

> Omit "are", substitute "may be", in paragraph (2)(f).

MR HANSON (Molonglo) (5.42): Madam Assistant Speaker, I am comfortable with the change in that language; we will be supporting the amendment to the amendment.

Mr Corbell's amendment to **Mr Hanson's** proposed amendment agreed to.

Mr Hanson's amendment, as amended, agreed to.

Motion, as amended, agreed to.

Environment—energy efficiency ratings

Debate resumed from 25 March 2009, on motion by **Ms Le Couteur**:

> That this Assembly:
>
> (1) notes:
>
> (a) the lack of:
>
> (i) auditing of energy efficiency ratings of new houses in Canberra;
>
> (ii) sufficient warning to energy auditors to prepare for the new software which will be mandatory from May this year; and
>
> (iii) auditing of the ratings as used by real estate agents to regularly disclose the energy efficiency of houses for sale as per the Sale of Premises Act;
>
> (b) that despite Action 19 in the Government's Weathering the Change strategy, there has been no action to extend energy efficiency ratings to commercial and rental buildings; and

(c) the potential for confusion as there will soon be two different ratings schemes for households; and

(2) agrees that the Government should:

(a) immediately start auditing the energy efficiency ratings undertaken last year for new houses and houses for sale;

(b) set a target of auditing at least 5% of ratings on an annual basis; and

(c) urgently implement transitional arrangements, in particular:

(i) inform ACT energy auditors as soon as possible of the new energy efficiency software which will be required under the Building Code of Australia from May 2009;

(ii) clarify which software will be required under the Sale of Premises Act, and inform the real estate industry and energy auditors of this;

(iii) implement an education program to explain the two ratings schemes, so users of the ratings, such as home owners and purchasers, understand how the new ratings relate to the old ones and why ratings are important;

(iv) ensure that there are sufficient trained auditors by May 2009; and

(v) publicly release the energy rating discussion paper published by the ACT Planning and Land Authority last year.

And on the amendment moved by Mr Seselja (Leader of the Opposition): Omit all words after "should" in paragraph (2), substitute:

"(a) publicly release the energy rating discussion paper published by the ACT Planning and Land Authority last year; and

(b) ensure the Department for Environment, Climate Change, Water and Energy undertakes an annual review of the ACT Planning and Land Authority's energy efficiency rating scheme and make the report publicly available."—

MS LE COUTEUR (Molonglo) (5.43): I seek leave to move the amendment circulated in my name.

MR SPEAKER: Sorry, Ms Le Couteur; we have already got an amendment from Mr Seselja, so we will deal with that first and then we will come to you in a minute.

Mr Seselja: Mr Speaker, given that we have had some discussions around this, can I propose that we vote down the original motion. The way that this new motion is drafted is that it is a totally new motion rather than an amendment to the original one. With the indulgence of the Assembly, I would suggest that a possible way forward

would be to vote down the original motion and then for Ms Le Couteur to seek leave to move her amended motion—if that was to work as a way forward.

MR SPEAKER: Yes; I see general agreement for that one.

Amendment negatived.

Motion negatived.

MS LE COUTEUR (Molonglo) (5.45), by leave: I move:

That this Assembly:

(1) notes:

(a) the lack of enforcement mechanisms available to regulate energy efficiency ratings for the Civil Law (Sale of Residential Property) Act;

(b) the limitations in auditing energy efficiency ratings for new houses through the building certification process;

(c) the importance of informing consumers and industry of the differences in energy efficiency performance requirements for new buildings and energy ratings prepared under the provisions of the Civil Law (Sale of Residential Property) Act; and

(d) the need to continue the expansion of mandatory disclosure of energy efficiency at the point of sale and lease to all buildings as per Action 19 of Weathering the Change, while recognising the constraints imposed by the National Framework for Energy Efficiency; and

(2) agrees the Government should:

(a) immediately strengthen the auditing of the approval and certification of new buildings to better audit energy efficiency ratings;

(b) clarify arrangements under the Civil Law (Sale of Residential Property) Act, in particular:

(i) confirm the continuance of existing provisions and use of first generation software pending consultation and final decision on any transitional arrangements to the real estate industry and energy auditors; and

(ii) develop information sheets to inform the community of the different requirements for energy assessment for new buildings and energy ratings for the purpose of sale of property;

(c) commence consultation on energy efficiency ratings in the ACT beginning with the release of the discussion paper produced by the ACT Planning and Land Authority by the end of April 2009;

(d) ensure the discussion paper addresses licensing of energy efficiency assessors, compliance and auditing mechanisms, the transition to second

generation energy rating software for new buildings, assessor training, expansion of the mandatory disclosure provisions to other building types, the method for calculating energy ratings for mandatory disclosure schemes and education of stakeholders and industry; and

(e) ensure the Department of Justice and Community Services and the ACT Planning and Land Authority include in their annual reports information on the operation and enforcement of the energy efficiency rating scheme mandated under the Civil Law (Sale of Residential Property) Act. It should report on the total number and proportion of:

(i) new house energy ratings audited by software assessment of rating;

(ii) new house energy ratings audited by physical inspection;

(iii) sale of premises ratings audited by software assessment of rating; and

(iv) sale of premises ratings audited by physical inspection.

The motion that I am moving today retains most of the substance of my original motion on energy efficiency rating audits. The amended motion basically clarifies some of the things which were not as well expressed as they could have been, and makes clearer the commitments which the government is happy to make—or that I hope it is happy to make. I am very hopeful that the motion will be supported by both the Labor Party and the Liberal Party. As I emphasised last week, given the importance of the energy efficiency rating scheme, it is very important that we have proper auditing of the scheme and clarity on the ratings.

Since I put forward this motion last week, there has been a lot of work on the issue behind the scenes. It is actually a very good example of what can be achieved in this place when there is a commitment to cooperation and a focus on good outcomes. I am very thankful to the minister's office and Craig Simmons from ACTPLA for working through the issues which I raised last week and identifying the exact problems and areas where my motion lacked clarity.

Last Friday, we had a very helpful joint briefing from the relevant ACTPLA officers for both us and the Liberal Party, so I am really hopeful that both sides will be able to agree to this. It was very useful because it was a briefing about all of the issues. I think one of the major problems is that there are two different rating schemes and people, including myself at times, very often get confused about them.

I will briefly go through the points in the new motion. The "notes" part is probably not the major part that I need to talk about because I went through that in my speech last week. I would like to concentrate on the four areas where the Assembly agrees that the government should do certain things.

First, we have got "immediately strengthen the auditing of the approval and certification of new buildings to better audit energy efficiency ratings". I am very pleased that this, I hope, is a common goal of the Assembly. My original motion did have some numeric targets in there. I am prepared to say at this stage that, while the

numeric targets might well have been helpful, it is possible that they were not, in all cases, the correct targets.

One thing I have learned as a result of talking more to ACTPLA is that ACTPLA does a desk audit of 10 per cent of all the building certifications, and that includes the energy efficiency rating. However, it is only a desk audit in most cases, so from that we cannot tell whether the building was actually built from an energy efficiency point of view as per how it was rated and whether the rating was done correctly; perchance it might have been done for the wrong climatic zone or something like that.

The second item, (b), reads:

> clarify arrangements under the Civil Law (Sale of Residential Property) Act, in particular:
>
> (i) confirm the continuance of existing provisions and use of first generation software pending consultation and final decision on any transitional arrangements to the real estate industry and energy auditors;

That, in my mind, is a particularly important commitment because the first organised group that came to see me after I became an MLA was a group of energy assessors, saying they were really confused about what was going to happen on 1 May when, from the Building Code of Australia point of view, the software use would be changed. So I am very pleased that the government are clarifying what may well have been very clear to them but unfortunately was not clear to the industry, as to what will be happening with the sale of premises act.

The next commitment, (c), is to "commence consultation on energy efficiency ratings in the ACT beginning with the release of the discussion paper produced by ACTPLA by the end of April 2009". Again, this seems a very positive commitment. There is a commitment to a discussion paper in this month and a commitment to quite a number of useful things within this discussion paper, and then a commitment to continued consultation on it. I look at this as being a very positive way forward. Hopefully, out of this will come the numbers as to how we do our auditing. This process should be more rigorous in terms of working that out.

The final part of the new motion is to ensure that the department of justice and ACTPLA in their annual reports include information about the operation and enforcement of the two different energy efficiency schemes, and it will be reporting on a number of relevant numeric factors. Again, I think this should considerably advance the debate in the future and enable us to finetune anything if we discover more problems in the future. I commend this new motion to the house and thank you for your cooperation.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (5.51): I thank Ms Le Couteur for her speech and for her cooperative efforts in ensuring that we have before us today a very good, forward looking motion. There is no doubt that, following the adjournment of this discussion last week, a lot of effort has gone into arriving at this motion, which has gone really to the heart of the

issues that Ms Le Couteur initially raised, but which has done so now in a very constructive way.

A range of discussions were held between my office and Ms Le Couteur's, and I understand that a representative from Mr Seselja's office was in attendance for some of these meetings, that went to address the issues around the perceived weakness in the auditing of EERs for existing properties, the lack of hard data on physical and desk audits of energy assessors undertaken by the government, some confusion in the public's mind as to who administers which part of the energy efficiency rating system and some understandable industry confusion about time lines for the shift to second generation assessment software.

It is pleasing to note and to be able to report to the chamber that we were able to reach agreement on what is a forward looking, grounded in the facts and practical way forward. The wording of this amended motion, I understand, accommodates the concerns of the opposition, except perhaps for a call that Mr Seselja made for one department to audit another. The government do not support that. We do not want more red tape. What we want is the practical way forward that is outlined in this new motion. So I am very pleased to support it, and I encourage the opposition to do so as well.

MR SESELJA (Molonglo—Leader of the Opposition) (5.53): We will not be opposing this motion but I suppose we do not support it with any particular enthusiasm, it might be said. I suppose when you are getting the government to act on something, you are always a little bit concerned when they are particularly willing to comply. It often indicates that what you are asking them to do is something they were planning on doing anyway or is really not all that onerous. So that is, I suppose, the first thing I would say.

The initial motion certainly had some flaws, and we identified some of those in the discussion. One of our major concerns was that the five per cent figure seemed arbitrary. We had no indication as to what this would mean in terms of costs, so we were not going to support it as it was. We have seen it watered down significantly and, as I say, there is nothing here that one could particularly oppose. We certainly do agree with the Greens that the energy efficiency rating system does need some work and that we do need to throw some light on that process. To the extent that this does that, we are happy to support it. Whether it goes far enough, I suppose only time will tell.

When we look at some of the issues with the energy rating system, I know that a number of us have been approached by one particular company which is looking at the issue of air loss, how that is taken into account in energy efficiency ratings and whether that is done properly. They have various equipment for measuring that. They also have infrared equipment which can take a look at wall insulation and the like which is not otherwise easily able to be accessed. There are some concerning things that they are bringing forward. Of course, that is the view of one company that is selling a product, but no doubt some of the concerns they are raising are legitimate.

Some of those concerns are that houses with five-star energy ratings maybe do not have the insulation that they think they have, and that there is under-insulation of a

number of these homes. That is not an easy one to get to the bottom of, but I think that some of this technology potentially offers a way forward. And it goes to two issues. It goes to ensuring that our houses have the best possible energy efficiency, and it also goes to people getting value for money. There is a concern that if this is in fact the case—and this would require further investigation—some Canberra families are not getting what they pay for when it comes to insulation, whether it is a new home or an existing home. They believe they have wall insulation and perhaps only half of the home or parts of the home have wall insulation.

That goes to, I believe, a fair trade issue as well as an environmental issue, and both of those are worthy of consideration. Fundamentally, as we move forward, energy efficiency ratings are about reducing greenhouse emissions, making homes more comfortable, reducing energy use and the costs that are associated with that, and also about value for money. When people buy a five-star energy rated home, they should know that they are getting a genuinely five-star energy rated home which will be comfortable in summer and winter, which will require minimal heating and cooling and which will save them energy bills going forward. They will make economic decisions as well as environmental decisions when they purchase that home. They will budget to spend less on electricity and they may be prepared to spend more for that home as a result. These are some of the important issues that need to be looked at.

There was certainly some confusion, and I do not think all of the confusion can be sheeted home to Ms Le Couteur or the Greens. We know that there seemed to be confusion between government agencies as to who had responsibility for this. The feedback we got from the Greens was that they were getting differing accounts from one agency to another as to who had responsibility. If part of the outcome of this process is that that can be rectified, and we can make it absolutely clear which government agencies have responsibility for which issue, I think that would be a way forward.

With respect to ensuring that the discussion paper produced by the ACT Planning and Land Authority is released by the end of April, I think that is a useful way forward and it is certainly something that is worthy of our support. We do want to see this area improved and, to that end, we are happy to support the amended motion. As I say, it does not go as far as the Greens wanted it to go initially. We will see over a period of time just how effective this call is and whether the government has agreed to not very much. Certainly, with the release of a discussion paper, although I understand that the minister's office informed us that it either had been released, from memory, or that it was going to be released—

Mr Barr: It is going to be, in April.

MR SESELJA: It was going to be anyway, so this is an action that apparently they were going to take, regardless of whether this motion went through.

The amendment that I moved to Ms Le Couteur's original motion was about having some form of manageable audit, and it is important that we do this. We looked at what the Greens had put forward with the five per cent figure and we believed that there would be significant costs related to that and that they had not been quantified, so we

could not support it. There was a second version of the motion which we still had some concerns about in terms of some of the potential costs and the ability to quantify that.

As I say, we are happy to support this motion. There is nothing objectionable in it. Whether it goes far enough is another question. But this is something that, in the end, the Greens and Labor have agreed to, and we are certainly not going to oppose it.

Motion agreed to.

At 6.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Budget 2009-2010

MR SMYTH (Brindabella) (6.00): Mr Speaker, I move:

> That this Assembly:
>
> (1) notes with concern the reduction in access to Budget information for Members of the Assembly on Budget day;
>
> (2) regrets the recent tendency to apply the gag to budget debates without detailed discussion of some line items;
>
> (3) requires the Stanhope-Gallagher government to provide to each member's office a Budget kit for the member and for each designated adviser, consisting of both printed budget papers and a CD-ROM at the same time on Budget Day that the Budget lockup commences;
>
> (4) requires the Stanhope-Gallagher government to make officers available after the adjournment of the morning session on Budget Day to brief the Opposition and cross benches on the Budget; and
>
> (5) considers that each budget line should have at least one speaker from the government, the opposition and the cross benches in the debate on that appropriation.

This motion concerns the access to information for members of this place on the coming budget day, the first Tuesday in May. It sets out quite clearly some concerns about the reduction in access to that budget information that this place has suffered over the last couple of years. It almost makes you hark back to asking for Mr Quinlan to return because at least when Mr Quinlan was here the boxes did arrive early in the morning or just after midday and we actually had access to members of the Treasury to brief us on the contents of the budget.

Unfortunately, under Treasurer Stanhope, of course all that disappeared and we got to the situation last year when basically the budget boxes arrived just before we came down to question time, and there was certainly no briefing from officials. You have to wonder at the inability of a government to defend probably the most important bill of the year.

I am hoping Ms Gallagher will see the sense of this and that, as Treasurer, Ms Gallagher will say: "Look, it's not unreasonable to get the information out there. It's not unreasonable for members of the Assembly to want this. We brief the press from 10, 10.30, 11 o'clock on the day of the budget, so we actually accord more courtesy to the press in dealing with this than we do to this place." That is what is of concern. Indeed, there are stakeholder briefings; stakeholders are given copies of documents and there is a PowerPoint presentation. That happened last year and that is a further courtesy that was not afforded to this place.

I did have some hopes that we might get a few changes, but I see the minister has put out a press release, in anticipation of the debate, saying that basically there is no hope of any of this happening. It is interesting that the Treasurer put out a press release entitled "ACT government commits to open budget process" but then chooses not to include the members of the Assembly in that. One of the paragraphs goes:

> The Treasurer said in no other jurisdiction would the Opposition seriously expect to receive copies of the Budget well in advance of the Appropriation Bill being tabled in the parliament.

But they get it some hours before in New South Wales; they get it less time before in South Australia. But the reality is that in the parliament closest to us, the federal parliament, they get it a full day before the appropriation bill is tabled in the parliament at 7.30 pm; they get it that morning. They have a whole day. And indeed the federal parliament provides a lockup for the federal opposition. The Howard government certainly did it for the successive leaders of the opposition from the Labor Party. The Rudd government did it last year, and arrangements are in place to do it this year.

So again we have got a Treasurer who puts out incorrect statements. If she had said that in this place, she would have to withdraw it. She says in her press release:

> … in no other jurisdiction would the opposition seriously expect to receive copies of the Budget well in advance of the Appropriation Bill being tabled in the parliament.

In the federal parliament, they get it that morning. They get copies of the papers. They are allowed to take their laptops in. They are briefed. The only things they are not allowed to do are leave the lockup or take their mobile phones in with them. But they get a full day to digest the budget, so that at 7.30 when the Treasurer gives his speech they are well briefed on what is in it, so that they can enter into the debate. And that is not an unreasonable thing.

My recollection of when we were in office is that we certainly provided them about midday. There was certainly a briefing where members could come and ask questions of Treasury officials—it was normally the Under Treasurer—and I remember in the first Stanhope government that we were accorded that courtesy. I remember talking to the Under Treasurer and his officials on the day, in the break between the morning session and the start of question time. So for the Treasurer to put out this absolutely ridiculous, misleading and inaccurate press release is just appalling.

Ms Gallagher: Oh, it's not. What—you're going to be in a lockup from 10 o'clock on budget day, are you, Brendan?

MR SMYTH: I am not asking to be in a lockup, Madam Treasurer. I am not asking—

Ms Gallagher: Well, that is the point, yes.

MR SMYTH: Well, you could offer it, and we might consider it.

Ms Gallagher: I will happily lock you up on the morning of budget day and—

MR SMYTH: We could consider it.

Ms Gallagher: further, I will forget to let you out.

MR SMYTH: All right. If you are offering the lockup, we might take you up on that offer, but I do not think we will get offered a lockup, Mr Speaker. I do not think that courtesy will be accorded to us. But it does go to the accuracy of what the Treasurer says and whether or not you can take her at her word.

The reality is that oppositions do get copies of the budget well in advance of the appropriation bill being tabled, in the parliament about a kilometre and a half away.

Ms Gallagher: Yes, in a lockup, Brendan, which is not what you want; you want them handed to you and then—

MR SMYTH: Well, you did not say this. You did not say that. The federal Labor Party used to get that courtesy. The Liberal Party were accorded that courtesy by Mr Swan last year. Perhaps it is something we need to talk about.

Ms Gallagher: You didn't ask for a lockup.

MR SMYTH: There we go: "You didn't ask for it. We've got all the cards and you've got to guess the answer."

Ms Gallagher: I'm going on your motion, Mr Smyth.

MR SMYTH: And this is the problem: it is a self-fulfilling prophecy that sits over there on the government bench. All we are simply saying is that perhaps it is time that the courtesy was extended. I am quite happy if somebody wants to put it in a standing order. If we can agree on a format that people would accept, I am happy for a standing order to cover this. But it is reasonable to expect that members of the opposition, as they previously had in this place, have this facility, so that people can do their job in a reasonable fashion. It was the tradition of this place for a long time. But it is one of the traditions that unfortunately died under the Stanhope-Gallagher majority government. It was just killed stone dead—all the courtesy gone, all the consideration gone, all the tradition gone.

What this motion simply says is that perhaps it is time to bring that back. I have suggested a formula. What the motion says is that we would like to see the government provide each member's office with a budget kit for the member and for the designated adviser in that office, which I do not think is unreasonable. I remember with great laughter that they forgot to do it last year, or they lost the budget boxes or something: "Oh, we're really sorry you didn't get them until just before question time. We forgot. We forgot on the biggest day of the year to give you a budget box". Well, nobody believes that, and it is unfortunate.

The other part of the motion goes to the tendency to gag debate on the budget, and it was certainly done in the majority—

Ms Gallagher: It was only 18½ hours last year.

MR SMYTH: Well, is 18½ hours enough? We offered last year to clear the entire week and just do the budget for the entire last sitting week in June. If you do not want to sit late, perhaps you should consider that. These offers have been made. Reasonable suggestions have been made. But you are talking about the budget that sets the tone, the expenditure, the policies, for the year, for the people of the ACT. If you think 18½ hours is too much, that is okay. Work out the hourly rate: $200 million an hour is not bad. That is not a bad rate to get through. But, again, the majority Stanhope-Gallagher Labor government shut down debate. This is the government that in 2001 said it would be more honest, more open, more accountable—and it simply has not done it.

Paragraph (4) of the motion "requires the Stanhope-Gallagher government to make officers available after the adjournment of the morning session on Budget Day to brief the Opposition and the cross benches in the debate on that appropriation". Again, that is not unreasonable. We get briefings on many things. "Here is a budget. This is what the government is attempting to do. You can ask for clarification." That always used to happen until the last couple of years, and that changed when Mr Stanhope had total control.

Mr Seselja: The question is: is Katy going to be like Jon or Ted?

MR SMYTH: I would hope that Katy is more like Ted; at least he knew what he was doing. Jon certainly did not. Paragraph (5) of the motion asks the Assembly to consider that each budget line should have at least one speaker from the three parties in the Assembly so that we do get a reasonable cross-section of views on what each line of the budget is about. That is not to say that there should only be one, but there should be at least one. And, given that we have more Green members than we have ever had, I am sure they will be willing to take up that opportunity. But at the heart of it is a process that allows us all to do our job properly.

I note in the minister's press release that she goes on to say that, in addition to these hearings, the government will also ensure it responds to questions on notice and that last year we asked 2,134 questions and they were answered. In fact, they were not all answered. Most of them were not answered adequately. A lot actually were answered

after the budget was passed. The fact is that ministers could not answer questions. The ministers could not answer reasonable questions. So again you go to the tone of the Treasurer's press release and clearly it is not interested in a good process. The minister's final line is:

> I'm disappointed the Opposition is politicising the Budget process at a time when all efforts should be put in to supporting the ACT community …

The simple answer to that is: just support it, minister.

Ms Gallagher: You don't agree with my media releases, and—

MR SMYTH: Just support it, just support it

Ms Gallagher: I don't agree with yours, Brendan.

MR SMYTH: I do not put out misleading press releases. You are the one who had to come back here and apologise. Mr Speaker, the minister was standing there yesterday telling people that I was out there spinning falsehoods in the community, and she was forced to come back in here before question time and apologise for misleading.

Mr Coe: Andrew backs her in interjections.

MR SMYTH: Mr Barr was doing the interjecting. But at least Ms Gallagher had the guts to come and apologise. Mr Barr did not. But the whole point about this is that the tone of this press release follows exactly what we have come to know from this government. It is not unreasonable perhaps, in terms that there is a new Assembly, it is not a majority government, there is a new make-up to the Assembly, that we set some ground rules for how the next four budgets are dealt with. It is not unreasonable for the members of the Assembly to get at least equal treatment to the media, who are clearly briefed from about 10, 10.30, when the budget lockup starts.

Ms Gallagher: Yes, in a lockup.

MR SMYTH: I am not sure what time it starts. It happens federally. It happens—

Ms Gallagher: Do you want to all be in the lockup?

MR SMYTH: Well, I do notice that there is another line in this excellent press release. I am not sure who wrote this press release, but there is another line where we actually get an invite, members:

> The government will also extend an invitation to MLAs and/or their nominated staff member to attend the stakeholders briefing on Budget Day.

That is very generous. But normally the stakeholders budget briefing starts at about 2 o'clock and they get out about 3 o'clock.

This just shows again the failure to understand what happens in this place. They are actually arranging briefings for the stakeholders, but we the members—

Ms Gallagher: Wait for me to give my speech, Brendan.

MR SMYTH: cannot get the documents a little bit earlier and we the members cannot get a briefing as well.

Ms Gallagher: I'm going to surprise you all. You're going to fall over yourselves.

MR SMYTH: I can hear the whingeing from the minister.

Ms Gallagher: I am not whingeing.

MR SMYTH: I do not have a great deal of hope now that there will be some concessions.

Mr Seselja: She is going to surprise us, Brendan. I am waiting to be surprised.

MR SMYTH: I am willing to be surprised.

Mr Seselja: I am surprised that she withdrew today.

MR SMYTH: I am willing to be surprised, Mr Seselja. I am willing to be surprised, Mr Speaker. But the point is that there is no case made in this press release. The ridicule line is good. The ridicule is what you do, and it is what we expect from the government. They actually have not got a reason not to do it, and the press release is simply full of ridicule. There is this line:

> The Liberals have sat on the sidelines offering no real practical solutions, offering no real practical solutions …

But we offered to meet with the Treasurer. We offered to meet with the Greens, to offer our solutions, to put them on the table, but they turned us down, Mr Speaker. They were unhappy with the way the invitation was delivered, so they declined to comment. I will await with interest the response from both the Greens and the minister as to what they intend to do. No-one can answer me, or no-one I have spoken to today can answer me, on why it is not unreasonable that we would get this at, say, 11 o'clock, under embargo. Nobody has ever broken the embargo, to the best of my knowledge, in the 20 years of the Assembly, because that would be very foolish and a betrayal of great trust. But no-one can make a case to me as to why we could not receive it early, under embargo, so that at least we can have a bit of time to explore what is a big document and a growing document and what undoubtedly will be a very important document for the people of the ACT, particularly this year but in the coming years, given the state of the ACT finances.

The motion speaks for itself. It should be supported. There is no logical reason for it not to be supported if you get past the ridicule. Somebody obviously in the government got a thesaurus for Christmas. We have heard all those wonderful words today from the Chief Minister and there are lines in here:

> While the Liberals waste time chortling and high-fiving themselves over their sophomoric interjections …

Mr Seselja: Over which interjections?

MR SMYTH: Well, it means sophomore; it means young people. So here is an attack on—

Mr Seselja: Sophomoric. Yes, I know that word. I am familiar with that, yes.

MR SMYTH: Sophomoric, yes. It is good to see at least that, given they did not have a—

Mr Seselja: It's a big word. It's not used often in conversation.

MR SMYTH: but it does appear now that they have managed to go out and get a dictionary. I suspect it might be one of those new press advisers working for the government now that they have had to change so many members of their staff, but it appears that somebody has also purchased a thesaurus for the government.

On a serious note, I would hope that people will take this seriously. It is something we all need to do our job. Experience tells me that an hour or two is not going to make a great difference to the government. There is no logical reason not to do it. We all talk about the new way the Assembly is operating. Well, here is a little test for the government. It will be interesting to see if they can pass the test, Mr Speaker.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (6.14): The government will be opposing this motion. It will be opposing the motion specifically, I guess, firstly because of the way it is written. It states:

> notes with concern the reduction in access to Budget information for Members of the Assembly …

We are not talking at all about reducing members' access to budget information. In relation to it stating that it "requires" the government to do certain things, again it goes to some of the issues that Minister Corbell would have covered off in debate on the bikers. Mr Hanson's motion goes beyond the scope of the legislature to require—

Mr Seselja: But that was a different point. It was on legislation.

MS GALLAGHER: And I heard that you do not agree with it. This requires the government to provide certain documents at certain times and also to make officers available at certain times on a bill that has not even been introduced into the parliament. That is the reason why we will be opposing the motion. However, this is what—

Mr Seselja: But wait, here is the surprise.

MS GALLAGHER: Here is the surprise. However, in discussions we have been having through the day and particularly with the Greens around ensuring that we do meet members' needs on budget day, I can provide the following commitments to members of the Assembly.

The government will arrange for Treasury officials to provide a technical briefing on the budget and a copy of all relevant budget papers and a CD-ROM for members and a nominated staff member during the lunch break and before question time. I will negotiate with members out of session on what a suitable time that is for the majority of members to attend that briefing. We will also extend an invitation to MLAs and/or their nominated staff members to attend the other briefings that are being arranged on that day if they would like to attend.

Mr Seselja: The lockup—does that include the lockup?

MS GALLAGHER: We had not considered the lockup. I had not lent my mind to that, I must say, and I am prepared to give it some thought over the next couple of weeks. I do not know that we have ever had a staffers' lockup here. I do not know if Mr Smyth can recall whether that has happened. I am prepared, certainly, to provide a special locked room for opposition members and—

Mr Seselja: It does happen federally.

MS GALLAGHER: I understand that it happens federally and that goes to, I think, the criticism that Mr Smyth had about their having a full day of access. That full day, though, is spent in a lockup situation. When I read your motion today it was about providing members and their advisers with budget papers outside of a lockup situation well in advance of the budget being tabled.

They are the commitments that we give. I do want to ensure that we meet members' needs on budget day in the provision of information. Of course, the estimates process is also well down the path now of being arranged. I think there are 72 hours of hearings in the draft schedule. And in relation to debate on the budget, we expect that there will be a long and lengthy debate as there has been every year.

Mr Smyth: So are you promising not to apply the gag?

MS GALLAGHER: When I reflect back on last year's debate, and we did check this today, it did go for 18½ hours. I think that is pretty—

Mr Smyth: Who cares?

MS GALLAGHER: Well, I think in relation to arguments about gagging debate I do not know that you can argue that there has been a gag placed on the budget debate when it has gone for 18½ hours. Paragraph 5 of the motion states:

> considers that each budget line should have at least one speaker from the government, the opposition and cross-benches …

If we could mandate that it was only one speaker, we would be very happy to contain budget discussion to that. In relation to the general gist of Mr Smyth's motion and some commitments that Ms Hunter and I have been talking about today, we are happy to commit to that.

Members will have information. Members will have access to Treasury for a technical presentation on the budget. We will organise that during the lunch break, organise that it suits members' needs, that nobody feels rushed about coming in here to question time. Of course, we look forward to a lengthy discussion through the estimates and the broader budget process.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.19): As we all know, the introduction of the budget and the processes of its delivery are a matter for the government of the day under the clear separation of powers between the Assembly and the executive.

Mr Smyth's motion is seeking that the Assembly require the executive to deliver specific documents before they are tabled and direct public service officials to specific places at specific times. We do not believe that the Assembly can enforce these requirements upon the government. However, we would be calling upon the government to support an open and collaborative approach towards delivering a thorough and tripartite scrutiny of this budget.

The Treasurer and I, as you have just heard, have been in discussions today. She has assured us that this is the approach she intends to take and has given a commitment to the Assembly that members will be provided with budget kits and a briefing from Treasury officials on budget day during the lunch break and before question time. Also, of course, there is the other offer, that staff or MLAs can attend the other stakeholders briefing that takes place.

The Treasurer has also assured members that they will be consulted on the exact timing of the delivery of the budget kits and the briefing. Of course, just with the interaction that has happened across the chamber in the last few minutes where Mr Smyth has indicated an interest in being part of the lockup process, I am sure that I would be very interested in having discussions with the Treasurer about whether that is a possibility, considering that it is a practice up at Parliament House in the federal parliament. We would be very happy to have those discussions, as I am sure we would be happy to have those discussions with Mr Smyth.

Mr Speaker, the Greens would rather honour the word of the Treasurer and the collaborative approach she has offered here today than attempt to enforce a process by supporting Mr Smyth's motion.

MR SESELJA (Molonglo—Leader of the Opposition) (6.21): It is disappointing that this motion appears as though it is going to go down. It is worth talking a little bit about how this has been handled in the last few years. Mr Smyth can speak to some of the history of it. My perspective is since the 2005 budget. Someone can correct me if I am wrong on this but I have a strong recollection, my first budget 2005, of there

being an official provided. I do not know exactly what time that was but it was prior to the budget speech. I think it was Ms Smithies at the time, before she was the Under Treasurer. We got to ask a lot of questions about a number of the technical aspects of the budget, and that was useful. We also got it earlier.

I think last year was the latest we ever got it. And we have seen that, if the government can get away with giving the information as late as possible, they do. I recall last year getting it virtually as we were walking down to question time. That was obviously designed to prevent us having any information ahead of time.

We have heard the Treasurer talk about having the estimates process. Yes, that is very important. We will scrutinise the budget and we will have the debate, which is very important as well. But the day of the budget is an important part of the debate. It is when the government puts its case as to what are the central themes in the budget, why they have delivered a deficit or a surplus and all the factors that have gone into that.

If you look at what happens federally, we talk about the lockup. As I understand it, both staff and members are able to access the lockup federally and, in fact, what normally happens is that, for instance, under the current practice, as I understand it, we would see senior staff who are nominated by the opposition going into the lockup. They would normally be there all day. Once they are there, they cannot leave.

That allows the shadow treasurer or the opposition leader to come in at some point and receive the briefing from their advisers who have been in the lockup and got the information. Obviously once that person is in the lockup they cannot leave. But the shadow treasurer and opposition leader are then able to come in at the tail end of it and get that information so that they can absorb what it is that is in the budget and then actually give some reasonable comment.

If we look at what happens federally, we see normally a special *7.30 Report* at 8 o'clock. Just after the original speech from the Treasurer, they will normally talk to the Treasurer and they will talk to the shadow treasurer or the opposition leader. That has to be in some way informed. Likewise, in the ACT, the Greens will be asked, as we will be asked, on the day, very soon after, to give some reasonable comment. What Ms Gallagher has proposed is quite vague. We know there will be discussion at some point in the lunch break about us getting a briefing. That is still pretty late in the piece.

The fundamental point here is that there is no reason why the government cannot give this information earlier and commit to doing so. Hiding behind the legalities is quite weak. There is nothing to stop them agreeing to the motion and agreeing with the principle of it, because it is a good principle. There is nothing to stop them drafting their own amendment that they will in fact provide this at a certain time and committing to that. Rather, we have got what is a relatively vague commitment to discuss this issue over the next couple of weeks and find some suitable time.

Obviously something will be better than nothing, given how it has been treated in the last few years. This is a fairly weak commitment and we are disappointed that the Greens will not be supporting the motion because I think it is important that we hold

this government accountable for these processes. It is important that we demonstrate that things are not going to be done as they have been done in previous years.

This place has been treated with disdain. Members of this place have been treated with disdain by the executive government. What we are seeking to do, and what Mr Smyth is seeking to do with his motion, is bring some reasonable order to how these things are done. It is quite reasonable for non-government members to get a reasonable heads-up as to what is going to be in the budget before they then have to make comment on it in the media. Those familiar with it would know that, on the afternoon, the opposition leader and the Treasurer will debate it, normally at a chamber of commerce function, and the next morning. The first debate actually happens pretty soon after. It is only a few hours after the budget is delivered.

Being reasonable in this, I think, is important. Providing one reasonable time line, not just before question time, not just before the budget speech is delivered, allows for a reasonable debate. In the end, the information is getting out there. What it means is the first day sees more informed commentary from all sides, rather than guesswork or making some assumptions based on the limited information that is given to the opposition.

It is a motion that is certainly worthy of our support, and all it would seek to do is keep the government accountable and get them to actually pin down when they would provide it and ensure that they have provided this information at a reasonable time. This government appears not to have learned much from when it was a majority government. It still wants to operate in basically the same way. What this motion seeks to do is get them to act in a more reasonable way, which in is the interest of all members and, in turn, in the interests of all Canberrans. We are disappointed that it appears the motion will be going down, with the Greens and the Labor Party voting against it.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.28): I rise to support the Treasurer's position in relation to this and to dispel some of the myths propagated by the Liberal Party in relation to these matters. It has never been the practice in this place that there be some form of lockup in the Assembly; nor has it been the practice in this place that there have been incredibly generous provisions when it comes to the briefing of non-executive members in relation to the details of the budget.

Certainly the practice of the Carnell government was a very frugal one when it came to the provision of budget information. It is certainly my experience as an opposition member at that time—and that goes back to the first Carnell government, in 1997—that opposition members received a budget pack and they received it around lunchtime on budget day. And that was it. You got the budget pack. You got the CD-ROM. You got the papers. But that was it. You did not get anything else. You did not get anything further. So this myth that has been propagated by the Liberal Party that something terrible has happened and everything has changed really is a bit silly.

I think the key issue that needs to be remembered here is that it is a courtesy extended to members by the government of the day to provide information on the budget before

the Treasurer stands up and makes the budget speech. That timing is very much in the hands of the executive and it really comes down to a judgement as to what is reasonable. And governments of both persuasions, for many years, have asserted that around a couple of hours before question time, a couple of hours before the Treasurer makes the budget speech, is a reasonable period of time. The Treasurer has outlined what I think is a very reasonable approach, consistent with the practice of governments, past and present, to provide the information before the Treasurer stands up.

But it is important to remember that straight after the Treasurer gives the budget speech the Assembly adjourns. And why does the Assembly adjourn? The Assembly adjourns to allow members to more comprehensively digest what has just been said in the budget speech. I think we have to have regard to those issues.

I absolutely agree that it is important that non-executive members, in particular opposition and crossbench members, get a copy of the budget papers and the other information before the Treasurer stands up. That is important. But I think it is a bit of mythmaking on the part of the Leader of the Opposition to assert that there was previously an incredibly generous regime and then that has changed under the Labor government. That is not the case. That is simply not the case.

The practice of the Carnell government was exactly the approach that was proposed by the Treasurer in her comments earlier in this debate—provision of those papers during the luncheon break on budget day on an embargo basis. There is nothing dramatic about that. I think we need to have a little less myth and a little more accurate understanding of what has been the practice in this place in the past.

MR SMYTH (Brindabella) (6.32), in reply: It is probably most worrying when Simon the reasonable appears to dispel the evil of the opposition and to reweave the fabric of the Treasurer's speech so that he could cast the blanket of doubt over everything and say, "Just be calm and trust me." We know Mr Corbell very well. He is the only member of this place to be admonished four times by the Assembly and people should look at his record before they take anything he says as the truth.

As happens so often, out comes the spin and the misrepresentation. At no stage, for instance, did Mr Seselja say there used to be very generous access to the budget. But it was better than it was last year. Last year there was no briefing and the budget boxes turned up incredibly late because the government forgot to send them out. Their excuse was "we forgot". We rang every half hour to find out where they were but the government forgot to send them out. Mr Corbell can write his own minutes but that is all they are; they are illusions in Mr Corbell's mind.

I go back to what I said earlier. No-one has said what is unreasonable about it being given to us at 11 o'clock. What is unreasonable about that? No-one has said that. Ms Gallagher starts with, "Nobody gets it early," yet we have a full day's briefing, a full day lockup in the federal parliament, a full day to come to grips with it, a full day to understand it. New South Wales gets it relatively early. South Australia gets it an hour and a half before it is delivered. Ms Gallagher said, "You will be surprised." I was surprised.

We have got the very firm commitment of having a discussion, at which time she will tell us what time we will get the box. Unless you are saying that you will give it to us at 12.30? I did not hear that.

Ms Gallagher: I said you will get the papers, you will get a briefing during the lunch break and I will talk to you about what time—

MR SMYTH: During the lunch break is anytime between 12.30 and 2. We got the boxes in the lunchbreak last time, just before we came down to the chamber, and that is the problem.

Ms Gallagher: I said "well in advance of question time", if you had listened, and I am sure you will reflect on that answer.

MR SMYTH: No, I will go back and read the *Hansard*. But again, what is the definition of well in advance of question time? It is not that hard to commit here to 12.30. Why not 12 o'clock? But again, the point I make is: nobody can get up and say what is unreasonable about getting it at 12 o'clock or at 11 o'clock or, indeed, when the press get it.

It is under embargo. We all understand that. Mr Corbell can correct me, but I do not recall anybody ever breaking that embargo. It has been respected by all parties in this place for as long as this place has been functioning. I do not ever recall it being released early.

We will see. I accept there will be a briefing and I accept we will get the budget boxes for members and staffers well in advance of question time. Well in advance of question time, of course, is 11 o'clock or 10 o'clock or 9 o'clock. But I will be surprised. I am happy to be surprised.

Ms Gallagher talked about separation of powers and that we cannot direct. Ms Gallagher, you probably did not participate in this but the man sitting next to you did. Previous Assemblies directed former governments to deliver things, in particular what became known as the Gallop inquiry. You were not part of that and I do not hold you accountable for what people in your party did before you got here. But just be aware that the Assembly has on occasions directed governments to do things.

There is this myth that it cannot happen and somehow it is dreadful. The precedent is established in this place and the precedent was established by the Labor Party and supported by Ms Tucker representing the Greens. I can remember Ms Tucker moving amendments in some of these debates, particularly in, say, the taxi debate, where I was directed to do things. I was directed by the Assembly to do things. So this myth that you cannot do it is again is another—

Ms Gallagher: Maybe you should have taken advice on that, Brendan.

Mr Seselja: Perhaps he had more respect for the Assembly.

MR SMYTH: Mr Seselja is right. It is about, in the long run, respect for the Assembly. We seem to have travelled a small way. I am grateful for that first step in the great march to access to the budget papers. I look forward to the discussion. It will be interesting to see, when we get back here on budget day, what happens. But I do not think it is beyond the Treasurer to stand up and simply say—and I will give her leave to speak again if she wants—she will make it 12.30 or make it 12. Nobody can give a reason, nobody has given a reason, as to what is unreasonable about getting it a little early under embargo. And the reason they cannot do that is that there is no reason.

Question put:

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

The Assembly voted—

Ayes 6	Noes 11	
Mr Coe	Mr Barr	Ms Hunter
Mr Doszpot	Ms Bresnan	Ms Le Couteur
Mrs Dunne	Ms Burch	Ms Porter
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope
Mr Smyth	Mr Hargreaves	

Question so resolved in the negative.

Adjournment
Legislative Assembly—powers

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.40): I move:

> That the Assembly do now adjourn.

I want to just reflect a little bit on the debate that has been bubbling around the edges in a couple of other matters today, in relation to the powers of the Assembly and its ability to direct the executive to do certain things. I note the most recent assertion by Mr Smyth in this discussion when he said, "You guys directed us to do certain things, and now you are being hypocritical."

It is true, Mr Speaker, that the Labor Party in opposition did support motions that sought to direct the executive to do certain things, and perhaps that is a function of the push and shove in this place, but that does not diminish from the opinions on this matter in relation to the powers of parliament, and therefore of this place, to do certain things.

I think it is worth just reading out *House of Representatives Practice* in this regard, where it says, under the heading "Effect":

> The House has the power, within constitutional limits, to make a determination on any question it wishes to raise, to make any order, or to agree to any resolution. In the conduct of its own affairs the House is responsible only to itself. However, the effect of such orders and resolutions of the House on others outside the House—

And here I interject and would support the words "the executive, for example"—

> may be a limited one. Some resolutions are couched in terms that express the opinion of the House on a matter and as a result may not have any directive force.

So the House of Representatives practice makes it clear that that house can certainly express an opinion, and the house can even express an opinion very strongly by saying, "We direct you to do certain things," but it does go to make the point:

> Other than in relation to matters such as its power to send for persons, documents and records and its powers in regard to enforcing its privileges, decisions of the House alone have no legal efficacy on the outside world. The House, as a rule, can only bring its power of direction into play in the form of an Act of Parliament—

that is, only in concert with the other two components of the legislature, the Sovereign and the Senate—

> This is the only means by which the House can direct (rather than influence) departments of State, the courts and other outside bodies to take action or to change their modes of operation. However, while the House may not have the power to make a direction, a resolution phrased in other terms may …

That is an interesting commentary in *House of Representatives Practice*, and obviously there is push and shove between the executive and the legislature, but I think the point the government has been seeking to make is this: we have seen two motions today from the Liberal opposition, both of which purporting to direct the executive to do certain things. One was quite an extraordinary assertion by Mr Hanson which was, "You, the executive, must introduce legislation and you must do so by a certain date, but we cannot tell you exactly what you want to do in terms of legislation." The other one was by Mr Smyth, purporting to direct the executive, in relation to the budget papers, to provide officials at certain times and release documents to the opposition by certain times.

Both certainly fall within the ambit of the standing orders, but neither is consistent with *House of Representatives Practice* in terms of saying that the executive should be able to be formally directed in a legally binding way. At the end of the day, these matters are resolved as to whether or not the Assembly feels that the refusal, for example, of the executive to agree to such a strongly worded opinion, even if it is couched in terms of a direction, warrants the dismissal of a minister. I think that is the issue at play here: whether or not it warrants the dismissal of a minister, which is the only really serious sanction the Assembly has, simply if the executive refuses to agree to such a request or direction.

I think perhaps there needs to be a discussion in this place, if we are going to be moving these types of motions, about our understanding of what is going to be the

sanction. Certainly in the past the suggestion has been that the sanction would be no confidence, but whether or not that is appropriate in all circumstances I think is something worthy of further discussion. So I put that out there, and I am sure that other members will have strong and probably diverse views on the matter.

Greek Independence Day

MR DOSZPOT (Brindabella) (6.45): Mr Speaker, last Saturday night I had the pleasure, along with my colleague from the other side Ms Porter, of being a guest of the Greek Orthodox Community and Church of Canberra and District at the celebration of Greek Independence Day at the Hellenic Club. I was honoured to be in the company of His Excellency Mr George Zois, the Ambassador of the Hellenic Republic, Father George Carpis, parish priest of St Nicholas Church in Canberra, Mr Theo Dimarhos, President of the Hellenic Club, and other distinguished guests of around 600 people.

The community president Mr Emilio Konidaris told the assembled guests about the importance of 25 March in modern Greek history. It was on this day back in 1821 that the Greeks began a revolution against the Ottoman empire that led to freedom and independence after 400 years of occupation.

Mr John Kalokerinos, a multitalented member of the Greek community, was also the MC and he gave me some interesting information that I would like to share with you. The fall of Constantinople in 1453 marked the end of the Byzantine sovereignty and the beginning of Ottoman rule in Greece. It was 400 years before Greece would gain its independence. It was the determination of the Greeks that kept their traditions, culture, language and religion alive during those 400 years. Many attempts were made at gaining Greece's independence from the Ottoman Empire, but it was the revolution and eight-year war of independence which finally brought it about.

The bravery of a number of great figures was crucial. Among them were Theodoros Kolokotronis, a great Greek general and one of the main leaders in the war of independence, also Georgios Karaiskakis, who was a famous military commander and hero and died in battle in 1827. As a soccer fan, I note that Karaiskaki Stadium in Pireus, Greece, was named after him, as he was mortally wounded in the area, which is coincidentally where the Olympiakos football team play today.

The struggle for independence was supported by intellectuals and men of letters abroad, most significantly by Lord Byron, one of the great European poets. Byron left Italy in July 1823 to aid the Greeks in their fight against the Ottoman Turks. Byron went to Greece but fell ill during the war and died on 19 April 1824. Although his body is buried in England, his heart lies in Greece. In fact, it has been said that had Byron lived he might have been declared the king of Greece. It is worth noting that Byron was also a bitter opponent of Lord Elgin's removal of the Parthenon marbles from Greece and "reacted with fury" when Elgin's agent gave him a tour of the Parthenon during which he saw the missing sculptures. As many members will be aware, the marbles remain in the British Museum today, and the fact that they have not yet been returned remains a great injustice. Byron's depth of feeling about Greece is well reflected in his poem *The Isles of Greece*:

> The mountains look on Marathon—
> and Marathon looks on the sea;
> And musing there an hour alone,
> I dreamt that Greece might yet be free
> For, standing on the Persians' grave,
> I could not deem myself a slave.
> …
> Must we but weep o'er days more blest?
> Must we but blush?—Our fathers bled.
> Earth! Render back from out thy breast
> A remnant of our Spartan dead!
> Of the three hundred grant but three,
> To make a new Thermopylae.

Of course, from a long-term historical perspective, Greece's independence predated that of our young country Australia, but it also predated the formation of many other of today's prominent nations such as Italy and Germany. Over the course of a century, the newly established Greek state would come to include Macedonia, Crete, Epirus, the Ionian and the Aegean islands, and other Greek-speaking territories in today's modern Greek state.

The Greek War of Independence marked the birth of modern Greece and the collapse of the Ottoman Empire. For the first time, people had achieved independence from the Ottoman rule and established a fully independent state. Serbs, Bulgarians, Romanians and Arabs would all successfully fight for and achieve independence much later. And I guess all that helps to explain to us why the proud Greek community take every opportunity to commemorate the day and proclaim: long live the Greek revolution of 1821!

Aged veterans community

MS BURCH (Brindabella) (6.49): Today I had the pleasure to attend, together with Mr Coe, the annual veteran community aged care wreath-laying ceremony at the Australian War Memorial, organised through the Department of Veterans' Affairs to give aged veterans, war widows, widowers, and aged care residents who are otherwise unable to attend Anzac Day services the opportunity to commemorate this significant day.

Anzac Day is indeed an important day for us as Australians and for us as Canberrans, and the service today provided a wonderful opportunity for older Canberrans, those that are not able to take part in formal celebrations on Anzac Day, a chance to come together to share their stories, their friendships and support, but, more importantly, to remember and honour the men and women who selflessly served our community and our country.

Ms Katy Gallagher
Mr Andrew Barr

MR SMYTH (Brindabella) (6.50): Mr Speaker, at the commencement of question time today the Treasurer came down and apologised and corrected the record of when

she misled the Assembly yesterday about statements that I had supposedly made or things I had supposedly done. At that time I did thank the Treasurer; it takes a lot of courage to come down and apologise and correct the record. What she did was the correct thing and, after she finished, I thanked her for that apology.

I have listened again to the tape and the withdrawal seems to be qualified. I have sought other information and I will go through the records, because, as she apologised and corrected one mislead, she has made some statements that give me some concern. So I just want to put on the record that I do thank her for the apology, but the form of this place is not to qualify the withdrawals when you do it in that way.

But in question time yesterday when Ms Gallagher was making these statements, she was being egged on by Mr Barr. Mr Barr, we noticed today, lacked a great deal of courage—not turning up for interviews, going for coffee instead, making the racist slur that he did from the government benches in the security of this place. But yesterday when Ms Gallagher was making the words that were incorrect, I recall Mr Barr saying things like "you are out there lying; you don't tell the truth; it's always the spin"—the standard stuff we expect from Mr Barr.

Ms Gallagher, to her credit, had the courage to come down and apologise and I think it is important that Mr Barr do also. I have relistened to the tape and I think it behoves Mr Barr to also come and apologise, because he was clearly wrong as well. It is very important; indeed, the ministerial code of conduct requires ministers where they are wrong to come down to this place at the first opportunity and correct the record. So, in that regard, well done, Ms Gallagher. Mr Barr, you need to also come down and apologise to this place and to me.

Legislative Assembly—legal advice
Mr Andrew Barr

MRS DUNNE (Ginninderra) (6.52): I want to touch on the same subject that Mr Corbell has touched on. I thought that it was interesting today in the debate to see Mr Corbell's reaction. First of all, there is a fairly inconsistent approach to the view about legal advice. It is useful from time to time to reflect on the number of occasions that members in this place have called on Mr Corbell and other ministers—but I reflect on Mr Corbell—to provide legal advice and they have said, "No, no, we can't do that; it is privileged." There was one case in the Fifth Assembly where Mr Corbell was eventually forced to provide a legal advice, but it was done in such a constrained way that it was kept in the Clerk's safe for the term of the Fifth Assembly and members could come and view it but not take notes. So members have been forced to do things that they do not like.

I also thought that it was interesting to reflect upon Mr Corbell's reaction, both in the debate today in response to Mr Smyth and in his comments this evening about directions from the Assembly. We have seen a new doctrine here today. He has put it out there fairly much that he basically dares the non-Labor members of the Assembly to direct him or his colleagues to do anything. The clear message is: if you do, we will disobey you.

We saw this happen again in the Fifth Assembly in relation to the Nettlefold Street trees, where the minister was directed to do particular things, which he did not do. And, when he was asked if he was going to do it and he was not, he made it perfectly clear to the Assembly that he was not going to do the things that the Assembly had told him to do. Although the word "direction" was not actually used in the motion, it was a clear direction. The minister was censured. The Liberal opposition moved want of confidence in the minister, and the minister was eventually censured for that.

By the performance of the attorney today, it is clear that that is going to be the way things pan out in this Assembly: if the non-Labor members of the Assembly decide that they would like the executive to do something, it is quite clear that we have been put on notice today that, if Simon Corbell has his way, the executive will defy the Assembly. I think we need to take that on board and consider our position and how we will react when that almost inevitably arises.

I also cannot let the day go by without commenting a little further on the issue of Mr Barr's outrageous outburst during question time today. I have had the opportunity to listen to the tape again, and it is quite clear that Mr Barr went off on a riff. He made it quite clear and I—

Mr Seselja: He's had a bad day.

MRS DUNNE: He had a bad day. He had a real barry of a day; that is true, Mr Seselja. But he started off sort of saying, "Well, this is a racially based attack. Mrs Dunne of all people" and then went on to Mr Seselja and Mr Doszpot—sort of basically saying—

Mr Seselja: Why would he choose us?

MRS DUNNE: Why would he choose us? It is because Mr Seselja and Mr Doszpot have obvious ethnic names, shall we say, and Mr Barr is also aware that I was born with an ethnic name. There seems to be some notion that, if you have an ethnic name, you cannot talk about these issues because somehow you are a racist to do so. Well, I happen to be proud of my Italian heritage, as I am sure Mr Doszpot and Mr Seselja are of their Hungarian and Croatian heritage respectively. The idea that because we happen to have non-Anglo heritage we cannot talk about these issues is a disgrace. It is an absolute disgrace and we need to keep Mr Barr in check on these occasions. Really, when you look at it, it is a bit of an indictment of the Labor Party, the people's party, that between them they have no-one who can represent anyone other than the Anglos of this world, and that is fine. People of all sorts of backgrounds and origins should be represented, but the Labor Party is completely unrepresentative when it comes to the racial, ethnic and cultural mix in this town, and I am proud of the contribution that we Liberals make to representing people from a wide background.

Question resolved in the affirmative.

The Assembly adjourned at 6.57 pm.