Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

20 AUGUST 2009

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Thursday, 20 August 2009

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

First Home Owner Grant Amendment Bill 2009 (No 2)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.01): I move:

> That this bill be agreed to in principle.

The First Home Owner Grant Amendment Bill 2009 (No 2) amends the First Home Owner Grant Act 2000 to allow for the continued administration of the first-home owner boost.

On 12 May 2009, the Australian government announced the extension of the boost from 30 June 2009 to 31 December 2009. The first-home owner boost scheme is an Australian government initiative to assist first-home buyers to purchase or build their first home. The scheme is administered by the ACT government on behalf of the Australian government and is in addition to the $7,000 first-home owner grant.

First-home buyers purchasing an established home between 14 October 2008 and 30 September 2009 may be eligible for the $7,000 boost in addition to the $7,000 grant, bringing the total benefit to $14,000. For contracts made between 1 October 2009 and 31 December 2009, the amount of the boost on established homes is reduced to $3,500, making the total benefit available $10,500.

First-home buyers building a new home or purchasing a newly constructed home between 14 October 2008 and 30 September 2009 may be eligible for an additional $14,000 boost in addition to the existing $7,000 grant, bringing the total benefit to $21,000. For contracts made between 1 October 2009 and 31 December 2009, the amount of the boost is reduced to $7,000, making the total benefit available $14,000.

Where a newly constructed home is being purchased, it must be the first sale of that home and the home must also never have been previously occupied as a place of residence.

So as not to disadvantage first-home buyers who have purchased a home after 1 July 2009, the boost is currently being paid in accordance with regulations made under the First Home Owner Grant Act 2000. Provisions contained in the bill amend the First Home Owner Grant Act 2000 to incorporate the current regulations and provide for the ongoing administration of the boost.

This government is committed to ensuring that Canberrans have access to safe, secure and affordable housing and is pleased to continue assisting the Australian government in providing boost payments to first-home buyers. The boost, together with a range of initiatives introduced by this government, is helping to meet the housing needs of our diverse community and making housing more affordable in the ACT.

In 2008-09, this government is proud to have provided approximately 3,000 first-home owner grants to first-home buyers and stamp duty concessions to around 2,000 homebuyers. In addition, there are concessions for pensioners moving to more appropriate housing, a deferred duty scheme for eligible homebuyers and land rent options—all designed to help more Canberrans find a place to call home.

This government is continuing to build on its commitment to improve housing options for all Canberrans, and the bill provides the necessary legislative amendments to implement the terms and conditions that the Australian government has set for the continued administration of the boost.

I commend the First Home Owner Grant Amendment Bill (No 2) to the Assembly.

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

Crimes (Assumed Identities) Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.05): I move:

> That this bill be agreed to in principle.

The Crimes (Assumed Identities) Bill 2009 builds upon the government's commitment to provide ACT Policing with modern tools to dismantle organised crime.

An assumed identity is a false identity that is used by a police officer or authorised civilian to investigate an offence or gather intelligence. Assumed identities provide protection for undercover operatives engaged in serious criminal investigations and in infiltrating organised crime groups.

The bill will work in synergy with the government's controlled operations law. The combination of the laws will enhance the ability of the police to involve themselves covertly in organised crime, under strict operational control, to gain evidence and intelligence about criminal behaviour.

The bill creates a statutory framework for the authorisation of assumed identities. Authorisation for creating and using an assumed identity can only be made by the

highest ranks in ACT Policing or the Australian Crime Commission. Any use of an identity must be in accord with the written authority made under the bill.

The bill will enable government and non-government agencies to lawfully create fictitious documentation and other evidence to support an assumed identity. Non-government agencies will not be obliged to create evidence, but if they agree to participate the agency will be entitled to the legal protections set out in the bill. Agencies assisting in the creation of an assumed identity will be protected from any civil or criminal liability when lawfully creating an assumed identity.

Operatives who are authorised to acquire, or use, an assumed identity will be protected from any civil or criminal liability. Conversely, the bill makes it clear that any abuse of an assumed identity by an operative is not protected. Anyone acquiring or using an assumed identity is only protected if they abide by terms of the authority and the provisions of the bill. Anyone abusing an assumed identity for criminal conduct will be liable to prosecution.

To protect police and other operatives, the bill also creates offences for disclosing information about assumed identities. The bill also creates serious offences if information is disclosed with the intent of causing harm to someone or undermining an investigation.

Compliance with the law and monitoring of the use of assumed identities is also built into the bill. The heads of ACT Policing and the Australian Crime Commission must conduct an internal audit of authorities made under the foreshadowed act at least once every six months while an authority is in effect, and once every six months after an authority ends. A written report of the results of the audit must be kept by the law enforcement agency.

ACT Policing and the Australian Crime Commission must provide a yearly report to the minister on any decisions that make, or consider making, an assumed identity. A de-identified copy of that report will also be tabled in the Assembly.

The bill also establishes independent oversight by the Ombudsman. The Ombudsman may inspect records made under the foreshadowed act. If the Ombudsman inspects the records then a report on the inspection must be prepared under the terms of the Annual Reports (Government Agencies) Act 2004. The report will be de-identified to protect operatives, agencies, investigations and potential prosecutions.

As I have outlined, this bill will provide law enforcement agencies working in the ACT with modern powers to break down and infiltrate organised crime.

I am pleased to say that this bill will also strengthen the collaboration of law enforcement agencies across borders. The bill will enable other jurisdictions with corresponding law to use their authorised assumed identities in the ACT, and the ACT to use its assumed identities in other participating jurisdictions.

If the Assembly passes this bill, collaboration and joint investigations with Victoria, Queensland, South Australia and Tasmania will be so much easier. The commonwealth government has also introduced a bill based upon the national model.

New South Wales and Western Australia are also working towards creating correspondence with other jurisdictions.

I commend the bill to the Assembly.

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

Legislation (Penalty Units) Amendment Bill 2009

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.10): I move:

> That this bill be agreed to in principle.

The Legislation (Penalty Units) Amendment Bill 2009 amends the provisions of the Legislation Act 2001 that define the values attached to penalty units. The statute book for the ACT uses the concept of "penalty units" when an offence sets a maximum fine as a penalty. Section 133 of the Legislation Act 2001 defines the actual amount of what a penalty unit is worth. At present, one unit for an individual is worth $100, and one unit for a corporation is worth $500. These penalty units were last reviewed eight years ago.

The bill sets out the amendment that the 2009-10 budget process approved, to increase the penalty unit rate for an individual by $10 to $110, and for a corporation by $50 to $550. In addition to aligning the territory with the commonwealth and New South Wales which value a penalty unit for an individual at $110, the increase in penalty unit values will increase the revenue collected by the territory by an estimated $3,136,000 per year.

This amendment of the penalty unit values reflects inflation and the general increase in the cost of government administration of penalties since 2001, when the value was last reviewed by the Assembly. I commend the bill to the Assembly.

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

Estimates 2009-2010—Select Committee
Report—government response

Debate resumed from 23 June 2009, on motion by **Ms Gallagher**:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Report 1

MR SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 1—*The Merit of Appointing a Parliamentary Budget Officer*, dated 20 August 2009, together with a copy of the extracts of the relevant minutes of proceedings.

MRS DUNNE (Ginninderra) (10.13): I move:

> That the report be noted.

This is the first report of the Standing Committee on Administration and Procedure and relates to the merit of appointing a parliamentary budget officer. In summary, I suppose, the committee has decided that, while it is important that there is some assistance for parliamentary committees in overseeing particularly the budget and for scrutinising the budget, in a legislature of this size there is not merit in appointing a stand-alone parliamentary budget officer. The eventual conclusion is that the committee recommends that each year the Speaker make available an expert consultant to assist the select committee on estimates to scrutinise the ACT budget papers.

The committee looked at a range of models for parliamentary budget officers. In the United States there is a congressional budget office which has a substantial budget and has substantial staffing but the evidence that we received pointed to how this may be an inappropriate model for a legislature such as ours. In the United States, having a congressional model where the executive is completely removed from the legislature, there seemed to be considerable need for such a model.

However, this was not seen as necessarily a good model for a Westminster-style parliament where the executive forms part of the parliament. In terms of Westminster-style parliaments, both Canada and the United Kingdom have offices or units, areas set aside for the scrutiny of budgets, which are associated in some way with the committee system, and that is essentially the path that we have gone down in a somewhat scaled-down fashion.

There was discussion, as members would recall, during the last budget process and the last estimates process about the wisdom of seconding officers from the ACT public service to assist with the scrutiny and analysis of the budget during the estimates process. I note that there was quite vehement opposition to this notion by members of the government.

It is interesting to note that, in the research that was done in relation to this report, in fact every other parliament in Australia has this mechanism whereby members of the relevant public service can be seconded to assist with the analysis of budgets in the context of estimates inquiries. It is generally considered to be a model that should be emulated. In fact, in the commonwealth parliament the commonwealth public service pays for that secondment because it is considered a meritorious thing to do and

something that gives public servants a different experience. The commonwealth public service thinks that that experience is so valuable that they pay for it.

It was noted in passing that, although the Chief Minister was vehemently opposed to this when it was proposed this last budget round, in a former life, which he must have forgotten about, as a secretary of a Senate committee up on the hill, he was the author of a report that recommended such a course of action. I suppose it is the weight of office. Obviously being the Chief Minister, one forgets about what one may have committed to in a previous life.

Mr Stanhope: On a point of order, Mr Speaker: Mrs Dunne has just misled the Assembly. As I am sure everybody in the Assembly knows, the case when I was a committee secretary was that I actually wrote reports consistent with what members of parliament determined. I did not actually include my own views or feelings in reports of committees that I was secretary to.

I find it quite remarkable that Mrs Dunne, as a member of this place, expects committee secretaries to introduce their own thinking and thoughts in Assembly reports. That is a most concerning understanding of the operations of the Committee Office, Mr Speaker, and I would suggest, in your role as Speaker of the Assembly, you ensure that members of the Assembly understand that. The imputation that secretaries of committees within the Assembly would actually subvert reports to respect their personal views is quite remarkable.

MR SPEAKER: Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. It is interesting that the Chief Minister forgets what happened in a former life and suddenly has a view that this is unprecedented and entirely inappropriate, when he wrote a report that reflected those views. I did not actually comment on whether they were his views but he wrote the report that reflected those views.

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

MRS DUNNE: It is not a point of order. This is a debate.

Mr Stanhope: Mrs Dunne is misleading the Assembly and I would ask her to withdraw the mislead. She quite clearly said that I had forgotten views that I had previously held. I had done no such thing. I was a committee secretary. I did not write the report. The report does not reflect my views and you just said it does. You are quite wrong. You should withdraw the mislead.

MRS DUNNE: It is not a point of order, Mr Speaker.

MR SPEAKER: That one is a point of order. It fits in the discussion. I am thinking about its status. Mrs Dunne, would you like to clarify your position?

MRS DUNNE: I would not want to do anything that would be construed in any way as misleading the Assembly. All I am doing is pointing out that, as the secretary of a committee of the Senate, the Chief Minister was the author of a particular recommendation which he seems to have forgotten.

Mr Stanhope: That is outrageous. I was not the author of the recommendation, the committee was.

MR SPEAKER: Mrs Dunne, I think you have to clarify your position.

MRS DUNNE: Mr Stanhope was the scribe, the person who physically wrote the report, and he seems to have forgotten that.

Mr Stanhope: I do not forget it at all. I remember it clinically. I remember it does not reflect my views.

MRS DUNNE: He does seem to have forgotten the views. At the time he made the point about how this was an inappropriate use of public service resources, he seems to have forgotten, or not had any credence—

Mr Stanhope: I made no such point, Mr Speaker.

MR SPEAKER: Mrs Dunne, I do not think we can ascribe Mr Stanhope's personal views to a committee report.

MRS DUNNE: I withdraw anything that may have offended the Chief Minister. I am not entirely sure what it is that offended the Chief Minister.

Mr Stanhope: It does not offend me at all; it just offends against the truth.

MR SPEAKER: Mrs Dunne, you might continue now.

MRS DUNNE: Thank you. This report, I think, is a measured and balanced response that takes into account the size of the resources of this Assembly. No-one has had a flight of fancy about establishing a large or new bureaucracy within the Legislative Assembly, which may have been a temptation for some people who would think that empire building may be a good thing within the Legislative Assembly. Overall, I think this is a good and measured response, and I commend the report to members of the Legislative Assembly.

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

Report 2

MR SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 2—*Latimer House Principles*, dated 20 August 2009, together with a copy of the extracts of the relevant minutes of proceedings

MS BRESNAN (Brindabella) (10.22): I move:

> That the report be noted.

Before moving on to some of the key points from the report, I would just like to thank the inquiry officer, Erin Anderson, for the work she has done on this report and also the parliamentary budget officer report. I also thank Tom Duncan and Janice Rafferty for their assistance, as well as the other members of the Standing Committee on Administration and Procedure—the chair, Mr Rattenbury, and Ms Burch and Mrs Dunne.

The terms of reference for this particular inquiry were to inquire into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House principles in the governance of the ACT. The Latimer House principles describe best practice for the relationship between the parliament, the executive and the judiciary. As is noted on page 1 of the report which has been tabled today, the principles promote good governance, the rule of law and human rights. The central principle states that each commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on high standards, honesty, probity, and accountability.

The committee wrote to approximately 40 stakeholders inviting submissions and received 12 submissions. Given the breadth, clarity and substance of these submissions, the committee did decide that it would not be necessary to hold a public inquiry to take further evidence. Along with further research, this formed the basis of deliberations.

The two main recommendations in the report are recommendations 1 and 2 that, following consultation with the Standing Committee on Administration and Procedure, the Speaker appoint a suitably qualified person to conduct an assessment of the three arms of government in the application of Latimer House principles in the governance of the ACT, that the independent assessment be undertaken mid-term of each Assembly and that the resultant report be tabled in the Assembly by the Speaker.

Recommendation 3 is that continuing resolution 8A be amended to insert a new paragraph which states that in the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House principles in the governance of the ACT, with the report being tabled by the Speaker and referred to the Standing Committee on Administration and Procedure.

I note that recommendation 4 is particularly interesting, suggesting that an assessor might consider the potential governance shortcomings identified through submissions. The Electoral Commissioner made the point that the Public Sector Management Act and the Financial Management Act could be seen to allow executive or departmental control of commissions and other statutory office-holders. This was something that was raised in debate yesterday in regard to the Gambling and Racing Commission. These are matters to do with the separation of powers, and this is a concept that is broadly understood, especially when it comes to the parliament and the judiciary. In practice, the separation of powers is not always straightforward. It can be particularly hard to get a handle on the separation between parliament and the executive. This is in

the context of the emerging role of civil society on the one hand and oversight bodies on the other. I hope that this process is adopted and we hope to see some of these issues examined by the assessor.

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

Public Accounts—Standing Committee
Statement by chair

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

The Government Procurement Act 2001, as amended in 2007, requires agencies to provide the public accounts committee every six months with a list of reportable contracts. Reportable contracts are defined, with some exceptions, as procurement contracts over $20,000 that provide confidential text. Agencies provide the committee with the names of the contracting parties, the value of the contract and the nature of the contract. The public accounts committee believes that this information should be available to all members. The public accounts committees of the Sixth and Seventh Assemblies have written to the responsible minister on this matter.

The committee is aware that the information chief executives provide in relation to reportable contracts is readily available in the public domain on the ACT contracts register. The Minister for Territory and Municipal Services has informed the committee that consideration is being given to the process for the reporting of reportable contracts. Until such time as any amendment and/or procedural changes are possible, the public accounts committee will continue to table these lists as it receives them.

The committee appreciates the willingness of the Minister for Territory and Municipal Services to consider the issues it has raised regarding the reporting of reportable contracts. I therefore seek leave to table lists of reportable contracts for the period 1 October 2008 to 31 March 2009 as received by the public accounts committee.

Leave granted.

MS LE COUTEUR: I table the following papers:

> Reportable contracts—Copies of letters to the Chair of the Standing Committee on Public Accounts from the following Departments and Agencies for the period 1 October 2008 to 31 March 2009:
>
> ACT Planning and Land Authority, dated 17 April 2009.
>
> Cultural Facilities Corporation, dated 20 April 2009.
>
> Disability, Housing and Community Services, dated 30 April 2009.
>
> Education and Training, dated 20 April 2009.
>
> Independent Competition and Regulatory Commission, dated 20 April 2009.

Legislative Assembly Secretariat, dated 21 April 2009.

Treasury, dated 21 April 2009.

Statement by chair

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

On 7 August 2008, the Auditor-General's report No 4 of 2008 was referred to the Standing Committee on Public Accounts for inquiry. This report provides a summary of the results of a performance audit that reviewed the maintenance of ACT public housing stock as well as the maintenance of vacated properties.

The committee received a briefing from the Auditor-General in relation to the report on 19 May 2009. The committee has resolved to inquire further into the report and is expecting to report to the Legislative Assembly as soon as practicable.

Executive business—precedence

Ordered that executive business be called on.

Road Transport (Mass, Dimensions and Loading) Bill 2009
Detail stage

Bill as a whole.

Debate resumed from 18 August 2009.

Amendment No 1.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.30): Mr Speaker, I believe Mr Coe has moved seven amendments. The government will support, I think, three of those, one in part and will oppose three of the amendments which Mr Coe proposes. The government supports amendment No 1.

The amendment proposes a substitution which will reflect a recent national approach to refer to road transport documentation as a work diary rather than as a log book. The change which Mr Coe proposes in turn has arisen with the introduction of national driver fatigue driving hours legislation. The amendment which Mr Coe proposes is most reasonable and appropriate, and the government supports it.

MS BRESNAN (Brindabella) (10.32): The Greens will be supporting amendment No 1. It seems that if everyone else in the country is calling a log book a work diary, it makes sense for the ACT to follow suit.

Amendment No 1 agreed to.

Amendment No 2 agreed to.

Amendment No 3.

MS BRESNAN (Brindabella) (10.32): The Greens will support this amendment. It ensures that the legislation will more accurately reflect the intention conveyed through the explanatory statement by specifying where an authorisation to continue a journey can be given conditionally. We are happy also to support the government's minor amendment to this amendment.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.33): I might just provide some background. Amendment 3 proposes to omit clause 137(3) and to insert a replacement subclause which better describes the circumstances under which a condition of authorisation is given to a driver to continue a journey where the vehicle is in minor breach of loading requirements.

Clause 137 deals with authorisations to continue a journey for breaches in a minor risk category. By definition, a minor risk breach would not involve an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity, the definition for which is provided at subclause 109(2)(b).

The government does not have any issues with the intent of the amendment which Mr Coe proposes in that it seeks to better explain the circumstances when an authorised officer will allow a vehicle in minor breach to continue on its journey. However, the proposed amendment suggests that the conditions that may be attached to the authorisation to continue the journey are applied to minimise an appreciable risk of harm to public safety et cetera.

If the authorised officer was to believe that the breach did involve an appreciable risk of harm to the public then the vehicle will not be allowed to proceed as the breach would fall into the substantial or severe breach categories. An officer is not authorised to allow a vehicle that falls into these categories to proceed without rectification of the breach.

To sum up, the government supports the proposed amendment but with a proviso. We believe that Mr Coe's amendment should be amended to be consistent with the context of the clause, which is about vehicles which are in the minor risk breach category. That can be achieved by omitting the words "an appreciable" from the words of the proposed subclause. The subclause would read:

> An authorisation may be conditional if the police officer or authorised person believes on reasonable grounds the particular conditions are necessary—

and Mr Coe proposes to add—

> to minimise an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.

The government believes that, to be consistent, the words "an appreciable" as proposed by Mr Coe should be removed from his proposed amendment. I intend to move that the words "an appreciable" be removed from subclause 137(3) as proposed by Mr Coe. If Mr Coe is agreeable to that, I think that can be achieved quite easily.

MR SPEAKER: Mr Stanhope, I am afraid that, under standing order 182, amendments must be in writing and be circulated; so whilst I appreciate your proposed amendments are very minor—

Mrs Dunne: In that case, Mr Speaker, could we perhaps adjourn the debate to a later hour this day. Mr Hargreaves, Ms Bresnan and I can go on with the next item on the agenda and then come back to it. That would allow Mr Stanhope to circulate an amendment in writing. We can come back to it in 10 minutes or a quarter of an hour.

MR SPEAKER: Thank you for the suggestion, Mrs Dunne. What I actually propose to do is to move on to amendment No 4. We can come back to amendment No 3.

MR STANHOPE: Actually we can get through; I can write it out now. It will take me one minute.

Mrs Dunne: So what are we going to do?

MR SPEAKER: We are just going to take a moment to let Mr Stanhope write his amendment down.

MR STANHOPE: Thank you, Mr Speaker, and I thank members for their indulgence. I formally move the amendment circulated in my name, which is that the words "an appreciable" be removed from Mr Coe's proposed amendment No 3 *[see schedule 2 at page 3496]*.

MR COE (Ginninderra) (10.38): Without actually sighting the amendment, I will take it in good faith that that is what the amendment does actually say. We will be supporting the amendment to the amendment.

MR SPEAKER: Members, we might just take a moment for it to be circulated.

Amendment agreed to.

Amendment, as amended, agreed to.

Amendment No 4.

MS BRESNAN (Brindabella) (10.39): The Greens will not be supporting amendment No 4—likewise, 6 and 7. There are two issues here for us. Firstly, there is an issue with tying an industry code of practice into legislation as a defence, given the code could change despite the Assembly's intent.

We can more easily accept the use of a code of practice as a way to set a standard and that, indeed, is what good industry codes of practice do, but the reverse does not

always apply. It seems that this legislation is comprehensive enough, given the ACT's more liberal reasonable-steps exemption, to provide adequate defence for industry participants who believe they are complying with this legislation.

Secondly, I understand that the defence of complying with an industry code of practice will not apply in New South Wales. While jurisdictions ought not feel obliged to conform to the regulation of their neighbouring states, in this case we are talking about transport, which is in a sense interstate.

As the ACT is in the New South Wales region and would be impacted by that, the New South Wales approach in this instance is important. As it happens, New South Wales is one of the states that has already rejected the proposal to include industry code as a reasonable step for defence and in that context there is no compelling argument in my mind for the ACT to adopt it.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.41): The government's position is similar to that of the Greens party. The government will not support amendments 4, 6 and 7, though we do support amendment 5. Our reasons for not supporting amendments 4, 6 and 7 are, as I say, similar to those that Ms Bresnan has just expressed. The amendments are indeed consistent with clauses in the national model Road Transport (Compliance and Enforcement) Bill which provide that a road transport authority may issue guidelines with respect to the preparation and contents of industry codes of practice and the registering of such codes.

The government has, however, received advice about the national provisions and consequently the opposition's proposed amendments do raise liability concerns. Members may recall that in my earlier speech I stated that the New South Wales Road Traffic Authority advised that it decided not to register industry codes due to liability concerns and difficulties that may arise in prosecutions. Although the intention of the model provisions is that the registration of industry codes should not be considered to be an endorsement of the code, liability could arise if someone is injured while complying with the code. A court may take the view that, in registering a code, the Road Transport Authority is endorsing the content of the code.

Similar concerns have been expressed by the ACT Department of Justice and Community Safety. The outcome of the decision not to register codes means that defendants may still call into evidence compliance with an industry code but the code will not have explicit legal status under the act.

It is for those reasons that the government did not include the national provisions in the bill in the first place and it is for those reasons that the government does not support these amendments and does not believe that these amendments should be supported.

MR COE (Ginninderra) (10.42): The opposition, of course, disagree with the crossbench and the government on this issue. We think that codes of practice are a very good way of promoting best practice in the industry. I think they have scope to be much more evolutionary than regulations or legislation and are often developed by

people much closer to the ground who are actually experts in their field, as opposed to administrators that may not have that on-the-ground expertise.

I do note that the heavy vehicle industry is one industry that does operate very successfully through codes of practice. It is worth noting that the Australian Trucking Association does considerable work on codes of practice, especially in the areas of safety and technical issues.

As I said a couple of days ago, amendments 4, 6 and 7 seek to insert provisions into the bill to provide for the authority to issue guidelines for the preparation of relevant industry codes of practice, for their registration and for their compliance. It is disappointing that the government and the crossbench will not be supporting them and will be voting accordingly.

Amendment No 4 negatived.

Amendment No 5.

MS BRESNAN (Brindabella) (10.44): The Greens will be supporting this amendment, which clearly does reflect other provisions in the bill, and that is to ensure that relevant officers issue formal warnings when they have reasonable cause to do so.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (10.44): The government similarly has no objections to the amendment which requires that an authorised officer who is warning a person ensures they believe on reasonable ground the matters that are included in section 203. We believe this is quite a reasonable proposal by Mr Coe and are happy to accept the amendment.

Amendment No 5 agreed to.

Amendment No 6 negatived.

Amendment No 7 negatived.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Crimes Legislation Amendment Bill 2009

Debate resumed from 18 June 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

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

Workers Compensation (Default Insurance Fund) Amendment Bill 2009

Debate resumed from 25 June 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.46): The opposition will support this bill. Cases arise from time to time in which an employer faces an employee claim for workers compensation but either has no workers compensation or did have insurance but the insurer is unable to pay the claim. Such a situation puts the employee at considerable risk. The default insurance fund was established to provide a safety net in these circumstances. This bill allows the default insurance fund manager to make decisions regarding the conduct of matters and settlement of claims without the employer's consent.

The intent of the amendment is to reduce the amount of legal costs, court time and delays in injured workers receiving their entitlement when the default insurance fund manager has to obtain an uninsured employer's consent or the consent of an employer whose insurance is unable to pay the claim. However, the manager must keep the employer informed of the manager's intentions and take into account any views the employer might have. The manager does not have to comply with this if the manager has taken reasonable but unsuccessful steps to contact the employer.

I note the minister's comments in the presentation speech that the amendment would put the default insurance fund on the same footing as a private sector workers compensation insurer. One small concern I had was whether it is appropriate for a government agency to be making decisions about private sector employers without their consent. Such decisions made without consent may in some way affect the employer adversely, especially if it is the case that the employer did have workers compensation but the insurer had gone belly-up. It will be important to monitor the effect of the legislation over time and the minister may wish to update the Assembly at an appropriate time in the future.

MS BRESNAN (Brindabella) (10.49): The ACT Greens will be supporting this bill. This bill gives a fund the power to settle a claim without the employer's consent. Given the fund is brought into action most often due to the failure of the employer to ensure adequate insurance coverage or, indeed, due to the commercial failure of the employer itself, requiring employer consent makes little sense.

I think it is possibly an accidental situation, which has come about through the combination of two previous fallback entities, the Nominal Insurer and the supplementation fund, and the failure to amend the Workers Compensation Act at the time to ensure that the default insurance fund had adequate powers to act on behalf of the injured workers. The default insurance fund until now has had to jump over a lot of hurdles in order to settle claims where employers are hard to find or unwilling to help. Essentially, it is an anomaly.

This bill is not controversial. However, it is important that the fund can act properly and efficiently for the benefit of injured workers and in the interests of good financial management.

MS BURCH (Brindabella) (10.50): Before I get into some of the detail of this important piece of legislation, it is important that I provide for members some broader detail on the default insurance fund and its operations.

The default insurance fund is managed by the ACT Insurance Authority within the portfolio responsibilities of the Minister for Industrial Relations. The fund is staffed by personnel with extensive experience in the management of personal injury and matters relating to the litigation of workers compensation claims.

As members might be aware, an employer's workers compensation insurance policy will provide the insurer with the right of subrogation—that is, that the insurer will stand in the shoes of the employer and conduct all matters associated with the workers compensation claim on behalf of that employer. In essence, it is the insurer who will ultimately carry the risk for all costs associated with a particular claim.

For the benefit of the chamber, let me say that the law is very clear on what happens when a worker suffers an injury arising out of or in the course of their employment. In these circumstances, they are entitled to workers compensation.

In the Australian context, there are somewhere around 500,000 work-related injuries each year. That is a significant figure. Here in the ACT we can expect around 4,500 compensation claims each year.

While the vast majority of employers are responsible and do the right thing by their workforce, regrettably there are a small number who do not. This is why we have a default insurance fund and that is why the government, a Labor government, is moving to enhance the fund.

I am pleased that the amendments are being made to ensure that a safety net exists for workers compensation benefits to be paid to the injured workers, which will not require the consent of a non-compliant, uninsured employer.

In a number of compensation cases, the employer cannot be found, the employer refuses to be found or the employer will deny that the worker was injured in the course of their employment. When this happens, delays and barriers are established that prevent appropriate and timely treatment and rehabilitation from being accessed by the injured worker.

The bill proposes amendments that will see the default insurance fund operate as the insurer for the uninsured employer. As an insurer, the default insurance fund will manage the claim, organise and pay for the worker's treatment and rehabilitation, pay any benefits that the worker may be entitled to and be party to any common-law action that might be brought by the worker against their uninsured employer.

The default insurance fund will operate like any other workers compensation insurer. They will complete their due diligence before accepting a claim. However, in order that the default insurance fund can fulfil its mandate, it needs to have the powers to conduct matters without the consent of the employer, as other insurers do.

Importantly, though, this bill also acknowledges the roles of employers. The default insurance fund is required to take reasonable steps to contact the employer and take into consideration the views, if any, of the employer in the conduct of a claim or legal proceedings.

While the default insurance fund does not assume the rights of a traditional insurer, these amendments will allow the default insurance fund to conduct matters in an efficient, cost-effective and timely manner.

If the Assembly does not provide this authority to the default insurance fund, it will mean the continued expenditure of court time and the legal and administrative costs associated with procuring the rights of the default insurance fund to conduct the employee's claim and settle it. This bill reduces court time. This bill reduces the legal and administrative costs associated with compensation claims from workers of uninsured employers. However, most importantly, this bill will expedite the time taken for injured workers of uninsured employers to receive their workers compensation entitlements. We on this side, the Labor government side, have every confidence that this approach will effectively work to the advantage of injured ACT workers.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.55): I state from the outset that each ACT worker injured at work is one too many. The vast majority of ACT employers do the right thing and protect their workers in the event of an injury. These law-abiding employers do not realise that while they do the right thing they are subsidising the employers who do not—those employers who do not have a workers compensation policy to protect their workers, those employers who do not care to protect the interests of their workers and their families.

The default insurance fund provides workers compensation benefits to injured workers in the event that their employer is not insured. The fund is made up of a combination of levies on the ACT's private sector insurers, and thereby all ACT employers; interest on the levies; and recoveries obtained from uninsured employers or other parties. The fund meets the costs of workers compensation claims where, first, a worker suffers a work-related injury but their employer does not have a workers compensation insurance policy or, second, their employer has a policy but the insurer has collapsed or is otherwise unable to pay the claim.

This fund was always intended to act as a support for workers who have been the victim of unscrupulous business practices—practices that have disadvantaged workers who have fronted up to their workplace each day believing that adequate and appropriate workers compensation coverage was in place.

In providing benefits to injured workers, the default insurance fund is, for all intents and purposes, an insurer. This bill will bring the default insurance fund manager's powers into line with those exercised by all private sector workers compensation insurers in the ACT. Under the current provisions, the fund manager does not have the same powers as other insurers to settle claims and to act on behalf of the uninsured

employer that it indemnifies. This anomaly can result in costly delays and take up precious court time while ignoring the plight of injured workers and their families. The current arrangements also distract the fund manager from the core business of overseeing benefits and ongoing care for injured workers, in addition to pursuing the recovery of costs from those employers who have failed to maintain a policy of insurance.

The Workers Compensation (Default Insurance Fund) Amendment Bill 2009 will enable the default insurance fund manager to act in court and settle claims with injured workers without the consent of non-compliant employers—employers who have failed to do the right thing by taking out a workers compensation insurance policy.

As I mentioned when tabling this bill, the sole purpose of the default insurance fund is to provide a safety net to injured workers here in the ACT to ensure that they have access to timely and appropriate medical treatment, rehabilitation and compensation. Workplace safety should be seen not as an onerous obligation on employees but as a fundamental right for everyone in the workplace. Having access to appropriate medical treatment and potential physiotherapy in a timely manner is the least any injured worker should expect when they have received a workplace injury. Simply put, the default insurance fund will be able to provide that safety net without requiring the consent of the non-compliant employer. This is a move that should be applauded by all sections of the community, including business and worker representatives.

This bill provides for reasonable steps to be taken to consult with the non-compliant employer and to take into consideration any views in the conduct of the claims or the legal proceedings.

In summary, this bill will reduce court time and legal and administrative costs associated with certain compensation claims. Most importantly, the proposed amendments will allow for the timely payment of compensation benefits to injured workers employed by non-compliant employers.

I would note that work continues on refining the default insurance fund, with a firm focus on the needs and rehabilitation of workers.

I would like to express my appreciation to officers of the Office of Industrial Relations, particularly Robert Gotts and Meg Brighton, for their hard work and diligence in this body of work.

I also need to express my appreciation to the vast range of people involved in the consultation process. This government is committed to consultation. We have consulted widely with the industry—in particular, with the chamber of commerce and industry, which is, of course, a leader. We want the industry to make it hard for those people in the industry who are not doing the right thing. This is a fine example of how the Labor government is working in partnership with industry as a result of that consultation process to which we are all committed.

I thank members for their interest in this important bill and I thank them sincerely for their support here today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes Legislation Amendment Bill 2009

Debate resumed.

MRS DUNNE (Ginninderra) (11.00): The opposition will support this bill, which introduces a range of technical amendments to ensure the smooth implementation—

Mr Hargreaves interjecting—

MRS DUNNE: Mr Hargreaves, can you be quiet—of the Crimes Legislation Amendment Act 2008 and the Sexual and Violent Offences Legislation Act 2008 passed in August 2008 and effective from 30 May 2009.

The bill amends a number of pieces of legislation, and I will highlight just a few. The amendments to the Criminal Code 2002 and the Criminal Code Regulation 2005 extend the commencement date for the definition of "default application date" from 1 July 2009 to 1 July 2013, thus delaying by four years the application of chapter 2, general principles of criminal responsibility, to certain offences.

The chapter contains all the general principles of criminal responsibility that apply to any offence against any territory law, irrespective of how the offence is created. The explanatory memorandum states that this is to "allow time for the harmonisation process to continue". Whilst I support the amendment as part of the bill overall, I do have some concerns about the length of time the amendment calls for. I wonder does this suggest the government is dragging its feet to the tune of four whole years? This is a matter of concern because it seems typical of the Stanhope-Gallagher government that they simply cannot meet deadlines.

It seems to be an endemic characteristic of this government that they are incapable of any level of professionalism when it comes to project management. Indeed, the attorney tried to ignore this point, because his presentation speech sheds no additional light at all on the rationale for this amendment.

Amendments to the Evidence (Miscellaneous Provisions) Act 1991 provide that an accused person who does not have legal representation may not personally examine a witness whom the court considers to be a vulnerable witness. There are also provisions that deal with the process required to satisfy this measure, including a court appointment of a representative. A court appointed representative may only ask questions of the witness as directed by the accused and must not provide the accused with legal or other advice. The court can rule on the suitability of the representative and of the questions and can adjourn to enable the representation issues to be settled. The model adopted mirrors the New South Wales arrangements.

The amendments to the Evidence Act also provide a more prescriptive framework for the circumstances in which a person would have authority in relation to an audiovisual recording used in evidence. They enable a witness to give evidence at a pre-trial hearing.

The scrutiny of bills committee pointed out that the prohibition on an accused directly cross-examining a vulnerable witness is contrary to the provisions of section 22(2) of the Human Rights Act and its justification under section 28 of the Human Rights Act may be problematic. No response to this matter has yet been received from the government. I would welcome a response at this stage from the minister. Again, while supporting the bill as a whole, I would simply say that this is another case of the government espousing human rights on the one hand but apparently denying them on another.

Amendments to the Magistrates Court Act 1930 make the provisions compliant with the Human Rights Act, which provides that a defendant has a right to be heard in person. The amendment precludes the court from sentencing a defendant if the court has heard and decided the case in the absence of the defendant. There are other provisions that can, by arrest warrant, get the defendant to court.

Amendments to the Supreme Court Act 1933 enable the court to deliver verdicts for alternative offences, that is, if the accused is found not guilty of an offence, but is guilty of another offence that is an alternative and summary offence. In doing so, the Supreme Court will acquire the same functions as the Magistrates Court.

Overall, these provisions will help to finetune the Criminal Code and the sentencing provisions in the ACT, and the opposition is happy to support them. Some of those matters are at the problematic end of the scale and will have to be watched very closely to ensure that they have the intended consequences, but overall we are happy to support the legislation.

MR RATTENBURY (Molonglo) (11.05): I rise today to support this bill and make a few brief comments. Two significant legislative reforms came into effect in the ACT on 30 May this year after being passed by the previous Assembly. One of those reforms was designed to reduce the potential for victims of sexual and violent offences to be further harmed by the court process. The other reform related to the introduction of hand-up committals or paper committals to the Magistrates Court with the aim of reflecting current practice and saving the time and costs of the court.

This amendment bill before the Assembly today clarifies the scope of those two reforms that commenced on 30 May. It is unfortunate that we have to legislate today to clarify the reforms of less than three months ago. Significant legislative reform should be self-contained and require little or no further amendment for some time. That is a general statement that holds true for all legislative reforms. Having said that, I do accept the statements by the Attorney-General, but in this instance the detail thrown up by the reforms has come to light only after commencement. It is therefore appropriate to legislate today to clarify the reforms, rather than wait.

Turning to the first of the reforms in need of clarification today, there are some important points that need to be made clear. This reform aimed to reduce the potential for victims of sexual and violent offences to be at further harm by the court process. That was a goal that was cautiously supported at the time here in the Assembly and in the wider community. I say it was cautiously supported because while few disagree with the intended outcome, that is, better protection of vulnerable witnesses, there was heated community debate about the method employed by the reforms.

The reform essentially disallowed a self-represented accused person from cross-examining a vulnerable witness in violent and sexual offence cases. There were concerns in the community that the reforms were stripping away the rights of accused people to self-represent and that the very essence of a fair trial was being eroded. I do not wish to further canvass those arguments today. Rather, the reason I raise those concerns is that I think this amendment bill addresses, in part, some of those concerns.

The current operation of the legislation does, in limited factual scenarios, raise issues around the right to a fair trial. By that I mean that a self-represented accused is able to refuse the services of a legal representative for the purposes of the cross-examination. The accused may refuse representation for a number of reasons, as they are entitled to do. They may not meet the legal aid eligibility criteria or may not be able to afford legal representation of their own. They may also simply wish to represent themselves.

This scenario raises issues around the right to a fair trial because if the accused person continues to refuse legal representation, they will be denied the opportunity to cross-examine the witness. Under the current legislation the court will simply rule that the witness is unable to be cross-examined. That does interfere with the ability of an accused to test the evidence of a witness, which is fundamental to a fair trial.

The proposed amendment addresses this scenario by providing that the court may appoint a person to act as a mouthpiece of the accused for the sole purpose of cross-examining a vulnerable witness. That court appointed person is not a legal representative of the accused and cannot give legal advice. The appointed person will simply ask the questions they are directed to ask by the accused. The ability to appoint such a person will allow the case to continue without delay, will allow for the testing of evidence and will continue to protect vulnerable witnesses—an extremely important objective of the original legislation. This is a practical solution to a complex problem. I think it sets a more appropriate balance between the interests of vulnerable witnesses and the rights of the self-represented accused.

The second major area of reform that this amendment bill clarifies is changes to the committal system. The original reform introduced the concept of hand-up committals or paper committals. The committal system is an administrative function of the Magistrates Court. Consequently, the amendments in this bill make administrative and procedural changes to ensure that the reform objectives agreed to by the previous Assembly are fully carried through.

I reiterate the earlier point that in an ideal world these further amendments to clarify the operation of a recent reform would not be required. Notwithstanding that point, we will be supporting the amendments relating to the committal system as we are

satisfied that they are amendments required to fully implement the reform. The Greens will also be supporting the remainder of this amendment bill on the basis that it makes technical and uncontroversial amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.10), in reply: I thank members for their support for this piece of legislation. After the series of reforms that this government introduced last year for the criminal justice system, it would be easy to sit back and think that we do not need to address any further issues for a while. The reality is that the criminal justice system is central to the safety of our community and must constantly be under scrutiny to ensure that it is meeting the needs of our community as effectively as possible.

This bill builds upon and finetunes the initiatives this government introduced last year that provide greater protections for vulnerable witnesses in proceedings for sexual and violent offences. It also enhances the new processes for the committal of indictable matters to the Supreme Court. In continuing to assess feedback from stakeholders about these reforms, the government acknowledges how important it is to address the needs of the community and ensure that the criminal justice system is responsive to the rights of both defendants and victims.

The bill provides an alternative mechanism for courts to ensure that unrepresented accused people will still have the right to test the evidence of a witness through a third person, whilst continuing to protect vulnerable witnesses. The government is aware that there are a variety of situations where an accused person may not want a lawyer to represent them or a lawyer has stopped acting for them during the criminal process. The direct questioning of vulnerable witnesses by a self-represented accused is not acceptable or appropriate by the standards of today's society, a fact that is now widely recognised as, if allowed to occur, it is effectively the retraumatisation or the revictimisation of a victim.

The bill includes a scheme where the court can appoint a person who is not a lawyer to ask questions of the witness on behalf of the accused. This provides the court with an alternative option to ensure that the defendant's and victim's rights are both addressed. It will also minimise the potential for delays to proceedings caused by adjournments when a self-represented accused person has not engaged a legal representative at the trial or defended hearing.

The bill also includes a change to the procedures used by the Magistrates Court when a defendant who has been served with a summons to appear fails to appear. The government amended these provisions last year to introduce protections so that the courts would only deal with matters in the absence of a defendant where the court was satisfied that the defendant knew about the proceedings and understood the consequences of not attending court.

While this provided important protections for the rights of our community and reduced the likelihood that a person would be convicted without having the chance to defend themselves, the magistrates of the ACT Magistrates Court have drawn some concerns to my attention. They consider that this scheme could pose a threat to the

right to liberty for members of our community if they are arrested on a warrant for failure to attend court and held in custody for a matter which ordinarily would not attract a custodial sentence.

On that basis, and because the government is committed to ensuring that all rights of our community are protected in a proportionate manner, the bill amends this procedure so that the courts can once again deal with charges in the absence of a defendant without proof that the defendant has made an informed choice not to attend court. The bill provides a clear avenue for a defendant who is convicted in their absence to have their matter reopened and dealt with as a fresh case if they are able to show that they did not know about the case, had a reasonable explanation for not attending court or did not understand what the consequences of not attending court were. The government has consulted with stakeholders on this amendment and believes that this provides a good balance in protecting the rights of our community.

The bill contains other amendments of a more technical nature, many of which will serve to ensure that the existing legislation operates as effectively and efficiently as it can. I am grateful for the detailed input provided by stakeholders such as the Director of Public Prosecutions, magistrates, judges of the Supreme Court, representatives of ACT Policing, and Legal Aid, to ensure that these technical issues were raised and to ensure that the reforms made last year are fully and effectively implemented.

These technical amendments include ensuring that the Supreme Court can find alternative verdicts when the alternative verdicts relate to charges that are now summary in nature, following the amendment to the indictable offence threshold. They also include rephrasing the test used by magistrates to assess whether a matter should be committed for trial. This is not a change in the policy behind the committal test but a rephrasing, so that the manner in which a magistrate makes his or her decision about committing a matter to the Supreme Court is consistent with the traditional test, although the process has been amalgamated into a one-step process.

The bill also makes a number of technical amendments to the Evidence (Miscellaneous Provisions) Act 1991 to ensure that the amendments made to the act by the Sexual and Violent Offences Legislation Amendment Act 2008 will operate as intended.

The bill amends the offence provision in new section 40M, which deals with the unauthorised use of audiovisual recordings. The amendment clarifies that it does not apply to those people who are exercising any function considered necessary for the purposes of the investigation, prosecution and defence of the offence which is the subject of the recording.

The bill also replaces particular references to "disability" in the act with references to "vulnerability", to remove confusion and more accurately reflect the intended scope. It also clarifies that pre-trial hearings are not mandatory, and explains the circumstances in which the CCTV room is considered part of the courtroom. This will remove the possibility that a witness will be removed from the CCTV room when restrictions on the viewing and presence of the witness in the courtroom apply.

I am aware that, in its recent report, the scrutiny of bills committee commented upon the amendments that I have discussed earlier which enable the court to appoint a suitable person to act as a conduit to ask the questions the accused wants to put to the witness, in circumstances where a self-represented accused person has not engaged a legal representative to examine the witness.

The committee has appropriately drawn to the attention of the Assembly that the prohibition already existing in the Evidence (Miscellaneous Provisions) Act 1991, introduced by the Sexual and Violent Offences Legislation Amendment Act 2008, engages human rights. The human rights issues engaged by the prohibition were extensively considered in the explanatory statement to this bill, and I thank the committee for drawing members' attention to this discussion. I agree with the recommendation of the committee that the explanatory statement for the bill we are debating today would be enhanced by a reference to this human rights discussion. Accordingly, I table a revised explanatory statement to that effect.

A further technical amendment contained in the bill is the removal of the requirement that witness statements include a clause stating that the author is over the age of 18. Changes to the Evidence Act that determine the competence of the author of written statements have overtaken this historical requirement that written statements only be made by adults, so this requirement is removed by the bill.

The government understands the importance of a responsive criminal justice system. This bill underlines this understanding and contains amendments that will continue to improve upon an already efficient and effective criminal justice process here in the ACT.

I thank members again for their support for the bill, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.19 am to 2 pm.

Questions without notice

Gaming—sale of Labor clubs

MR SESELJA: My question is to the minister with responsibility for gaming and relates to the proposed sale of the Canberra Labor Club Group. Minister, the Chief Minister was quoted in the *Canberra Times* on 30 July as saying:

> It would be bizarre in the extreme if the Labor Party, as the owner of an asset, says we no longer wish to sell this asset …

However, two weeks later, it was revealed that a letter from the president of the Labor Club Group stated:

> … if the ATO formed the view that the Canberra Labor Club Limited was in fact under the control of some other body such as the ALP then the ATO may issue an amended tax assessment …

Minister, have you taken advice from the Gambling and Racing Commission regarding who actually owns the Canberra Labor Club Group, and if not, why not?

MS GALLAGHER: No, I have not taken advice from the Gambling and Racing Commission on who owns the Labor Club Group. I have been advised by the Gambling and Racing Commission, though, today that they have received my letter of 17 August and, in accordance with their powers of investigation under part 4 of the Gambling and Racing Control Act, the commission will conduct an investigation into matters relating to the proposed sale and its compliance with requirements of the act. I will be reporting back to the Assembly when I receive their report.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, is the Chief Minister correct in his claim that the Labor Party owns the Canberra Labor Club Group?

MS GALLAGHER: I am not sure under what portfolio—

Mr Corbell: It is asking for an opinion from the minister, Mr Speaker, and it is not within the minister's power to make the determination. As the minister just said, the Gambling and Racing Commission is investigating that matter. It would not be appropriate for the minister to pre-empt that investigation in any course.

MR SPEAKER: Yes, the point of order is upheld.

Gaming—sale of Labor clubs

MR SMYTH: My question is to the Chief Minister and relates to the ministerial code of conduct, which says:

> Ministers … are to ensure that their conduct, whether in a personal or official capacity, does not … damage public confidence in the system of government.

Chief Minister, you were quoted in the *Canberra Times* on 30 July this year discussing the proposed sale of the Labor Club Group and the apparently untenable position of their board to refuse to stop the sale. Yesterday you refused to answer questions on the basis that they were not in relation to actions taken in an official capacity. Given the terms of the ministerial code of conduct, why is it satisfactory to answer the questions of the media about this deal but refuse to answer the questions of this Assembly?

MR STANHOPE: Mr Speaker, I did answer the question. I answered quite explicitly and I will repeat it. At no stage have I breached the ministerial code of conduct and at

no stage have I breached or come close to breaching any law. That is a full answer to the question. I have not breached the ministerial code of conduct.

I ask that if you have any evidence to suggest that I have, you table that evidence. If you have any evidence that suggests that I have in any way infringed against any law of the territory or Australia, I invite you—in fact, I ask you—to provide that information to the Australian Federal Police.

There is an issue of principle here in relation to the private activities of members, particularly in relation to their activities as members of political parties. Everybody in this Assembly—each of us, the 17 of us—belongs to a political party. We belong to those political parties in our private capacity. They are private organisations. We belong to political parties in our private capacity. We attend meetings of our political parties in our private capacity. We engage in conversations and discussions at meetings of our political parties in our private capacity. And the conversations and discussions we have within our political parties are private discussions.

I think that in relation to issues around our public lives and public responsibilities and our private lives and our private responsibilities we always need to maintain some perspective. I think it is appropriate. The standing orders go to this, and we have seen it reflected in rulings that the Speaker has made through this week. I am happy to respond to any question that is asked of me in my capacity as Chief Minister or a minister of the territory. I have done that. I am happy to answer, and have answered fully, your question. This is the ministerial code of conduct; this is what it says.

The response to that is "have you breached it in any way?" The answer to that is clearly, emphatically and absolutely no. Have I breached any law of the territory? The answer is emphatically and absolutely no.

Have I engaged in private discussions as a member of a private organisation in a private capacity? Yes, I have—as have you and as has every member of this Assembly.

If we want to go down this path, there is a whole range of interesting discussions, conversations and resolutions moved by the Liberals at party meetings that I would be deeply interested in. Similarly, there are decisions and discussions that the Greens have engaged in in a private capacity in the private meetings of their party that would no doubt at least have some passing interest.

Each of us from time to time hear of the private activities of members of this Assembly conducted in their private lives in which we would have a passing interest as politicians. But of course we have developed an essential code in relation to the private activities and private lives of each of us which I think it is important that we understand and respect.

If the Liberal Party want to go down this path, there is a whole range of responses that other political parties, at least, in this Assembly would be interested in pursuing—for instance, the public interest in knowing the identity of all of the members of the 250 Club and whether or not the donations made by all of the members of the 250 Club were fully declared to the Electoral Commissioner by those 250 members. Here is

food for thought. These are the sorts of issues that, if you wish, we can begin to pursue.

Mrs Dunne: Point of order, Mr Speaker. Yesterday, you ruled specifically on this subject. When the Chief Minister went down the path of the 250 Club, you ruled that that was not relevant to the question. I ask you to rule again on that matter.

MR STANHOPE: I have concluded my answer, thank you.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Chief Minister, will you confirm that you personally voted for a resolution that sought to impose the will of the Labor Party on an independent board of directors?

Mr Corbell: On a point of order, Mr Speaker: the question does not relate to the Chief Minister's ministerial responsibility. How the Chief Minister votes in the internal forums of the Australian Labor Party has nothing to do with his responsibilities as Chief Minister in this place. Unless the person asking the question can indicate how it is relevant to the Chief Minister's portfolio responsibilities, the question is out of order.

Mr Seselja: Mr Speaker, I know they are particularly sensitive on this, but we have dealt with this. This is in relation to the ministerial code of conduct, which, presumably, the Chief Minister is answerable for. We have quoted from the ministerial code of conduct. It is about damaging public confidence in the system of government.

Ms Gallagher: The supplementary didn't quote from that.

Mr Seselja: The supplementary does not have to quote it again—it does not have to regurgitate the first one. The supplementary question relates directly to these actions and the potential of certain actions to offend against the ministerial code of conduct. It is completely in order. They keep making the same argument, but we have had this argument earlier in the week. The Chief Minister is responsible for the ministerial code of conduct. This is relevant to the ministerial code of conduct, and he should have to answer the question.

Mr Corbell: On the point of order, Mr Speaker, it is not relevant to the code of conduct. It is a question about actions that the Chief Minister may or may not have engaged in in relation to the internal matters of a political party. It is out of order.

MR SPEAKER: Mr Smyth, can you just repeat your question?

MR SMYTH: Certainly. The original question—

MR SPEAKER: No, just the supplementary question.

MR SMYTH: It referred to conduct in light of the sale of the group.

Ms Gallagher: The supplementary.

MR SMYTH: Then the supplementary was—I am quite capable of reading, I will talk slowly for you if you are that anxious—Chief Minister, will you confirm that you personally voted for a resolution that sought to impose the will of the Labor Party on an independent board of directors. It goes to the matter of the Gaming Machine Act and the concerns raised by the President of the Labor Club.

MR SPEAKER: On the point of order, as I have heard it, Mr Smyth, I think you have framed your question in a way that it is about Mr Stanhope's personal actions.

Mr Seselja: Just on that, Mr Speaker—

Ms Gallagher: You're questioning the Speaker now, are you?

Mr Seselja: No, I am not going to dissent, but I am seeking clarification on the ruling. Mr Speaker, you said it is in relation to personal conduct, but the ministerial code of conduct specifically cites it, and the part that was cited says "whether in a personal or official capacity". The question is whether, in his personal capacity, it had the potential to damage public confidence in the system of government. That is what the question is about. The ministerial code of conduct specifically cites personal actions.

Mr Corbell: On the point of order, Mr Speaker—

Mrs Dunne: It's not a point of order; he's seeking clarification of the ruling.

Mr Corbell: Well—

MR SPEAKER: I will hear Mr Corbell.

Mr Corbell: Thank you, Mr Speaker. Thank you for your indulgence. Mr Speaker, as you, I am sure, are all too well aware, you make rulings in this place based on the standing orders of this place, not in relation to the code of conduct. The standing orders in this place make it clear that questions can only be asked of ministers in question time insofar as they relate to their ministerial responsibilities.

Mr Seselja: Yes, the code of conduct. That's ministerial responsibility, surely.

MR SMYTH: The question—

MR SPEAKER: Mr Smyth, and then I am going to rule on the clarification.

MR SMYTH: Whenever there is any doubt about what was intended, we always go back to the delivery speech. The Chief Minister said in his speech when he tabled the code of conduct:

> However, the government does not intend to simply adopt a code and think nothing more of it. I consider that the principles and standards set out in the code apply each day a minister is in office and are relevant to each decision he or she makes.

In that context, it is entirely in order to ask this question in the context of the code of conduct.

MR SPEAKER: Thank you, Mr Smyth, and others, for those further insights. I have to clarify my ruling, as Mr Seselja asked. I made my decision on the basis that I am not in a position to interpret the implementation of the ministerial code of conduct. My governing of question time is constrained by the standing orders. I am constrained by standing order 114 in relation to questions to ministers. Your points, Mr Smyth, around interpretation of the ministerial code of conduct, without commenting on the merit of them, I cannot interpret. That is for you and the government to thrash out.

Mr Seselja: Just on that, then, Mr Speaker—

Government members interjecting—

Mr Seselja: No, there is contradiction here. The first questions on the ministerial code of conduct were ruled in order earlier in the week and, indeed, the first question today about the ministerial code of conduct was in order. Are you now ruling, Mr Speaker, that the questions are out of order and that the Chief Minister is not answerable for the ministerial code of conduct in question time?

MR SPEAKER: No, what I am ruling on, Mr Seselja, is that I believe Mr Smyth's question goes further into how the ministerial code of conduct is applied. I am not in a position to interpret that. That is the basis on which I am making my ruling.

Energy—solar

MS HUNTER: My question is to the Minister for Planning. Minister, yesterday in the chamber you were promoting the virtues of consultation with industry in regard to the introduction of energy efficient hot-water systems. So, minister, could you provide details of the consultation the government undertook with the ACT solar industry in regard to the changes made by ACTPLA that would require installation standards over and above the Australian standards?

MR BARR: I will obviously have to get the detail of that consultation from the Planning and Land Authority. It is not a piece of information I carry with me in question time. I will get back to the member.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: I look forward to that information, minister. Does ACTPLA merely place changes to the Australian standard required on the internet or are solar installers contacted by ACTPLA as changes occur?

MR BARR: The Planning and Land Authority is perhaps ahead of almost any other ACT government agency—in fact, almost any government agency. It has one of the most extensive community consultation frameworks. It works very closely with a number of industry partners. It works very closely with the community. In fact, the

Planning and Land Authority engages with more individuals, I would imagine, in this community than nearly any other ACT government agency. It has a fine record and I am sure that I will be able, upon getting some further information from the Planning and Land Authority about this specific issue, to allay the concerns of the leader of the Greens party.

Multicultural affairs—Fringe Festival

MR DOSZPOT: My question is to the minister for arts and relates to the changes made to the Fringe Festival. Minister, you have previously referred to decisions made by Minister Hargreaves as "not red hot" and "regrettable", the most recent being in relation to changes made to the Fringe Festival. Minister, what role did you play in the changes to the Fringe Festival as minister for the arts and what consultations were completed with the arts community?

MR STANHOPE: I thank Mr Doszpot for his question and for his continuing deep interest in the arts. It is a pity, of course, that he does not have the same interest in his portfolio of education.

Mr Smyth: That's snappy, isn't it?

MR STANHOPE: It is. It is of passing interest that the opposition in the last five years have asked, I think, five questions on education in the Assembly.

In relation to the Fringe Festival—

Mr Seselja: You're not going to mislead the Assembly again, are you?

MR STANHOPE: Gee, you're a bit fragile today, Mr Seselja. They actually say that when bears or snakes come out of hibernation they are always a bit grumpy. Of course we have noticed the eight-week hibernation of the Leader of the Opposition. Where is that bear? Is he in bed? Eight weeks in bed! That is the longest sleep-in in the history of the Assembly, I think—eight full weeks of sleep-ins. And he has just come out of hibernation now. The old snake has just slithered out of hibernation and here we see, "Hiss, hiss, hiss."

MR SPEAKER: Mr Stanhope, relevance.

MR STANHOPE: Welcome back to work, Mr Seselja. It is good to see you here after eight weeks.

Mr Smyth: It's good to see you're awake, Jon.

Mr Hanson: We certainly had a long lunch, Jon, didn't we?

MR STANHOPE: What is the snappiness today, the six-cylinder car?

Opposition members interjecting—

MR SPEAKER: Mr Stanhope, resume your seat, please. Order, members! Mr Stanhope is now going to answer the question.

Opposition members interjecting—

MR SPEAKER: Members, that is enough. I am losing my voice. Do not make it harder for me.

MR STANHOPE: Thank you, Mr Speaker, and I thank Mr Doszpot for the question.

The Fringe Festival has been managed as part of the Department of Community Services essentially as an extension of the Multicultural Festival. It has developed over recent years under the stewardship of its inaugurator and director, Mr Jorian Gardner. I think we all acknowledge and support the enormous personal effort and energy that he has applied to the development of the Fringe Festival as a festival and a point of significant and growing interest for Canberrans.

It is important, however, to look at the development of the festival, its genesis and the fact that it has grown organically out of the Multicultural Festival. The government is also mindful, as the minister has said and as I have repeated today, that just in the last year, and with some similar effect in previous years, the Multicultural Festival exceeded its budget by almost double. That is not sustainable.

It exceeded its budget as a result of a range of decisions taken and commitments made. It exceeded its budget from a base budget of $418,000, accepting of course that there has over time been significant sponsorship. Last year, particularly as a result of the global financial crisis, there was a significant falling away of sponsorship for the Multicultural Festival. The government of course picked up the slack in relation to that.

Decisions have been taken to bring the Multicultural Festival back within budget. That of course has impacted on the associated Fringe Festival and the minister has taken decisions in relation to an appropriate level of funding for the Multicultural Festival, having regard to its centrality, its importance and its success, and has simply applied an amount of funding for the Fringe Festival.

Going specifically to your question, Mr Doszpot, the issue is not an issue over which I have had any stewardship or responsibility. I have not been involved in direct discussions in relation to a new structure for the Fringe Festival. I have no doubt, into the future, that I will. As a result of the new arrangements, there will be an obvious transferral of responsibility and I look forward to engaging in those discussions, conversations, consultations, about seeking to secure the future of the Fringe Festival.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. I am not quite sure if the first part of my question has been answered, but I will ask a supplementary. Minister, were you aware prior to the announcement that these changes would be made and, if so, when were you made aware?

MR STANHOPE: Thank you, Mr Speaker. Yes, I was fully aware that changes would be made. It is an issue that the minister has raised with me over the last couple of months. We have had some conversations within the context of the method, the change, the dates of the change and consultation and conversations that the minister has had with others. I am not aware of the detail of those, but I was aware of the minister's intentions. I have not been involved in the implementation of those intentions and I am not privy to discussions or consultations that the minister may or may not have had.

Planning—Building Code of Australia

MS LE COUTEUR: My question is to the Minister for Planning and concerns the Australian Building Codes Board's draft changes to the Building Code of Australia which would require new houses to have energy efficient hot-water systems. Minister, the board drafted specific provisions to implement the hot-water efficiency changes, and asked for submissions on them by 3 August. Did the government make a submission and will you please tell the Assembly if it supported the board's proposed approach?

MR BARR: The government has, of course, been heavily involved in discussions at a national level, both through my portfolio and through the portfolio of the minister for the environment, Mr Corbell. He represents the ACT government on the Ministerial Council on Energy, which has been involved in some quite detailed discussions in relation to this matter that stem from the Council of Australian Governments deliberations. There is a detailed policy paper that underpins the decision of all Australian governments that goes back to, I believe, December of last year, and then obviously lead-up papers, as is the nature of ministerial council work.

The ACT government, through various officials in both the ACT Planning and Land Authority and the new Department of the Environment, Climate Change, Energy and Water, have been heavily involved in those discussions. As to whether there is a written submission that is publicly available, again, I will have to check. I am sure there has been considerable written comment between jurisdictions. As to how much of that is publicly available, I will check, and if there is information I can helpfully provide to the member, it will be my pleasure to do so.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you. Mr Barr, given that the Greens' hot-water bill almost exactly incorporates the provisions drafted by the board, did the comments that various ministers made in this discussion include things like "the substance is poor", "it is full of holes like Swiss cheese", "it is a piece of rubbish" and "it needs a complete rewrite"? Can you please explain the differences between the board's draft and the Greens' bill?

MR BARR: I thank the member for Molonglo for asking the question. There are a number of issues in relation to implementation dates, consultation, technical matters, that I raised in my speech yesterday. And I do stand by my remarks that the Greens' bill, in its second incarnation, the first one having been withdrawn, should have been renamed the "Swiss cheese bill" because it was full of holes.

I am pleased that there have been some further discussions that follow on from the 10 contacts there have been between my office and yours, Ms Le Couteur, in relation to the development of this bill, including, I understand, briefings with the Planning and Land Authority in relation to a range of energy efficiency matters. So the comments that were made in yesterday's debate that there had been no contact between my office and the Greens are factually incorrect. Again, I have come to expect this sort of snippy interaction between myself and the Greens. Such is the nature of parliamentary business. As I have said in this place more than once, we have many things that we agree on and many things that we disagree on. In this instance, it would appear that there is pretty broad agreement on the policy direction. It would just appear that the way to get there, and the best way to get there, is in dispute.

I can give this commitment to the Assembly and to the member: the government remain committed to ensuring that we move ahead on this issue and that we are able to constructively engage with all Australian governments to achieve a national solution to this matter. And the government's process that we have been engaged in for quite some time now is the best way forward.

Bushfires—preparation

MS PORTER: My question is to the minister for emergency services. Minister, can you update the Assembly on steps taken by the territory to prepare for the upcoming bushfire season?

Opposition members interjecting—

MR SPEAKER: I call Mr Corbell.

MR CORBELL: Thank you, Mr Speaker, and I thank Ms Porter for the question. It is disappointing that those opposite consider the bushfire season as an opportunity to make political mileage on what is, of course, a season which presents very real and serious threats to our community every year.

This season is no different. We are facing a potentially dangerous bushfire season with fuels in the tall forest country exceptionally dry for this time of year. The advice that is emerging from the Bureau of Meteorology is indicating that an El Nino event is developing across the Pacific, with computer models indicating it will reach peak intensity late in the year.

As members would know, El Nino events are usually, but not always, associated with below normal rainfall in the second half of the year. The national outlook for total rainfall over the late winter to mid-spring period—that is, August to October—shows moderate to strong shifts in the odds favouring a drier than normal season.

Furthermore, the national outlook for maximum temperatures averaged late winter to mid-spring shows that warmer than normal days are expected for most of Australia, with six of the seven leading international climate models surveyed by the Bureau of Meteorology predicting the tropical Pacific to continue to warm and to remain above El Nino thresholds for the rest of 2009.

The forecast is not a good one in terms of the fire weather potential. For that reason, I was very pleased to table in the Assembly only earlier in the week a substantial independent audit by the ACT Bushfire Council of the actions that the ACT government has taken to ensure we are implementing the recommendations of the coronial inquiry and the McLeod inquiry into the 2003 bushfires.

What that audit has found is that 108 of the 122 agreed recommendations have been implemented by the government. That is not the government saying this, Mr Speaker. It is the independent ACT Bushfire Council. For that reason, I think it is incumbent on the Liberal Party to apologise to the Canberra community for their continued misleading of the community when they say that we are no better off than we were before 2003.

How can they say that when the ACT Bushfire Council itself has confirmed that the government has implemented over 88 per cent of all the recommendations made by the coroner and by Mr McLeod? How can they stand up and with straight faces claim that nothing has changed when the ACT Bushfire Council itself in its independent report has confirmed that this government has implemented over 88 per cent of those recommendations?

I draw to the attention of members the comments by Mr Kevin Jeffery, who is the chairman of the ACT Bushfire Council. He said, and I quote from the *Canberra Times* of yesterday:

> There's always things to improve and thus why our report shows there is action required on a number of issues, but—

and I want to emphasise this—

> we are on the improve.

So the claims made the Liberal Party lack substance, they lack honesty and they lack any relevance when it comes to a serious analysis about preparedness.

I note that Mr Smyth has hitched his bandwagon to the fact that the second supertanker for the RFS fleet is yet to be delivered. Of course, I would draw to Mr Smyth's attention that only two weeks ago I handed over to eight RFS brigades eight new medium tankers for those volunteer brigades that were delivered consistent with the ACT fleet replacement program for emergency services and that the government has confirmed that over the next three months a further eight heavy tankers will be delivered to those RFS brigades. So Mr Smyth can pick one vehicle if he wants, Mr Speaker, but he had better pay attention to the other 16 that have arrived or will arrive shortly. *(Time expired.)*

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Minister, how does the strategic bushfire management plan relate to our preparedness?

MR CORBELL: Thank you, Mr Speaker. Again, I thank Ms Porter for the question. The strategic bushfire management plan has been commended by the Chairman of the ACT Bushfire Council as a document which is a national leader. That independent advice from the head of the independent watchdog body again puts the lie to Mr Smyth's politically motivated, misleading and dishonest claims—dishonest claims—that we are no better prepared.

Mr Smyth: I raise a point of order, Mr Speaker. The use of "lie" and "misleading" is normally in a substantive motion. If the minister wants to bring it on, go for his life.

MR CORBELL: Mr Speaker, I did not say that Mr Smyth misled the Assembly. I said that he was misleading. I am happy to clarify the comment and say that Mr Smyth is misleading the community when he makes these claims.

Mrs Dunne: I raise a point of order, Mr Speaker. I ask you to ask Mr Corbell to withdraw the assertion that Mr Smyth is dishonest.

MR CORBELL: Mr Speaker, I withdraw the assertion. The fact is that the head of the Bushfire Council has endorsed the strategic bushfire management plan as a nation-leading document in the science and the scope of this work. Of course, the strategic bushfire management plan has been criticised by those opposite because they say, "It is only six weeks to the next fire season and none of it is going to be implemented in time." If they actually read the draft document, they would know that the document is a five-year plan. It is a five-year plan. It is not a plan that is all going to be implemented in the next six weeks, you gooses! It is going to be implemented over the next five years.

Mr Hanson: I raise a point of order, Mr Speaker. I ask the minister to withdraw the term "gooses" and at least replace it with "geese", but not "gooses".

MR CORBELL: I withdraw, but would "dopey waterfowl" be any better?

Mr Coe: Mr Citroen.

MR CORBELL: It is better than the Goggomobile that you get around in, Mr Coe.

Mr Speaker, the bottom line is that the strategic bushfire management plan is a nation leading document. We are encouraging members of the community to comment on that plan. The very real and clear message to the Canberra community is that there are 96 suburbs across our city that are potentially subject to serious ember attack should a bushfire come to or threaten the proximity of those suburbs. That is why it is so important that Canberrans have their say on this document.

This document has been developed through a broad consensus involving nature conservation groups such as the National Parks Association, the Conservation Council of the South East Region and Canberra, all the way through to land managers, experienced firefighters and rural leaseholders. It is a truly contemporary document. It leads the way in the country. We want Canberrans to have their say on it. It would be nice if the Liberal Party had actually taken the time to do a bit of research before they

launched their misleading and completely disingenuous assault on the hard work of our firefighters, land managers and nature conservation staff who are doing the work on the ground to make sure that this city is well prepared for what will be a serious and potentially dangerous bushfire season.

It is time for the Liberal Party, and Mr Smyth in particular, to grow up. I know it is a big ask. I know that I am probably hoping for the impossible, but at the end of the day this is a serious issue for the Canberra community and it deserves a serious debate, not a flippant one, not a misinformed one and certainly not the uninformed one that we are getting from those on the other side of this place.

Work safety—regulations

MRS DUNNE: My question is to the Minister for Industrial Relations and relates to the work safety regulations. Minister, in drafting the work safety regulations, what evaluation did you undertake as to the impact of the regulations on the capacity of small businesses to comply efficiently and with the least possible cost?

MR HARGREAVES: As I said the other day, that is a good question, and this is another good question. That is two in the session, which I am absolutely staggered about. It is such a good question that it really deserves a detailed answer. I would like to take the opportunity to include medium businesses and micro businesses as well. I think that is an issue that is relevant.

Mr Hanson: "I don't really know what I'm talking about here, but I'll ramble on for a little bit longer."

MR HARGREAVES: You can plug your iron lung in, mate, it's just underneath you at the back. Knock yourself out. Knock yourself out. The clown prince of the other side. Good on you, Colonel Hogan. Knock yourself out.

Opposition members interjecting—

In attempting to answer Mrs Dunne's question it is like trying to get above a howling gale—the operative word being "howling". I am trying my best under dreadful circumstances, Mr Speaker. No, I think I will not. I will take it on notice and come back to her.

Mr Seselja: He doesn't know.

MR HARGREAVES: No, I'll just make you wait a couple of weeks, that is all.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, can you tell the Assembly now what your government is doing to allay the concerns of small businesses that compliance with the procedural requirements of the regulations will create inefficiencies and cause them excessive costs?

MR HARGREAVES: Mr Speaker, I really think that what Mrs Dunne seems to be doing is suggesting that there are people out there in the business community who think that work safety and the economic viability of their businesses are interlinked. I do not actually see that. The simple fact is that the Work Safety Act is all about making sure that business is conducted safely and that the people who are engaged in those industries, be they micro businesses, small businesses, medium or large businesses, are all treated the same. A person working for another person is entitled to a safe workplace. To be quite frank, if we have to have regimes which actually ensure that, so be it. I am surprised that those people who put themselves up as being the champions of business would even ask such a stupid question.

Planning legislation—regulatory impact statement

MS BRESNAN: My question is to the Minister for Planning and concerns information being made available to the Assembly when changes to laws and regulations are proposed. In the debate yesterday on Ms Le Couteur's water and sewerage legislation amendment bill, the minister argued:

> No regulatory impact analysis has been tabled with this bill … it is not clear to me what level of consultation with stakeholders was undertaken in deciding on these dates …

Minister, what support does the government or ACTPLA intend to offer opposition or crossbench members to prepare a regulatory impact statement or is it now accepted government practice to oppose legislation by non-government members because it does not have a regulatory impact statement?

MR BARR: You can tell that you have touched a raw nerve when you get three snippy questions from the Greens in question time. Can I advise the member that of course government consideration of legislation and a requirement for a regulatory impact statement would vary depending on the nature of the legislation. When a piece of legislation as significant as we would all acknowledge was sought to be debated yesterday is brought forward without any consideration, it would appear, for the impacts of that legislation on a variety of stakeholders, it is incumbent upon the government—because governments have a responsibility. It is something that those opposite and the crossbench are always very keen to remind us of—that we have a considerable responsibility in occupying these positions as ministers, that we must take into account a range of factors.

In the context of the legislation that was put forward for debate from the Greens yesterday, it was the government's view that it required more detailed consideration, that the full impacts of the Greens' proposal had not been adequately discussed with industry, with retailers or with consumers and that there were impacts from this proposed change to the territory's laws. That is why we have appropriate processes. That is why it was better, for example, rather than trying to make policy on the run yesterday afternoon with a range of last-minute amendments that the Liberals tried to circulate—that it would be appropriate for a more detailed consideration of the issues.

Had the Greens been satisfied with the thorough national approach through the Council of Australian Governments that every Australian government is involved in—if that process is not enough, why seek to substitute an inferior process and then get upset when the government does not support you substituting an inferior process? We have a national process—a process that involves all Australian governments, that involves multiple government portfolios, a detailed regulatory impact statement, detailed consideration, partnership with industry and partnership with consumers and retailers—to institute what we all agree is an important change.

Let us face it: all that Ms Le Couteur's bill was about was the ACT Greens trying to get in and say, "We did it one or two months before the rest of the nation." You do not like being called on that fact because it labels you just what you are: politicians—politicians seeking to dance in the limelight. Heaven forbid that the Greens party ever gets called on that, because if you strip that away, one of the key elements of your political manifesto, your reason for being and your ability to sell yourself as a political party is stripped away. You are politicians. Accept it. Accept getting called on the politics from time to time. Grow up, learn the lesson from this, and perhaps work constructively—and we will get a good outcome.

It is still my view that we can get a good outcome in relation to this important policy reform, but what I will not cop is a lecture from the Greens party on playing politics. They have had their grubby little political hands all over this issue. It is interesting that the dinosaurs over here spend all of their time—

Mr Coe: Have you had too much—

MR BARR: What, you want your little bit of the limelight as well?

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Will the minister give the Assembly an undertaking that he will make all regulatory impact statements that he receives for his legislation available to the Assembly?

MR BARR: It is government practice that regulatory impact statements are prepared, and that is part of the legislative process. It is, of course, standard practice, particularly on matters that involve interstate and intergovernmental agreements. For example, in another one of my portfolios we are at the moment engaged in a significant reform process around childcare. That does involve a regulatory impact statement. It is being prepared. All jurisdictions have input to that. It is something that, as part of a COAG reform process, is sponsored at a national level; and all jurisdictions have that input. It is standard practice. There are many public policy analysts who believe that it is clearly the best way to go, particularly when seeking to make significant reforms in important areas of public policy that have significant implications for people outside this place.

It is all well and good for you to come in here and feel as though we will just whack a piece of private members legislation in and a couple of months later we will pass it. Never mind its implications for everyone else; you'll feel good and we'll be a couple of months ahead of the national process.

Mr Coe: What are you saying about Joy and Mary?

MR BARR: Well, there we go. If that is the way politics is going to be played in this place, if that is what we have been elected here to do, terrific! Go for your life!

Ms Hunter: Point of order, Mr Speaker.

MR SPEAKER: Point of order, Mr Barr; sit down.

Ms Hunter: The minister was not answering the question. He was not directly relevant in his answer.

MR SPEAKER: Minister Barr, do you have anything further to add?

MR BARR: No; I have sat down.

Department of Territory and Municipal Services—budget

MR COE: My question is to the Chief Minister. It has been revealed that for the second year TAMS has blown its budget. Over the last two years, TAMS has obtained $18 million as part of the Treasurer's advance. In the 2009-10 budget, $5 million is provided in additional funding for municipal services over this year for short-term additional expenditure. Will $5 million be enough to cover your shortcomings given the past overruns of well in excess of $5 million and do you take responsibility for this budget blow-out?

MR STANHOPE: It is certainly the case that the Department of Territory and Municipal Services required some budget supplementation to deal with some significant base cost pressures as a result of the increase in the work that they do, most particularly in relation to the management of parks, conservation and lands and in relation to the provision of some additional services for libraries. They were the two major areas of budget pressure that were dealt with. Certainly, it is the government's expectation that agencies do work within budget, and Territory and Municipal Services are working very hard to ensure that they do that.

They face, of course, some very significant challenges in that regard. Our reserves and, indeed, all the major work of Territory and Municipal Services have expanded. The work expands every time, of course, that the population increases; it expands significantly every time a new suburb is developed. It is a significant issue for the government.

Canberrans have every right to expect the highest possible standard in municipal services, and Canberra provides a very high standard. But in the context of the beautifully designed city that we have inherited, we have inherited with the design some significant challenges in relation to the size of the city, the nature of the city, the extent to which the city occupies a very significant footprint. It is interesting, Mr Coe—and this goes very directly to your question—

Mr Coe: I raise a point of order, Mr Speaker. The question was: will $5 million be enough to cover the shortcomings? The minister has not answered that.

MR SPEAKER: There is no point of order. Mr Stanhope, I trust you will come to Mr Coe's question.

MR STANHOPE: Certainly. In order to answer that question, I need to give some explanation of the services that Territory and Municipal Services provides, and I am in the process of doing that, and having regard to the context in which they do provide them and the basis on which we make decisions about appropriate levels of resourcing. In that respect, the department involved itself in a yardstick benchmarking report as recently as 2007, which compares the municipal responsibilities of a number of jurisdictions around Australia—the major metropolitan cities in Australia and New Zealand. It reveals, for instance, the challenges we face vis-a-vis other cities. In all of the cities benchmarked, the ACT has the second highest amount of actively maintained reserve land.

We need to dwell on these things and reflect on them in order to understand the nature of the budget and the challenge. Here in the ACT, we maintain 17 hectares of reserve land for every 1,000 residents, and that land is actually maintained at the lowest operating cost of any jurisdiction surveyed in that benchmark, at $1,172 per hectare. By way of comparison, and it is reflective of the different reserve areas that we maintain as opposed to, say, Sydney, here in the territory, with 17 times more maintained reserve land than the City of Sydney, we maintain it at a cost of $1,172 per hectare as against a cost of $71,000 per hectare by the Sydney City Council. It gives some indication of the nature of the challenges that we face.

We have every expectation that TAMS will bring its budget down. It has no option but to do that. We have imposed a significant efficiency dividend on all departments. That applies to TAMS and it applies, of course, to Parks, Conservation and Lands. In addition, the government is just about to engage in a major community conversation in relation to how we deal with all the municipal services that the people of Canberra enjoy and have come to expect. How do we, in the context of the significant size of the issue, the level of service, change the way in which we manage services? Do we actually reduce the budget? Do we reduce services? Do we reduce the areas of maintained land? These are issues—

Mr Smyth: Relevance, Mr Speaker.

MR SPEAKER: He is talking about the portfolio. Mr Coe, a supplementary question?

MR COE: Minister, why has your department continued to have such a poor budget performance and when will you be tabling the Ernst and Young report?

MR STANHOPE: It is good to see Mr Coe is so on the mark. He has read the paper this morning and listened to the ABC. I think I have declared to everybody today and I think everybody in Canberra but poor Mr Coe knows that I will be tabling the report in about 10 minutes time. I love the rigour of your investigation and the brilliance of your political strategy, Mr Coe—sheer brilliance.

Indeed I will be tabling the report in a few minutes, Mr Coe, as you very well know. There is this notion of the sort of dancing in the limelight that Mr Barr has just gone to. Here is Mr Coe, "I'll drag him out. I'll demand at 5 to 3 that he table the report and then I'll put out a press release saying, 'He's tabled the report after I demanded it.'" I can see the press release now from Mr Coe. Brilliant strategy, Mr Coe!

Opposition members interjecting—

MR SPEAKER: He has finished.

Department of Territory and Municipal Services—services

MS BURCH: My question is to the Chief Minister, the Minister for Territory and Municipal Services. Would the minister please advise members about the extent and growth in services that TAMS provides to the territory?

MR STANHOPE: Thank you, Ms Burch. I appreciate the question. I was attempting to provide this information to Mr Coe, but the Liberal Party were not interested. I applaud and acknowledge the interest of Ms Burch in the delivery of municipal services in the ACT—unlike the shadow spokesperson.

It is important that we do reflect on the extent of the services that are provided by Territory and Municipal Services. There is a significant misunderstanding of the enormity of the task that we face here in the ACT in managing municipal services, and members of this place do need to understand it so they can make a better informed contribution to debate, rather than the nonsense we have heard just now from Mr Coe in relation to what really is a significant issue facing the government and the community.

Opposition members interjecting—

MR STANHOPE: In that context these numbers are relevant and it is relevant that I go to them. I know that your attention span is not too great and you will struggle to maintain attention for five minutes, but this information is significant. Parks, Conservation and Lands within TAMS manages 235,824 hectares of land. That is the size of the land managed within Territory and Municipal Services. That is 235,824 hectares of land across a whole range of descriptors. They include national parks, water catchment areas, our commercial pine forests, rural leases, grazing agistment leases, horse paddocks, lakes and ponds, urban open space, and town and district parks. It also, of course, has a role in maintaining conservation values of all rural land within the ACT. That is what Parks, Conservation and Lands does. That is its task—to manage those areas; in other words, the whole of the ACT.

Look at some of the implications of managing that, some of the management responsibilities. For instance, Parks, Conservation and Lands manages 3,000 kilometres of unsealed rural roads. Parks, Conservation and Lands mows almost 5,000 hectares of land multiple times. Parks, Conservation and Lands manages 630,000 trees in the urban area. In the last six years Parks, Conservation and Lands has removed 18,000 mature dead or drought-affected trees. It deals even now with somewhere in the order of 2,000 tree inquiries a year.

Over this next financial year it will water through summer 20,000 newly planted trees. It cleans all of our shopping centres and shopping areas. It cleans all of our bus stops and bus stop areas. It cleans the suburban shopping centres. It cleans all of our toilets. It cleans all of our barbeque areas. It cleans all of our picnic areas and playgrounds. There are significant numbers of them. There are 115 public toilets, many of them cleaned six times a day. There are 285 separate picnic areas and over 450 separate playground areas. These are massive tasks. Toilets and other infrastructure are cleaned multiple times daily. It is an enormous task that Parks, Conservation and Lands undertakes on our behalf.

As the city grows and as the area of land managed continues to expand in relation to its complexity and the need for detailed servicing, the government is looking at new ways of dealing with base pressures in relation to the management of this enormous suite of responsibilities and of land across the board. In many areas it is detailed, including the management of Mulligan's Flat, the management of Tidbinbilla and the management of Jerrabomberra wetlands—areas of very high, significant ecological and environmental value which require significant resources, all of them managed by Parks, Conservation and Lands.

So the government will be holding a number of forums in months to come. We will be seeking to engage with the community in relation to the community's expectations of the level of service, whether there are services that we might not deliver to the extent that we do, whether or not the services that we do provide are being appropriately provided and whether or not the community believe that there are other services they are prepared to pay more for. It is a range of community forums which I look forward to hosting in order to determine whether there are a range of community partnerships which we are able to enter into.

In the context of our determination to refine the operations of TAMS, TAMS has undergone quite a significant internal review—a look at itself. It did commission a strategic budget review of its operations, and I will be tabling that in just a minute.

Gaming—sale of Labor clubs

MR HANSON: Mr Speaker, my question is to the Chief Minister and it relates to the ministerial code of conduct, which says:

> Ministers … are to ensure that their conduct, whether in a personal or official capacity, does not … damage public confidence in the system of government.

Chief Minister, every one of your colleagues has been willing to answer questions regarding their involvement in the Canberra Labor Club Group deal and have ruled out that they or their staff or any representative of them have been involved at any level in influencing or directing the sale or withdrawal of sale of the Canberra Labor Club Group. Why are you not willing to answer the same question?

MR STANHOPE: Mr Speaker, I have answered this question; I have answered it fully. At no stage ever have I breached the ministerial code of conduct in relation to this issue or any other issue.

Mr Hanson: That's not the question.

MR STANHOPE: Well, the question related to the ministerial code of conduct. If the question is not related to the ministerial code of conduct, then the question is out of order. This is what you have managed to hang yourself on. The question relates to the ministerial code of conduct, otherwise you cannot ask it. I am answering the part of the question that is in order. The part of the question that is in order is the part that relates—

Mr Hanson: So you won't answer the question?

MR STANHOPE: Well, does the question relate to the ministerial code of conduct or not?

Mr Hanson: Of course it's related to it, but it's not specific to it. It's about the Labor Club Group.

MR STANHOPE: I answered the question fully. To the extent that the question was related to the ministerial code of conduct, I answered the question fully and wholly. No, I have not breached the ministerial code of conduct in relation to the sale of the Labor Club. Now, does the question relate to anything other than the ministerial code of conduct? If it does, it is out of order, and I am not answering it.

MR HANSON: Let me, in my supplementary question, make clear what I am asking you, Chief Minister. Were you or any of your staff or your representatives involved at any level in influencing or directing the sale or withdrawal of sale of the Canberra Labor Club Group? If so, in what manner were they involved?

MR STANHOPE: That question is not in order. It does not apply to any part of my ministerial responsibility and I will not answer it.

Mrs Dunne: Mr Speaker, I am not quite sure whether the Chief Minister was seeking your ruling on it. Only you can rule whether the question was in order.

MR STANHOPE: I was seeking your ruling, Mr Speaker.

MR SPEAKER: I will take it that Mr Stanhope put it as a question.

Mrs Dunne: The thing is that I find it difficult that you could rule it out of order, seeing it was ruled in order in relation to four other ministers.

MR SPEAKER: The question is in order. Chief Minister, I think, as Chief Minister, you have overarching responsibility for a range of portfolios.

MR STANHOPE: But the supplementary only went to my attendance at a meeting of the Labor club.

MR SPEAKER: No, it did not. Mr Hanson, would you like to repeat the supplementary question, please?

MR HANSON: Chief Minister, were you or any of your staff or your representatives involved at any level in influencing or directing the sale or withdrawal of sale of the Canberra Labor Club Group? If so, who and in what manner were they involved?

MR SPEAKER: That is directly relating to issues on your conduct as a minister.

MR STANHOPE: It does not, Mr Speaker. I am happy to answer the question. At no stage have I or any member of my office breached the ministerial code of conduct or any law of the territory. As I have explained previously, I have answered this question fully. I have answered it previously. I have answered it both in this place and in interviews with the media in relation to my ministerial responsibilities.

I would actually welcome your ruling, Mr Speaker, on what part of that supplementary question relates to what part of my ministerial duties.

MR SPEAKER: I think I was clear, Chief Minister, that, as Chief Minister, you have overarching responsibility for a range of other ministers.

MR STANHOPE: I do not understand—

MR SPEAKER: To be even handed—the Chief Minister sought clarification—I gave it to Mr Seselja earlier.

MR STANHOPE: Have I or any member of my staff—which ministerial responsibility are we talking about here?

MR SPEAKER: Chief Minister, I am suggesting that, as Chief Minister, you have overarching responsibility. That is the understanding of the role of the Chief Minister and that is the basis on which I have ruled the question in order. You can choose to answer it in whatever form you see fit.

MR STANHOPE: Thank you. I accept your ruling, Mr Speaker, but I do concede that I do not understand it.

Each of my colleagues has answered in relation to those areas of their ministerial—

Mr Smyth: They have just said no.

MR STANHOPE: This is where I am getting to, Mr Smyth. Each of my colleagues has answered this question. To the extent that you say I have overarching responsibility—this is a new notion to me—for the responsibilities of my colleagues, I presume, Mr Speaker, you are suggesting that I now need to answer the question in relation to whether or not they have satisfied the ministerial code of conduct.

I am completely satisfied that they have, just as I am completely satisfied that I have satisfied every single aspect of the ministerial code of conduct and I have not breached any law of the territory and I have not brought, for instance, any pressure, on the Labor club board that would have breached any of their obligations or mine; nor did any member of my staff.

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

Supplementary answer to question without notice
Planning—inspection fees

MR BARR: Yesterday in question time Ms Le Couteur asked me about fees payable for electrical inspections, including inspections for installation of solar systems, and I undertook to provide the Assembly with some further detail. For the benefit of the Assembly, I can advise that, when Ms Le Couteur stated that inspections for installation of solar systems could cost up to three times the cost of general residential inspections because of the requirement to install and inspect inverters, I can only assume that Ms Le Couteur, whilst well intentioned, has failed to understand some of the key elements of the new arrangements. Or perhaps she has been misled.

The fee for the inspection of a photovoltaic array is $180 per inverter. This is exactly the same cost as the cost of a general residential inspection. I can advise the Assembly that, in some large commercial installations which are being proposed, the installations that are proposed have three separate inverters for connection to the three-phase main supply. And it is only in this case that the fee would be $180 times three. Thus far, there have been only two proposals of this size for the ACT.

The only other time where an additional fee would be charged is where the main switchboard for the house was being upgraded and an entirely new switchboard and enclosure was installed. In this circumstance there would be a fee for the inspection of the new switchboard. There is a frequently asked question sheet available on the ACTPLA website that covers this issue, and whilst I will not attempt to read the URL into the record I will provide the link for Hansard scribes.

Schools—St Clare of Assisi primary school
Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): Also, can I advise the Assembly that it has been reported that this afternoon St Clare of Assisi primary school in Conder has suffered a significant fire. Happily, the reports we have received are that no children or staff have been hurt but I do understand that a number of classrooms have been damaged. Students have been evacuated to Lanyon high school for the afternoon.

I can confirm for the Assembly that, if required, the ACT government will do whatever we can to provide temporary accommodation in spare space at public schools for students whilst the school recovers from the fire and that my department is in contact with the Catholic Education Office to discuss their needs in this regard.

Energy efficient hot-water systems

MS LE COUTEUR (Molonglo), by leave: I seek clarification from the planning minister about comments he made yesterday in the Assembly in his speech on the Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009. Mr Barr referred to a number of representations and letters that have been made to him and his office about the bill.

I request that the minister table all these representations in the Assembly. I also request that the minister provide to the Assembly all the advice he received from ACTPLA and other government agencies about the bill and the earlier version of the bill, the Building (Energy Efficient Hot Water Systems) Legislation Amendment Bill 2009. Additionally, given the answer to my question about the commentary on the changes to the BCA, could I receive copies of the written commentary that ACTPLA provided on that matter to the Building Codes Board?

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): I will take that as a question on notice. It would certainly be helpful if Ms Le Couteur would put that in writing and then I will happily respond to it as a question on notice. That might be the best way to proceed with that level of information. It is not a question; it is a strange request.

MS LE COUTEUR (Molonglo): I will happily put it in writing.

Paper

Ms Gallagher presented the following paper:

> Strategic Budget Review—Department of Territory and Municipal Services, including appendices, prepared by Ernst and Young, dated 9 December 2008.

Operations of the Gene Technology Regulator—quarterly report

Paper and statement by minister

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

> Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 January to 31 March 2009, dated 26 May 2009.

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

Leave granted.

MS GALLAGHER: Under section 136A of the Gene Technology Act 2003, the regulator must prepare and give the ACT Minister for Health quarterly reports on the operation of the regulator under the act as soon as practicable after the end of the quarterly reporting period. According to the reporting requirement of the Gene Technology Act 2003, the Minister for Health must present a copy of the quarterly report of the Gene Technology Regulator to the Assembly within six sitting days after receipt of the report.

Embryo Research Licensing Committee—report
Paper and statement by minister

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

> Human Cloning and Embryo Research Act, pursuant to section 50—National Health and Medical Research Council—Embryo Research Licensing Committee—Report to the Parliament of Australia for the period 1 October 2008 to 31 March 2009, dated June 2009.

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

Leave granted.

MS GALLAGHER: Under section 50 of the Human Cloning and Embryo Research Act, the licensing committee must prepare and give the ACT Minister for Health reports on the operation of the act and the licences issued under the act during that year as soon as practicable after the end of each quarterly reporting period. According to the reporting requirements of the Human Cloning and Embryo Research Act, the Minister for Health must present a copy of the NHMRC's licensing committee report to the Legislative Assembly within six sitting days after receipt of the report.

Legislative Assembly—ministerial code of conduct
Discussion of matter of public importance

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

> The importance of the code of conduct for ministers.

MR DOSZPOT (Brindabella) (3.11): The matter of public importance I have brought to this place today is a cornerstone for the business we conduct here and an essential tool and guideline as ministers pursue their day-to-day duties. A code of conduct governing ministers was tabled by the then Chief Minister, Kate Carnell, on 2 May 1995. In her tabling speech Ms Carnell noted that the code is applicable to the immediate families or close relatives of ministers and ministerial staff employed under the Legislative Assembly (Members' Staff) Act 1989. A revised ministerial code was tabled. On 25 August 2005 the Legislative Assembly voted to adopt the code of conduct for all members of the Legislative Assembly of the Australian Capital Territory. This is a document that all of the ministers have signed up to.

We in the opposition and our colleagues on the crossbenches often refer to the ministerial code of conduct when debating issues in this place, and it is mostly done to

remind ministers of the pledge they have made to this place and that they have a responsibility to the people of the ACT. The code of conduct is about accountability and it is about understanding that the executive is ultimately responsible to the people of the ACT through this place. It is also about respect, and I quote from it:

> Ministers will treat other members of the Legislative Assembly, members of the public or other officials honestly and fairly, with proper regard for their personal dignity, rights, entitlements, duties and obligations, and should at all times act responsibly in their performance of their public duties.

When the Chief Minister introduced his amendments to the ministerial code of conduct in February 2004, the government of the time gave an assurance that it would rigorously apply the code. At the time, the Chief Minister emphasised that the values of fairness, openness and responsibility were the defining factors of his revised code. Back in 2004 the Chief Minister was adamant when he said:

> … the government does not intend to simply adopt a code and think nothing more of it.

He went on to say:

> I consider that the principles and standards set out in the code apply each day a minister is in office and are relevant to each decision he or she makes. The government will not back away from the code when it suits; we will stand by it and uphold its values.

Could it be that this government have been around too long? Have they forgotten what they signed up to again only 10 months ago? Have they become so complacent and arrogant that they feel they can simply disregard their obligations? The general obligations as stated in the code of conduct are as follows: respect for the laws and the system of government; respect for persons; integrity, accountability and honesty; diligence; and economy and efficiency.

I would like to focus in particular today on two of these obligations, obligations that go directly to the heart of claims made by one of the ministers of this Assembly in this place only this week. With reference to respect for persons, the code of conduct states:

> Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly, with proper regard for their personal dignity, rights, entitlements, duties and obligations, and should at all times act responsively in the performance of their public duties.

As to public references to individuals, the code states:

> In the discharge of his or her public duties, a Minister will not dishonestly or recklessly attack the reputation of any other person.

The code refers to integrity and states:

> Ministers will at all times seek to advance the common good of the community that they serve, in recognition that public office involves a public trust. In particular, Ministers will ensure that their official powers or position are not used

> improperly for personal advantage, and that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest. Ministers are to ensure that publicly funded publicity that they arrange or approve is relevant to Government responsibilities and is not party political in tone.

Some public statements have been made by a minister in this place that I would like to correct for the record today, statements which show complete disregard for the obligations I have just outlined. On Tuesday just past, Minister Barr flouted convention by seeking leave to make a statement. Of course, this was for all accounts and purposes a ministerial statement without notice. We do know why the minister did not want to give us notice—there were falsehoods in what he said, and he knew he could not get away with it if we, the opposition and the crossbench, had received the required notice.

Let me now go back to the code of conduct:

> Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly, with proper regard for their personal dignity, rights, entitlements, duties and obligations …

I feel personally affronted that the minister has chosen to extrapolate an argument that I put forward to him in such a dishonest and unfair way. The statement in question was my argument that the human rights principles of students with a disability in the non-government sector were being compromised by the government for not including them in the special education review, commonly known as the Shaddock review. The minister has chosen to spin a tale from this—he has chosen to take any words I chose to use so out of context that it now bears no resemblance to my original premise.

To make matters worse, Minister Barr has chosen to perpetuate this falsehood to stakeholders in a letter, ostensibly in the form of a response, to the Non-Government Schools Education Council, stating:

> I have made abundantly clear in the Legislative Assembly that the government opposes suggestions by the Liberal Party's spokesman that I should use the Human Rights Act 2004 as a way of the government taking over non-government school teaching and curriculum …

This is a complete fabrication by the minister, a calculated fabrication that ignores truth, honesty and, most damningly, any thought or care about his ministerial responsibility.

For the record, I totally reject the minister's statement, as I did in the Assembly last Tuesday, that this suggestion was ever made by me. I have never in any way made any suggestion that the government take over non-government teaching and curriculum. The minister has misled the Non-Government Schools Education Council and this place in a very calculated, dishonest and mischievous fashion.

I have been verballed in a most underhanded way and in a typical, tactical manoeuvre by a person who claims to be the right choice to lead the ALP and become the Chief Minister of the ACT. If playing dirty, shooting from the hip and using any tool within

your means to get your own way, even if it is a complete and utter lie, are the criteria for leadership, honesty and accountability, then it would appear that Minister Barr is eminently qualified.

His farcical stunt now brings me back to the code of conduct:

> … Ministers will ensure that their official powers or position are not used improperly for personal advantage, and that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest.

Clear as daylight, the minister for government education, who has publicly declared his true feeling towards the non-government sector by labelling them "blazer schools", is getting down in the gutter to try to discredit the opposition and curry favour with a sector of the community that he has publicly spoken of in a derogatory fashion. He has used his position improperly and misrepresented my intentions for his own personal and political advantage. This sets a dangerous and unsavoury precedent that must be challenged.

Minister Barr is an out and out liar. I call on him to make a written and public apology to me by the close of business today. Further, I call on him to write a retraction letter to the Non-Government Schools Education Council stating that he grossly misled them in his letter dated 28 July. This is the very least this minister can and should do to redeem any credibility within the non-government and government school sectors and retain any semblance of adherence to the ministerial code of conduct.

I am not seeking one of Mr Barr's half-hearted apologies either. There seems to be a continual double standard with this minister here. Mr Barr has a particularly deep-seated insecurity, and it is becoming quite apparent to all in this Assembly. When things get tough, when he is under pressure or perhaps underprepared—and this applies to giving apologies—he plays the personal attack card. Mr Seselja and I were the recipients of his particularly nasty tirade regarding our ethnic backgrounds, showing his discrimination about our backgrounds. I think even he realised then that he had gone too far.

When the Speaker asked Mr Barr to apologise, he rather reluctantly did so but initially only to Mr Seselja. I had to seek through the Speaker an apology as well. Again, rather reluctantly, he did apologise, but the apology actually highlighted his disrespect, not only to us but to the Assembly. As soon as Mr Barr was out of the chamber there was a press release issued on 1 April 2009 headlined "Discrimination—the penny finally drops for Doszpot". He was back on the same racially charged theme about my ethnic origins. So the apology he made was obviously not made with any serious intent. In fact, he misled the Assembly with his apology.

The importance of the ministerial code of conduct could not be better illustrated by what we have witnessed in this Assembly through the actions of Minister Barr. I remind Minister Barr and the Chief Minister that the position of a government minister is one of trust. A minister has a great deal of discretionary power, being responsible for decisions which can markedly affect individuals, organisations, companies and local communities. Being a minister demands the highest standards of

probity, accountability, honesty, integrity and diligence in the exercise of public duties and functions. Ministers will ensure that their conduct does not bring discredit upon the government or the territory.

This code provides guidance to ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles that may apply in particular situations, drawing on precedent. The Chief Minister is not in the chamber at the moment, but I call on him to address this issue whereby one of his ministers has totally ignored most of the underlying themes of the code of conduct. I remind the Chief Minister of his statement in 2004:

> I consider that the principles and standards set out in the code apply each day a minister is in office and are relevant to each decision he or she makes. The government will not back away from the code when it suits; we will stand by it and uphold its values.

They were the Chief Minister's words in 2004. The ball is in the Chief Minister's court to show us his ability to ensure that his ministers abide by the code of conduct. I look forward to seeing what the Chief Minister intends to do about this.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.24): I welcome the opportunity created by Mr Doszpot today for the Assembly to reflect again on the responsibilities and obligations we are all under as holders of public office in this place. It is only right and proper that the holders of public office in Australia are held to high standards of conduct. Our constituents demand it and our system of government works because of it.

It is entirely appropriate that members of parliament, and the ministers drawn from their ranks, are held accountable for their actions. There seem to be an increasing number of forums in which these accountability processes play out, ranging from the formal accountability processes of the Assembly to debate in the media, on the web and in the wider community. This proliferation is to be welcomed and encouraged.

Articulating, as it does, long and widely recognised conventions of accepted behaviour in Westminster parliaments, the code of conduct for ministers is undeniably an important part of the accountability frameworks of the ACT government. The code of conduct for all members of the Legislative Assembly for the Australian Capital Territory, embodied in the continuing resolutions of this place, is a similarly important document. Nobody could argue otherwise.

It is nevertheless a worthwhile exercise to reflect in detail on the standards of behaviour expected of all of us in public life. This MPI today is a good opportunity for us to explicitly reflect upon the standards by which we go about our daily duties as holders of public office.

The government remains committed to upholding the highest standards of probity, accountability and conduct. We have a strong record in meeting these expectations and obligations, and we will continue to do so. During this debate we should all reflect on the fact that the people of the ACT have placed the future of our city in the

hands of the 17 of us who occupy the important office of being a member of the Seventh Legislative Assembly for the ACT.

It is worth noting at the outset, of course, that the code of conduct for ministers being discussed today applies in addition to the obligations created by the Assembly's code for its members. I acknowledge at the outset that my ministerial colleagues and I are properly held to even higher standards of behaviour, conduct and expectations; and none of us take lightly the significant obligations that rest on our collective shoulders. That additional expectation is an inevitable corollary of the office that we have the privilege to occupy and that none of us seeks to shrink from.

The government's commitment to proper behaviour is the foundation of our daily approach to the challenges and privileges of office. The code is not something we publish so that we have one; it is an explicit statement of the standards to which we hold ourselves, by which we discharge our responsibilities and by which our actions should be judged. It is worth noting, however, that the obligations exist without the code and permeate not only our daily work but also other foundation documents for the government.

Proper and high standards of ministerial conduct are at the core of our parliamentary agreement with the Greens, amidst commitments in a number of policy areas. The preamble to that agreement includes recognition that the agreement was entered into with a joint determination and commitment to work together in a spirit of cooperation in the best interests of the citizens of the ACT and an undertaking to ensure an accountable and transparent government, public service and parliament that are responsive to the community.

The parliamentary agreement includes commitments:

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

It also includes a commitment to pursue measures which will ensure:

> … Parliamentary procedures which enforce the accountability of the Executive to Parliament and ensure effective law making …
>
> … Higher standards of accountability, transparency and responsibility in the conduct of all public business …
>
> … Eligibility to Public Office determined only on merit and integrity …

It also includes a range of commitments on parliamentary and other procedural reforms, all designed to provide for proper good government in the ACT.

Also importantly, the parliamentary agreement includes a commitment to the Latimer House principles. It is timely that we are returning to a discussion of proper conduct and behaviour on the same day the Standing Committee on Administration and Procedure has tabled its report on these principles. We will of course respond

formally to that report in due course, but the fact that there is an ongoing and explicit debate in this place around standards of behaviour and conduct is to be welcomed. It is pleasing to see the formal recognition the Assembly has given to the fundamental principles of democracy that are set out in the Latimer House principles, which establish a framework for the promotion of the rule of law, good governance and respect for human rights.

Mr Hanson: Worth telling the truth?

Mr Corbell: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER (Ms Burch): Stop the clock.

Mr Corbell: Madam Assistant Speaker, Mr Hanson just indicated in an interjection that the minister should also tell the truth. The clear imputation is that ministers are not telling the truth. In particular, the comment was directed at Ms Gallagher in relation to her comments.

Mr Hanson: No, it was not. It was actually about Mr Barr.

Mr Corbell: Therefore the clear imputation is that Ms Gallagher is not telling the truth.

Mr Hanson: That is not true. It was about Mr Barr.

Mr Seselja: He is just stalling now.

Mr Corbell: I can hardly be stalling if the clock is stopped. On the point of order, Madam Assistant Speaker, Mr Hanson cannot make that imputation. It is disorderly and you should ask him to withdraw it.

Mr Smyth: You should not be misleading the house over what Mr Hanson says.

Mr Corbell: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Mr Corbell.

Mr Corbell: Mr Smyth just made the assertion that we should not be misleading the house. That is again an improper imputation against members. Mr Smyth should also be asked to withdraw.

MADAM ASSISTANT SPEAKER: There is a point of order and I am going to uphold it. Mr Hanson?

Mr Hanson: The minister was speaking about the code of conduct for ministers and outlining what the requirements are. I said "including telling the truth".

MADAM ASSISTANT SPEAKER: Mr Hanson, I have made the decision to uphold it. I have asked you to withdraw the comment.

Mr Hanson: I withdraw.

Mr Smyth: Point of order. It is not on in this place for members to be allowed to speak to the point of order. You are gagging the member putting his case and making a decision before you hear what he has to say. That is outrageous.

Mr Corbell: Madam Assistant Speaker, that is a reflection upon the chair. You have made a ruling. Mr Smyth and Mr Hanson need to abide by your ruling. Mr Smyth has just accused you of gagging a member.

Mr Seselja: Now you are just wasting our time, Simon.

Mr Corbell: You cannot reflect upon the chair in that manner, Mr Smyth. You know so. You should apologise and withdraw.

Mr Seselja: You are just stalling.

Mr Corbell: I am not the one making these comments, Mr Seselja; your crew are.

Mr Hanson: Madam Assistant Speaker, I simply made the point that the ministerial code of conduct includes the requirement to tell the truth.

Mr Seselja: There is a sensitivity about that.

Mr Hanson: Mr Corbell would rather I did not make that comment.

MADAM ASSISTANT SPEAKER: Mr Hanson, there is no debate. I have made a ruling. I have asked you to withdraw, I am going to ask Mr Smyth to withdraw and I am going to ask people on the opposition side to stop interjecting and allow Ms Gallagher to make her statements in quiet.

Mr Hanson: I withdraw.

MS GALLAGHER: I listened in silence.

Mr Seselja: Sometimes you do; sometimes you don't.

MS GALLAGHER: This time I did.

MADAM ASSISTANT SPEAKER: Mr Smyth?

Mr Smyth: What?

MADAM ASSISTANT SPEAKER: I have asked you to withdraw.

Mr Smyth: Withdraw what?

MADAM ASSISTANT SPEAKER: Your statement.

MS GALLAGHER: The fact that we are misleading the house.

Mr Smyth: I am not sure that I have been directed to withdraw, but I withdraw.

MADAM ASSISTANT SPEAKER: Thank you.

Mr Corbell: The withdrawal, of course, as Mr Smyth well knows—

Mrs Dunne: Do you want to do the job yourself, Simon?

MADAM ASSISTANT SPEAKER: All right, Mr Corbell. Thank you; can we have Ms Gallagher back.

MS GALLAGHER: Thank you, Madam Assistant Speaker. In relation to the code of conduct for ministers itself, it was published in 2004 and it is structured around five core obligations: respect for the law and the system of government, respect for persons; integrity, accountability and honesty; diligence; and economy and efficiency. I have already observed that none of these principles should surprise anyone. They are at the core of all successful Westminster democracies.

Against these fundamental principles, the code provides practical guidance to ministers on what is expected of them as they discharge those important offices. The code articulates overarching obligations on ministers, including, for example, saying:

> Ministers will at all times seek to advance the common good of the community that they serve, in recognition that public office involves a public trust … Ministers will ensure that their official powers or positions are not used improperly for personal advantage, and that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest …
>
> Ministers should exercise due diligence, care and attention, and at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as a Government Minister …
>
> Ministers will be scrupulous in their use of public property, services and facilities, and will make every endeavour to prevent misuse by other persons.

The code articulates the high expectations placed on ministers in their dealings with others, including saying, for example:

> … a Minister will not dishonestly or recklessly attack the reputation of any other person.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Can we please be quiet.

Mr Hanson: Is Mr Barr aware of these rules?

MADAM ASSISTANT SPEAKER: Silence, thank you. Silence, Mr Hanson.

MS GALLAGHER: It says:

> The ethical and effective working of Government in the ACT depends on Ministers having the trust and confidence of all their Ministerial colleagues both in their official dealings and in the manner in which they discharge their official responsibilities …
>
> Ministers should ensure that their personal conduct does not adversely affect their ability or the ability of other MLAs or other public officials to perform their official duties, or adversely affect public confidence in the integrity of the system of government or public sector management …
>
> Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly, with proper regard for their personal dignity, rights, entitlements, duties and obligations, and should at all times act responsively in the performance of their public duties.

The code places entirely appropriate emphasis on our obligations and accountabilities, as members of the executive, to the parliament and to the people of the ACT. Again I quote:

> All Ministers are to recognise the importance of full and true disclosure and accountability to the Parliament. Under the ACT's Westminster-style system, the Executive Government of the ACT is answerable to the Legislative Assembly and, through it, to the people.

The code properly highlights requirements surrounding the use of public money and proper accountability for how ministers direct it. I quote again from the document:

> Ministers will recognise that they have an obligation to account to the Assembly fully and effectively for all money they have authorised to be spent, foregone, invested or borrowed on behalf of the Territory.

The code similarly highlights the Westminster conventions surrounding ministers' relations with the public service. I quote again from the document:

> Ministers are individually accountable to the Assembly for the administration of their Departments and Agencies.

It says:

> Ministers will assume that public servants will comply with the ethical requirements in the *Public Sector Management Act 1994* and act in accordance with the Westminster convention of public service neutrality. Ministers will not ask public servants to engage in activities that are contrary to the principles and ethical obligations imposed on public servants by the Act or that may call into question their political impartiality.

It also says:

> Ministers are to ensure that publicly funded publicity that they arrange or approve is relevant to Government responsibilities and is not party political in tone.

Like all similar codes, the code articulates high expectations in relation to conflicts of interest, or perceived conflicts. For example, it says:

> A Minister will not knowingly use his or her position, or information gained as a result of that position, for the improper gain of the Minister, the Minister's close relatives, or of any other person.
>
> A Minister should take all reasonable steps to avoid situations in which his or her private interests, whether pecuniary or otherwise, materially conflict, or have the potential to so conflict, with his or her public duty.

It says:

> Disclosure of interests is an important initial step in the avoidance of a material conflict of interest. Ministers as MLAs are obliged by resolution of the Assembly to state their … private interests in the Register of Members' Interests …
>
> In addition to any obligations imposed upon Ministers as MLAs, Ministers will inform the Chief Minister, or in the case of the Chief Minister, Cabinet, of any situation of potential conflict between their private interests and Executive functions …
>
> Ministers should cease to be actively involved in the day to day conduct of any business in which the Minister was engaged prior to assuming office unless, on some special, technical or other reasonable grounds, the Chief Minister, or in the case of the Chief Minister, Cabinet deems it appropriate for a Minister to continue with that activity.

The code also explicitly addresses the post-ministerial career of former ministers. The code recognises that ministers have access to privileged and sensitive information. It says:

> Ministers will maintain the confidentiality of information received in confidence, in Cabinet or otherwise in accordance with their duties …
>
> No Minister will use information obtained in the course of official duties to gain a direct or indirect financial advantage for himself or herself, or any other person. In particular, a Minister should scrupulously avoid investments and transactions about which he or she has confidential information as a Minister which may result in an advantage which is greater than that of any member of the public at large, or any section of the public.

I think it is worth reflecting on the breadth and scope of the significant obligations on ministers created by the code. I do not for a minute complain about those requirements, which are entirely in keeping with the magnitude of the responsibilities of members of the executive. It is right and proper that we are held to high standards

in our conduct and that we are subjected to scrutiny of our actions against those standards. The code does not, as I have already noted, create those standards of behaviour. They are well-understood features of all Australian jurisdictions; they build on long-accepted and in some senses unremarkable conventions about the proper use of public money, the nature of ministerial office and principles of probity, fairness, transparency and accountability.

These fundamental principles are also usefully articulated in other documents like the Latimer House principles, but they exist without them. At the most basic level, they are simply the right and proper thing to do. The ACT's code of conduct sits comfortably alongside similar documents in other Australian jurisdictions. It is properly focused on our own jurisdiction, but reflects the nature of the fundamental principles of Westminster democracy that it ultimately embodies. It traverses similar ground and articulates equivalent obligations.

The government remains committed to the highest standards of openness, honesty and accountability in the governance of the ACT. The code of conduct for ministers forms an important part of the environment in which we all operate. In its articulation of what are accepted and appropriate standards of behaviour, it serves an important purpose in supporting good government in the ACT.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.40): The ACT Greens place great importance on the scrutiny of the conduct of ministers and, indeed, all members of the Assembly and their staff. I would like to back up Ms Gallagher's comments on the Latimer House principles and also the other sorts of accountability and transparency measures that were included in the Labor-Greens parliamentary agreement. The first half of that document is all about parliamentary reform and the importance of transparency and accountability. I also wish to reflect on the tabling of the report this morning on the evaluation and implementation of the Latimer House principles.

It is because of the position that ministers hold—and that is one of considerable privilege and discretionary power—that they must ensure their strict compliance with a code of conduct and are accountable for the decisions they make. Under the code of conduct that exists for ministers of the ACT Assembly, ministers are required to uphold the law and the system of government. They hold some of the highest positions of trust within the ACT, which have been bestowed on them by the Legislative Assembly and the people of Canberra.

The code recognises that ministers are responsible for decisions that can have a marked impact on individuals and groups in the community. For these reasons, it emphasises that ministers must accept standards of conduct of the highest order. In all matters there is a need for transparency, fairness and logical decision making to ensure that, despite being charged with significant responsibility, the decisions they make reflect the trust that has been placed in them.

It is vital that ministers do not by their conduct undermine public confidence in themselves or bring discredit to the government or the Assembly. They are expected to act at all times according to the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties. While it is

possible to lay down in code of conduct guidelines the requirements and obligations of ministers in relation to private interests, assets, gifts, travel and so forth, the obligations of ministers in relation to their discretionary powers in determining outcomes for local communities, individuals, organisations and companies are much harder to monitor.

I give as an example the call-in powers of the planning minister where he is able to call in, with very little explanation, a multimillion dollar project of significant impact to the community, yet has to declare a movie or football ticket on a register. Indeed, the code of conduct, as it exists, devotes more space to the housekeeping issues than recognising the importance of proper decision making on behalf of the people of Canberra.

The code is not a law and can be altered, amended or interpreted by the Chief Minister as he sees fit. He is judge and jury on breaches and can ignore it or interpret it loosely and from a partisan perspective. The code reads in paragraph 4 of the preamble:

> Ministers are personally responsible for complying with the Code and for justifying their actions and conduct in Cabinet and the Legislative Assembly. It is not intended that issues relating to compliance or non-compliance with this Code be determined or reviewed by any court, tribunal or other body.

It is hard to see how a code of this nature will ensure the highest standards of governance for the people of Canberra. I quote Professor John Uhr of the Australian National University, who said:

> Ministers belong to the last profession in public life which seems to have … no impartial adjudicator and no way of resolving disputes within their own group.

Should the Assembly be asking whether the Chief Minister, from whatever side of politics, should have sole oversight of the code of conduct and how potential conflict of interests can be managed? Professor John Uhr has made suggestions on basic methods of implementing ministerial accountability. He has suggested that the parliament, rather than the ministry, should determine the ministerial code of conduct and that the system also needs an external investigative mechanism, perhaps such as a commissioner of integrity and/or the appointment of an independent officer to ensure compliance with the code of conduct. Such models exist in overseas parliaments.

The Assembly could also consider reforms made in the federal parliament to further improve ministerial accountability by implementing a lobbyist register where lobbyists would be listed on a public register before accessing ministers. The reforms of the federal code place a 12-month ban on departing ministers having business dealings with MPs and public servants on any matter they dealt with in their official capacity during their last 18 months in office.

I also refer to the federal parliament's actions in 2000 when the Senate's finance and public administration legislation committee sought to set ethical standards for all members. Indeed, it agreed that the commonwealth parliament should take responsibility for establishing its own standards of conduct and adopt an ethics regime for ministers and members that would have as its cornerstone a workable and enforceable code of conduct. While the Prime Minister at the time ignored the

committee's finding, it seems that this approach would go some way to allaying the concerns that public and fellow Assembly members have around the ministers establishing and enforcing their own code of conduct.

Mr Doszpot's MPI today has raised the issue of the importance of a code of conduct, but unless we have something that has been agreed, cannot be ignored or interpreted loosely and is enforced by an independent personal body, it does little to allay the public perception that honesty and ethics are of little concern to ministers and, indeed, to Assembly members. Let us never forget that the primary duty of elected members is to act in the interests of the people of the ACT.

MR SESELJA (Molonglo—Leader of the Opposition) (3.46): It is disappointing that Minister Barr has not come down to engage in this debate. Perhaps it is because he does not want to try to defend the indefensible, because what we heard from Mr Doszpot in relation to Mr Barr's behaviour is disgraceful. It should not be left just hanging out there.

Mr Barr should come and defend why he chose to act in such an inappropriate and misleading manner in writing to independent schools about what Mr Doszpot allegedly said but did not say. It is a disgraceful exercise for a minister who has proven himself to be all about petty games and stunts. But in this case he has acted completely without any sense of honour or decency.

The ministerial code of conduct is very clear. It states that ministers will ensure that their conduct does not bring discredit on the government or the territory. He did not match that one. There are too many examples of this being breached to bear contemplation, but let us look at some of them.

The code of conduct also states:

> Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly …

"Honestly and fairly" are the basic standards that we expect from our ministers. As Ms Gallagher rightly pointed out, these are not novel concepts; these are concepts that we would ordinarily expect regardless of whether they are in the code of conduct. But they are written here in a code of conduct, and then we have the performance of Minister Barr.

The facts of this are that Mr Doszpot on 25 June expressed concern that the Shaddock review excluded non-government schools and stated:

> The ACT Education Act 2004 clearly states that education should aim to develop every child's potential and maximise educational achievements. This would also apply to non-government students. The ACT Human Rights Act 2004 also applies to all students with a disability.

That was what Mr Doszpot had to say, and this is what Mr Barr said in a letter to the NGSEC:

> I have made abundantly clear in the Legislative Assembly that the government opposes suggestions by the Liberal Party's spokesman that I should use the Human Rights Act 2004 as a way of the government taking over non-government teaching and curriculum …

That statement is not true. That statement bears no resemblance to the truth. This is a minister who has absolutely no regard for the truth when he corresponds with industry in this area.

That is a disgraceful statement. Let us just reflect on it for a moment. Members of the community and stakeholders are entitled to expect that when they receive correspondence from a minister of this government the correspondence will be true. It is a reasonable expectation of any member of the public, any stakeholder, that when the minister writes to them what the minister says is true. This minister has had no regard to that expectation, no regard to that basic standard of decency, that basic standard of honour that we would expect of any individual in our community, but most particularly of our public representatives and of our ministers, who are bound by higher standards than even the rest of the community.

This minister, for his own short-term political gain, felt that he could go out there and just say whatever he wanted. If it is not true, it does not matter. Just make it up to try and put the shadow education minister in a bad light. How embarrassing it will be for Minister Barr when Mr Doszpot is forced to write to all of these individuals, anyone who has received this letter, and correct the record. He is going to have to write to them and say that what Minister Barr said was a lie; what Minister Barr said was not true; what Minister Barr said had no honour and no decency and brought him, as a minister, into disrepute. That is what Mr Doszpot will have to say when he writes to these individuals.

He wrote to them in order to try and get some cheap political gain. He dreamed up this scheme that he would totally verbal Mr Doszpot. He would put something in a letter that bore no resemblance to the truth. This is the quality of the man. This is the character of this minister. It is perhaps because of these qualities that some of his right faction colleagues have jumped ship and he now no longer has the numbers to take the leadership. We can only assume that someone internally has determined that he does not have the judgement or the character to lead a political party in this place.

If this is how he acts, as minister, when the community expects that the correspondence that they receive from a minister will be true and accurate—

Mr Corbell: I raise a point of order, Madam Assistant Speaker.

MR SESELJA: Could we stop the clock, Madam Assistant Speaker?

Mr Corbell: Standing order 55 states:

> All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

For the last couple of minutes of his speech Mr Seselja has sought to impugn the character of my colleague Mr Barr. He has suggested that Mr Barr has lied in correspondence. This is a highly personal reflection on the character of Mr Barr. It is disorderly. If the Liberal Party feels so strongly about this matter, they should have moved a substantive motion against Mr Barr in this place. Instead, they are seeking to use a discussion on a matter of public importance—there is not even a question before the chair—to slur Mr Barr's character in a way which is disorderly and contrary to the standing orders and reflects very poorly on them.

Madam Assistant Speaker, I ask that you ask Mr Seselja to withdraw all of those reflections on Mr Barr that are quite disorderly, and then we can proceed with this discussion.

MR SESELJA: Madam Assistant Speaker, on the point of order: we have drawn conclusions from Mr Barr's own words versus what Mr Doszpot—

Mr Corbell: It does not matter what conclusions—

MR SESELJA: I will finish. I will make my point, if I could, without being interrupted. We have made our conclusions. I have not said anything that suggests he has misled the Assembly, which ordinarily requires a motion of the Assembly.

Mr Corbell: All personal reflections are highly disorderly.

MR SESELJA: We are entitled to make judgements on the behaviour of ministers. Mr Doszpot actually said in his address that he expects that Minister Barr will come and correct, and if he does not, we may well move a motion. But we are quite entitled to make the case and to draw conclusions about the kind of behaviour that Mr Barr has engaged in in this matter.

MADAM ASSISTANT SPEAKER (Ms Burch): I uphold the point of order. Under standing order 55, I ask you to withdraw your comments. It is not appropriate—

MR SESELJA: So which ones, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: The comment that Mr Barr is a liar and—

MR SESELJA: Well, I did not call him a liar, Madam Assistant Speaker.

Mr Corbell: Madam Assistant Speaker—

MADAM ASSISTANT SPEAKER: reflecting on his character. Standing order 55 states:

> … imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

MR SESELJA: Well, if you point me to the words. I will withdraw whatever the words are you are asking me to withdraw. I do not quite know what the words are.

Mr Corbell: Madam Assistant Speaker—

MR SESELJA: I do not know what the words are. She has not pointed to them.

Mr Corbell: With your leave, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: Yes, Mr Corbell.

Mr Corbell: Sit down please, Mr Seselja.

MR SESELJA: You do not direct me, Simon.

Mr Corbell: I have the call, Mr Seselja.

MR SESELJA: I will take direction from elsewhere.

MADAM ASSISTANT SPEAKER: Mr Corbell has the floor. Are you sitting down, Mr Seselja?

MR SESELJA: Well, I have not been asked to sit down. I mean, there is nothing that says I have to sit down. I will wait—

Mr Corbell: The chair has acknowledged me, Mr Seselja. You should resume your seat.

MADAM ASSISTANT SPEAKER: I understand that.

MR SESELJA: I will take direction from the chair, not from you, Simon.

Mr Corbell: You know the procedure, Mr Seselja.

MADAM ASSISTANT SPEAKER: Mr Seselja, I have asked you to sit down.

MR SESELJA: You have asked me to sit down? No problem.

Mr Corbell: I love all the hyped-up machismo that is coming out of Mr Seselja. Madam Assistant Speaker, Mr Seselja knows very well that the comments that he has made in this debate, in which he has said that Mr Barr has not told the truth in correspondence that he has sent to other parties, are highly disorderly. He should withdraw those words, rather than feign some ignorance of the fact.

MR SESELJA: This is just wasting time now, Madam Assistant Speaker. I withdraw. So I do not know what Mr—

Mr Corbell: Thank you, Mr Seselja.

MR SESELJA: Mr Corbell is interjecting and slowing debate down.

MADAM ASSISTANT SPEAKER: Mr Seselja, have you withdrawn?

MR SESELJA: Yes, I withdrew.

MADAM ASSISTANT SPEAKER: In your future comments, please be mindful of standing order 55.

MR SESELJA: Thank you, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Start the clock.

MR SESELJA: I would ask you to ask Mr Corbell to stop the incessant interjections so we can get on with this. Madam Assistant Speaker, let us look at Mr Barr's own words. He can be judged on whether these words bear any relationship to the truth. He can come and defend himself. He has not bothered to come and defend himself. If he does not apologise to Mr Doszpot and to the Assembly and correct the record with all relevant parties, then we will have to move a substantive motion. It will be unfortunate that we will have to move a substantive motion dealing with these issues because a minister simply has not told the truth. Have a look at this.

Mr Corbell: I raise a point order, Madam Assistant Speaker.

MR SESELJA: I withdraw that, Madam Assistant Speaker. The minister has made comments, as I say, which will be judged. They are, on their face. He has said, "I have made it abundantly clear in the Legislative Assembly that the government opposes suggestions by Liberal Party spokesmen that I should use the Human Rights Act as a way of the government taking over non-government school teaching and curriculum." Mr Doszpot has not said that. At no time has he said that, yet Mr Barr was prepared to write to stakeholders and pretend that he had. That is what Mr Barr has done.

Mr Corbell: Madam Assistant Speaker, I raise a point of order.

MR SESELJA: Madam Assistant Speaker, can we stop the clock? This is getting ridiculous. There is nothing—

MADAM ASSISTANT SPEAKER: Mr Corbell with a point of order.

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

Mr Corbell: The Liberal Party can complain all they like, but they know very well what the rules of debate in this place are. You cannot make such personal reflections—

MR SESELJA: Madam Assistant Speaker, could we stop the clock?

MADAM ASSISTANT SPEAKER: Mr Corbell.

MR SESELJA: This is time wasting.

Mr Corbell: The rules of debate in this place are quite clear. Personal reflections on members are highly disorderly.

MR SESELJA: What was the personal reflection there, Simon?

Mr Corbell: Mr Seselja again made the claim in this place that Mr Barr fabricated an allegation in a letter to other members. That is a highly disorderly—

MR SESELJA: I did not use those words.

Mr Corbell: —and improper reflection on the conduct of Mr Barr. If the Liberal Party have a problem with the conduct of Mr Barr, they should move a substantive motion in this place.

MR SESELJA: We have given him the opportunity. Madam Assistant Speaker, this is getting ridiculous.

Mr Corbell: Madam Assistant Speaker, that is the only mechanism by which members can make such assertions in this place. Mr Seselja knows that. You should ask him to withdraw those improper personal reflections on Mr Barr's character.

MR SESELJA: There was absolutely nothing in what I just said which was disorderly in any way. Mr Corbell is now simply wasting our time. I have taken your instructions, Madam Assistant Speaker. I have steered away from the language that you warned me about, and Mr Corbell has not made any case that I have not. I am quite entitled to argue what has been said by Mr Barr and what has actually been said by Mr Doszpot. If we cannot argue that, then what can we argue about in this place?

MADAM ASSISTANT SPEAKER: Mr Seselja, please continue. I think we have had the discussion. We need to be mindful of standing order 55. But I do warn you that we do not really want to have to come back to this again.

MR SESELJA: Thank you. We would not have to if Mr Corbell did not make these incessant interjections, which have been rejected, and I thank you for that ruling, Madam Assistant Speaker. He does not want to hear this because it is embarrassing for the government. Why wouldn't it be? It should be embarrassing for them. It should be embarrassing that their ministerial code of conduct is being flouted in this way.

That is what this is about today. It is about the ministerial code of conduct. It sets out clear obligations. As Ms Gallagher said, these are commonsense obligations. They are obligations that we would expect of any minister and any representative. Yet Mr Barr feels that it is reasonable for him to go out there and put in writing things which are not true.

Mr Corbell: I raise a point of order.

MR SESELJA: I am allowed to make a judgement as to whether something is true. Could we stop the clock? This is just ridiculous, Madam Assistant Speaker. Just because he does not like it does not mean we cannot say it.

Mr Corbell: Madam Assistant Speaker, standing order 55 states:

> All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Now, Mr Seselja is making the claim that Mr Barr is deliberately—

MR SESELJA: I did not say "deliberately".

Mr Corbell: —putting things—

Mr Smyth: He did not say that.

Mr Corbell: that is the clear—

MR SESELJA: He has to answer whether it was deliberate.

Mr Corbell: That is the clear imputation in Mr Seselja's comments, and that has been the tenor of their argument throughout this debate, that Mr Barr is deliberately making misleading comments in letters to third parties. That is a reflection on Mr Barr. It is the imputation of an improper motive and it is highly disorderly. Mr Seselja must refrain from his continuous assertions throughout this debate in that regard.

MR SESELJA: Madam Assistant Speaker, if we were to accept Mr Corbell's arguments, we would barely be able to have an argument in this place. We are quite entitled, as members in this place, to make judgements, and that is what we are doing. We are making judgements on the facts. I have steered away from the language that you have mentioned, as you asked me to, and Mr Corbell is now wasting the time of the Assembly. I am quite entitled to draw a conclusion as to what Mr Doszpot said and what Mr Barr said.

MADAM ASSISTANT SPEAKER: Mr Seselja, thank you. We have been through this. The advice that I have now is that your comments are out of order. If you want to make those comments, it needs to be in a substantive motion.

MR SESELJA: But which part, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: Your statements that Mr Barr has made untrue statements, that what he is saying is a lie and untrue.

MR SESELJA: Well, I have not said that it is a lie and untrue but—

Mr Corbell: Well, you have said that it is untrue.

MR SESELJA: Look, I have steered away from the language. I will do my best, Madam Assistant Speaker, within that ruling to steer away from the language that you have asked me to avoid.

Mr Corbell: You cannot make imputations of improper behaviour.

MR SESELJA: If I can proceed?

MADAM ASSISTANT SPEAKER: Can we start again?

MR SESELJA: I am happy to.

MADAM ASSISTANT SPEAKER: Mr Seselja, please go on.

MR SESELJA: Thank you, Madam Assistant Speaker. Let the facts speak—

Mr Corbell: Madam Assistant Speaker, I am sorry, but Mr Seselja has not withdrawn his most recent comments. He should be asked to do so.

MR SESELJA: I withdraw the imputation.

MADAM ASSISTANT SPEAKER: Thank you.

MR SESELJA: Madam Assistant Speaker, we will let the facts speak for themselves. Are we allowed to do that, Mr Corbell? Will you let the facts speak for themselves? Is that going to be acceptable in debate? I mean, you really are ridiculous.

Mr Corbell has performed so poorly, not just in question time today, but all this week trying to hide things and trying to stand in front of ministers answering questions. Minister Barr does not have the courage to come down, and what we are saying is, "Come and defend it. Come and defend your statement in this letter versus what happened." That is what we are saying. We are saying that the facts speak for themselves. People will draw their conclusions, which we are unable to draw in this place, but people will draw their conclusions.

Mr Corbell: Just move a motion, Zed. Move a motion.

MR SESELJA: Well, we may. We may, but we are giving Mr Barr the opportunity to come and give his side of the story and he refuses. He refuses to come down now and put his argument as to why he wrote this letter. He will not do it and we have to question why. Why doesn't he want to defend his behaviour? Why does he have to send Mr Corbell out instead to raise points of order instead of defending it? We believe that this letter was inappropriate. It was a breach of the ministerial code of conduct, and it is now up to Mr Barr to actually come down and explain himself. If he cannot explain himself, then we reserve the right to move these motions which definitely will call into question his motives in this matter.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.04): Thank you, Madam Assistant Speaker.

Mr Seselja: Haven't you already given a speech?

MR CORBELL: No, I have not, Mr Seselja, but you are about to hear one. I would like to thank Mr Doszpot for the opportunity to speak today on the issue of the ministerial code of conduct. Before I talk in some detail about the operation of the code and the principles that underpin it and why it is important, I would like to first of all make some other comments in relation to what would appear to be the motivations for this MPI today.

I do not think I have ever seen an opposition which has sought to prosecute some sort of argument against a minister. I must say, I think everyone other than the Liberal Party is at a complete loss to understand what the argument is. But they seem to have got something up their nose about something Mr Barr has said or done. If they want to make reflections about the behaviour of members in this place, then they should have the courage of their convictions to move a motion in this place that would allow the matter to be debated.

We have just heard all the fake machismo and anger from Mr Seselja about how I am trying to stifle him because he is making speeches in ways which are not consistent with the standing orders. But if they want to pursue—

Mr Seselja: On a point of order, Madam Assistant Speaker: the debate on standing orders is not relevant to the MPI. Mr Corbell has had plenty of opportunity to make the case, disrupting my speech, but I do not think now is the time to be re-litigating that. He should stick to the subject matter of the matter of public importance.

MADAM ASSISTANT SPEAKER (Ms Burch): Thank you, Mr Seselja. Mr Corbell, on the matter of public importance.

MR CORBELL: Thank you, Madam Assistant Speaker. Of course they should have the courage of their convictions to move a motion. If they feel so strongly about it, they should move a motion and then we can have the debate and they can make whatever accusations they like in that context.

Mr Hanson: Madam Assistant Speaker, you have made your ruling. He should now go to the matter of public importance. He completely ignored your ruling and went straight back to—

MADAM ASSISTANT SPEAKER: No, I assumed he was coming to it. Mr Corbell, on the matter of public importance, please.

Mr Seselja: He is calling into question our integrity, surely. Surely you are not reflecting on us, are you, Simon?

MR CORBELL: Reflecting on you?

Mr Seselja: Yes, you are reflecting on our motives or our—

MR CORBELL: I do not know. Am I?

MADAM ASSISTANT SPEAKER: Silence, please. Mr Corbell, on the matter of public importance.

Mr Seselja: That is the question. It was borderline.

MADAM ASSISTANT SPEAKER: Silence, please. Mr Corbell, on the matter of public importance.

MR CORBELL: If you are going to take a point of order, I am happy to make the argument.

Mr Seselja: You do not have anything to say on the substantive matter, do you?

MADAM ASSISTANT SPEAKER: Silence, please.

MR CORBELL: I do not know what it is that the Liberal Party seems so het up about. I think everyone else is at a loss as well.

Adhering to the ministerial code of conduct ensures the long-term integrity of our political system and underpins ministerial responsibility. Ministers must uphold the high standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duty functions. The ACT government's code of conduct for ministers provides guidance to ministers on how they should act and arrange our affairs in order to uphold the required standards of behaviour.

Mrs Dunne: You chose not to listen to Mr Doszpot, otherwise you would have had to intervene on behalf of your colleague and you would not do that; you would rather eat ground glass.

MADAM ASSISTANT SPEAKER: Mrs Dunne, silence, please.

MR CORBELL: It lists the principles that apply in particular situations, drawing on precedent and accepted practice in the ACT and other Australian jurisdictions.

The obligations set out in the code are of course, as Ms Gallagher has highlighted, in addition to our obligations as members of the Assembly and the Legislative Assembly's continuing resolution No 5, code of conduct for all members of the Legislative Assembly for the Australian Capital Territory.

The ministerial code of conduct was updated on several occasions in 2002 and then again in 2005. It is appropriate that we continue to review the ministerial code of conduct to ensure it reflects the current community expectations of ministers and of the Assembly itself. The code is fundamentally sound and in keeping with the practices in place in other jurisdictions. In addition to incorporating amendments which reflect ACT nuances, it is encouraging to note that the code of conduct broadly aligns with codes in other jurisdictions.

Members would be well aware that, in establishing government following the election late last year, the government signed a parliamentary agreement with the Greens. A major element of that agreement related to reforms of the parliamentary system.

Adoption of the Latimer House principles was an important commitment which embraced a standard of ministerial and, I might add, parliamentary conduct. Members

would recall it was the government which introduced the standing resolution on the Latimer House principles. Members will recall that, on 11 December last year, the Assembly resolved that the Standing Committee on Administration and Procedure should inquire into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House principles in the governance of the ACT. I note that the committee tabled its report this morning in relation to this matter and the government will be considering it closely and will seek to respond formally in due course.

Of course, on the same day as that resolution was made, the Assembly adopted the Latimer House principles through a continuing resolution of the Assembly. The government welcomes the formal recognition the Assembly has given to the fundamental principles of democracy which are set out in the Latimer House principles and which establish a framework for the promotion of the rule of law, good governance and respect for human rights.

Returning to the code, it states in the preamble:

> The position of Government Ministers is one of trust. A Minister has a great deal of discretionary power, being responsible for decisions which can markedly affect individuals, organisations, companies, and local communities.
>
> Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties …

MADAM ASSISTANT SPEAKER (Ms Burch): The discussion is concluded. The time for the discussion has now expired.

Adjournment

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

> That the Assembly do now adjourn.

Australian Institute of Sport
Australian cricket team
Essendon football team

MR SESELJA (Molonglo—Leader of the Opposition) (4.11): I would like to briefly comment on a couple of issues that are sports related. Firstly, Mr Doszpot and I had the opportunity recently to visit and have a tour with Dr Peter Fricker of the Australian Institute of Sport. It was a sensational opportunity, a couple of hours there, looking at the wonderful facilities that we have at the AIS. It really is a national jewel for Australia.

We were particularly looking at the swimming facilities, the absolutely state-of-the-art swimming pool, and all the technology that they have going with that. We looked at the areas in biomechanics and spoke to some of the experts in that field. We were made to feel very welcome by Dr Peter Fricker and his staff. Indeed, we had the opportunity to have a chat with the former Cannons and Australian basketball coach,

Barry Barnes, who gave us some of his insights as well. It was sensational. I would like to certainly express my thanks and I am sure the thanks of Mr Doszpot to Dr Peter Fricker and to the AIS for hosting us.

Sometimes we in the ACT forget some of these national jewels we have, some of the national institutions. The AIS, I think, is a fantastic facility that has helped develop elite sports men and women in Australia and helped us have a lot of success over particularly the past few Olympics where we have seen some great sporting glory.

On the issue of sporting glory, it is 20 August and we are about to start the fifth Ashes test. I take a quick opportunity to wish the Australians well. I am sure the other 16 members will join with me in wishing them well. There is nothing worse than losing to England and we are hopeful—

Ms Porter: Except—

MR SESELJA: Ms Porter may not wish them well. I do not know. There is no doubt she is a true blue Aussie, although she loves the mother country as well. I am sure she will be going for Australia in the Ashes. It will be a great day.

I wish Mr Smyth was still here because I could have taken the opportunity to gloat about the fact that Essendon beat St Kilda last weekend. Whilst I did not pick them, I must admit I was still very pleased that the Bombers got away with a win against St Kilda and protected their record. I will not go on but I thank you and the chamber for that indulgence.

Typhoon Morakot

MR COE (Ginninderra) (4.13): Recently typhoon Morakot wreaked havoc on a number of east Asian countries. Typhoon Morakot had a severe effect on the Philippines, with some 22 dead, and forced the evacuation of more than one million people in coastal China, with some deaths there.

The typhoon had a particularly devastating impact on Taiwan. The death toll in Taiwan climbed to more than 500. Deluges of record-breaking rain caused flash flooding and landslides, which has caused widespread human suffering and tragedy. The typhoon also resulted in widespread electricity cuts and the loss of water pressure throughout many parts of the island. The representative of the Taipei Economic and Cultural Office in Australia, Dr Gary Song-huann Lin, has reported that it is the worst storm Taiwan has experienced in 50 years.

After the typhoon, hundreds of people had to be evacuated and large areas were restricted to military personnel only. Many people could not escape by foot and were taken out by helicopter. A large number of search and rescue operations have been undertaken.

The recovery from the typhoon will be a challenging process. Australia is amongst a number of countries who are offering support in what is a difficult and very stressful time. The United States of America, Israel, Eurozone countries and other Asian countries are also participating in the relief and recovery process.

As members of the Assembly would be aware, there is a significant Chinese community in the ACT. My deepest sympathies are extended to those relatives and friends of the victims and affected residents who are in the ACT.

Sam Wong AM, the chair of the Canberra Multicultural Committee Forum, is coordinating local efforts to support the ACT-based family and friends of the victims of this tragedy and those affected. Mr Wong has indicated that he will lead local efforts to set up an appeal to support the affected communities. Mr Wong's hard work and dedication on behalf of the Chinese community in these circumstances is a testament to his ongoing commitment to the wider ACT community in his role as chairman of the CMCF.

People who wish to make a donation to the recovery efforts are able to do so through Taiwan's Mega International Community Bank. I commend TECO for the work they have done on this and I urge all members to support the Chinese community at this very difficult time.

Watson Blinds and Awnings
Australian sustainable schools initiative

MS BURCH (Brindabella) (4.16): I would like to speak briefly on two things. Yesterday I spoke about the contribution that the local business sector makes in the ACT and I would like to talk briefly about a successful local business. Last Saturday I had the pleasure of joining John and Pat Watson, their families, many of their wholesalers and their staff when they celebrated 41 successful years for Watson Blinds and Awnings. The night was also an opportunity for them to celebrate their first gala recognition and awards night.

Operating in Canberra for more than 41 years, Watson Blinds and Awnings launched the gala awards to acknowledge the support of their industry colleagues. Awards were presented to local and regional businesses in the blind and awning industry in a number of categories. Watson Blinds and Awnings have served the Canberra region for more than four decades. It is really rewarding to see how they have grown to be such a recognised local business, bringing benefits to the ACT and to the regions around us. But it is also good to see the local business acknowledge the participation and support of their other local providers.

The second matter I would like to briefly speak on is the Australian sustainable schools initiative. AuSSI ACT now works across 21 of the 27 ACT Catholic schools, 11 of the 17 independent schools and 71 of the 83 government schools. The AuSSI program is a great program that works with schools on sustainability and being more environmentally aware. On average, AuSSI schools are reducing energy consumption by 35 to 45 per cent, water consumption by 40 to 50 per cent and waste to landfill by 65 to 75 per cent. So I think that they are doing great work.

In my electorate of Brindabella, I am very pleased to say that recently enlisted schools to the AuSSI program, that have taken the total up to 103 schools, include Calwell high, Caroline Chisholm school, Fadden primary school, Gordon primary school, Monash primary school and the Sacred Heart primary school. I wish those schools well.

Also in my electorate of Brindabella, a number of schools have become accredited waste-wise schools. They are Farrer primary school, Gowrie primary school and Theodore primary school. I wish those schools and those students well. It is teaching them very good practices not only for their school but for the broader community and their homes. I wish those schools well and I congratulate them and the AuSSI school program.

Ms Bianca Elmir

MS BRESNAN (Brindabella) (4.19): I would like to congratulate Bianca "Bam-Bam" Elmir from my office who is in the gallery and who, on 2 August 2009, became the World Kickboxing Association Australian bantam weight Thai-boxing champion. Bianca added this to her existing Australia Boxing 52-kilogram Australian title. Bianca's strong will in refusing cake and chocolates leading up to the fight was evidence of her determination and commitment to the title, which quite obviously paid off.

Mrs Dunne: Not to mention her strong right hook.

MS BRESNAN: That is right, Mrs Dunne. Bianca won the title in a unanimous points decision. With women's boxing now being added as a medal sport for the 2012 Olympics, Bianca has a tough decision of deciding whether to concentrate on boxing and aim for world and Olympic domination or to aim simply for world domination with kickboxing.

I would also like to inform the Assembly that any queries or complaints to the ACT Greens will now be made through Bianca and any staffers who would like some lessons in head kicking can take the opportunity to go a few rounds with Bianca if they choose to do so. I would once again like to congratulate Bianca on her fantastic win and wish her even more luck on her path to world domination.

Ms Bianca Elmir
35th anniversary of the invasion of Cyprus

MR DOSZPOT (Brindabella) (4.20): I too would like to congratulate Bianca on her fine achievement, which is obviously helped by the great skills that you picked up in soccer, Bianca. Congratulations on your multi-sport talents. I think Amanda is going to need all your help to keep everyone at bay that will be complaining a lot. I am joking!

On Saturday, 8 August, I had the opportunity to attend, in my capacity as shadow minister for multicultural affairs, and to speak at the event to commemorate the 35th anniversary of the 1974 invasion of Cyprus by Turkish forces, an action that resulted in a significant loss of life. Even today, 35 years later, the fate of approximately 1,500 persons is still not known and they are officially listed as missing.

One-third of the Greek Cypriot population were forcibly displaced and to this day are prevented from returning to their homes. Many of these displaced Cypriots have settled in Australia, particularly in Canberra, and, as a result, we have a strong Cypriot community who still grieve for lost members of their family. Functions like the one

held by the Cypriot community assist our community to realise how fortunate we are, while those who have fled oppression and war in their homelands are forever grateful for their new-found freedoms in Canberra.

I would like to pay tribute to the organisers of the commemoration, which was at the Hellenic Club and which was attended by His Excellency Mr Yannis Iacovou, the High Commissioner of Cyprus; His Excellence Mr George Zios, Ambassador for Greece; Father Con from the Greek Orthodox Church and community; Ms Georgia Alexandrou, President of the Cyprus community of Canberra; Mr Emilio Konidouros, President of Greek Community of Canberra; Mr Theo Demarhos, President of the Hellenic Club; and Mr Con Poulos, President of the Queanbeyan Greek Orthodox parish. Also in attendance was the hardworking chair of the Canberra Multicultural Community Forum, Mr Sam Wong.

Facebook site

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (4.22): I rise to follow up a matter I raised in the adjournment debate on Tuesday, 23 June in relation to the fraudulent Facebook site that was created of me late last year. I tabled the picture of an unidentified male who appears on that site and I raised the question of the Leader of the Opposition coming into this place and confirming that this male, who is certainly unidentified to me, is not a member of the Liberal Party and is not known to the Leader of the Opposition, any of the Liberal MLAs or their staff.

I note it has been an entire sitting week—in fact, five sitting days have passed now—without any comment on this. I might re-table the photo of the unidentified male. But I am pursuing this matter to the end. It did upset me enormously, this matter. I am not going to let it rest. I again raise those questions I have asked. It is a simple question for the Liberal Party. I presume it is an easy response. If they are not aware who this individual is and if they are not aware of the individual, then I will leave it at that. But if they are, I would like to know about it.

Australian citizenship ceremony
Sport—triathlon

MR RATTENBURY (Molonglo) (4.24): In continuing the sporting theme of today's adjournment debate, I would like to reflect on an event I attended on Saturday, 25 July. Ms Porter was there as well. We were invited to attend an Australian citizenship ceremony during half-time of the AFL match in Canberra between the Swans and Melbourne. I am recalling this as the first time I have actually been to an Australian citizenship ceremony.

I have of course the great fortune of naturally being an Australian citizen but I must say, for the five citizens that day—and there were only five—it was quite an inspiring event. The pride in those people at becoming citizens of Australia was, I think, palpable to everyone who was there. It was, in some ways, a classic Australian moment in the sense that there were young children playing half-time football matches on the pitch while these people were becoming Australian citizens. The chaos of the occasion somehow seemed appropriate.

I would also like to briefly congratulate Triathlon ACT, who conducted the Australian duathlon championships in Canberra on the weekend. I admit to an immediate conflict of interest, as I was a participant in the event. Being an Australian championship—it was not one of the more high-profile ones conducted in this country—it drew to Canberra citizens from every state and territory of this country to participate in the event. It therefore contributed to the ACT's tourism exposure as well. It is, I guess, a passion of mine that there are many of these sporting events that are perhaps not so high profile but that are an important part of the ACT tourism base as well as promoting a healthy lifestyle both for people in Canberra as well as people from around the country.

The event was conducted in an extremely professional way, including full road closure for the event, to make it entirely safe for the competitors. I think it highlighted Canberra. The race was held along the shores of Lake Burley Griffin and around Parkes Way and I think it was a great showcasing of Canberra and what a wonderful place we live in. I would like to congratulate the organisers of that event on both promoting Canberra and their extremely professional conduct of that event.

Chief Minister

MRS DUNNE (Ginninderra) (4.26): This morning in the comments I made in relation to the report on the parliamentary budget officer, I spoke about a precedent for seconding staff from the public service and I referred to a report of a Senate committee. I did something I normally did not do. I referred to something that I had been told about without actually reading the reference. The reference has now been given to me and I need to correct the record a little.

It was a report of the House of Representatives Standing Committee on Legal and Constitutional Affairs of May 1989, *Mergers, takeovers and monopolies profiting from competition*. In fact, there was not a recommendation in relation to seconding; there was a note of thanks. "The committee would like to thank" a named officer "who was seconded from the Attorney-General's Department and" another named officer "who was seconded from the Department of Treasury, for their assistance in the preparation of the report." The committee was grateful for their assistance.

I just wanted to point out that the secretary of that committee was one J Stanhope. The precedent, therefore, for seconding members of the public service in the federal parliament goes back at least as far as 1989 and is known to the Chief Minister. His comments on seconding staff in relation to the estimates process do not reflect the practice, as they have been carried out for at least 20 years in the commonwealth parliament.

Question resolved in the affirmative.

The Assembly adjourned at 4.28 pm until Tuesday, 25 August 2009, at 10 am.

Schedule of amendments

Schedule 2

Road Transport (Mass, Dimensions and Loading) Bill 2008

Amendment moved by the Minister for Transport to Mr Coe's amendment No 3

1
Mr Coe's amendment No. 3
Clause 137 (3)
Page 48, line 6—

omit "an appreciable"

Answers to questions

Finance—home loans
(Question No 220)

Ms Hunter asked the Attorney-General, upon notice, on 16 June 2009:

In relation to the response to question on notice No 2003 asked by Dr Foskey during the Sixth Assembly, what is the status of the national finance broker legislation that was being developed by the Ministerial Council on Consumer Affairs.

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

On 25 June 2009, the Commonwealth Government introduced the Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009 and it is expected that this will commence 1 November 2009.

Further information is available from:

http://www.treasury.gov.au/consumercredit/content/default.asp

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Arts and letters—artwork project
(Question No 221)

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 16 June 2009:

(1) On what date did the ACT Government call for expressions of interest in the development of a major Canberra artwork, "the centenary artwork" (ref EOI Number TO7622).

(2) Did the Government have the necessary approvals for the siting of the finished work on the date referred to in part (1); if so, (a) from whom was the approval obtained, (b) in what form was the approval given and (c) on what date was the approval given; if not, why and on what basis did the Government proceed to an invitation for expressions of interest.

(3) In relation to the ACT Government's decision to withdraw the project, (a) on what date was the decision made, (b) who made the decision and (c) why was the decision made.

(4) What did the project cost over its lifespan for (a) advertising, (b) staff costs, (c) travel and accommodation, (d) design fees, (e) legal costs and (f) other costs.

(5) In relation to advice to the finalists that the Government had withdrawn the project, (a) on what date/s were they advised, (b) who advised them, (c) by what communication method were they advised and (d) did the Government secure acknowledgement that the artists had received the advice; if so, (i) on what date did the Government receive the acknowledgement and (ii) in what communication form was the acknowledgement given; if not, why not.

(6) Did any of the finalists advise the Government that they were already aware the project had been withdrawn; if so, (a) who advised them of the withdrawal and (b) when did they receive that advice.

(7) On what date did the Government issue a media release announcing withdrawal of the project.

(8) In relation to compensation for costs incurred by finalists as a result of work completed in good faith in relation to stage two of the design process, (a) has the Government received any claims from any finalists, or is the Government aware of any intention on the part of any artists to make such a claim; if so, what is the total amount of those claims and (b) will the Government pay such claims; if so, to what extent; if not, why not.

(9) In relation to payments of any kind due to any artists or design teams, including fees and reimbursement of expenses, (a) what were the settlement terms for those payments and (b) were the payments made within those settlement terms; if not, how late were the payments and why.

(10) In relation to assessment of the expressions of interest, (a) what qualifications/experience did the members of the evaluation team have in relation to the relevant elements of the submitted designs, including but not limited to artistic, engineering, public safety, National Capital Authority site approval criteria, etc and (b) did the evaluation team seek outside advice or opinion on any of the design elements; if so, why and from whom.

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

(1) Saturday 11 August 2007.

(2) The Government had in principle agreement from the National Capital Authority for a symbolic artwork to be located on or adjacent to City Hill prior to 11 August 2007.
a. Graham Scott-Bohanna – Managing Director Design, National Capital Authority (NCA).
b. A meeting was held with Graham Scott-Bohanna and Ian Wood-Bradley (Principal Urban Designer, NCA) on 20 March 2007. Meeting minutes were recorded and a copy of the draft artist brief was issued.
c. 20 March 2007.

(3) a. Friday 24 April 2009
b. The Chief Minister.
c. The economic downturn had changed the context for the ACT Government's investment in public art. The continuing uncertainty about the future of the City Hill site, particularly the potential for a change in the finished level of Vernon Circle, and feedback from ACT Government agencies and the National Capital Authority were also considerations.

(4) a. $3,079 (ex GST)
b. Salaried staff from artsACT and ACT Procurement Solutions worked on the project. Exact staff costs over the life of the project are not known.
c. $1,703 (ex GST)
d. $27,000 (ex GST)
e. $4,979 (ex GST)
f. $39,864 (ex GST)

(5) a. Friday 24 April 2009
b. The Chief Minister's office.
c. Written advice in the form of a letter was sent to each artist via email.
d. Two of the three emails were successfully delivered. The third email 'bounced', but the correspondence was subsequently sent by fax, which was successfully transmitted.

(6) Yes.
a. The Government understands the artists were contacted by Canberra media.
b. The Government also understands that these contacts occurred on 24 April 2009, 26 April 2009, and 27 April2009.

(7) No media release was issued.

(8) a. No.
b. No. It was clearly stated in the Expression of Interest documents that payments of $3,000 (ex GST) would be made to each of the shortlisted artists. All four shortlisted artists received this payment. In addition, the final three artists/artist teams were also paid $5,000 (ex GST) for further design development.

(9) a. Arcimix – 14 days;
Clive Murray-White – no payment terms listed;
Hassell – 14 days; and
Aspect – 7 days.
b. Arcimix – yes;
Clive Murray-White – no, payment made in 10 weeks as fee was paid on receipt of EOI submission and Mr Murray-White submitted his invoice ahead of this date;
Hassell – yes; and
Aspect – no, payment made in 8 weeks as fee was paid on receipt of EOI submission.

Payments were also made to artists by ACT Procurement Solutions.

(10) a. **GW Bot** - artistic qualification;
Dr Betty Churcher - former Director of the National Gallery, artistic qualification and extensive experience in artwork curation;
Dr. Ian Templeman - fine arts qualification and solo exhibitions; and
Mr Graham Humphries - architecture qualification and sound engineering knowledge.
b. Expert advice was provided to the evaluation team by:
Northrop engineers - preliminary structural assessment of the proposals;
Roads ACT - public safety issues related to a structure being located in the road reserve; and
National Capital Authority - requirements pertaining to City Hill/Vernon Circle.

Education—school satisfaction survey (Question No 222)

Ms Hunter asked the Minister for Education and Training, upon notice, on 17 June 2009:

(1) How are the questions formulated for the school satisfaction survey and is there expert input.

(2) How is the information used once it is collated.

(3) Why are the names of the schools not included on the individually numbered forms that are sent to parents.

(4) Do all ACT government primary schools, high schools and colleges participate in the survey.

(5) What percentage of (a) surveys are returned and (b) returned surveys are completed.

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

(1) The Department of Education and Training conducts three different school satisfaction surveys covering students, teachers, and parents and carers. The questions have been formulated by the Department with input from all stakeholders and modelled on surveys in other states. Expert advice was also provided through the Department's Data Analysis and Survey section. The questions are grouped around the four domains of school improvement:

- teaching and learning
- leadership and management
- student environment
- community involvement

In 2008, the ACT public school system's *School Improvement Framework* was reviewed, including an upgrade of the survey questions and format. The review was conducted by a reference group which included school principals, the tertiary sector, the Australian Education Union and senior departmental executives, with consultation extending to the ACT Council of Parents & Citizens Associations and other relevant stakeholders.

(2) Schools use the data gathered through the satisfaction surveys to identify priorities and areas for improvement, and to measure progress in achieving goals within school plans. Schools also report on the overall satisfaction of their students, teachers, parents and carers in their annual school board reports. The Department reports against a School Satisfaction Performance Indicator, and overall satisfaction with public schooling in its Annual Report.

(3) School names were not included on this year's hard copy of the parent and carers survey to enable more cost-effective printing of the large number of surveys (340 000). Each school was allocated a batch number and the serial numbers are printed at the bottom of the forms. The survey's first question asks the respondent to identify the school.

(4) Yes.

(5) In 2008, the response rate for parents was 45 per cent. The response rates for students and teachers were close to 80 per cent. Results for the 2009 survey are not yet available.

ACTION bus service—student fares (Question No 224)

Mr Coe asked the Minister for Transport, upon notice, on 17 June 2009:

(1) How much revenue did ACTION receive from tertiary students that bought school student fares in (a) 2007-08 and (b) 2008-09 to date.

(2) How much additional revenue does ACTION forecast for 2009-10 through measures forcing tertiary students to buy concession fares rather than school student fares.

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

1. It is not possible to determine precisely how much revenue is received from the purchase of school student tickets by tertiary students. A school student bus ticket can be purchased by any student. The use of the ticket on the bus is controlled by the driver who may ask for student identity. The ticketing system does not record whether the student is a tertiary, secondary or primary student.

2. $112,000.

Roads—footpaths (Question No 225)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 17 June 2009:

(1) What was the cost of repairing the foot path between Bowman Street and Collicott Circuit in Macquarie.

(2) Did the Government obtain any financial contribution to this footpath; if so, how much.

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

1. $22,945.00 excluding GST.

2. No.

Roads—nature strips (Question No 226)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 17 June 2009:

(1) How much will, or has, the reinstatement of a grassed nature strip on Manuka Circle between Oxley Street and Currie Crescent cost, including minor ripping or rotary hoeing, the import of topsoil and the seeding of dry land grasses.

(2) What is the size of the area to be reinstated as a nature strip.

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

1. Parks, Conservation and Lands estimates the cost to perform remedial works on the nature strip will be approximately $4,500 inclusive of GST. This cost is for dry-land grass establishment on a road reserve.

2. The size of the nature strip is approximately 1,400 square metres.

ACTION bus service—revenue (Question No 227)

Mr Coe asked the Minister for Transport, upon notice, on 18 June 2009:

(1) What is the breakdown, by month, of patronage and farebox revenue for the (a) 2007-2008 and (b) 2008-2009 to date financial years.

(2) What is the breakdown of patronage and revenue by (a) route and (b) number.

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

1.

a)

	Patronage	Farebox Revenue
Jul-07	1,308,342	$1,524,529
Aug-07	1,635,199	$1,710,657
Sep-07	1,450,537	$1,507,257
Oct-07	1,401,742	$1,594,490
Nov-07	1,473,779	$1,599,346
Dec-07	1,058,463	$1,200,025
Jan-08	987,167	$1,297,969
Feb-08	1,555,575	$1,756,268
Mar-08	1,461,598	$1,604,832
Apr-08	1,385,673	$1,616,721
May-08	1,689,750	$1,803,342
Jun-08	1,514,064	$1,660,776

b)

	Patronage	Farebox Revenue
Jul-08	1,475,252	$1,688,868
Aug-08	1,618,026	$1,670,712
Sep-08	1,643,967	$1,725,120
Oct-08	1,543,806	$1,694,183
Nov-08	1,474,476	$1,572,727
Dec-08	1,191,354	$1,314,493
Jan-09	995,102	$1,265,867
Feb-09	1,538,523	$1,708,448
Mar-09	1,685,752	$1,814,049
Apr-09	1,300,490	$1,499,579
May-09	1,624,620	$1,730,516

2. ACTION's ticket system does not provide for accurate measurement of this data.

Lake Ginninderra foreshore project—costs (Question No 228)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 18 June 2009:

(1) In relation to the Lake Ginninderra Foreshore Project, what work was undertaken in Stage 2 for the (a) $525 000 pre 2008-09 and (b) $2 675 000 allocated for 2008-09, according to Budget Paper 4, p 303 of the 2008-09 Budget.

(2) What work was undertaken in Stage 3 was undertaken for the $400 000 allocated for 2008-09 according to Budget Paper 4, p 300 of the 2008-09 Budget.

(3) What work will be undertaken in Stage 3 for the $1 000 000 allocated for 2009-2010 according to Budget Paper 4, p 300 of the 2008-09 Budget.

(4) What work will be undertaken in Stage 3 for the $1 400 000 allocated for 2010-2011, according to Budget paper 4, p 300 of the 2008-09 Budget.

(5) What work was forgone in 2008-09 as part of the $349 000 removed from Stage 3 according to Budget Paper 4, p 76 of the 2009-10 Budget.

(6) What work will be forgone in 2009-10 as part of the $901 000 removed from stage 3 according to Budget Paper 4, p 76 of the 2009-10 Budget.

(7) What work will be forgone in 2010-11 as part of the $1 400 000 removed from Stage 3 according to Budget Paper 4, p 76 of the 2009-10 Budget.

(8) What work was forgone in 2008-09 as part of the $2 100 000 removed from Stage 3 according to Budget Paper 4, p 77 of the 2009-10 Budget.

(9) What will be undertaken in 2009-10 in Stage 2 for the (a) $3 350 000 and (b) $1 400 000 allocated for 2009-10 according to Budget Paper 4, p 77 of the 2009-10 Budget.

(10) When was the three-stage process for upgrading Lake Ginninderra Foreshore Project developed.

(11) Have there been any changes to the design or scope of each project; if so, (a) what and (b) when were the changes.

(12) In relation to question on notice E09-570, what is (a) Precinct 1, (b) Precinct 2, (c) Precinct 3, (d) included in Stage 1, (e) included in Stage 2, (f) included in Stage 3.

(13) In relation to question on notice E09-570, was (a) Precinct 1 originally called Stage 1, (b) Precinct 2 originally called Stage 2 and (c) Precinct 3 originally called Stage 3.

(14) On what dates were payments for the project made and for what amounts.

(15) Has the scope of the overall project changed.

(16) Was public consultation on the project conducted; if so, what public consultation was conducted;

(17) Has the Belconnen Community Council been engaged during the project.

(18) Are plans available; if so, could the Minister provide them.

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

1. Item (a) and (b) relate to a total budget allocation of $3.2 million for the Belconnen Lakeshore Refurbishment. Of this budget $2.6 million was allocated to upgrade the public spaces of Emu Inlet Precinct. $600,000 was for works at Eastern Valley Way Precinct including upgrade of public space next to the Belconnen skate park, public artwork nearby and a new jetty to John Knight Park.

2–9. Questions 2 to 9 relate to a total budget allocation of $2.8 million (spread over three financial years) to upgrade the public spaces of Eastern Valley Way Inlet Precinct.

The Territory approved a transfer of $2.65 million from this allocation to enable the first construction package of the Emu Inlet Precinct upgrade project to be undertaken in 2009/10.

$150,000 was retained for Stage 3 to prepare the FSP for Eastern Valley Way Inlet Precinct. The FSP is being prepared.

10. A master plan, the "Preliminary Sketch Plan Report: Belconnen Lakeshore Refurbishment", to guide the strategic refurbishment of the southern foreshores of Lake Ginninderra was prepared for the Territory in 2002. The report and supporting plans identify three precincts: Precinct 1: Emu Inlet; Precinct 2: the Promenade and the Plaza; Precinct 3: Eastern Valley Way.

The upgrade of Precinct 2 (Project Stage1) was undertaken as two construction packages.

The upgrade of Precinct 1 (Project Stage 2) - Emu Inlet will also be constructed as two packages.

The upgrade of Precinct 3 (Project Stage 3) - Eastern Valley Way Inlet is at FSP stage.

11. The scope of the design for each precinct has been adjusted to achieve the objectives of the master plan. Each project proceeded through a process where the concept design options presented in the master plan were explored; unidentified or new issues addressed and the design fully developed before final documentation for construction was prepared. Any design changes were at FSP stage.

Design changes for Precinct 2 (Project Stage 1) - The Promenade and Plaza were established at the FSP stage for each construction package. Design changes related to improved access and lighting.

The design of Precinct 1(Project Stage 2) Emu Inlet was modified at FSP stage to appropriately address issues identified during preliminary investigations.

Design options are currently being explored in the course of FSP preparation for Precinct 3 (Project Stage 3) Eastern Valley Way Inlet.

12–13. The Belconnen Lakeshore Refurbishment Preliminary Sketch Plan Report (master plan) identifies three precincts. Each precinct was also identified as a project stage for final design and construction purposes. The design and construction of each project stage has been delivered as one or two packages. The relationship between the precinct, project stage and package is:

Precinct 1(Project Stage 2): Emu Inlet – Two construction packages, A and B identified
Precinct 2 (Project Stage 1): The Plaza and Promenade – Completed as two construction packages, the Plaza and the Promenade
Precinct 3 (Project Stage 3): Eastern Valley Way Inlet – A design package and a construction packages are identified.

14. Progress payments have been made to the design consultants for Precinct 3: Eastern Valley Way Inlet and Precinct 1: Emu Inlet as follows:

    Precinct 3 (Project stage 3): Eastern Valley Way Inlet - $25,850 has been claimed to the end of May 2009 on a consultant contract of $79,860.

    Precinct 1: (Project stage 2): Emu Inlet - $264,442 has been claimed to the end of May 2009 on a consultant contract of $596,006.

15. See 11.

16. Extensive public consultation conducted over a six month period informed the Belconnen Lakeshore Refurbishment Preliminary Sketch Plan Report (master plan). The consultations were conducted in 2002 by the Institute for Regional Community Development, University of Canberra.

    Organisations that represent youth were consulted in relation to improvements for the Belconnen skate park and immediate surrounds in Precinct 3: Eastern Valley Way Inlet.

    Parks, Conservation and Lands (PCL) updated the Belconnen Community Council (BCC) about the Belconnen Lakeshore Refurbishment and the imminent upgrade of Precinct 1: Emu Inlet on 20 March 2007. Subsequently BCC involvement was invited at commencement of the FSP stage of the project. The BCC asked to look at the final plans once these were complete. A presentation of the FSP was offered to the BCC in July 2008. The offer was accepted in mid October 2008.

    The DA to upgrade Precinct 1: Emu Inlet was publicly notified. The Concept Plan, FSP plans and FSP report were available to the public on the ACTPLA website.

    The public notification period for the works proposed for Precinct 3: Eastern Valley Way is imminent.

    The Precinct 1: Emu Inlet upgrade has received public exposure in the Canberra Times; The Chronicle and City News. Plans and articles have been published from April to May 2009.

17. This question is answered by the answer to Question 16.

18. Yes.

Canberra Hospital—length of stay (Question No 229)

Mr Doszpot asked the Minister for Health, upon notice, on 23 June 2009:

(1) What is the average length of stay for patients admitted to the rehabilitation unit of The Canberra Hospital (TCH).

(2) How many days is recorded as the (a) shortest and (b) longest length of stay for a patient in the rehabilitation unit at TCH and when did these occur.

(3) What is the average cost per bed per night for patients in (a) the rehabilitation unit and (b) an acute care ward at TCH.

Ms Gallagher: The answer to the member's question is as follows:

(1) The average length of stay for a patient separated from the rehabilitation unit of The Canberra Hospital during 2007-08 was 10.5 days.

(2) (a) The shortest length of stay for a patient in the rehabilitation unit at TCH is 2 days. This occurred in 2007

(b) The longest length of stay for a patient in the rehabilitation unit at TCH is 807 days. This length of time was current at the time of preparation of this response. I am advised that the patient to whom these figures apply remains an in-patient of the rehabilitation unit.

(3) (a) The average cost per bed night for patients in the rehabilitation unit at TCH using the latest available published data (National Hospital Cost Data Collection published in 2008 for 2006-07) was $785. This average is based on the average length of stay for rehabilitation patients. This figure cannot be extrapolated for patients with lengths of stay greater than the average as the costs for such patients is dependant on the level care and services required to improve or maintain a patient's condition.

(b) The average cost per bed night for patients in an acute care ward at TCH using the latest available published data (National Hospital Cost Data Collection published in 2008 for 2006-07) was $1,578

Schools—enrolments
(Question No 230)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 23 June 2009:

(1) What factors determine a change in Priority Enrolment Areas (PEAs).

(2) How many changes to PEAs have been made in the 2009 school year and what schools are affected by this change.

(3) When were the changes to (a) Chapman and (b) Arawang primary schools PEAs made and by whom.

(4) What is the strategy to communicate the changes of PEAs to the potential school communities.

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

(1) Each year the Department reviews Priority Enrolment Areas (PEAs) by considering factors such as enrolment capacity, demographic trends and projected enrolments.

(2) Three changes to PEAs were made during the 2009 school year, which take effect for enrolments for the 2010 school year. The changes affect:
- high school enrolments at Gold Creek School and Amaroo School
- primary school enrolments at Palmerston District Primary School and Harrison School
- primary school enrolments at Chapman and Arawang Primary Schools.

(3) The decision to change PEAs for 2010 was made in April 2009 by the Department and published on the Department of Education and Training's website on 21 April 2009.

(4) Priority Enrolment Areas (PEAs) are published on the Department of Education and Training website when enrolments open each year. Parents are advised applications for enrolment in a school outside their PEA would be considered if there are vacancies in the selected school.

I am informed when Chapman Primary School became aware of the changes to PEAs, prospective parents of affected schools were advised in several ways which included:
- a phone call to parents whose child had been enrolled in the schools pre-school
- school newsletter
- providing information to the Parents and Citizen Association and School Board.

Housing ACT—facility management (Question No 231)

Mr Coe asked the Minister for Disability and Housing, upon notice, on 23 June 2009:

(1) In relation to the Housing ACT Total Facility Management Contract, has the ACT Government brought about changes in the retention of monies in the contract and/or subcontracts; if so, what are the changes.

(2) Has the ACT Government stipulated that a percentage of contractors' or subcontractors' payment should be withheld for 52 weeks of the expiry of the term; if so, what is the percentage and why are these changes necessary.

(3) If the answer to parts (1) and (2) is yes, would the withholding of money occur for each order or for the term of the contract or subcontract.

(4) If the ACT Government has brought about changes with regard to the withholding of monies, when do the changes come into effect.

(5) Has the ACT Government brought about changes to the defect liability period; if so, what are the changes and why were they implemented.

(6) If the answer to part (5) is yes, how will the changes be implemented and when will the changes take effect.

(7) Does the latest contract include additional administrative or reporting requirements for contractors or subcontractors.

(8) Does the latest contract include an increase in rates for subcontractors; if not, will this lead to a decrease in service levels due to increased costs.

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

(1) No.

(2) No.

(3) N/A.

(4) N/A.

(5) No.

(6) N/A.

(7) No. Reporting requirements are as per the TFM contract. Spotless is required to report on services and performance under the TFM contract.

(8) Some of the contract schedule of rates has increased, some have decreased and some have remained the same.

Health—mental health (Question No 232)

Mr Doszpot asked the Minister for Health, upon notice, on 24 June 2009:

How many referrals from the Department of Education and Training to Child and Adolescent Mental Health Services occurred each month in the (a) February to December 2006, (b) February to December 2007, (c) February to December 2008 and (d) February 2009 to date school years.

Ms Gallagher: The answer to the member's question is as follows:

The Mental Health ACT data collection system does not record this data in a format that allows a report to be generated to answer this question. An extensive manual search process would need to be undertaken to examine the record of every child and adolescent who has been referred to the Child and Adolescent Mental Health Service since 2006. I believe that this would be a waste of ACT Health's resources.

Schools—assaults (Question No 233)

Mr Doszpot asked the Minister for Police and Emergency Services, upon notice, on 24 June 2009:

How many reports of assault were made by ACT schools, by school name, to ACT Policing for (a) February to December 2006, (b) February to December 2007, (c) February to December 2008 and (d) February 2009 to date.

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

(a) From February to December 2006, there were 93 assaults recorded by police.
(b) From February to December 2007, there were 153 assaults recorded by police.
(c) From February to December 2008, there were 113 assaults recorded by police.
(d) From February to June 2009, there have been 45 assaults recorded by police.

Please note that of the 29 assaults at Gold Creek High School in 2007, 18 relate to the same incident.

School of assault	February to December 2006	February to December 2007	February to December 2008	February to June 2009
Alfred Deakin High School	3	2	2	3
Amaroo Primary School	2	2	0	1
Aranda Primary School	1	0	0	0
Belconnen High School	7	9	10	1
Braddon Primary School	1	0	0	0
Burgmann Anglican School	0	0	1	0
Calwell High School	3	7	10	2
Campbell High School	1	2	2	0
Campbell Primary School	0	1	1	0
Canberra College (Phillip)	0	2	1	0
Canberra Grammar School	1	1	0	1
Canberra High School	6	6	5	0
Caroline Chisholm High School	3	10	2	4
Chisholm Primary School	0	0	2	0
Conder Primary School	2	1	0	1
Copland College	2	0	2	0
Coveneant College	0	0	1	1
Curtin Primary School	1	1	1	0
Daramalan College	4	0	1	0
Dickson College	0	2	4	4
Duffy Primary School	0	1	0	0
Emmaus Christian School	1	0	0	0
Erindale College	2	5	2	0
Evatt Primary School	1	0	1	0
Farrer Primary School	1	0	0	0
Galilee School	0	0	1	0
Gilmore Primary School	0	1	0	0
Gold Creek High School	1	29	1	1
Gold Creek Primary School	0	1	0	0
Gordon Primary School	1	1	1	0
Hawker College	2	4	2	0
Holt Primary School	0	0	1	0
Kaleen High School	4	3	6	3
Kaleen Primary School	0	1	1	0
Kambah High School	4	3	0	0
Lake Ginninderra College	2	4	2	1
Lake Tuggeranong College	1	1	2	1
Lanyon High School	3	4	6	1
Latham Primary School	2	0	0	0
Lyneham High School	3	3	4	0
Lyons Primary School	0	0	0	1
Macgregor Primary School	1	0	0	0
Mackillop Catholic College (Wanniassa)	2	1	1	0
Majura Primary School	1	0	0	0
Maribyrnong Primary School	1	0	0	0
Marist Brothers Rc School	1	2	0	0
Melba High School	0	3	3	8
Melrose High School	4	2	7	0

School of assault	February to December 2006	February to December 2007	February to December 2008	February to June 2009
Merici College	0	1	1	0
Miles Franklin Primary School	0	1	0	0
Narrabundah College	1	1	1	0
Ngunnawal Primary School	0	0	2	0
Nicholls Pre School	0	1	0	0
North Ainslie Primary School	0	0	1	0
Palmerston Primary School	0	1	0	0
Radford College	0	2	0	0
Red Hill Primary School	0	1	0	0
Rivett Primary School	1	0	0	0
St Anthonys Primary School	1	1	0	0
St Clare Of Assisi Primary School	0	0	1	0
St Edmunds Christian Brothers	1	1	1	1
St Francis Xavier High School	1	1	2	0
St Matthews Rc Primary School	0	0	0	1
Stirling College	1	0	0	1
Stromlo High School	2	8	5	4
Taylor Primary School	0	0	2	0
Telopea Park High School	0	3	3	2
Theodore Primary School	3	1	2	0
Trinity Christian School	0	2	2	0
Turner Primary School	0	1	0	0
Urambi Primary School	1	1	0	0
Village Creek Primary School	1	0	0	0
Wanniassa High School	1	2	3	0
Wanniassa School - Junior Campus	1	0	0	0
Wanniassa School - Senior Campus	2	7	1	1
Weetangera Primary School	0	0	0	1
Weston Primary School	1	0	0	0
Woden Police Station	0	1	0	0
Woden Special School	0	1	0	0
Total school assaults	93	153	113	45

Source: PROMIS as at 2 July 2009

Schools—bullying (Question No 234)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 24 June 2009:

> How many incidents of bullying, inclusive of cyber bullying, were reported in ACT schools to the Department of Education and Training, by school name for the (a) 2006, (b) 2007, (c) 2008 and (d) 2009 to date school years.

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

> (1) Schools must report instances of bullying, harassment, violence, racism and sexual harassment that pose an immediate threat to the safety of students and staff as critical incidents as required by the *Providing Safe Schools P-12 Policy*.
>
> A critical incident is defined as an incident, or series of incidents, which result in:

- significant disruption to the school's normal procedures
- a school being locked down, evacuated or requiring closure
- police notification and involvement in the school
- significant threat to the safety of students and/or staff.

The Department is unable to report critical incidents by school name as this may enable parties to be identified and is in breach of the *Privacy Act 1988*.

Critical incidents in non-government schools are not reported to the Department of Education and Training. The total number of all critical incidents in ACT public schools is:

(a) 2006 - Data not available
(b) 2007 - 45 (July to December)
(c) 2008 - 41
(d) 2009 – 15 (January-June)

Independent Living Centre—relocation (Question No 235)

Ms Bresnan asked the Minister for Health, upon notice, on 24 June 2009:

(1) Has the ACT Government made a final decision on whether the Independent Living Centre (ILC) will move to Kambah; if so, when was this decision made.

(2) What is the rationale behind the proposed plan to relocate the ILC to Kambah.

(3) How will a move of the ILC to Kambah produce efficiencies in service delivery in excess of those already being met from the current Weston Creek location.

(4) What is the expected total financial cost to the ACT Government for the ILC move and what factors are considered in calculating this cost.

(5) What will be the expected operating cost for the ILC per annum at Kambah in comparison to the operating cost per annum at its current location.

(6) Was the advice of ILC (a) staff and (b) consumers sought in relation to whether the move was a good idea; if so, what was their advice.

(7) Has the ACT Government considered what impact the move may have on ILC waiting lists and waiting times; if so, what impact does the ACT Government expect.

(8) If there are benefits to be gained for consumers by this relocation, why was the new proposed ACT Health facility not established at the Health and Wellbeing Hub at Melrose.

(9) How has the ACT Government considered the ability for consumers of the ILC to access the new location which is more isolated than the current one.

(10) What will the ACT Government do to assist those consumers, including those consumers who use wheelchair accessible taxis, who find the new proposed site more difficult or costly to travel to.

Ms Gallagher: The answer to the member's question is as follows:

(1) A final decision that the Independent Living Centre would be one of the services re-locating to Kambah decision was made in June 2009.

(2) The rationale underpinning the plan to relocate the ILC is part of a larger plan that will re-locate several Aged Care & Rehabilitation community services to Kambah. The primary consideration is improvement in the level of service in particular to people with a disability by having multiple services on one site. Advantages to clients includes: the ability to access multiple services which are patient centred and focused at a single location; the provision of seamless service provision; ample parking at no cost; disabled access to all services; enhanced service provision through shared resources; decreased waiting time in particular for equipment services who will have considerably increased space; improved safety for both staff and clients through appropriate space allocation for safe and efficient equipment storage and use; and flexibility and responsiveness to clients and carers needs through prompt referral and integrated management.

The other advantage is that it is only 7.5 kilometres from the current ILC location.

(3) The Independent Living Centre (ILC) is an important part of a range of services provided to Canberrans that are currently provided across a number of different locations. The role of the ILC in providing valuable information and advice about equipment will be enhanced by clients being able, in one visit to one place, to then apply for loan or permanent supply of that piece or pieces of equipment through the other related services that will be at the Kambah site. Including the ILC in the range of services moving to the Village Creek site means that the number of separate trips that clients will have to make to have their equipment needs met will be significantly reduced.

(4) The quoted cost to the ACT Government to relocate the ILC specifically is up to $40,000, though this cost may well be reduced when an item by item cost is determined. This costing is for the relocation of the fixtures and fittings of the existing ILC to the new site.

(5) The operating costs for the ILC in the financial year 2008–09 was $556,223. The ILC budget for the financial year 2009-10 is $539,822. The difference in amounts is unrelated to the move of the ILC and is due to some one-off allocations in 2008-09 not required in 2009-10. As the move will occur halfway through the financial year there will be no change to the operating cost for the financial year 2009-10. There may be some financial efficiencies gained through co-location but, as this is not the primary consideration for co-location, firm figures are not yet available.

(6) Senior staff from the ILC have been in consultation with the Executive Director of the Aged Care & Rehabilitation Service, the Community Public Sector Union representative, and Human Resource representatives for several weeks. Discussions continue with a view to resolving any remaining issues to enable the ILC to be re-located before December 2009. Although other services will be relocating in October 2009, this additional time has been allocated to the ILC to ensure all issues regarding display, model of care development and other important issues are addressed. The Executive Director, Aged Care & Rehabilitation Services and the Deputy Chief Executive, ACT Health also met with the Ministerial Disability Advisory Council at their July meeting which raised some issues relating to access at Village Creek which are being addressed.

Staff from the ILC have also been actively participating in working groups assessing, planning and advising on specifics required for each service.

Senior staff from the Aged Care & Rehabilitation Service have also met with the Health Care Consumers Association who have indicated their support for the co-location of services, and they are working with ACT Health to communicate changes. Consumer representatives will also be working with staff involved in the move to review models of care at the new site. Consumer representatives are part of the steering group for the relocation.

(7) It is expected that there will be a positive effect on waiting lists and waiting times as a result of the re-location. Because linked services will be located on the one campus, clients and carers will be able to access services during one visit. Currently, if clients require one or more of these services, they need to make individual appointments, usually over more than one day, and they wait for those appointments based on individual waiting lists.

(8) The new co-located service was not established at the Health & Wellbeing Hub at Melrose, as that facility is available only to Non-Government Organisations, who deliver programs that promote the health of our community.

In any case, there would have been insufficient space at Melrose for all of the services which are moving to Village Creek. This would have hampered the objective of establishing a 'one-stop-shop' for consumers.

(9) & (10) The new site of the Community Hub at Kambah is 7.5 kilometres from the current ILC location at Weston. The ILC receives clients and visitors from all over the Canberra region, as well as from regional NSW. As for any service required by a large city population it is not possible to locate it so as to be absolutely convenient for all consumers. We are fortunate in the ACT that distances required to travel for most health care services are comparatively short.

ACT Health has been working with management from ACTION Buses to identify any issues for consumers in accessing the new site. Consumer representatives from the Health Care Consumers Association have also been most helpful in identifying concerns from their perspective.

ACT Health is working with key stakeholders to ameliorate any difficulties raised regarding travel to the new centre. As stated above the consumer representatives have been active on the steering group and are assisting to ensure all issues are addressed.

Health—solarium guidelines (Question No 236)

Ms Bresnan asked the Minister for Health, upon notice, on 24 June 2009:

(1) Given that the ACT Government stated earlier this year that it would not consider further regulation of solariums until the Radiation Health Council delivered a report on this issue, which was expected in March 2009, has the report been delivered.

(2) If the report has not been delivered, when is it now expected.

(3) What are the recommendations from this report.

(4) What is the ACT Government's response to this report.

(5) What is the ACT Government's response to Standards Australia introduction of new guidelines for solarium operators, including a ban on users younger than 18 years and people with skin that always burns.

Ms Gallagher: The answer to the member's question is as follows:

(1) The National Radiation Health Council (the NRHC) was not expected to deliver a report at the meeting scheduled for March 2009 but to consider the proposed amendments to the National Directory for Radiation Protection (the NDRP) regarding solaria. I can advise that the amendment to the NDRP regarding solaria, referred to as Amendment No. 4, 2009, was considered and approved by the NRHC at the March 2009 meeting.

(2) Amendment No. 4, 2009 was considered by the Australian Health Ministers' Advisory Council (AHMAC) out of session. The proposed amendment will now proceed to the Australian Health Ministers' Conference (AHMC) for approval. AHMC approval is required before the amendment can be made to the NDRP.

(3) As mentioned earlier, the NRHC was not delivering a report with recommendations but the proposed amendment to the NDRP regarding solaria.

(4) If passed by AHMC Amendment No. 4, 2009 will be made to the NDRP, and thereafter it will be enforceable through the *ACT Radiation Protection Act 2006*. As such, this amendment to the NDRP has been highly anticipated by this Government.

(5) Amendment No. 4, 2009 addresses the same matters as the Standards Australia guidelines, but in a more robust and comprehensive manner. If passed by AHMC the amendment will be made to the NDRP, and thereafter it will be enforceable through the *ACT Radiation Protection Act 2006*. For this reason the amendment to the NDRP has always been the Government's preference over the Standards Australia guidelines.

Roads—traffic calming (Question No 237)

Mr Coe asked the Minister for Transport, upon notice, on 25 June 2009:

(1) Which roads have been assessed using the Traffic Warrants System in 2008 09.

(2) What were the results of those assessments.

(3) Can the Minister provide a list of the top 50 sites referred to in part (1) as they are currently ranked in priority order for traffic calming improvements.

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

1. 2008-09 assessments have yet to be finalised.

2. Refer to (1).

3. Refer to (1).

ACTION bus service—marshals (Question No 238)

Mr Coe asked the Minister for Transport, upon notice, on 25 June 2009:

(1) What is the role of marshals for special bus services provided for sporting events, including Brumbies and Raiders games, at the Canberra Stadium.

(2) Where are the marshals located.

(3) How many marshals are present for the locations referred to in part (2).

(4) What times are marshals present for the locations referred to in part (2).

(5) What has been the cost of providing marshals during the 2008-09 financial year for each event where special services were provided.

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

1. ACTON does not have any marshals for special bus services.

2. Refer to (1).

3. Refer to (1).

4. Refer to (1).

5. Refer to (1).

ACTION bus service—benchmarking (Question No 239)

Mr Coe asked the Minister for Transport, upon notice, on 25 June 2009:

(1) Why is the information on benchmarking of ACTION bus services considered commercial in confidence given that in the past such benchmarking has been completed and published.

(2) Why is the average performance benchmarking of private and public operators as a summary of benchmarking performance unavailable.

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

1. The information on benchmarking of ACTION bus services is considered commercial in confidence as it contains information about private sector operators in the industry. ACTION's benchmarking information has not been published in the past.

2. The average performance benchmarks are not available as the consultant conducting the benchmarking for bus operators around Australia requires all participants to maintain information as commercial in confidence.

ACTION bus service—ticketing system (Question No 240)

Mr Coe asked the Minister for Transport, upon notice, on 25 June 2009:

When will the trial of the new ACTION ticketing system commence.

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

The trial of the next ticketing system is currently scheduled to commence in the second half of 2010.

Roads—speed cameras (Question No 241)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 24 June 2009:

(1) What is the breakdown of the number of infringements from ACT Government fixed speed cameras for the (a) 2007-08 and (b) 2008-09 to date financial years, by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and (iii) camera.

(2) What is the breakdown of the number of infringements from ACT Government mobile speed cameras for the (a) 2007-08 and (b) 2008-09 to date financial years, by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and (iii) location.

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

1. Please see the attached spreadsheet.

2. Please see the attached spreadsheet.

(A copy of the attachment is available at the Chamber Support Office).

Water—irrigated sites (Question No 242)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2009:

(1) Which public land in the ACT is irrigated by the Department of Territory and Municipal Services.

(2) What is the (a) cost of, (b) source of water for and (c) water consumption for each irrigated site referred to in part (1).

(3) What is the total amount for those items listed in part (2).

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

1. Limited watering of grassed areas is undertaken only in town and district parks, cemeteries, on selected playing fields and areas where significant trees could be impacted.

2. See attached spreadsheet.

3. See attached spreadsheet.

Attachment

Irrigation of land within the Territory and Municipal Services Portfolio

Site	Type	Water Consumption kL	Water Cost $
Town Parks	Potable / Non	71,627	$ 106,003.00
District Parks	Potable / Non	229,579	$ 562,611.00
Cotter Trees	Potable	8,282	$ 30,627.00
Sundry City Watering	Potable	2,957	$ 17,174.00
Sundry Parkland Watering	Potable	1450	$ 4,964.00
Cemetries	Potable / Non	40,417	$ 125,126.00
Tree Farm / Nursery	Non-Potable	3,625	$ 905.00
Neighbourhood Parks	Potable	10,265	$ 37,730.00
City Walk (1)	Potable	1,620	$ 5,681.00
Northbourne Avenue Median	Potable	29,540	$ 106,246.00
Total		**399,362**	**$ 997,067.00**
Irrigation land within the Tourism, Sport and Recreation Portfolio			
EPIC (2)	Potable	18,610	68,857
Territory, Venue and Events	Potable / Non	48,400	106,000
Approximately 320 hectares of irrigated sportsgrounds	Potable / Non	1,215,666	4,326,911
Total		**1,282,676**	**$ 4,501,768.00**

Notes

1) Water turned off for extended periods.
2) 2009./10 Budget $2.5 Million has been allocated to process waster water for irrigation

- Some sites also have public toilets attached to the meters/usage included in consumption.
- Consumption for potable water is based on invoices paid for the 2008/09 financial year to date.
- Consumption for non-potable water is based on meter readings/abstraction charge calculated at a rate of $0.25 per kilolitre.

Horse paddocks—maintenance (Question No 243)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2009:

(1) In relation to Additional Repairs and Maintenance for Urban Open Spaces and Infrastructure as outlined in the 2009-10 Budget, Budget Paper No. 3, page 73, which horse paddocks will be repaired or maintained under this initiative.

(2) What (a) signage, service directories and community contact infrastructure and (b) sporting facilities, will be repaired or maintained under this initiative.

(3) What workshops will be conducted under this initiative.

(4) What options are being considered for the longer term.

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

1. Funding of $180,000 has been allocated to priority works that include repairs to yards at Parkwood and North Curtin, replacement of old and leaking water pipes at Hume, Illoura and North Curtin, the replacement of some fencing at Yarralumla and amelioration of erosion issues at other complexes.

   An asset report for all Horse Holding complexes detailing all assets throughout the complexes which require maintenance is being updated. This report will address fences, gates, signage, yards, reticulated water systems, pest species issues, access and tree lanes, erosion issues etc.

2. (a) Signage and Service Directories - Canberra Connect will use this money to update and upgrade internal signage and directory displays across all Canberra Connect shopfronts. This will ensure the signboards are colour coded to the Q-Matic ticket system, and that signage is consistent with the Canberra Connect branding.

   ICT System - The maintenance to be performed on the TAMS Corporate Geographic Directory will enable critical asset and spatial data to be stored in a modern data environment and one that is more accessible and has greater data sharing options with other databases. It will provide new opportunity for TAMS to make its asset information and data more accessible and understandable to the community via new or existing web interfaces.

   Downer and Narrabundah Business Parks: A significant asbestos issue was identified at the Downer Business Park. While tenants are not at risk the removal process is costly and will be given priority. Once the removal program is finalised a program of works including carpet replacement and minor repairs at both Downer and Narrabundah will be finalised.

   (b)
   - Canberra Stadium – turf playing surface;
   - Manuka Oval – repairs to the Bradman Stand roof; and
   - Stromlo Forest Park – sediment control.

3. ACTION's North and South region workshops.

4. ACTION's North Region workshop is 30 years old and the South Region workshop is 20 years old. Apart from routine maintenance undertaken on a regular basis, facilities are starting to require more major maintenance. ACTION will determine future requirements for repairs and maintenance based on the condition of its infrastructure.

Municipal services—funding (Question No 244)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2009:

(1) In relation to Additional Funding for Municipal Services as outlined in the 2009-10 Budget, Budget Paper No. 3, page 73, what is the breakdown of the expenditure in this initiative.

(2) What longer term options are being considered.

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

1. The additional funding provided in the 2009-10 financial year has been allocated to Parks, Conservation and Lands ($3.990m), Sport and Recreation ($0.240m), and the ACT Library and Information Service ($0.770m).

2. The Government will be holding Community 'round tables' to increase understanding of the services that are delivered by the Department and to gather community input on a range of service delivery priorities.

Security—Weston manager's cottage (Question No 245)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2009:

(1) How much was spent on security for the Weston Manager's Cottage each month in the (a) 2006-07, (b) 2007-08 and (c) 2008-09 to date financial years.

(2) What physical security measures have been put in place.

(3) How many acts of vandalism were reported each month in the (a) 2006-07, (b) 2007-08 and (c) 2008-09 financial years.

(4) Did a security contract include the provision of static guards; if so, for what period were they in place and what was the cost of the provision.

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

1. The Department assumed responsibility for the Cottage from ACTPLA in May 2008 after the former occupants vacated the property. The details of the cost of engaging security services are commercial-in-confidence and cannot be disclosed.

2. A temporary fence was installed as soon as the Cottage was handed back to the Government and is being replaced by a permanent security fence that is currently under construction.

3. The Department assumed responsibility for the Cottage in May 2008.

Since then the reported incidents of vandalism were:

2007/08		2008-09	
May 08	Nil	Jul 08	Nil
Jun 08	Nil	Aug 08	Nil
		Sep 08	Nil
		Oct 08	Nil
		Dec 08	1
		Feb 09	Nil
		Mar 09	Nil
		Apr 09	Nil
		May 09	1
		Jun 09	Nil

4. Static security guards were employed from late May 2008 until early July 2008. The cost details are commercial-in-confidence and cannot be disclosed.

Bimberi Youth Justice Centre (Question No 246)

Mr Coe asked the Minister for Children and Young People, upon notice, on 25 June 2009:

(1) What are the details of an incident that occurred at the Bimberi Youth Justice Centre earlier this year, as discussed in the Select Committee on Estimates 2009-2010.

(2) Did a review of the incident make recommendations; if so, what were they.

(3) When will the recommendations referred to in part (2) be implemented and what will be the cost.

(4) Was the Minister or any officials aware of the possibility for the incident referred to in part (1) to occur.

(5) Have there been any other incidents; if so, what are the details of these.

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

(1) I refer the member to the response provided to the Select Committee on Estimates on 28 May 2009.

(2) See response to Question 1.

(3) The recommendations will be implemented within four months. The approximate cost of building works is $32,700.

(4) I refer the Member to the response provided to the Select Committee on Estimates on 28 May 2009 and to my response to Question Taken on Notice EQTON-06 dated 16 June 2009.

(5) See response to Question 1.

Belconnen—leases
(Question No 247)

Mrs Dunne asked the Minister for Planning, upon notice, on 25 June 2009:

(1) What are the names of the lessees of each of the Belconnen blocks in sections (a) 43, (b) 44, (c) 49, (d) 50, (e) 52, (f) 54 and (g) 152.

(2) Were any of the leases of the blocks in the sections referred to in part (1) transferred from the ACT Government to the private sector in the past five years; if so, (a) which blocks were transferred, (b) what was the date of transfer, (c) to whom were they transferred, (d) what were the terms of the transactions, including but not limited to consideration and (e) what process was followed in determining the transferee.

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

Attached are copies of the Certificates of Title for each of the sections listed. The Certificates of Title list the names of each of the lessees. I am advised that there is no registered lease for the following blocks:

Section 44 Blocks 2, 4, 5, 6,
Section 49 Blocks 4,
Section 52 Blocks 7, 8, 18, 29
Section 54 Blocks 11, 26, 39, 40
Section 152 Blocks 1, 2, 3, 4

I am advised that there have been the following transfers in the past five years from ACT Government to the private sector:

Section	Block	Date	Lessee	Terms
52	7, 28 & 29	30 June 2009	Westfield Management Limited and P.T. Limited	The direct sale of Blocks 7, 28 & 29 Section 52 Belconnen to Westfield returned to the Government $17m in sales revenue. Under the agreement, Westfield will design and construct a new bus facility at the intersection of Lathlain Street and the new Cohen Street extension. Westfield will be responsible for the maintenance and physical upkeep of the bus facility as part of its leasing requirements with the Territory. The delivery of the bus facility will form part of the first stage of the development. Specifically, Westfield will be required to complete the bus facility by October 2010. Westfield will as part of the stage 1 works undertake substantial improvements to the amenity of Benjamin Way including verge works, median landscaping and the creation of active frontage