



Debates

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MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Leave of absence

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

That leave of absence be granted to Mr Doszpot for this sitting owing to his attendance at a disability conference.

Death of Ms Barbara Byrne OAM

Motion of condolence

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) (10.01): I move:

That this Assembly expresses its deep regret at the death of Barbara Byrne OAM, life member of Volunteering ACT and an active and energetic supporter of the Canberra community through her myriad of activities, and tenders its profound sympathy to her family, friends and colleagues in their bereavement.

Mr Speaker, I rise today not so much as leader of the parliamentary Labor Party paying tribute to a woman who contributed much to the ACT branch of the Australian Labor Party, but as Chief Minister paying tribute to a fine Canberran whose contribution was felt across our community. Barbara Byrne is mourned by many in the Labor Party who knew her—that is true. But equally, she is missed by the friends and admirers she attracted over the course of a full and fulfilling life beyond the party.

As the tributes flow this week, we reflect on just how expansive was her circle of influence, and how varied the causes for which she worked over the years. It was a lifetime of service that was recognised with a Centenary Medal in 2003, and the Order of Australia medal in 2006. Yet it was a life of quiet achievement rather than headlines and fanfare. It was achievement secured through boardroom meetings and built-up trust, cordial dealings and persuasive argument. It was a life that incorporated almost four decades as a commonwealth public servant but that extended the meaning of the phrase “public service” into other areas of life—sport, the community sector, the licensed club industry, volunteering, and her great love, music.

Others will no doubt reflect this morning on the energy and ideas Barbara devoted to these areas of our communal life. They will speak about the Barbara Byrne who was known to the club sector, the Barbara Byrne who lent her professional skills to the volunteer community, or Barbara Byrne the sports enthusiast, who understood the symbiotic relationship in this town between sport and grassroots sporting clubs.

It is as arts minister that I would like to speak this morning. It is as arts minister that I would like to mark Barbara's contribution to music in this town, and her capacity to leverage the positions of influence in which she found herself in order to make lasting and measurable differences to the cultural life of our city.

Yet, in some ways, the discrete compartments of Barbara Byrne's life were not discrete at all, but inextricably connected. Barbara Byrne's contribution to the arts demonstrates this perfectly. It was during her tenure as president of the Canberra Labor Club Group that the club embarked on its enduring relationship with the Canberra Symphony Orchestra.

At the time that the relationship was fostered by Barbara Byrne back in 2001, the orchestra was limping from performance to performance, financially at least. Thanks in large part to the persuasive powers of Barbara Byrne, the Labor club became a major sponsor of the Canberra Symphony Orchestra. Indeed, the sponsorship was the first-ever three-year deal struck by the Labor club board. No-one hearing the CSO today could credit that, less than a decade ago, grave concerns were held for its future. In some measure, the CSO that plays to packed auditoriums and rapturous applause today is a legacy of Barbara Byrne.

One needs to dig back into Barbara's early life to get a sense of the depth of her love for the arts—in particular, for music and, to be even more particular, for the music of the human voice. Barbara Byrne enjoyed an early career as a classical singer. Even after she turned her professional sights elsewhere, music and singing remained a lifelong passion. Not content with saving this city's symphony orchestra from an uncertain future, Barbara Byrne made the most of her time, both with the Labor club and later as a board member of Actew, to promote sponsorship of the Eisteddfod Society's national operatic aria competition.

I am sure that Barbara Byrne will be in the thoughts of many Canberra opera lovers just over a month from now, when the Australian and New Zealand finalists of this year's national operatic aria eisteddfod compete at a gala evening here in Canberra for the opportunity to further their singing careers overseas. And her name will live on among a much wider cross-section of local music lovers, in the newly completed studio at ArtSound, in Manuka, which the station has announced will be called the Barbara Byrne Studio.

When in recent weeks it became clear that Barbara did not have long to live, the ACT branch of the Australian Labor Party resolved to confer upon her its highest honour—life membership. That life membership was presented to Barbara, along with a dozen red roses, by the Assembly's first Chief Minister, Rosemary Follett. Barbara would probably not have sought such recognition. A life well lived, fully lived, may have been enough. But I hope that the knowledge of the high esteem in which she was held by her party and her community sustained Barbara and her partner, Harold, in the last days of her life, and has been of some small comfort and a source of pride for Harold since her death a little over a week ago.

I am sure that many of my Assembly colleagues here today will join me in offering our condolences to Barbara Byrne's family and friends, and particularly to Harold. A

fine Canberran and a good person has gone, but her fine qualities and her good work live on. I commend the condolence motion to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (10.07): I rise to join the Chief Minister in supporting this motion of condolence for Ms Barbara Byrne OAM, who passed away on 15 August 2009.

Ms Byrne's life was a life committed to Canberra and to serving her community. From her profession in the public service, to her long-term work with volunteer organisations, to her involvement in clubs and their governing organisations, and the recognition she has received with national medals and awards, Barbara Byrne has an exceptional list of achievements.

A look at that list of activities and achievements shows how deeply involved she was in a great many aspects of Canberra life, and how positive her impact was in many fields. These are among her list of achievements: 38 years service in the commonwealth public service, 11 years working in voluntary positions, president of the Canberra Labor Club Group, vice-president of Volunteering ACT, vice-president of ClubsACT, life membership of Volunteering ACT, life membership of National Eisteddfod, and a long-time supporter of the Australian national operatic aria competition. In 2002 Ms Byrne was awarded the outstanding service to the club industry award.

She was awarded a Centenary Medal in recognition of her voluntary work in 2003, appointed an honorary ambassador for Canberra in April 2004, appointed a director of Actew Corporation on 22 January 2004, and in 2006 she was awarded a Medal of the Order of Australia for service to the community of the Australian Capital Territory through business, sporting and cultural organisations.

On her passing, comments from friends and family in notices included: "Her generous participation was characterised by foresight, astuteness and a great sense of humour." These comments from people who knew her personally speak of outstanding commitment to Canberra and community life, and of exceptional personal characteristics. I respectfully offer my condolences to her family, friends and loved ones in recognition of the passing of a committed and compassionate Canberran.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.09): On behalf of the ACT Greens, I rise to support the Chief Minister's condolence motion and offer our deepest sympathies and condolences to the friends and loved ones of Barbara Byrne. We are saddened at the loss of such a dedicated worker for our Canberra community.

Ms Byrne was a director of Actew, a lifetime member of Volunteering ACT and spent more than 12 years working in voluntary positions in the management of clubs and non-government community organisations, which was in addition to her 38 years in the commonwealth public service. She served on many boards across the ACT and was an honorary ambassador for Canberra in recognition of her work with local businesses. Ms Byrne received an Australian Centenary Medal, the Chief Minister's Lifetime Achievement Award, as well as the Order of Australia for her service to the community of the ACT through business, sporting and cultural organisations.

While not knowing Barbara personally, she was clearly dedicated to helping others in all areas of our community and she will be dearly missed by the many people she had supported through her tireless work. Again, I offer our most sincere sympathy to Barbara's friends and loved ones as they mourn the passing of this important Canberra citizen.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.10): I am honoured to speak to the condolence motion this morning in memory of Barbara Byrne OAM.

As a long-term member of the Australian Labor Party and, in particular, through my growing up in Weston Creek, I knew Barbara over many years. She was a wonderful woman. She was a great communicator, and I think anyone who knew her would know that she was never shy in letting her opinions be known. She was a strong supporter of younger people in the party, and particularly young women, and a strong supporter of many aspects of community life, particularly if they related to her beloved Weston Creek.

Barbara brought a great deal of energy, commitment and passion to the various roles she played. These roles were both within and outside the Labor Party. She made a true commitment to Canberra. I can think of only a few people who participate to the level that Barbara did in terms of contributing to our city's life and the community in so many different ways.

The Chief Minister has spoken of Barbara's involvement in the arts community, and I know some of my other colleagues will speak of Barbara's support for grassroots sport, her championing of volunteers and her commitment to the club sector, through which she played an outstanding role as both president and director of the Canberra Labor club and through the industry's peak body, ClubsACT, where she served as vice-president between 1998 and 2001.

Through the Labor club, Barbara was able to lend support to many not-for-profit organisations as chair of the community assistance committee. She was always very keen to hear about a worthy cause, if you were aware of one, and how she could help through her role on that community assistance committee.

Barbara was also a member of the board of directors of Actew. She was appointed to the board in 2003 and was reappointed for a further three years in 2006. She had been active in various community sectors for many years following her long and distinguished career in the Department of Defence. Her demonstrated commitment, loyalty and support of the community were greatly admired and were reflected in her contribution to the board. Her understanding of Actew's obligations and responsibilities to the community to provide reliable and adequate water supplies was ably demonstrated through her input into discussions of important strategic issues.

At the time Barbara joined the board, the territory had been experiencing drought conditions for a few years. These were challenging and difficult times as Actew developed strategies to address the impact of the drought and climate change. I know

that her contribution was greatly valued by her fellow directors and company management. I know I speak on behalf of all of those Actew staff and board members who worked with Barbara when I say that she will be sadly missed.

In 2006, as the Chief Minister has mentioned, Barbara received the Medal of the Order of Australia in the Queen's Birthday Honours List for her work in the ACT in business, sporting and cultural areas. She made an outstanding contribution to the community of Canberra throughout her life. She committed herself to improving our city and to building a stronger and more connected community.

As the Chief Minister said on the occasion of Barbara receiving the award of ALP life membership, "Barbara is the kind of individual who makes the ALP such a great force for good in this country—dedicated to improving the life of her community and willingly shouldering the administrative tasks that keep the party running and keep it growing."

I was sitting at Barbara Byrne's funeral on Friday, listening to stories from friends and colleagues, and I tried to recall when I had first met Barbara. I could not do it because, you see, Barbara was just always there. She was always there in the party, she was always there, out and about in the community. She was at every meeting, every community event, particularly in Weston Creek, and she was at every fundraiser, particularly any fundraiser supporting young women. She was widely respected amongst her peers. I think the turnout at her funeral of many average Canberrans but also notable Canberrans showed the impact she had made in her life.

I refer also to the strength that she showed in her illness and the support that she kept providing to others despite her own issues that she was facing at the time. It did not surprise me at all to learn that Barbara had organised the funeral from beginning to end, including the selection of all the music, the readings and who should speak at it.

Barbara will be sadly missed. I do not know what the next ALP fundraiser will be like without Barbara, but I know that certainly—and this is something she felt herself—she had lived life to the fullest. I support the Chief Minister in expressing my condolences and my support to her partner, Harold, who will miss her greatly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.15): I rise briefly to acknowledge the sad passing of Barbara Byrne but, more importantly, to recall a rich and varied life lived in the service of others.

Barbara's life has probably had an impact on every person in our community, although many will never have heard her name. Her remarkable career spanning 38 years in the public service, many of those spent in Canberra's more formative years, saw her serve Canberra and the Australian community in a number of areas.

As we have heard, as a volunteer she made a massive contribution to Canberra and the life of this city. As sports minister, I would just like to spend a few minutes talking about Barbara's contribution in this field. She was a member of the ACT regional AFL advisory board and president of her beloved Weston Creek Lions AFL club,

which she fought very hard to keep afloat during 2006. She was patron of the Weston Creek Men's Bowling Club and of Hockey ACT.

Barbara was also, as we have heard, president of the Labor club and vice-president of ClubsACT, both major contributors to community sports in the city. She received the outstanding service to the club industry award in 2002 and a Centenary Medal in 2003 in recognition of her years of voluntary work in the community. She was a great champion of grassroots sports in the ACT, seeing them as a great builder of community and, importantly, a way of helping people stay active and healthy. Canberra is the most active and healthy community in Australia, and it is a position we owe in no small part to the tireless work and contributions of people like Barbara Byrne.

Beyond sport, Barbara's interests and contributions to the community were many and varied. Her strong interest in business, especially as a vehicle for delivering for the community, saw Barbara become a director of Actew in 2004. I think it is fair to say that Actew's ongoing support for so many sporting groups, community groups and events will long remain a legacy of Barbara's time there. In recognition of her services to the ACT business community, she was made an honorary ambassador for Canberra. She brought her business acumen to bear in many community and sporting organisations. As the Chief Minister outlined, her involvement in business and sport was complemented by her interests in the world of culture and the arts and her belief in young Canberrans.

She was a great believer in social justice and the ideals of the Australian Labor Party, for which she worked tirelessly for many years. Pleasingly, the ALP community recognised her contribution by making Barbara a lifetime member of the ACT branch. As president of the Canberra Labor club, it was Barbara's role to say how long the bar would stay open on election nights. In her time, we had more fun on territory election nights than on federal election nights, but I can say that I saw Barbara on federal election night last year and, even though it was not her job anymore to decide how long the bar should stay open, her opinion was pretty clear.

The last message I had from Barbara was via our dear mutual friend Annette Ellis. Annette sent Barbara a message at Clare Holland House asking if she wanted visitors or not. The message that came back was obviously genuinely from Barbara: "No silly ones," she said.

Barbara Byrne was someone who got on with the job of serving her community, and did so quietly. She was part of the great tradition that sees so many Canberrans step forward to volunteer, a tradition that makes ours a robust and vibrant community. I know I speak for all members when I say that the condolences of this place go to Barbara's family, who, like so many in the Canberra community, will greatly miss her contribution but will also celebrate a life truly spent in the service of others.

MS PORTER (Ginninderra) (10.19): It is a privilege, though a very sad one, to stand here and be able to speak on this condolence motion today, to recognise the passing of a very strong and committed citizen and community volunteer and activist.

We all know about Barbara's strong involvement in the Labor Party, the Labor club and the union movement, as has been discussed by many speakers before me. But until the funeral last week I did not realise that Barbara joined the then Department of the Navy in 1952 and in 1976 became the first woman to become a clerk class 6 in the Department of Defence. Barbara was transferred to Canberra with Defence in 1979 and became a workplace delegate with the ACOA, the forerunner of the CPSU. During her working life, Barbara continued to play a very active role in her union, and from 1987 to 1990 she was seconded by Defence to the full-time Promotions Appeal Committee as the ACOA Promotions Appeal Committee nominee. In recognition of her dedicated union work, Barbara was made a life member of the then PSU in 1990.

This morning I particularly want to recognise Barbara's involvement in Volunteering ACT. Like Ms Gallagher, I cannot quite remember when it was that I first met Barbara; I think Barbara has always been there in our lives. But many years ago, when Volunteering ACT was in its very formative years, Barbara offered her services, stood for the board of governance at that time and subsequently served for a very long period as the vice-president of that organisation. Her industrial background was very valuable when dealing with such matters as the organisation's EBA with the paid staff, but she contributed so much and in so many ways from her very wide experience. For her work with Volunteering ACT, she was awarded life membership.

I clearly remember the time when the organisation was struggling with crippling rent payments and the need to find more affordable accommodation. Fortunately, this coincided with a time when the Labor club was seeking to expand its community involvement and had an empty building that it wished to lease. By this time, Barbara had stepped down from the Volunteering ACT board. She made representations to the Labor club board, which then decided to offer Volunteering ACT the premises to rent. It occupies the same premises to this day, and there is a plaque on the wall in those premises that recognises Barbara's work and her commitment to that organisation and to volunteering generally.

As I said, Barbara became a life member of Volunteering ACT in recognition not only of her work on the board but also in recognition of her community work generally. This morning we have heard from many speakers about her wide involvement in the community. We could all stand here for a long time and list them, and we would still miss some. We would still miss organisations that perhaps we do not even know that Barbara was involved with.

As other speakers have said before me, many people in the community have been touched by Barbara and not even known it. Community organisations that I know about that Barbara was involved with include Volunteering ACT, ArtSound FM, ACT AFL, the Weston Creek Lions football club et cetera. The list goes on and on; we have not got enough time to list them all today.

Barbara always engendered great respect from all those she had contact with and from organisations she was involved with. She had a generous and giving spirit that all those who came in contact with her experienced—as well as experiencing her feisty side. You always knew where you stood with Barbara, and she would always stand by you.

I would like to extend condolences to all of Barbara's family and friends and to her partner, Harold Logue.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (10.24): My colleagues have listed many of the wonderful things that Barbara Byrne has contributed to the community over the years. But it is rather remarkable—particularly for those of us in public life; we tend to know quite a number of people, quite a number of community leaders—that it is only when you go to celebrate someone's life that you find out the full extent of what people have contributed to their community.

For example, I knew passingly that Barbara had a connection with Volunteering ACT, but I had no idea of the extent of that connection with Volunteering ACT, nor did I know that she was awarded life membership of that organisation. And I was really pleased that a couple of days before she passed away she was awarded life membership by the national executive for her service to the Labor Party.

I would like to relate a couple of stories about Barbara Byrne. She was an enigmatic lady. It has been said many times that Barbara Byrne did not suffer fools gladly. She did not even suffer intelligent people gladly. If you happened to disagree with Barbara, it was a good idea to do it by email or letter; doing it by telephone or directly was a very bad experience. But she had a wicked sense of humour. She would quite happily pick up the phone—this was related at the celebration of Barbara's life—and ring me and say: "You've been in the news a bit too much lately, Johnno. What's going on?" Prior to that, the only person ever to speak to me in such a tone was my own mother, who had a remarkable similarity in the brusqueness that Barbara Byrne had.

As we all know, as people who knew her, Barbara Byrne had a very gravelly voice. It was a unique voice. You could hear it in the room. She was one of those people who could walk into a room and instantly command attention. That is something that she shared with my mother. But she also had the class, the carriage—and this is something that she shares with our good friend Annette Ellis. She had a carriage and a bearing. I have described both of these lovely ladies as going into a room like battleships in full sail. That is exactly what they did.

And I can attest to conversations with Barbara Byrne around doing things for people who needed them, people who were a little bit less well off. I would like to relate two stories. I acknowledge in the gallery one of my colleagues, Jim Mallet, who served on the Labor club board with Barbara Byrne. Of the two things, this is the smaller one in a way. We were approached by the family of a child who required a wheelchair. The family just could not afford it, full stop. They were too busy trying to do modifications for their home and getting their other kids to school. I thought that maybe the Labor club could help. I asked Jim Mallet to talk to the club. He talked to the sponsorship committee, and the Labor club came up with the money to get a wheelchair for this little girl to enable her to go to mainstream schooling. There was no fuss about that; there was no publicity about that. It was just the way that things happened. Barbara Byrne was the president of the club at the time.

But there is another story which was a really important thing for me personally. I ran into a woman whose name was Melissa Coultard, who may be known to some of us, who was connected with the then Women's Australian Football League here in the ACT. I ran into her at a president's luncheon at Manuka Oval one day. She asked me about women's sport. I said, like all politicians, "I am very keen to support women's sport." She said: "Well, let's see you put your money where your mouth is. How about you give us a hand?"

I found out that the ACT women's representative team had hitherto been playing interstate in the national competition wearing borrowed jumpers and borrowed socks—representing the ACT, thank you. I asked Barbara Byrne if she could help by sponsoring the women's team to go to Darwin to play in the nationals. She arranged that sponsorship; they ran onto the park wearing their own jumpers, their own socks and their own shorts. You might like to know that they felt fantastic; such was their feeling that they came second in the national competition. Having an ACT women's football team come second in a national competition is something else. A lot of it was due to the way the girls were feeling when they ran onto the oval in Darwin, and that goes down to Barbara Byrne. They recognised Barbara Byrne's contribution very significantly.

Many members here have contributed stories about how Barbara was instrumental in the ALP. On a personal level, she was very instrumental to me. She was around when I sought preselection. She was not of the group that I belonged to, but she encouraged me to run and she was one of the first two people who told me that I could possibly win. Her encouragement to me personally spanned 12 or 13 years and I will never, ever forget her.

I am sure that I join with everybody in passing our condolences to Harold Logue, her partner of many years—40 years—to Barbara's family and also to a dear friend who was very close to Barbara, Ashley Lightman, who is known to many members on this side of the house, who worked with Barbara in the Department of Defence. They were in the Navy. Ashley is feeling Barbara's passing very, very acutely. They were identical in every way—the gravel voice, the direct advice and the soft heart surrounded by a really hard shell.

It does not give me pleasure to rise to speak on this condolence motion but it gives me great pride to be able to stand in this place, as a product of Barbara Byrne's advice, and recognise her contribution.

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

Petition

The following petition was lodged for presentation, by Mr Barr, from 103 residents:

Waramanga shopping centre—petition No 101

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is no public toilet at the Waramanga Shopping Centre where there is a significant demand for this facility especially noting the ageing demographic of the users of the shopping centre.

Your petitioners therefore request the Assembly to **provide a public toilet at the Waramanga Shopping Centre as part of the proposed refurbishment.**

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

Justice and Community Safety—Standing Committee Scrutiny report 11

MRS DUNNE (Ginninderra): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 11, dated 24 August 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report No 11 contains the committee's comments on two bills, one government amendment, 81 pieces of subordinate legislation and six government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Long Service Leave (Portable Schemes) Bill 2009

Debate resumed from 26 June 2009, on motion by **Mr Hargreaves:**

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.33): The opposition will support this bill, which brings the Construction Industry Long Service Leave Authority and the Cleaning Industry Long Service Leave Authority together under a single newly funded management body, the ACT Portable Long Service Leave Authority.

Under the bill, the ACT Portable Long Service Leave Authority will consolidate its administrative processes and make them more efficient by, for example, producing only one annual report and one statement of intent. I notice that both current funds are managed by a single administrative unit already. There will be one enlarged board of governance. The new authority will, however, continue to maintain separate accounting records and reporting arrangements for each fund.

Currently the building and construction industry fund assets total approximately \$59 million, with 7,500 members, while the cleaning industry fund has about

\$4.3 million in assets, with 4,500 members. This will pave the way for other industry portable long service leave funds to be established, including the fund foreshadowed in the 2008 budget for the community and childcare sectors.

Commencement will be by written notice of the minister, at which time the Long Service Leave (Building and Construction Industry) Act 1981 and the Long Service Leave (Contract Cleaning Industry) Act 1999 will be repealed. The bill carries a range of strict liability offences. The explanatory statement notes that in relation to the purpose of this bill, there has been consultation with the two existing authorities and relevant unions, and that all stakeholders have agreed to the amalgamation.

The main issue to monitor is if the government uses this catch-all legislation and fund management arrangement as a catch-all for a range of other industries. It would be all too easy to establish a portable scheme for any industry, because new legislation, boards and administrative arrangements would not be required; only an amendment to the new act.

As I mentioned earlier, the government intends to use this new scheme to bring the community and childcare sectors under a new umbrella. Indeed, the minister has indicated already that he intends to introduce a bill in the spring sitting to capture these sectors under new legislation. This will only require amendments to the main act, the drafting of a new schedule and the recomposition of the board.

The new board of seven members will actually have one more member than the two existing boards currently have, six in total, and will be further expanded if and when new industries are brought into the authority's management. It will be composed of a chair, one member each representing employers and employees of each industry—a total of four at the moment—plus two ministerial appointees, one of whom will be the deputy chair. The explanatory statement notes that some rationalisation of the board may be necessary in future as more industry funds are added to the authority's management.

Mr Speaker, apart from my stated concern that this bill makes it too easy for the minister to simply decide that an industry should be brought under its umbrella and a new portable long service leave scheme be established, this is a sensible simplification of the current system and should create some efficiencies in administration.

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) (10.37): Mr Speaker, there are occasions in this chamber when we have the opportunity to legislate on things that go straight to the heart of our values as a Labor government, and this is one of those occasions. It is an occasion when we can build upon one of the entitlements enjoyed by many thousands of working men and women and create the potential for that entitlement to be extended to others.

In the modern world of work, fewer of us remain in a single job or even with a single employer for decades, as our parents or grandparents might have done. The very structure of the industries in which we work has changed. But with flexibility has

come the danger that some of the hard-won rights of working men and women may be lost. Particularly vulnerable are those in industries where jobs tend to be project based, where there is significant churn or where workplaces are small and career progression means moving from organisation to organisation.

To date a number of industries have acknowledged these realities and have made provision for workers to take their accruing long service leave entitlements with them when they move from employer to employer within a single industry. The cleaning industry is one and the construction industry is another. The rationale is simple: those who, by the nature of their work, are someone itinerant can count their years of service for a particular industry as a continuum, with each employer paying into a legislated scheme for the duration of the worker's employment.

As you might imagine, Mr Speaker, the proliferation of dedicated industry-based schemes is not necessarily the best way to go. In fact, the bill being debated today reflects a recognition not just within government but within the relevant industries themselves that an integrated scheme to oversee portable long service leave is the logical way to go. Both the authority that administers the construction industry's long service scheme and the authority that administers the cleaning industry's scheme are in favour of a single, integrated authority.

Extensive consultation with all stakeholders has been undertaken in the preparation for the bill that will establish this integrated authority. The process has been informed and enhanced through detailed collaboration with the governing boards of the two authorities that will be subsumed into the new single authority. It has been informed and enhanced by consultation with employer representatives and, of course, detailed and fruitful discussions have been held with each of the relevant unions.

Australia leads the world in the provision of long service leave. It is only fair in a society such as ours, committed to equality and genuine work-life balance, that we ensure as far as possible that working men and women can enjoy the entitlements enjoyed by their neighbours. One of the great advantages of the new authority proposed by this bill is that it is designed to allow the future entry and incorporation of additional industries over time. You can do this because while the day-to-day administrative functions of the former authorities are being amalgamated, the assets of each industry's fund are quarantined for the use of that industry's members. Each industry will have the capacity to set its own long service leave levy, taking into consideration the size and performance of its own accumulated assets.

As members would know, the government is currently working on portable long service leave for both the community sector and the childcare sector, two industries in which workers have historically worked for multiple employers over the course of a career and have paid the price when it comes to the accrual of long service leave entitlements. It is relevant in this context that the majority of workers in both these industries happen to be women, who have traditionally confronted additional barriers to the accrual of long service leave entitlements because of the fractured nature of their work histories.

The bill before the Assembly today is an important one. In the short term, it will allow for considerable administrative efficiencies for two of this town's important industries.

In the longer term, it may see more and more working men and women get access to an entitlement to which they have been denied through no fault of their own.

As I said at the outset, this is the sort of legislation that we, on this side most particularly—and I do acknowledge the support that Mrs Dunne has just indicated that the opposition will provide for this bill—do take significant pleasure in being party to and being able to proceed with in the Assembly. I commend the bill to the Assembly and thank members for their support.

MS BURCH (Brindabella) (10.41): Mr Speaker, as a matter of background, it is important to remind ourselves, including those opposite, of some of the history of the long service leave schemes operating today in the ACT and thereby put some of the recent reforms into their historical context.

The construction industry portable long service scheme commenced on 1 October 1981. It was established in recognition of the construction industry being primarily project or development based, with the majority of workers not staying with the one employer for any great length of time, although they stayed in the construction industry itself for many years.

Consequently, under normal industrial and long service leave working conditions, construction workers would hardly ever qualify for long service leave. Having many of my family members involved in the building and construction industry myself, I have seen firsthand the long years of employment and contribution that have not often been balanced with their ability to have the benefit of long service leave. These sentiments have also been raised with me through my meeting with many local workers and contractors from my electorate of Brindabella.

Workers within the construction industry quite rightly believed that they required a scheme that was portable and that was managed externally on behalf of both employees and employers. There was a belief that construction workers should have a scheme that registered employers operating in the ACT and registered employees working in the ACT, a scheme that collected and invested their contributions, a scheme that recorded each worker's length of service—that is, the number of days worked with a particular employer—and a scheme that verified and paid their claims for entitlement benefits and monitored their ongoing status within the scheme.

Consequently, an authority with a governing board was established to manage such a scheme. This concept was developed further so that now all Australian states and territories have a construction industry portable long service leave scheme. Most of these schemes are managed in a similar way to that in the ACT, with their counterparts in Victoria and Tasmania having trustee companies to manage their schemes.

While there are different structures and governance arrangements between the schemes in the states and territories, we have achieved a positive result by having in place reciprocal agreements between all Australian jurisdictions. With this agreement in place, workers' service credits in any jurisdiction count in a manner that works towards their overall long service leave benefits, regardless of where they are employed before taking their long service leave.

I would also like to make some comments on the cleaning industry portable long service scheme, which commenced on 14 July in the year 2000. The cleaning industry is not a very visible industry. It is often undertaken after hours and out of sight. But we here in this building benefit from their service each and every day. The cleaning industry portable long service leave scheme arose out of the recognition that cleaners were amongst the lowest paid workers, worked primarily part time or casually, often at more than one job and with more than one employer, and rarely, if ever, remained with the one employer long enough to accrue long service leave.

A separate authority under a separate board, but with the same staffing resources, was created to manage this scheme. To date, only one other jurisdiction, Queensland, has followed the ACT lead in establishing a portable long service leave scheme for cleaners.

I would like to touch on the role of the authorities and their associated boards and the statutory administrative functions of the two authorities under their acts. The two authorities' specific roles and statutory responsibilities include that they administer the scheme of long service leave benefits; they make long service leave payments; they maintain a register of employers, employees and contractors; and that they exercise any other function given to each authority under its act or by any other territory law. The authorities' primary stakeholders are employers, employees and independent contractors engaged in the respective construction and cleaning industries in the ACT.

Public service staff manage both authorities and the registrar or chief executive is a non-voting member of both boards. Individual scheme-based assets and liabilities and operational and administrative costs are separately identified, while corporate or common overhead costs are shared in accordance with a formal cost-sharing arrangement formally approved by both boards on a yearly basis. These are some of the core issues for moving to an integrated scheme and board.

The boards, as will the new board, set the strategic direction of the authorities and closely monitor operational activities—in particular, the financial management of funds. Both authorities are run through funds received from employers' levy-based contributions and income earned on these funds through managed funds or rural property investment. Neither authority receives any funding from the government. All staff costs, including the value of any services provided by the Chief Minister's Department and Shared Services, are reimbursed by the authorities.

Robust and comprehensive accountability regimes are in place for both authorities requiring them to submit separate statements of intent, annual reports, audit reports and statements of performance. A key benefit of the integration of the two authorities will be a reduction in the duplication of much of the administration. Most importantly, high levels of fiscal and operational accountability will be maintained as the single authority will still be subject to all relevant ACT legislation, such as the Financial Management Act and the annual reports act. Additionally, separate yearly and three-yearly reports will be still required for each scheme.

Despite the international financial crisis and the general slowdown in economic activity throughout Australia, recent actuarial reports confirm that both schemes are in a sound financial position. In addition, the investigations underpinning these reports and recent yearly fiscal and performance audits by the Auditor-General have confirmed the integrity of workers' service, record keeping and leave entitlement calculations, and employer registrations and levy collection mechanisms. In other words, the schemes are underpinned by sound economic and administrative principles. The reforms are well founded and will lay a firm foundation for the management and operation of long service schemes well into the future.

If I could recap, the construction industry portable long service leave scheme was established in recognition of the construction industry being project or development based and the workers really not staying with employers for any great length of time and, therefore, not being able to access or qualify for long service leave. Workers within the construction industry rightly believed that they required such a scheme that was portable and that was managed on behalf of the employees and the employers.

The cleaning industry portable long service leave scheme arose also out of the recognition that cleaners were amongst the lowest paid workers, worked part time or casually, often for not very long at one job and with multiple employers. They, too, thought that they needed the security and the benefits of long service leave. The two created authorities will administer and be accountable for the two long service schemes. They make long service payments to the employees, they maintain a register of employers, employees and contractors and they undertake other functions that are given to them under the law.

Robust and comprehensive accountability regimes are in place for the authorities which require them to submit separate statements of intent and annual reports and to meet other reporting requirements. I commend the bill to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.51): The ACT Greens will be supporting the Long Service Leave (Portable Schemes) Bill 2009. I do note that the minister will be moving amendments a bit later today in response to the Standing Committee on Justice and Community Safety's scrutiny report of 10 August 2009.

The Greens accept that the integration of the ACT Construction Industry Long Service Leave Authority and the ACT Cleaning Industry Long Service Leave Authority into a single ACT Portable Long Service Leave Authority will provide greater administrative savings and increased benefits for members. We recognise that this bill will result in the integration of the two existing authorities under one board with separate schedules detailing the attributes and entitlements relating to each specific scheme. It is envisioned that the new board will more easily oversee the operations of multiple schemes within the authority and will reduce the administrative burden on the authority.

This new legislation will also allow for the establishment and implementation of schemes for additional industries in the ACT, and I note that the government intends

to introduce a community sector scheme some time later this year. I note that the minister informed the Assembly that the provisions in the legislation for the community sector scheme will be informed by the consultations undertaken with workers and employers in the community sector earlier this year. The Greens will be looking forward to continued consultation with the community sector in the lead-up to the introduction of this legislation to ensure that all employers within the community sector understand their obligations and are able to provide their employees with long service leave entitlements.

I just wanted to make a note that the start of this discussion around a portable long service leave scheme for the community sector came out of the community sector task force report that was done several years ago that acknowledged that there needed to be a number of things done in order to assist the community sector in attracting and retaining staff, particularly staff with qualifications. This scheme will be a bonus. It will be a step forward in assisting those community organisations to hopefully retain their employees and certainly to attract employees into the sector.

The Greens have always supported increased entitlements for employees, and long service leave is a basic provision that all employees must be assured of. The Greens will continue to support reforms in the area of portable long service leave management and administration in the ACT, especially in areas such as the community sector which provide essential services to the community and, as I have said, have often fallen behind in entitlement reform.

MS PORTER (Ginninderra) (10.54): Before speaking directly on the bill we are debating today, I would like to take this opportunity to reflect on what brings us to this chamber to discuss the Long Service Leave (Portable Schemes) Bill 2009. I am not sure that all members in this place are aware that long service leave is a benefit unique to Australia and New Zealand and some public servants in India and can be traced back to our colonial influence. It is believed that this leave has developed from the concept of furlough, which was temporary leave of absence from employment or duty in the armed services or, interestingly enough, from a prison term.

Mr Hanson interjecting—

Mr Hargreaves: Are you supposed to be upsetting me today, are you? You'll have to do a little better than that.

Mr Hanson: We will. Don't worry.

Mr Hargreaves: I look forward to it. Vicki's been trying to do it for about six or seven years and hasn't managed to do it yet.

Mr Hanson: How am I going?

Mr Hargreaves: Not real well.

Mr Hanson: Really?

Mr Hargreaves: You're too nice a guy. You're not a nice guy?

MR SPEAKER: Mr Hargreaves, you are interrupting Ms Porter's speech.

Mr Hargreaves: I apologise, Ms Porter, and to you, Mr Speaker.

MS PORTER: Thank you. In the 19th century, furlough was a privilege granted by legislation to colonial and Indian services due to the duration of travel by ship—six-month trips were not uncommon—to and from England. Furlough would provide an immigrant civil service staff member with a single opportunity to revisit friends and family left behind in England with the security of held positions in Australia. In fact, this concept of furlough was adopted by some organisations with staff in remote areas within Australia to allow families to return south for extended periods of time. I and my family benefited from this policy when working for so long in Arnhem Land in the Northern Territory. The concept spread beyond the public service over the period 1950 to 1975, mainly as a result of pressure from employees seeking comparability with the public service.

In most industries, long service leave is provided either directly by the commonwealth, state or territory legislation or through federal and state awards. In normal circumstances, entitlements to the full benefit fall due after a minimum continuous period of employment generally of 10 years, and pro rata provisions are available under certain circumstances. In the organisations I previously worked with in the not-for-profit sector, it was more common to award pro rata provisions.

Long service leave is typically awarded to employees after completing a considerable tenure with a single company. However, within a limited number of industries, such as the construction industry and the cleaning industry in the ACT or, indeed, within the public service, it is possible to transfer long service entitlements from one employer to another. This is mostly done through specific legislation schemes which employees in those industries pay into and which administer the funds to employees. The itinerant project-based nature of these industries means that workers have to move from employer to employer which, without the portability schemes introduced, would prevent workers from accruing sufficient continuous work with one employer to become eligible under normal long service leave provisions, as the Chief Minister previously said.

All of that is by way of background to the debate before the Assembly today. I would like to remind members that both the ACT Construction Industry Long Service Leave Authority and the ACT Cleaning Industry Long Service Leave Authority agree that the most appropriate way to progress an industry-specific portable long service leave scheme is to establish a single, integrated ACT portable long service leave authority. Like Ms Burch, I have experienced the building industry through my family members, currently through my stepson, who is a project manager for commercial building projects.

To facilitate the establishment of a single, integrated ACT portable long service leave authority, extensive stakeholder consultation was undertaken prior to the development

of the bill. This resulted in agreement from both the long service leave governing boards, employer and employee representatives and all relevant unions that this proposal is in the best interests of the long service leave schemes. Indeed, it is not just a long-held desire of the construction industry and the cleaning industry to establish a single integrated portable long service leave authority but also that of the ACT government.

The bill we are debating today will see these two long service leave authorities merge into a single long service leave authority, and the commonalities of their existing schemes will be amalgamated into an overarching portable long service leave scheme. The implementation of the integrated ACT Portable Long Service Leave Authority will incorporate the existing boards and functions of the ACT Construction and Long Service Leave Authority and the ACT Cleaning Industry Long Service Leave Authority in one streamlined and efficient management framework.

There are many areas where efficiencies in administration can be made with the amalgamation of these two bodies. Synergies exist in the manner in which currently both the authorities conduct their financial reporting and their annual reporting. Synergies also exist in the way in which appointments are made to the separate authorities as well as in the daily operations of the governing bodies.

The bill achieves economies of management and administration as well as providing greater benefits and outcomes for employee members from the amalgamation while maintaining the individual integrity of the specific industry funds. The framework establishes the required administrative and management structure needed to effectively manage the long service leave provisions of the construction industry and the cleaning industry. This will provide greater benefits and outcomes for members of these schemes by creating administrative savings whilst maintaining the individual integrity of the specified industry funds.

I would like to remind members of the fact that the day-to-day administration of both of these long service leave authorities is undertaken by small, dedicated management units with one chief executive officer or registrar and one inspectorate operating with dual appointments under the current relevant acts. The administrative arrangements proposed by this bill will incorporate the current requirements into a single integrated portable long service leave authority. This single integrated portable long service leave authority will have one governing board established for both existing schemes and any future schemes. All staff involved in the single integrated authority, including the chief executive officer or registrar and the deputy registrar and inspectors, will be appointed under the provisions of this proposed legislation.

Under the current arrangement, each governing board for the construction industry and cleaning industry long service leave authorities consist of a chair, one member representing employees and one member representing employers. The bill proposes a new single governing body which will oversee the portable long service leave provisions, and the new governing board will be made up of a maximum of seven members. The governing board of the proposed new long service leave authority will initially consist of a chair, at least one member representing employer organisations, at least one member representing employee organisations and at least one member who is not appointed to represent an employer or an employee organisation.

The new governing structure will provide the best balance of equity to their membership, and this will ensure that there exists an appropriate mix of skills and experience within the governance of the authority. Currently both long service leave authorities are required to maintain separate operations for the purpose of the board's secretariats, financial and annual reporting and fund investment. However, once again, these requirements are met by the same administrative unit. As such, the bill seeks to amalgamate existing structures to achieve greater efficiencies in the financial and reporting functions of the schemes, including the management and investment of the separate industry funds.

Whilst it is roundly agreed as desirable to amalgamate the roles and functions of the operations of long service leave authorities, the bill does, in fact, quarantine the assets of each industry's long service leave fund. A consequence of this quarantining will see all covered industry schemes maintaining the requirement to produce separate financial statements and reporting requirements. The quarantining of each scheme's assets recognises the historical accumulation of the assets of existing funds. In turn, this will enable each scheme to set its own long service leave levy relative to the fund's size and performance.

For the information of members, at present the construction industry scheme maintains an estimated \$59 million in assets and a membership of 7,500, whilst the assets of the cleaning industry scheme are estimated at \$4.3 million with a membership of 4,500.

This new scheme does not rest on its laurels and simply exist for the administration of the long service leave funds of the construction industry and cleaning industry. That is not the case at all. The beauty of this bill is that it can be extended to allow for future separate long service schemes to also be incorporated under the provisions of the bill. It has already been flagged with the Assembly that the legislation will be presented to provide for a portable long service leave scheme for the community and childcare sectors. These are sectors that I believe will benefit greatly from being included under the auspices of this portable long service scheme, as many employees within these sectors may be working for more than one employer. It is also often the case that people working within these sectors work for a shorter period than the 10 years that we were mentioning before. This bill provides fairness and equity in administering the construction industry and cleaning industry long service leave provisions. This will greatly benefit the employees of these industries as benefiting all future schemes that may join at a later stage.

I would like to reflect before I close on what I was saying at the beginning of my speech. I do not think members opposite actually were paying attention. I thought the history of how long service leave came about was particularly interesting—that is, through the 19th century introduction—

Mrs Dunne: Mary, I promise I'll read it in *Hansard*.

MS PORTER: I doubt very much whether Hansard could even hear what I was saying, given that there was so much noise in the chamber at the time. I will just

reiterate that in the 19th century, furlough was a privilege granted by legislation to the colonial and Indian services due to the duration of travel by ship of people backwards and forwards from England. As an immigrant myself, I spent four weeks on a ship travelling from England to Australia at that time, and I can imagine how difficult it was for people who were separated from their families by such a long trip. I think it is wonderful that those furloughs were granted to people to allow them to return to their families. I am very pleased to be able to stand here today and support this bill. I encourage members of the Assembly to support this legislation put forward by this government.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (11.07), in reply: Not since Mrs Dunne's 21st birthday has it been all about her. This is not all about you, Mrs Dunne; this is all about working people.

I am delighted to have the opportunity here today to explain to members how the Stanhope Labor government is delivering administrative and structural reform to both the Construction Industry Long Service Leave Board and the Contract Cleaning Industry Long Service Leave Board. Delivery of long service leave arrangements in both these sectors has grown independently, although administered and supported through the same group of public servants burdened with duplication of fiduciary, actuarial and statutory reporting obligations. Faced with this administrative duplication, the prospect of an expanded long service leave program with the incorporation of the community sector, the government chose to act and accept the challenge of redesigning the scheme's administrative structure.

It was also part of the government's thinking that, with these challenges, came a terrific opportunity to examine what might be best for an integrated scheme and what type of board arrangements would best meet the emerging and future needs of this new entity. Until now, the view was that it was simply a case of drawing representation from a particular business or employee sector, bringing them together and leaving them to their best devices, supported by the registrar.

The reality today is that the new authority deserves to have the best minds from across our community applied to the business of making well-thought-through and informed strategic economic decisions on behalf of all contributors and beneficiaries. The objective for the government is to provide the best outcome for all those with an investment in the integrated scheme, employers and workers.

We are proposing that the new board consist of a maximum of seven members. That is what we are proposing. While I intend to seek nominations from peak business and employee groups, including the trade union movement, I will also be seeking nominations from across the insurance and commercial sectors of the Canberra community.

The government's view is very clear: attract to the board those within our community who have the business and actuarial experience to enable sound, strategic decisions to be made in an environment conducive with best practice and in accordance with an

agreed strategic plan. These reforms have in mind not only the needs of the existing sectors; they include the future integration of the community sector and the future demands and needs of the new authority as it looks towards the future through the prism of unsettled economic times.

This government, the Stanhope Labor government, understands its obligations to achieve the best possible value in the management of the new, integrated authority. The most important aspect of these various portability schemes is that they allow vulnerable workers to accrue and access long service leave where they might otherwise have been unable to do so.

Also, I would like to acknowledge the work undertaken by the scrutiny of bills and subordinate legislation committee, part of the Standing Committee on Justice and Community Safety, whose chair is the absolutely illustrious and bilingual Mrs Vicki Dunne MLA, member for Ginninderra and politician extraordinaire. I acknowledge the work of the scrutiny of bills committee, in spite of her presence on that committee. No, I take that back. She makes a wonderful contribution to the body politic in this place. She adds colour, she adds more colour, and occasionally she adds colour.

But I would also like to acknowledge the work of the scrutiny of bills and subordinate legislation committee and the amendments flowing from their response to the draft bill. I served on that committee for 6½ years, I think, and realised in my service then the value that that part of the justice and safety standing committee can actually play. It is a fantastic role. I would also like to acknowledge, while I am here, the support that that subcommittee actually gets from their advisers, because that is invaluable too.

I would like to turn my attention to the consultation process supporting these reforms and the decisions taken by the two boards to also support the initiatives. It is important to note that the boards of both the construction industry and cleaning industry long service leave authorities are strongly in favour of the provisions contained within this bill and have declared their support for an integrated board structure formally at respective authority board meetings.

In coming to their decision, members of both boards have undertaken consultations with their respective stakeholders and constituents since the government's decision to establish a new community sector long service leave scheme was announced in the context of the 2008 budget. This decision provided the impetus to seek to rationalise the current two-authority structure. Members of existing boards have reported support amongst employees and employers for an integrated authority structure under one governing board while still retaining the financial integrity of the existing long service leave schemes.

This bill also provides for the achievement of better outcomes for employers and employees in the construction and cleaning industries through administrative savings by having a single piece of legislation, with separate industry schedules detailing the attributes and entitlements relating to each specific scheme, while also maintaining the financial integrity and independence of the specific schemes.

Faced with the challenges of the current economic climate and the uncertainty of the future, it is essential that the board of this authority provide good governance and leadership in the stewardship of workers' service credits and entitlements within the schemes and the employers' levy contributions paid into these funds. To this end, I will be seeking nominations from across the community for membership on the new governing board from business, peak employer and employee organisations and the community in general so that the challenges of the future are met with the best balance of skills and experience that is available to us.

As I have already mentioned in this Assembly, this legislation allows the continuation of a range of improvements being currently undertaken in the area of portable long service leave management and administration in the ACT. It provides the vehicle for the integration of any possible future industry-specific schemes into the administrative fold of the authority.

I would like to thank members of the Assembly for their support. I would also particularly like to express appreciation to those officers from the Office of Industrial Relations that have had a significant contribution to the creation of this legislation. I would like to name Robert Gotts, Chris O'Rourke and, of course, from the Long Service Leave Authority, Phil Collins and his staff. For the record, I would also like to thank the former Speaker of this place, Mr Wayne Berry, who has sought to have—

Mr Hanson: On a point of order, Madam Deputy Speaker: the minister is repeating himself. He has thanked everybody under the sun for putting this bill together, twice. He has talked about who the members of the board are going to be and who he is going to seek as membership of the board a number of times. Clearly, under standing order 62, irrelevance and tedious reputation, I would ask you to ask the minister to come to the point.

MADAM DEPUTY SPEAKER: I do not believe there is any point of order. I think Mr Hargreaves is about to conclude.

MR HARGREAVES: I was. Thank you very much, Madam Deputy Speaker. Madam Deputy Speaker, I might also ask you to consider at a later time pulling Mr Hanson up on the basis of filibustering, because this guy is not allowed to get away with that sort of thing.

As I attempted to do before I was so rudely interrupted, I want to actually acknowledge for the record—given that this part of the legislation is about to have passage—the contribution of the former Speaker, Wayne Berry. It was his vision that we have a single portable long service leave scheme across all sectors of the ACT workforce so that everybody would have their rights protected and be able to enjoy it. I know he indicated so many of the challenges that we have addressed today.

So I would like the record to show that we do, all of us—particularly Mrs Dunne, a fellow member for the seat of Ginninderra, and latterly the poor man's Christopher Pyne, Mr Alistair Coe, who, after he has examined the *Hansard* of Mr Berry's speeches, will see how he can conduct himself in this place—support this legislation.

I am very pleased to say thank you very much to everybody in the Assembly for your support of this wonderful piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (11.18): I move amendment No 2 circulated in my name, in accordance with standing order 182A [*see schedule 1 at page 3635*].

When I presented this bill, I foreshadowed that the board construct of the new amalgamated Long Service Leave Authority would need to be revisited at some time in the future if any other industries were to be included within the administration of the authority. As the government is committed to a portable long service leave scheme for the community sector industry, it is timely that this bill be amended to provide for a more flexible and accommodating board structure prior to the commencement of the new arrangements for the authority on 1 January 2010.

Currently under the bill the governing board of the proposed new authority would initially consist of a chair, two additional independent members, one member representing employers and one member representing employees from each covered industry. Based on the current industries, that would see the inaugural board consist of seven members. However, with the possible inclusion of the community sector, that number would rise to nine and, with any future industry participants, that number would increase by two each time.

As the purpose of the board is to provide good governance and business leadership, it should be in a position to provide the best balance of equity to its membership and ensure an appropriate mix of skills and experience can be brought to the governance of the authority. With the size of the board not restricted, its capacity to achieve this would become progressively more complex and hindered by its numbers, with the possibility of a conflict of outcomes from within the increasingly varied and diverse industries.

Under the proposed amendment, the governing board will provide a membership of up to a maximum of seven members, with the membership criteria based on industry skills, governance and financial leadership and expertise. I commend the amendment to the Assembly.

MRS DUNNE (Ginninderra) (11.20): The opposition will be supporting this amendment but on the proviso—and I think it needs to be repeated—that, while the opposition supports the extension of the portable long service scheme to the community sector, we do have concerns about the propensity that the government

may have to extend it beyond that sector. That is a matter that we would have considerable concern about. But as it stands, we will be supporting this amendment.

Amendment agreed to.

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (11.20): Before I move the next amendments, I table the supplementary explanatory statement to the government's amendments. I seek leave to move amendments Nos 1 and 3 to 11 circulated in my name together.

Leave granted.

MR HARGREAVES: I move amendments Nos 1 and 3 to 11 circulated in my name together [*see schedule 1 at page 3635*].

Following the tabling of the Long Service Leave (Portable Schemes) Bill 2009 on 25 June 2009, a small number of amendments to enhance or clarify some provisions have been identified, including those arising from comments from the scrutiny of bills committee, and I express formally my appreciation for that. These adjustments do not change the policy or intent of any of the provisions but merely ensure that, after such a major piece of drafting, nothing has been lost in the repackaging of the legislation.

In scrutiny of bills report No 10, released on 10 August 2009, the Standing Committee on Justice and Community Safety commented generally on clause 2 dealing with the commencement of the bill. Specifically, the committee questioned whether in this instance it is an appropriate delegation of legislative power to have the minister fix a written notice for the date of the commencement of the act.

The bill was drafted in this manner as a contingency to cover any possible delays in the authority's readiness to implement the new provisions. Since the completion of drafting, it has been confirmed that all administrative arrangements will be ready for a 1 January 2010 launch. As a consequence, this amendment provides for a commencement date of 1 January 2010.

Amendment No 3 to clause 43(3)(b) addresses a comment by the scrutiny of bills and subordinate legislation committee regarding an incorrect cross-reference. It is just machinery. Amendments Nos 4 to 7 relate to clauses 54(1) and (2) and clauses 55(1) and (2).

Another comment by the scrutiny of bills committee refers to clause 54 of the bill dealing with the quarterly returns by contractors. Currently clauses 54 and 55 dealing with the payment of levies by contractors attract a penalty for non-compliance and are strict liability offences. The committee questioned whether there should be a penalty in these instances. The government acknowledges that, as registration and the requirement to lodge returns and pay levies is voluntary for contractors, penalties should not be imposed under these clauses. The government amendments now reflect this position, and I thank the committee for pointing that out.

Amendment No 8 is to clause 64. This amendment omits clause 64 of the bill and substitutes a new clause that more clearly signposts that the service credits for a covered industry are worked out under that covered industry's particular schedule.

Amendment No 9, which is to schedule 1, clause 1.16, omits clause 1.16 of schedule 1 and substitutes a new clause 1.16 to clarify for the building and construction industry that a year is based on 220 days and that workers must work at least that number of days per year to accrue a full year of service.

Amendment No 10 to schedule 2, clause 2.16, substitutes a new clause 2.16 that acknowledges the substantial number of cleaners who work on a part-time or casual basis. A cleaner's working year for long service leave purposes is 365 days, based on the quarterly return periods. However, they are credited with a full quarter of service, regardless of the number of days actually worked during a particular quarter. The calculation of a cleaner's entitlement is also based on their actual part-time or casual ordinary wages and a cleaner cannot be credited with more than one day of service for each day worked, regardless of the number of employers they work for each day.

Amendment No 11 amends the dictionary to properly identify the relevant schedules for the covered industries. I commend all of the amendments to the Assembly.

MRS DUNNE (Ginninderra) (11.26): The opposition will be supporting these amendments, and I particularly thank the minister for giving way on those issues in relation to strict liability offences. As members know, I have a particular detestation of unnecessary strict liability offences, and it was clear in this case that these were egregious examples. I was assured in the briefing that I received that all the strict liability offences that were in this bill had been in the previous legislation. I am not sure that that was the case with these but I am not going to lose any sleep over that.

I am grateful that the minister has taken up the recommendations of the very diligent adviser to the scrutiny of bills committee. Mr Bayne is the person who finds all the cross-referencing problems; it is beyond my ken. I also think that it is sensible for the minister to have a definite commencement date. We will be supporting these amendments.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.27): As I indicated before, the Greens will be supporting the amendments to the bill. We are pleased to see these amendments acknowledging the concerns and recommendations raised by the scrutiny of bills and subordinate legislation committee. I also want to say a thankyou too that I left out earlier to the Office of Industrial Relations and to the Long Service Leave Authority for a briefing on this bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

Water—security

Paper and statement by minister

Debate resumed from 26 March 2009, on motion by **Mr Corbell**:

That the Assembly takes note of the paper.

MRS DUNNE (Ginninderra) (11.28): I thank Mr Corbell for making this ministerial statement on water security for the ACT. I thank him because his statement brings into sharp relief the Stanhope-Gallagher government's quite unbelievable record of inaction and state of denial since it came to office in 2001 in relation to our water security. For eight years, in a time of unprecedented drought across this nation, the Stanhope-Gallagher government has put its head in the sand in relation to securing the ACT's water future.

This is in the knowledge that, as Mr Corbell commented in his statement, the ACT's average inflows over the past 15 years have been 93 gigalitres, or less than half the long-term average. The average inflows since 2002, a year after the Stanhope government came to office, have been 67 gigalitres, almost all of which would be consumed every year by the ACT. Over the past three years the average inflow into Canberra's dams has reduced below our average usage out of the dams at 46 gigalitres. All of these numbers, according to Mr Corbell, are lower than the figures recorded during the great drought years of 1901 to 1914 and during the Second World War.

Let me go back briefly to the previous Liberal government in the ACT, to the period pre 2001. The previous Liberal government developed the ACT's greenhouse strategy which sought to reduce emissions and meet our targets. Canberra, under a Liberal government, became the first Australian city to join the cities for climate protection program. Under this program, the former Liberal government implemented a large range of initiatives, all directed at reducing our greenhouse gas emissions. In addition, they sought to protect our environment and address climate change.

On the legislative front, the Canberra Liberals implemented the first water resources legislation in the ACT, which included the first water resources management plan. They introduced environmental flows guidelines—since then they have been significantly improved—and a number of other initiatives, including cash-backs for installing water efficient showerheads.

On another front, we worked hard and we eventually obtained some membership of the Murray-Darling Basin initiative to reflect the ACT's awareness of the need to ensure the future sustainability of this important area across jurisdictions. I have in the past complimented the Chief Minister on his initiatives to improve and increase the ACT's cooperation in the Murray-Darling Basin in its various guises since then.

That was pre 2001; it was pre the 2001 Stanhope era. This was before we got to the worst droughts that we have seen in the ACT's history, the ones that Mr Corbell commented on in his statement. These were only little things by comparison with what we know we have to do now, but they amounted to real action and they were the start of things to come.

In 2004, the Canberra Liberals announced a wide range of water saving and security initiatives, all aimed at reducing our mains water consumption by eight per cent per capita by 2007, followed by 15 per cent by 2011 and 25 per cent by 2015. These results were to be obtained through a combination of education, water and energy audits, indoor and outdoor water efficiency measures, installation of water efficiency measures in government buildings, improved planning, rational restriction and improved catchment management.

In looking at more major water security options, we recognised that the 2003 bushfires, along with population growth, development in the region and the effects of climate change, meant that the targets that we set in 2001 were optimistic. We knew that we needed to do much more to secure Canberra's long-term water security. We looked at a range of security options, including water tanks, the Tantangara pipeline, an enlarged Cotter Dam, and perhaps tapping into a yet unbuilt welcome reef dam, as well as the Tennent Dam. In the end, we considered that a new dam at Tennent would be the best option to secure that long-term security—a new dam in a new, as yet unregulated catchment. We also recognised that it would take some years to construct and fill that dam, but we were ready to start.

Then in 2008, the Canberra Liberals announced another range of water security initiatives that would recognise the contemporary and future needs of Canberra, taking into account the environmental conditions that would govern the direction to be taken. Amongst the many programs and measures we would implement were the enlargement of the Cotter Dam and further feasibility studies in relation to future water storage options, including a new catchment dam at Tennent. Both in government and in opposition, the Canberra Liberals have led the way on water security. We have put initiatives in place and we have made plans for the future. Many of those started even before the droughts and catchment inflows became the vital issue that they are today.

Contrast this with the Stanhope-Gallagher government. With this government, we have had little other than flip-flopping down the years. We have had periods of denial. We have had periods of ignoring reality in the hope that it might go away. Worst of all, we have had cost blow-outs that will sting the people of Canberra not only now but across many future generations.

It is another case of the Stanhope-Gallagher government bungling along on a path of project management incompetence and financial recklessness. It is another case of the Stanhope-Gallagher government being more intent on reports and plans than action and delivery. There was the water purification plant. There were trumpeted announcements that a demonstration plant would be built. Then there were trumpeted announcements that it was off the agenda. There were boastings that they could put off the construction of a new dam. In September 2005 Mr Stanhope said:

If we can put it off forever, what a fantastic achievement by the ACT government that would be.

In March 2006, he said:

... we may not need to think again about whether or not we ever need a dam.

In July 2006, he said:

... there is no need for many years, for example, to build a new dam in the ACT.

Then last year, in a flash of light, Mr Stanhope had a Damascus conversion. He said that climate change meant the ACT must act now to increase water security to cope with the extended drought, the drought that had been in operation for eight or nine years already. Mr Stanhope said:

I believe it's appropriate in the light of our current experience that we should enhance our water security through enhanced capacity.

The Stanhope-Gallagher government pooh-poohed observations from me and my former colleague, Mr Stefaniak, and others about water saving measures such as dual-flush toilet replacement programs and drought-resistant sports ovals. Then there was another flip-flop by the government when they eventually implemented programs exactly like those advocated by the Canberra Liberals.

Then we come to the cost blow-outs. Barely a week after this year's estimates hearings, we saw announcements in the local media that the Cotter Dam could cost more than twice as much as it would have had the government decided to build the dam back in 2005. In April 2005, Actew Corporation's *Future water options* report estimated that the cost to enlarge the Cotter reservoir to 78 gegalitres would be \$120 million. After the Stanhope government's years of denial, and then finally announcing the enlargement of the Cotter Dam, he said that it would cost \$145 million. That was in October 2007—already up \$25 million. Then on 30 May 2009, the *Canberra Times* reported Actew Corporation's managing director, Mark Sullivan, as suggesting that the cost would now be up to \$246 million for the same capacity—more than doubling the price that we expected to pay in 2005.

For more than four years we have seen the Stanhope-Gallagher government dithering about, delaying the inevitable and, in the end, costing Canberra's taxpayers dearly. On top of the cost of building you have to add the high cost of operating the Cotter Dam because, unlike the other water supplies in the ACT, the Cotter Dam will require the pumping of water. All of the other water supplies in the ACT are gravity fed, and consequently the cost of running and maintaining the dams is quite low. All of the 78 gegalitres that will be stored in the lower Cotter enlarged dam will have to be pumped, at huge cost in terms of electricity and greenhouse gas emissions if we choose to use conventional electricity sources to do that.

The blow-outs are not limited to the Cotter Dam. Mr Sullivan told the estimates committee on 18 May 2009 that the Murrumbidgee to Googong transfer project, estimated by the ICRC in 2007 to cost \$96.5 million, will now cost 30 per cent more. So what does this mean for the price of water? Mr Stanhope made it clear when he announced the enlarged Cotter Dam that these projects would mean higher water prices and he made no apology for it. Nor did he make any apology to the people of Canberra for his years of dithering denial resulting in these cost blow-outs.

While I congratulate the people of Canberra on their reduced water usage over the past years, it will come back to bite them. Reduced water consumption means reduced business flow-through for Actew Corporation. Reduced business flow-through with increasing costs means price rises for Canberrans. This is a tragic catch-22 for the people of Canberra and that catch-22 will endure for some generations to come. It will be the lasting legacy of this Stanhope-Gallagher government, a government intent on process and reports, a government incapable of action or delivery, a government of reckless carelessness, a government that is “gonna” do things but has yet to deliver on water security. Water security is a critical matter of importance for the people of Canberra and for Canberra’s future. It is a matter of grave concern for the people of Canberra that we have a government that simply is unable to deliver that security with decisiveness and certainty.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.41): I wish to use my time in this debate to add to the minister’s statement on water security. Before I begin I make the observation that it must be hard being as good as Mrs Dunne. It must be so hard being as good as you, Mrs Dunne. You are a champion, aren’t you? Yes. Your little diatribe was again perhaps putting you on the pedestal next to Mr Smyth, vying for the most childish member of the Assembly.

Water security has been brought to the fore in the last decade as we, along with many parts of Australia, have faced prolonged drought conditions. The more we understand about climate change the more likely it is that we are going to face extremes of weather, be it drought, storms or extreme heat. Perhaps the warmest August night on record might focus the mind a little.

This government has been working with the community to increase supply at the same time as decreasing demand. The strategy could be summed up as ‘water security through diversity’. By that we mean a combination of trying to increase supply and decrease demand on our potable water resources. This combination of temporary water restrictions and supporting the use of non-potable water sources will decrease demand for water.

On the supply side, in October 2007 the government agreed to the recommendations from Actew in regard to securing the ACT’s future water supply. These recommendations included enlarging the Cotter Dam, working on increasing the volume of water that could be transferred from the Murrumbidgee River to the Googong reservoir, and the Tantangara transfer option. Under this supply option, water would be transferred from the Tantangara reservoir in the Snowy Mountains scheme to the ACT.

This project would involve purchasing water entitlements from downstream irrigators, storing the water in the Tantangara reservoir, which is situated on the upper Murrumbidgee River, and, when required, releasing the water from Tantangara into the Murrumbidgee and then on to the ACT. The Tangangara transfer option will increase our water diversity and security because it is independent of rainfall in the

local catchments. It will involve the purchase of around 20 gigalitres of general water security entitlements and the conversion of these entitlements to 10 gigalitres of high security water entitlements.

The government supports Actew's purchase of water rights and their conversion to high security allocations. Since 2006 the New South Wales government has made available at least 90 per cent of high security water rights to licence holders. Importantly, the Tantangara transfer is relatively low cost as an option to secure the ACT's future water supply, one that will increase our water diversity and security, as I said, because it is independent of rainfall and local catchments. The release of water to the upper Murrumbidgee from Tantangara will have no adverse effect on the water supply to Cooma or to other settlements. The water Actew will source from Tantangara is water that is currently earmarked for delivery to downstream irrigators—not for town water supply.

The government has given its support to Actew proceeding with the Tantangara options and, if all goes well, it is anticipated it could be operational by 2011. So there is no doubt that this option is a positive step for environmental flows downstream. The Tantangara option also makes sense economically and environmentally and it increases the water security for the ACT, using a sensible risk management approach.

I turn now to the other major project being proposed currently by Actew, and that is the enlarged Cotter Dam. This project involves building an enlarged dam wall downstream of the existing one to increase the dam's capacity from the current four gigalitres to around 78 gigalitres, almost 20 times its current size. As members would be aware, Actew has commenced the planning approval stages for the enlarged dam, including the lodgement of the project's environmental impact statement with the Planning and Land Authority. Just to update members, on 18 June I decided to take no further action in relation to that EIS. I think at this point it is important to remind members that the EIS is not in itself an approval process but an investigation of the potentially significant impacts and mitigation options for the proposal.

The EIS having been completed then allowed Actew, as the proponent, to lodge a development application in the impact track. The DA was lodged and a draft public environment report was provided to the commonwealth Department of Environment, Water, Heritage and the Arts. Members would be aware that during last week's sittings I provided a statement and a range of information, perhaps the most detailed amount of information on this project ever provided to the Assembly. Members may have also seen the print advertisements for the project and may have even participated in the drop-in sessions that were held by Actew during July on what is the most significant infrastructure project in the territory since the construction of new Parliament House.

Actew is now awaiting the outcomes of applications. The government is giving serious consideration to the significance of this project. When Minister Corbell delivered the ministerial statement on water security in March he noted the importance of these projects, so I am pleased this morning to be able to provide a quick update on behalf of the government. The effective and efficient management of our water resources is one of the most important tasks that face a government, and I

am very pleased that the government is taking such positive steps in partnership with Actew and the community.

MS BURCH (Brindabella) (11.47): The issue of water security involves the whole community. It is not just an issue for government or Actew; it involves the way each and every one of us uses our water in our daily lives. The road signs indicating Canberra's daily water use are a constant reminder that the whole community has a role to play in the responsible use of water. I am pleased to say that, on the residential front, Canberrans and the ACT government, through rebate and incentive programs, are working together to reduce the demand for potable water. This suite of incentives and rebate has had an excellent level of response from the community and will be expanded in the 2009-10 year.

The ToiletSmart program has been introduced to assist ACT residential property owners to replace single-flush toilets with water-efficient dual-flush toilets. It is estimated that water savings every year for an average Canberra household of two to three people is 36,600 litres of water. During the 2008 program, 2,263 single-flush toilets were replaced, and as at 30 June this year, as part of the 2009 program, 1,507 registrations had been received.

The government provides a \$100 rebate on the cost of a suite of toilet models from Caroma, bringing the range of prices for a standard installation from \$390 to \$898. This government also acknowledges that some members of the community would not necessarily be able to take part in this program, and therefore provides the basic model of dual-flush toilets free of charge to holders of pensioner concession cards.

The government is also keen to evaluate the success of the program. Since the commencement of the program, 2,218 surveys have been sent to participants. Some 53 per cent of those surveys have been returned and completed as of 30 June 2009, with 95 per cent of survey participants satisfied with the overall service provided by the ToiletSmart program and 93 per cent satisfied with their new ToiletSmart toilet suites.

Another program, this time concentrated on water use outside the house, is the GardenSmart program. It has been running since 2004 and aims to assist Canberrans to maintain a healthy garden while minimising water use. The program provides expert horticultural advice on plant choice, garden design and maintenance during a home garden visit with the participant. Following the GardenSmart visit, participants are eligible for a rebate up to \$50 on selected water-efficient products. It is estimated that the saving potential of the program is 29,000 litres per household per year. During the 2008-09 financial year, 1,232 GardenSmart visits were made. This is a great uptake with great opportunities for water savings.

Evaluations have been made as part of the program with equally strong supportive results. We have provided surveys and held focus groups, and a strong level of satisfaction with the service and the advice provided has been expressed. Of the survey respondents, 93 were satisfied to very satisfied, and of the focus groups, two-thirds were very satisfied and one-third were satisfied with the service.

This government is not only committed to helping Canberrans reduce their use of the territory's potable water supply but also we have in place rebate programs to assist Canberrans capture and use rainwater. The rainwater tank rebate program offers residents a rebate for the installation of rainwater tanks with an internal plumbing connection to inside the home. The rebates range from \$750 for a tank of at least 2,000 litres capacity to \$1,000 for a tank with a capacity of 9,000 litres or more. This program recognises the maximum benefit from installing a rainwater tank in terms of water saving and stormwater protection. They are generated when the tank water is used for purposes such as toilet flushing and clothes washing as well as for garden watering. This provides a way for tank water to replace the mains water all year round—inside the house during the cooler months when the garden does not need as much water and then outside in the garden as the warmer months come on.

While there are no additional charges or taxes on the collection of rainwater, the ACT government understands that initially there is a cost involved associated with plumbing the tank water for use inside the home. That is why the rainwater tank rebate program rewards those residents who are prepared to make the extra investment to maximise the water savings from the use of their tanks.

We also have made tools available to Canberrans to help them design their gardens and to provide advice on water management. The WaterRight Gardens web tool enables the users to explore how much water their garden needs to remain healthy and the best time to apply this water. It also helps users to understand what factors affect garden and lawn watering needs, including plants, soil, wind, shade, rains and the seasons. The tool is also supported by best practice guides for water-efficient gardening and a range of fact sheets. The Canberra plant selector also provides details on 255 plants found in Canberra gardens. The aim of these tools is to provide ACT residents with resources to assist them to implement more water-wise gardening practices.

I would like also to mention the assistance that this government is providing to the commercial sector in the territory, which represents around 20 per cent of the total annual water use in the ACT. The commercial bathroom retrofit program was launched earlier this year to provide an incentive for the commercial sector to save water. The program provides dollar-for-dollar funding from the ACT government—up to \$20,000—to assist commercial property owners and managers to improve water efficiency in their buildings by purchasing water-efficient bathroom and toilet retrofitted products. Since the launch of the program in February 2009, 34 expressions of interest have been received, and some of the expressions of interest are from large property management businesses with multiple property portfolios. As well, individual meetings with property owners and/or managers are underway with a view to signing them up for the program.

A budget allocation of \$600,000 over a two-year period has been approved for the program, and funding has been provided for a minimum of 15 properties per year to participate in the program. With this program, the estimated water savings are around 5,000 litres per average commercial building.

It is clear that this government is providing a range of programs that each and every one of us can use to make water savings. Just to recap, it is something that involves water use and water security; it is something that affects all of us, and we should be aware of it. This government has a range of rebate and incentive programs that are working together to reduce demand for potable water through the ToiletSmart program, the GardenSmart program, the rainwater tank rebate, the web tools and the commercial bathroom retrofit program, which are all making significant savings on our water use.

In conclusion, the ACT community is taking water conservation measures each and every day in their homes and small businesses. We as a government are supporting this with a series of effective and efficient water saving programs that are well embraced by the community. I look forward to further expansions of the programs in the coming years.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.56), in reply: I would like to thank members for their comments in relation to the ministerial statement on water security. There is no doubt that the ACT faces continuing challenges in maintaining water security as we see the impacts of climate change becoming more and more apparent on rainfalls in our area and also the prolonged dryness that is now associated with the lack of more regular and consistent rains.

We are seeing a continuing difficult situation for the territory. With a very low level of rainfall over the winter period, last night notwithstanding, the prospect of a dry summer and the very real potential of stage 4 water restrictions is a matter which the ACT government is having due regard to and preparation for should that need for such a change in water restrictions eventuate.

That said, the government's program is focused on a range of important measures. It is focused, firstly, on supply augmentation. Augmenting the existing water supply to improve security of supply is being done through a range of measures such as those that my colleagues and other members have commented on. The expansion of the Cotter Dam, the Murrumbidgee to Googong transfer and the Tantangara water purchase are all key elements of that supply augmentation. But there are some other less noticed areas of supply augmentation, and these include the very important Canberra urban waterways project, which is delivering several gigalitres of water for non-potable use in our city over the next few years.

The government has provided funding for this program in the most recent budget for the creation of two additional offline water ponds on Sullivans Creek. These projects are being supported also with funding from the commonwealth government. These projects will deliver alternatives to potable water supply use for a range of sporting fields, recreation grounds, school ovals and other public places across the city. They provide a very important alternative to relying on potable water from the existing reticulated system, and they give water users such as EPIC, the Canberra racecourse and schools in the inner north of Canberra the opportunity to access a reliable source

of water which will be more environmentally effective and potentially cheaper than the potable water supply. So the government is focusing on augmentation, whether it is through the large-scale infrastructure projects or the smaller scale projects such as the Canberra urban waterways.

I note in Mrs Dunne's comments earlier today that her major critique of the government when it comes to water security is around the issue of delay. Unfortunately, Mrs Dunne's critique has one fundamental flaw—she assumes that in 2005 the government was told that the expansion of the Cotter Dam should proceed. She then extrapolates from that that it has taken until around 2008-09, depending on which of her speeches you listen to, to move forward with that project.

Her argument is fundamentally flawed because in 2005, Actew, the ACT's water utility, did not recommend to the government that the expansion of the Cotter Dam proceed. In 2005, Actew advised the government that it was an option that warranted further investigation, and the government agreed with that advice. It was in 2007 that Actew recommended that the Cotter Dam expansion should proceed. When did the government agree with that recommendation? In 2007. So the critique from the Liberal Party is fundamentally flawed once again on the facts. It was not in 2005 that Actew recommended that the Cotter Dam expansion proceed; it was in 2007, and it was in 2007 that the government agreed with that recommendation.

I have talked a little bit about supply augmentation, but I also want to talk about demand management. You can augment supply as much as you like, but if you do not focus on demand management, you are not going to achieve a sufficient and appropriate level of water security and, indeed, defer the need for further augmentation down the track.

It was interesting to look at the most recent report produced by the Water Services Association of Australia which was released in the last month. It is the latest information on water use in the business, industrial and residential sectors right around the country. For the commercial sector, the Water Services Association of Australia, which represents water utilities, showed that industrial use had dropped by an average of five per cent in all major Australian cities over the past five years. Interestingly, the ACT easily outstripped this average level of performance with water consumption in our commercial sector falling by 15 per cent, well above the five per cent average identified in the report.

What was also particularly pleasing was the fact that we have seen similarly good news for the residential sector, with the WSAA identifying a 12 per cent fall nationwide in water consumption in the 2007-08 financial year. We know that Canberrans have shown great support for and willingness to manage their water use and respond to the dry conditions. We know that the ACT during this period used 46 gigalitres of water compared with the historic average of 65 gigalitres.

Demand management through water restrictions and permanent water conservation measures are having an impact. But what is also having an impact is some of the programs that Ms Burch spoke about earlier, the programs designed to provide wide-scale retrofitting of water-efficient appliances in people's homes and in

bathrooms in the commercial sector. Earlier this year I launched the commercial bathroom retrofit program at the Best Western motel on Jerrabomberra Avenue. I was talking to the owner of that motel, and he has taken advantage of the government's program to retrofit all of his bathrooms in over 100 rooms in his motel. He was talking to me about some of the issues associated with that, but he said: "You know what? This program's really good, not just because it gives me some help in retrofitting and reducing our water use, but it also makes me think about sustainability issues more broadly." As a result, he is now taking advantage of government programs in waste as well. It focuses very much on the issue of consumption, whether it is water, waste or, indeed, energy. That is a very important way that we are going to drive improvements moving forward in the commercial sector. These types of programs can provide a real entree into getting business owners and managers to focus on issues of consumption—in this case, water.

Moving forward, my colleague Mr Barr has outlined that the government is continuing its programs. From Mr Barr's role as planning minister, he is looking at the issues around approval and consideration of development applications for a couple of very important projects. I would encourage members to look closely at the documentation that is being provided by Actew on water security projects. I note the very detailed environmental impact assessment that was recently provided, I think, to all members in relation to the Murrumbidgee to Googong transfer and, equally, the very detailed information that has already been provided in relation to the Cotter Dam projects.

What this confirms is that the government has a clear vision and a clear direction for improving water security for the territory. The challenges are enormous, with reduced rainfall continuing and with that rainfall reduction tracking on worst case scenarios around climate change. We need to make sure that we are strengthening our supply infrastructure and strengthening our demand management policy approaches. Both of those in combination will help deliver the best possible level of water security for our city and the surrounding region. It is that task that the government remains focused on. I thank members for their contributions on this very important matter.

Question resolved in the affirmative.

Organised crime—government response to resolution of the Assembly

Paper and statement by minister

Debate resumed from 24 June 2009, on motion by **Mr Corbell**:

That the Assembly takes note of the paper.

MR HANSON (Molonglo) (12.07): It has certainly taken us a long time this morning to get to this item of business. The repetition, irrelevant discussion and laborious debate that have got us to this point have been quite remarkable. It goes to the heart of this government's lack of vision, lack of agenda and lack of purpose. It is quite remarkable that it has taken till 10 past 12 to get to this issue.

It is a useful report. It is well worth the read for those that have not yet done so. I will highlight the origins of this report. This is not some new change of heart from this government. This government is without doubt the softest on law and order in the nation and we are, without question, the softest jurisdiction on law and order reform. For Mr Corbell to present this report to the Assembly and to try and suggest that he has an agenda to try and remedy—

Mr Corbell: What is your position on murder law reform, Jeremy? Tell us that. Is that a serious crime?

MR HANSON: the inaction of this government over successive years to do anything substantive about law and order—

Mr Barr: Come on. Be a hard man there, Jeremy. Muscle up, mate.

MR HANSON: in the territory—

MADAM DEPUTY SPEAKER: Order, members!

MR HANSON: I do not mind them rabbiting on, Madam Deputy Speaker. Let us remember where this report comes from. It is a fact that other Labor jurisdictions, notably New South Wales, South Australia and Queensland, have actually taken substantive action with regard to organised crime. They are actually moving forward, as is the federal government. Pressure is being put on this government by organisations such as the AFP to actually do something. On 1 April, the Assembly debated a motion that called on the government to table a report to investigate what could be done to promote law and order in this jurisdiction. Clearly, without that sort of motivation this government has done very little.

I do not want to see Mr Corbell going out into the community with this pretence that he is tough on law and order and that this is all his idea. We saw that with Ms Gallagher. All of a sudden she loves GPs. The Assembly told her to do something about GPs. She ignored the issue for years, just as Mr Corbell and the Stanhope government ignored the issue of law and order for years, and now she says: "GPs. Well, yes, we are going to have a task force." She forgets, of course, that it is the Assembly that has instructed her to do so. No doubt we will now see Mr Corbell telling everyone how tough he is on law and order. Well, the proof of the pudding will be in the eating. All we have so far is a report, and it will be very interesting to see what actually comes out of the report in terms of legislation.

It is an important debate, and we welcome the debate and the report. We do not agree with all that is in the report. It does not actually make recommendations, but it does have some useful comments. Some, I think, are very useful and I agree with them wholeheartedly. Others clearly do not go far enough.

I will turn to the proposed legislative changes. The report discusses a number of important issues, the first being unexplained wealth provisions. Currently, the onus is on the courts to establish that unexplained wealth of criminals is the proceeds of crime.

The report proposes that the onus now will be on the individual to explain where he or she got that from and to demonstrate that he or she got it lawfully. That would be a useful piece of legislation and it is one that we would welcome.

The report discusses the concept of being knowingly concerned. I will not go into the detail. The New South Wales Court of Criminal Appeal has recently expressed some concerns. The report states:

Legislating for the concept of “knowingly concerned” would extend charging options where it is alleged more than one person was involved in the commission of an offence.

The report discusses the issue of affray. It states:

The ACT has never recognised the offence of affray in legislation. The conduct required to make out the offence of affray would, in the ACT, currently trigger police preventative powers under breach of peace. However, consideration could be given to introduction of a specific offence to cover the conduct as a breach of the peace is not a criminal offence, but rather a preventive power designed to stop the commission of offences.

The report seems to be saying that this could be introduced here in the ACT. The report goes on to state:

The ACT would benefit from considering the inclusion of a legislative amendment to the ACT Criminal Code to provide for the concept of joint criminal enterprise.

With regard to conspiracy, the report notes:

The ACT would benefit from participation in the review of the current provisions and examination of whether legislative amendment is required as a result of any recommendations ...

With regard to consorting, the report simply notes that New South Wales legislation contains an offence for those who recruit people to carry out, but there is no equivalent in the ACT. With regard to participation in criminal groups, the report states:

... the Territory would benefit from consideration of the inclusion of a legislative amendment to criminalise both participation in criminal groups and recruiting people to carry out, or assist in carrying out, criminal activities.

With regard to the protection of people involved in legal proceedings, and that is intimidation of witnesses, the report states:

The ACT could benefit from consideration of the introduction of an offence which would include conduct directed at people who may report illegal acts committed against them, particularly perpetuated by those involved with serious organised crime.

There is a lot that can be done. These issues have been implemented and are working effectively in other jurisdictions, and we would certainly welcome the government bringing forward the findings of the report, either as new legislation or amendments to existing laws. The AFPA, in its response to the report, has noted those issues and welcomes them. Indeed, they are very similar to the issues that were raised by the AFPA on 27 March in correspondence to me and the minister.

We will now wait to see what the government will do in terms of those elements of the report that we essentially agree on that we want to see now turned into effective legislation. My fear is that this report will now be stacked away to gather dust and that Mr Corbell will have his fanfare and move on to the next issue, feeling that he has appeased the people that want to see some appropriate laws to deal with organised crime in the territory.

I have tabled a question on notice—it appeared on last Thursday’s notice paper—that calls on the Attorney-General to outline the government’s agenda in response to this report. I call on you, minister, to outline to the Assembly what you will now do in terms of the items in the report that seem to have support of the authors and what you are going to do in terms of legislative changes in the ACT.

I will turn now, though, to areas where I believe the report is inadequate, where it does not meet the requirements of combating organised crime in the ACT, in particular, the issue of outlaw motorcycle gangs. In its conclusion, the report states:

The ACT, as a small jurisdiction ... is unlikely to experience serious organised crime groups and activities to the degree and frequency of some of the other larger jurisdictions.

Notwithstanding this, careful consideration must be given to the adequacy of the Territory’s legislative response given its close proximity to NSW.

That is the nub of the issue that we were debating back in March and April in response to what occurred in New South Wales, South Australia, Queensland, the Northern Territory and Western Australia. But, in particular, because we reside here in the ACT, surrounded by New South Wales, we have to be responsive to what happens there. We are not an island. We cannot pretend that what is happening in New South Wales will not have an effect on us. When Nathan Rees says he is going to drive the bikies out of New South Wales, we must consider where they are going to be driven to.

Allow me to quote from the view of the AFPA. In a letter to me the AFPA states:

The ACT is at risk of becoming an oasis for organised crime syndicates including, but not limited to, Outlaw Motor Cycle Gangs ... if we fail to follow NSW’s lead to enact tougher & specific organised crime legislation ...

The Australian Crime Commission has stated that OMCGs are one of the most visible groups in the organised crime landscape. Further, that they present a significant threat to law and order at a jurisdictional level and have national and

international links that will ensure that they feature in any list of high risk crime groups for the foreseeable future.

The South Australian Government advises that the effect of the South Australian reform program has seen displacement interstate of some members of criminal groups that could have been targeted by South Australia's new laws. Displacement of this kind may continue to occur in order to evade the reach of the legislation.

Of course you are not going to move to New South Wales, Queensland or Western Australia because they have actually implemented the appropriate laws. Where will you go? I guess to Victoria or the ACT. The AFPA letter continues:

The Australian Crime Commission has also given an opinion that "anticipating legislation that will effectively outlaw OMCGs in South Australia, there are indications that some outlaw groups have already relocated to other jurisdictions".

That certainly puts us here in the ACT at significant risk. The letter concludes:

The AFPA has no doubt that if NSW enacts amendments in line the with South Australian organised crime legislation, that organised crime, including OMCGs, will be further displaced and that the ACT, being located half way between Adelaide and Sydney, will be a safe haven for organised crime without specific organised crime fighting legislation.

So as much as the Attorney-General now seems to be an advocate of up-front law and order, when it actually comes to implementing the appropriate laws that are going to keep us safe from organised crime, he seems to go weak at the knees. I am waiting for a response from the minister about what he is going to do about the recommendations in the report. Hopefully, they will have the support of government and we will see them introduced into the Assembly.

I expect that the minister will speak to the point that we disagree on, which is aspects of association law and so on that have been introduced in New South Wales and South Australia. We will continue to make the case that we do require those laws in the ACT. We will continue to advocate them. That, clearly, is the position of the opposition.

In conclusion, I encourage the minister to act swiftly on this report, to advise the Assembly what the process will be in moving forward from here and to make sure that laws that have been successfully implemented in other jurisdictions to keep people safe from organised crime are introduced in the ACT.

MS BURCH (Brindabella) (12.20): I thank the Attorney-General for tabling the government report, and I rise to commend the report to the Assembly.

The government has not rested on its laurels when it comes to tackling crime in all its forms. This report is an outstanding example of how, in a liberal democratic society, elected officials can choose to stand back from a highly emotive issue and take a considered and informed approach.

It is this government's view that good law is best made soberly, based on evidence rather than intuition and driven by expert opinion, not the editorial pages of the most outrageous tabloids we can find or the most shrill and ignorant of the morning radio shock jocks. Never has this been more true than when dealing with the spectre of fundamentally shifting our attitude to basic human rights.

This report clearly sheds light on the paths that other jurisdictions have gone down. Having read this report, I am certain that there are opportunities for the ACT to adopt measures to make sure that the legal tools are there for the police and the ACT Director of Public Prosecutions to pick up and use.

In my view, the Attorney-General and his colleagues on the Standing Committee of Attorneys-General took a very sensible approach in April of this year. The national agreement on organised crime is the embodiment of an idea that there can be a national approach without the need for carbon copy tactics.

As well as the things already mentioned in tabling the government report, the Attorneys-General agreed to better coordinate law enforcement efforts. Jurisdictions will do this by developing shared priorities, including improving interoperability, facilitating improved information and intelligence sharing and through the coordination of investigations and targeting development activities.

These efforts, along with the legislative measures agreed by SCAG, are consonant with the ACT's circumstances and experiences. The ACT already has a good many of these measures in hand. These measures can, and will, be implemented such that they are in accordance with the Human Rights Act.

It should come as no surprise to members of the Assembly that one of the key rights engaged is the right to freedom of association, which is protected in section 15(1) of the Human Rights Act. The meaning of this right must be considered in light of the considerable international jurisprudence on this right. Section 31 of the Human Rights Act makes clear that, when interpreting the nature, meaning and extent of a human right, regard can be had to foreign and international jurisprudence.

The nature and purpose of the right to freedom of association was succinctly defined in the Canadian Supreme Court in *Lavigne v Ontario Public Service Employees Union* when it observed:

Freedom of association is the freedom to combine together for the pursuit of common purposes or the advancement of common causes ... at its core rests a rather simple proposition: the attainment of individual goals, through the exercise of individual rights is generally impossible without the aid and cooperation of others.

It does not follow that, simply because a person associates with a member of a motorcycle gang, they must be up to no good. Indeed, it cannot be assumed that every single member of an outlaw motorcycle gang is involved in serious and organised crime without the evidence on each individual member to support such a claim.

It is important that laws on this issue are not based on broad and sweeping generalisations. It is important that any laws dealing with serious and organised crimes punish people for what they have done, not simply who their associates are. If the crux of the offence is simply who one's friends and associates are then this would amount to nothing more than guilt by association. As the United States Supreme Court has observed, the concept of guilt by association is a philosophy alien to the traditions of a free society. The government report discusses in some detail when offences and orders dealing with criminal association will impose proportionate limitations to the right to free association.

Another issue that comes to the fore is the right to a fair trial. The right to a fair trial is protected by sections 21 and 22 of the Human Rights Act. Although fair trials are now enshrined in legislation, the principles of a fair trial can be sourced in the long tradition of common law. As the report notes, the New South Wales and South Australian legislative regimes impose substantial limitations on the ability of those facing court proceedings to access the material which the police or the prosecution may seek to rely on as evidence. This is contrary to the principles of a fair trial as it places barriers on the principle that a fair trial properly allows the accused to raise and challenge openly contested allegations.

In saying this, however, I do not doubt the importance of maintaining the confidentiality of an informant's identity as a safety measure. Nor do I challenge the need to keep police practices and procedures confidential during proceedings so as not to compromise ongoing and future investigations. I do, however, contend that equally important is the right of the accused to see the evidence against them so as to properly prepare and contest their case. Any legislation that limits the right to a fair trial by protecting some form of evidence needs to carefully consider the competing interests and achieve an appropriate and acceptable balance.

It is a fact that all Australian jurisdictions have laws that target organised crime. The Attorney-General has today referred to the very important Crimes (Controlled Operations) Act 2008 and the Crimes (Assumed Identities) Bill 2009. I am reassured to see that many of the measures advocated by some are already a feature of legislation in the ACT.

The ACT has the Confiscation of Criminal Assets Act 2003, which deprives offenders of all material advantage gained from crime and property used to commit crime. This act also enables the effective tracing and seizure of criminal assets and allows the territory to enforce interstate confiscation orders. I support what the Attorney-General has said about taking a thoughtful and considered approach to unexplained wealth provisions that target criminals who have profited from their criminal enterprises and who evade prosecution by successfully removing themselves from the day-to-day activities of those enterprises.

The Crimes (Sentencing) Act 2005 already authorises judiciary to impose non-association and place restriction orders upon convicted offenders.

A review of all police investigative powers for the ACT is now up and running. A steering committee of key stakeholders has been formed, which includes the

Chief Magistrate, the Victims of Crime Coordinator and representatives from the ACT Bar Association, the ACT Law Society, Legal Aid, the ACT Human Rights Commission, the DPP and ACT Policing. I am advised that the Police Powers Steering Committee, as it is known, has met on four occasions to progress this work.

As part of this process, and in accordance with the SCAG agreement, the government will also be enacting additional cross-border investigative powers model laws. This will further enhance the nationally coordinated and cooperative approach to cross-border investigations into crime.

I and other members of this government continue to be concerned about comments made to the media that are designed to elicit fear and create a sense of panic. That is why we have an ACT Assembly. We are the body politic for the territory and we need to reach our own conclusions. I believe that this report will help the Assembly to do that.

Members should reflect on the experiences of other jurisdictions and the experience of our jurisdiction. We are not immune to organised crime or outlaw motorcycle clubs, but we are not experiencing the same issues as Victoria and New South Wales.

I agree with the Attorney-General that the report does give us pause for thought. I believe that this motion and the report will equip the Assembly with the facts. We do not have to act in haste. We should consider the facts, consider our opinions and make sure that we do not breach the Human Rights Act. I have a particular interest in motorcycles because my husband is an avid motorcycle rider and it beggars belief that such activity and gathering of like-minded friends could create guilt by association.

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

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Department of Territory and Municipal Services—strategic budget review

MR SESELJA: My question is to the Minister for Territory and Municipal Services. It relates to the strategic budget review of the Department of Territory and Municipal Services of 9 December 2008. The review gives a scathing assessment of the department and reveals the true extent of the failed tenure of the former minister, Mr Hargreaves. Minister, given the lack of savings, the cost blow-outs under the former minister, the raid on the Treasurer's advance and the lack of comprehensive forward planning, how will you as minister ensure that the savings of \$7 million in the efficiency dividend are achieved and the mistakes of the former minister are not repeated?

MR STANHOPE: I thank Mr Seselja for the question. Indeed, the report is a strong report. It is a report that was commissioned by the department in order to assist it in

dealing with some of the issues that it faces in relation to its budget and, in a determination to be efficient, to continue to provide the services the people of the ACT seek—have a right to demand and, indeed, receive.

One of the outstanding aspects of the Ernst and Young strategic assessment of the operations of the Department of Territory and Municipal Services was essentially a finding that the officers of Territory and Municipal Services, most particularly officers within the Parks, Conservation and Lands area, were so determined to meet the needs of the people of Canberra that they were inclined to put service delivery above some of their budget responsibilities. At one level, what a wonderful criticism to have made of your public service—of that area of government that is fundamental to the delivery of services to the community.

This group of public servants—we know what the opposition think of public servants—were determined to meet the needs of constituents, were determined to respond positively to requests from the people of Canberra in relation to those issues that are of fundamental importance to quality of life: issues around our suburban amenity, issues around the nature and quality of our parks, issues around roads, footpaths, bicycle paths, keeping our municipal facilities like toilets clean and maintaining our parks and urban areas to the very high standard that is evident throughout the ACT. That was the fundamental or the underlying finding of Ernst & Young.

Having said that, certainly Ernst & Young did identify a number of significant improvements to be made in relation to financial management—lines of communication, lines of responsibility and issues in relation to delegations and a propensity, particularly at levels within the department where there perhaps should not have been a delegation or approval of expenditures, for those expenditures to be approved in an environment where the portfolio's overarching responsibility to bring its budget back in within budget has not been achieved.

The chief executive takes it seriously; so do I. It is a sign of the maturity and the commitment by the department to its own management that the department commissioned the strategic review. It is a warts and all analysis by Ernst & Young and it has produced a warts and all report. But we are working hard. I am working hard with the department.

Indeed, as I have indicated in recent weeks on a number of occasions in the environment that we are in, the financial environment that we are in, I have asked Territory and Municipal Services to convene a number of community forums and a broad-ranging community consultation. We will be having the first of these forums within the next four weeks. We will cover, through the forums, every aspect of Territory and Municipal Services' administration. We will be talking with the community about the level of service delivery, the cost of service delivery and the sorts of decisions that the department might make that would achieve community support in relation to the level of service—perhaps the reduction of service in some areas, perhaps the non-provision of service at all in relation to some of the functions and some areas of land that are administered by the department.

This is a very proactive approach by me and by the Department of Territory and Municipal Services, with the full support of the department. There is an absolute determination to continue to deliver services to the high level that we currently do here in the ACT, accepting the enormous range of issues that Territory and Municipal Services deals with, and a determination to find answers, engage with the community and continue to provide those services, but certainly within budget. And we will.

MR SPEAKER: Is there a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, how can you continue to have confidence in your ministerial colleague John Hargreaves given his role as minister during the time covered by this review?

MR STANHOPE: I have full confidence in all of my ministers. This is a good government, and I think the extent to which it is a good government is reflected by the fact that we are now serving our third consecutive term in government—the first government since self-government to have that honour. In contrast, of course, the Liberal Party is serving its third consecutive period in opposition—the only party in the history of self-government to have that particular role, designation or critique passed on it by the people of the ACT. In fact, as we have said previously, Mr Smyth is—

Mr Hanson: Mr Speaker, I raise a point of order on relevance. A rehashing of electoral results going back for three terms is hardly relevant.

MR SPEAKER: Sorry, Mr Hanson; I have not given you the call yet. Mr Hanson, what is your point of order?

Mr Hanson: The point of order is on relevance, Mr Speaker. A rehashing of electoral results going back three terms is hardly relevant to the—

Members interjecting—

MR SPEAKER: Order! Mr Hanson has the call.

Mr Hanson: management of the minister's portfolio.

MR SPEAKER: I think, given the political nature of the question, Mr Stanhope was invited to give a political answer.

MR STANHOPE: Thank you, Mr Speaker.

Mr Seselja: He doesn't want to comment on John.

MR STANHOPE: Well, I will. I have just done it. I have full confidence in all of my ministers, and indeed in the government. The confidence that I have in my ministers is a confidence that is shared by the people of the ACT, in contradistinction, of course, to the confidence they have shown in the Liberal Party. What—five leaders in the last six years?

As we have previously reflected here, the views of the people of Canberra in relation to confidence in the capacity of members of the Liberal Party to be ministers is reflected most particularly in that Mr Smyth now is the first and greatest—what is that show? The greatest loser?

Ms Gallagher: *The Biggest Loser.*

MR STANHOPE: *The Biggest Loser.* The biggest loser and the greatest loser has lost an election as leader and has lost three elections as deputy leader. How much patience is the Liberal Party going to have in Mr Smyth as part of the leadership team? What is it—four times? The biggest loser: lost as leader, lost two or three times as deputy leader. There is no bigger loser in the Assembly. The people of Canberra, in the context of expressing confidence in members of the Liberal Party, of course, have voted, and they have voted on three separate occasions now, in relation to the degree of confidence they have in the Liberal Party.

Of course, in the latest election, Mr Seselja, as Leader of the Opposition, returned the second-lowest vote ever. Only Trevor Kaine, the late and dearly departed leader of the Liberal Party, has actually achieved a worse result electorally than Mr Seselja has, and it is something that the Liberal Party reflects on. You have here the biggest loser in Brendan Smyth. He is the only person, as deputy leader and leader, to lose three consecutive elections. And Zed Seselja: the second-lowest electoral return ever by a leader of the Liberal Party. I thank the member for the question.

Sport—funding

MS HUNTER: My question is to Minister Barr, minister for sport. I refer to a *Canberra Times* article on 8 August 2009 titled “Caps biggest losers in handouts to sports teams”. How do you justify the recent additional assistance and total funding to the Brumbies of some \$1.85 million plus tax breaks, more than a third of the \$3.7 million you hand out for big sporting events, when our most successful team, the Capitals basketball team, receives just \$100,000 per year?

MR BARR: I thank Ms Hunter for the question. There is no doubt that the ACT government, through its national league teams funding program, provides \$100,000 a year for three ACT national league teams. They are the Capitals, the Brumbies and the Raiders. Through our national league teams funding program we provide an equivalent level of support for, as Ms Hunter has correctly identified, our most successful national team in a national sporting competition, and that would be the Canberra Capitals. That support is provided on an equal basis. Tier 1 funding in a national league teams program treats the Raiders, the Brumbies and the Capitals as equals.

The additional support that is provided is through a performance agreement to play matches at Canberra stadium and it relates to the nature of the competitions in so much as the Brumbies participate in an international competition that involves playing matches in New Zealand and South Africa. It is an entirely different, structured competition and, hence, comes at an additional cost.

The performance agreements that are in place with the Raiders and the Brumbies have been in place for some time and, for all the interjections of those opposite, the agreements were in place when they were in government. They relate, of course, to the nature of the competitions and the costs associated with delivering such competitions but also with the economic impact that is associated with playing matches in those national and international competitions.

The government's position in relation to support for sport is clear. Through our national league teams program we provide equal funding for the Raiders, the Brumbies and the Capitals. But there are other elements of support for sporting teams.

I would note the government's commitment, in the last and most recent budget, to provide \$3 million to Basketball ACT for a basketball centre of excellence and to provide a world-class training facility for the Canberra Capitals. The ACT government is the single largest sponsor of the Capitals. No-one else comes close to the level of support that is provided by the ACT government to the Capitals.

I wish the Capitals all the very best in their title defence for the 2009-10 season. I note it will be the first season where they will be coached by Carrie Graff concurrently as both the Australian Opals coach and coach of the Capitals. I wish coach Graff and the team all the very best for the 2009-10 season.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister Barr, what are you doing to address the inequity in ACT sports funding, in particular, for women's sport?

MR BARR: Thank you, Mr Speaker. Over the time that this government has been in power we have significantly increased funding for women's sport across the board. We have instituted a number of particular programs in the sport and recreation portfolio, most particularly around encouraging participation and encouraging high performance coaching and mentoring.

We have had some particular grant schemes in place over a number of years to work with high performance coaches and also with female athletes who are at the top of their chosen sport through the Academy of Sport program. We also seek to work proactively with a number of ACT sports to support their female teams in national league competitions. In fact, only recently, I was very pleased to be able to announce ACT government support for the ACT women's cricket team to participate in the national league, the W-League for women's cricket. That is an exciting new addition to the national league teams that the ACT supports, and it is terrific to see.

Of course, with the success of our team in the W-League in the first women's soccer league, women's football league, through the 2008-09 season we have again demonstrated the ACT government's commitment to providing funding for elite level women's sport through the national league teams program.

At a grassroots level, more than \$2 million is provided to sport and recreational organisations to support the development of a range of programs, and participation by

women is a clear criterion element that will attract funding through that range of grants programs. I believe that when you compare the ACT government's funding criteria and performance over the last decade with any other state or territory in Australia, it would stack up very well.

Department of Territory and Municipal Services—strategic budget review

MR SMYTH: My question is to the Minister for Territory and Municipal Services. It is in relation to the strategic budget review of the Department of Territory and Municipal Services of 9 December 2008 by Ernst & Young.

Minister, the report reveals that in the transport regulation and planning section, there are “political influences that are resulting in certain activities not being undertaken”.

This political influence occurred during Mr Hargreaves's time as minister. What is the nature of this political influence?

MR STANHOPE: I must say I am not aware of that particular claim or what those political influences might be or—

Opposition members interjecting—

MR STANHOPE: This was a document commissioned by the department—

Mr Hanson: It was a good idea when you last brought it up, Jon.

MR STANHOPE: It is a good idea. I am more than happy to take the question on notice. But I do actually maintain essentially the essence of the answer that I gave previously, that the underlying finding, presented by the Liberal Party, of course, as a criticism, is that there was, and remains, a very healthy and commendable culture within the Department of Territory and Municipal Services of responsiveness, certainly to the minister and ministers and certainly to the community.

It is difficult, and this was my point in relation to a lack of awareness around a word that might have been used by one of those that were engaged in the strategic review, namely, the involvement of a politician, namely, the minister. It would be, of course, a matter of some concern to me to believe that a minister should not be involved in the administration or management of his portfolio responsibilities. I guess that is the point that I make fundamentally.

I make the point fundamentally that I expect ministers to be across their portfolios. I am myself. I expect ministers to take an interest. I expect ministers to be demanding of their agencies and their public servants and their executives. If a minister is making demands of his portfolio in relation to his or her responsibilities, then I would think that that is a positive.

There is an issue, of course, in relation to the other issue that I have raised which is fundamental to the findings of the review, namely, an inclination, sometimes at the

expense of the budget bottom line, to seek to accede to requests of the community and perhaps an inclination to seek to accede to representations from a minister in relation again to community representations or representations by others.

I see it as a healthy sign of engagement by ministers in the administration of their portfolio responsibilities, just as I see the underlying determination by officers within Territory and Municipal Services to seek, to the greatest extent possible, to accede to and meet requests by the community for issues to be addressed as a very healthy attitude. It is a fantastic attitude. It is a fantastic attitude to have and to be revealed in an independent report—that the overarching culture is one of a determination to do everything possible to meet the requests or the representations, in the first instance, of the community and, secondly, the representations by ministers in relation to issues that they are pursuing on behalf of constituents.

Of course, my expectation and the expectation of the government is that departments will bring their operations in on budget. It is a demand that I make of Territory and Municipal Services, just as it is a demand that each minister makes of all their agencies. Sometimes we are successful; other times there is an overrun.

To provide some context, it needs to be understood that the \$7 million budget overrun experienced in the last financial year was in a budget of \$309 million. It was less than two per cent, or just on two per cent of the budget's outlays. I think we need to put this in that context.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thanks, Mr Speaker. Minister, why don't you know what the political influences were, and what measures have you implemented to ensure that political influence does not compromise the department's ability to complete its work?

MR STANHOPE: There is not any suggestion at all. The political influence, if there is political influence, is the political influence of a minister actually making demands of a department. That is what ministers do.

Mr Smyth: Now he does know!

MR STANHOPE: No, I say I was not privy to the conversation. I do not know who made the comment. Do you mean that I should have interfered? Is that what you are suggesting? You are actually suggesting that I should interfere—that I should go out on a witch-hunt? I should demand to know who said this?

Mr Coe: Yes, you should.

MR STANHOPE: I should, should I? There should be a witch-hunt, should there, Mr Coe? Mr Coe thinks there should be a witch-hunt by me into who it was in the Department of Territory and Municipal Services who made this statement. I do not know who made the statement. I do not know in what context the statement was made. I do not know about what it was made, other than that it was transport related.

Mr Smyth: But you're not going to find out?

MR STANHOPE: No, I am not going to go off and demand to know, of individual public servants, who said what to an independent inquirer in relation to a strategic review of the department. So the reference, of course, to a political role was a reference to a politician. Of course, the politician most involved in the management of TAMS at the time was the Minister for Territory and Municipal Services.

It would be a matter of grave concern if a minister did not involve himself—in other words, if a minister did not interfere from time to time. But, of course, it should not be in a way or in a sense that interferes with the capacity of a public servant, consistent with their responsibilities, to fulfil their responsibilities. And it is as simple as that. I involve myself always in the detail of the administration of departments for which I am responsible. I see it as part and parcel of my role. It is what I do, and it is what I will continue to do.

Fireworks—ban

MRS DUNNE: My question is to the Minister for Industrial Relations. Minister, the government's most recent survey on attitudes of the public towards consumer fireworks revealed that 98 per cent of respondents did not contact any authority about any concerns they may have had about consumer fireworks over the 2008 June long weekend. Minister, what conclusion did you draw from this survey result?

MR HARGREAVES: I thank Mrs Dunne for the question. One of the things that I did glean from quite a number of emails and calls to my office—

Mrs Dunne: Relevance, Mr Speaker. I did not ask about emails. I asked specifically about the government's survey.

MR SPEAKER: Mrs Dunne, there is no point of order. I think Mr Hargreaves can work this into the answer. I am sure he will come to your question.

MR HARGREAVES: Thanks very much, Mr Speaker. When you get such a loaded question, context might be of some assistance to the rest of the people in the Assembly. One of the things that I did glean from the emails, the phone calls—

Opposition members interjecting—

MR HARGREAVES: I will start again if you like. I am very happy to start again.

MR SPEAKER: Mr Hargreaves, do not take advantage of my good nature.

MR HARGREAVES: One of the things that I did glean from the emails and phone calls to my office and from people who spoke to me in the street was the fact that people had given up reporting it to various authorities, whether it be the Office of Regulatory Services or whether it be the police. They had actually said, "We understand when fireworks go off and the letterbox has exploded and pieces of shrapnel have gone through the door and into the piano," 30 centimetres from the person's leg, "by the time the authorities arrive, the perpetrators are long gone." This was a very strong theme.

Mrs Dunne: Tell us about the survey.

MR HARGREAVES: Mrs Dunne continues to shriek across the chamber like a parrot with its leg caught in the fence. I do wish you would just give a person half a chance. She is doing this, of course, because she is trying to hide their own inconsistency.

Mr Hanson: Oh, really?

MR HARGREAVES: Yes, really. You do not remember this, Mr Hanson, because you were not in this place then but Mr Smyth does. He was here when Mr Pratt put his bill forward to ban fireworks, quoting the very stuff that Mrs Dunne is talking about. Mrs Dunne supported the bill to ban fireworks in the party room and then, when the bill came on for debate, she was not here; she was not in the chamber. Was that because she did not support the actual view of her own party room? Did she say, “Oh, I couldn’t support my leader; I’m going to be somewhere else”? What we have got is the double back-flip and pike; degree of difficulty 0.4.

Mrs Dunne: On a point of order, Mr Speaker: Mr Hargreaves has been attempting to un-answer my question in relation to his survey for three minutes. Could I ask you to get him to answer the question in relation to his survey.

MR SPEAKER: Yes. Mr Hargreaves, I think you have digressed from the question some distance.

MR HARGREAVES: In fact, I did. The reason why I did was to show up the absolute inconsistency in Mrs Dunne’s implication behind her question.

The surveys that we received indicated to us that people had given up reporting matters to the authorities because there was no point in them being there. There was no point in them coming.

Mrs Dunne is—

Mr Hanson: Can you point to that for us?

Mrs Dunne: Where does it say that?

MR HARGREAVES: Here we go! Do you know, they are going off like tom thumbs on cracker night, this lot.

I think it is salient at this point in time to indicate to the Assembly that, in mounting an argument, I provided each member opposite with a fairly thick book of information on which they could take a position. In there, I did not refer to their previous positions—Mr Smyth’s own position supporting a ban when he was a minister; Mr Smyth’s position supporting a ban when Mr Pratt put the thing on the table. Now he has changed his mind. He has either changed his mind or Mrs Dunne has rolled him in the party room. I do not know which. I honestly do not know which. Is it a case of Mrs Dunne one, Mr Smyth nil? I do not know.

I gave those opposite as much information as I had about my person in the same way as I gave it to every member of the Greens and all the members of my own party. I shared everything I had. Did I hold it back? No.

Mr Seselja: You haven't been holding anything back lately about your own party.

MR HARGREAVES: My leadership is not in question; yours is.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker.

Members interjecting—

MR SPEAKER: Order, members! Mrs Dunne has the call.

Mr Hanson: You are the one man that doesn't come up to leadership, John.

MRS DUNNE: There is no show that Mr Hargreaves's leadership is ever in question. Minister, in what way and to what extent did this survey material inform your decision to ban consumer fireworks?

MR HARGREAVES: Each and every piece of information that I received and gleaned from the surveys—

Mr Seselja: It wasn't a personal obsession?

MR HARGREAVES: In fact, even the *Canberra Times* survey was valid—2,400 people; 2,400 people is a statistically valid—

Mrs Dunne: Oh, a phone-in survey.

MR HARGREAVES: What? I took into account, funnily enough, the findings of the Standing Committee on Justice and Community Safety's investigation into fireworks. I took all of that into account. What a cacophony of crackers in this lot.

Mr Hanson: Why don't we take a survey of the Labor caucus? That would be an interesting poll. How about a poll of the ministry—and the backbench; let's include them in your poll?

MR HARGREAVES: The only thing about the polls that is of interest to me is the polls that have got us over on this side of the fence.

Mr Hanson: We know the stats.

MR HARGREAVES: Mr Speaker, if one of their number wishes to ask a question and the rest of them bray like donkeys in the dark, how can I possibly respond?

Mr Smyth: See, John knows the plural of animals.

MR HARGREAVES: I do. I do indeed. That is because I have sat here and had to look at them for so long that I now know that such a plurality actually exists. Mr Speaker, Mrs Dunne asked me how much influence did all of that have. It all had an equal influence. I took on board a lot of the concerns of the community; I took on board concerns of my own group; I took on board concerns—

Opposition members interjecting—

MR HARGREAVES: I took on board the concerns that were conveyed to me by Kerrie Tucker when she was in this place. Kerrie Tucker was instrumental in allowing me to say, “Well, yeah; let’s give it another shot.” I did not want to then, but I suggest give it another shot.

These guys, on the other hand, supported Steve Pratt’s bill. Mr Doszpot goes to the election saying, “Liberal Party’s policy is to ban fireworks.” How things change. Mr Doszpot comes to the election and says he supports the Liberal Party’s policy to ban fireworks. Now we have Mrs Dunne getting her own way by rolling everybody in the party room. She is the one who said I cannot speak to any one of her colleagues on this matter. I wanted to speak to every member in this chamber, but Mrs Dunne said, “No. I’m the queen of industrial relations. You have to speak to me. You shall not get to heaven unless it’s through me.” So what happens? I gave these other guys everything that I had.

Mr Speaker, I really think that they are talking absolute rot. I cannot answer all of their questions at once. I can do you one at a time, but I cannot do you all at once.

Public service—20th anniversary

MS BURCH: My question is to the Chief Minister. Chief Minister, behind every ACT government is a committed, dedicated public service. Can you please advise the Assembly of the value of the ACT public service in its 20th anniversary year?

MR STANHOPE: I thank Ms Burch for the question. While 2009, as we all know, is the 20th anniversary of the ACT Legislative Assembly, it is also the 20th anniversary of the ACT public service—a public service that may be modest in size but that is equal to any in the nation when it comes to quality.

I and my ministerial colleagues have had the honour in recent weeks to attend ceremonies to recognise those public servants who were with us on day one—who made the transition from the commonwealth public service at the moment of self-government—and who have gone on to build great careers serving their community over the subsequent 20 years. I have had the pleasure of meeting some of those public servants and hearing their stories.

In Territory and Municipal Services alone, there are 537 men and women who have given 20 years of service to their community, Canberra. In Disability, Housing and Community Services there are another 60. Right across the service, there are 2,084 men and women who were a part of the ACT public service at the start and who are still here to help celebrate its 20th anniversary.

These men and women have helped to establish a culture that was described by Ernst and Young in relation to TAMS as a “can do” culture—a culture of commitment to service delivery and meeting community expectations. In the months since I took over the TAMS portfolio, I have been immensely impressed by the dedication, the positive culture of service and the spirit of staff in TAMS. Having had the honour of getting to know public servants across numerous portfolios in my capacity as minister, I can say that that culture of commitment, that determination to serve the community, is present right across the ACT public service.

The men and women of the ACT public service are not afraid to have ideas and are not afraid to express them. And they have the satisfaction of seeing those ideas turn into policies and programs that improve the lives of their fellow Canberrans. Work does not get much more satisfying than that.

Some of us in this place have worked as public servants ourselves. We know the deep professionalism required to pursue a career in the bureaucracy, as ministers come and go, and governments come and go, with differing priorities and differing agendas. We know how it must hurt a career public servant, a professional, to have his or her capacity questioned and reputation traduced. Sadly, we have seen too many such attacks from those opposite over recent years, including attacks by those who ought to know better, those who have sat where those public servants sit. They are attacks from those who know very well that a public servant is usually unable to defend himself or herself from political attack, and may in fact be open to swift and vitriolic action if they dare to do so.

I will always believe that it is the responsibility of a minister to stand up for and defend hardworking public servants from mean-spirited political attack. This government has done so, and will continue to do so, because we know that, unless a public servant can depend on his or her minister and the government of the day to defend them from baseless attack, there can be no trust and there can be no genuine openness in the giving of advice.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Chief Minister, are you aware of any threats to the high standing and reputation of the ACT public service?

MR STANHOPE: Thank you, Mr Speaker, and I thank Ms Burch for her question. Sadly, I am aware of threats to the reputation and high standing of the ACT public service, and I am concerned that the long-term ramifications of these threats may be difficult to redress and may be impossible to undo.

It is the very culture of our public service that is at risk, a culture that has built up over 20 years of self-government, a culture that is robust but not immune to erosion if the attacks are persistent enough. Let us reflect on just a few of these attacks in recent times. We all recall the disgraceful attacks on the senior public servants who did their utmost to serve the community during the unprecedented firestorm that hit Canberra in 2003. We all remember that there were some in this place who did not believe that

these public servants should even be afforded the basic right of legal representation, let alone that the government of the day should respect their right to pursue their case to the full extent of the laws of the territory.

Opposition members interjecting—

MR STANHOPE: We all recall the disgraceful Liberal attacks on the child protection workers who have come to our city from the United Kingdom—professionals who have come half way around the world to care for our most vulnerable children. And what do the Liberals do? They play grubby politics with the issue. They play grubby politics with people's professions, people's careers and people's lives. They are so grubby that my colleague the minister, Andrew Barr, felt obliged to apologise in person to those workers on the government's behalf.

Opposition members interjecting—

MR STANHOPE: The attacks on public servants continue. Just last week, Mr Smyth was voicing his concern that an inquiry into the sale of the Labor clubs would be undertaken by—heaven forbid!—a public servant, the independent head of the Gambling and Racing Commission. How shocking that a public servant be trusted to do the job for which he or she is employed and for which he or she is trained. How shocking!

Opposition members interjecting—

MR STANHOPE: Still, it is all a bit of a pattern on Mr Smyth's part, a pattern of opposition for opposition's sake, a pattern of attacks that show quite clearly that he does not care who gets in the way or who gets hurt or whose reputation is left in tatters, so long as there is a slim chance he might land a glancing blow—

Ms Porter: Mr Speaker, I raise a point of order under standing order 37. Can order be maintained, please?

MR SPEAKER: Thank you. Chief Minister, continue.

MR STANHOPE: Thank you, Mr Speaker. It is a pattern of attacks that quite clearly shows that Mr Smyth does not care who gets in the way or who gets hurt or whose reputation is left in tatters so long as there is a slim chance that he might land a glancing blow on a member of the government. Of course, the blows never land; they miss by a mile.

But the body count of tattered reputations among our public servants continues to mount. Just a few weeks ago Mr Smyth could not resist launching a very personal attack on the then head of the Emergency Services Authority. Mr Smyth was reported in the *Canberra Times*, a very august and reliable journal, as saying that he had lost all confidence in the chief executive of the ESA. Twenty-four hours later that public servant resigned. It is a pattern of vicious behaviour, a pattern of opposition for the sake of opposition and careless of consequences.

We all recall the Liberal Party's attacks on a senior public servant within my own department, a public servant who had the shocking temerity to attempt to facilitate the entry into our economy of an investment worth billions of dollars, in other words, a public servant doing his job.

We all recall the absolutely puerile and personal attacks the Liberals made on the Under Treasurer earlier this year. That is what public servants get for giving a briefing to the Liberal Party. Her reputation is traduced; her words are made the butt of undergraduate humour.

We saw the same treatment of a senior member of the ACT Library Service by Mr Coe in a recent estimates appearance—ridicule and scoffing. We saw it again most recently with the attacks on those public servants appointed by the government to the EPIC board. Not content with criticising the process, those opposite play the man. They suggest that those officials appointed to the EPIC board do not know how to run an events venue.

The same officials who run Canberra Stadium, Manuka oval and Stromlo forest park cannot be trusted to run EPIC. The Liberals accuse those officials of a hostile takeover of EPIC, a hostile takeover of assets which are owned by the people of the ACT. It is hard to grasp the logic of that, Mr Speaker.

No public servant is immune to attack by the Liberal Party. When it comes to school teachers, the Liberals say that investment in education is just throwing good money after bad. That is the commentary by the Liberal Party on teachers within the public school system—good money after bad.

They accuse our doctors and nurses of providing Third World health services. It is an absolute shame. (*Time expired.*)

ACT Heritage Council—assessments

MS LE COUTEUR: My question is to the Minister for the Arts and Heritage. Minister, how many outstanding nominations does the ACT Heritage Council currently have to assess? How does it prioritise the assessments and what is the average time for processing a heritage nomination?

MR STANHOPE: I thank Ms Le Couteur for her question. Ms Le Couteur, there is a serious issue in relation to the Heritage Council backlog. In 2007-08, the Heritage Council had a backlog of 320 historic places and objects nominated to the register and began then, in the face of that backlog or list of 320, a process or a project to prioritise each of those applications. Having examined the list of nominated places, the council gave priority to the assessment of private properties, to give owners certainty in relation to how they could develop those properties that have been nominated for listing.

During that time, 32 places and objects have been assessed against the heritage significance criteria, as required under the Heritage Act, and presented to the Heritage

Council for decision. Of those 32, nine places were rejected from inclusion in the provisional register, five places are currently at provisional registration status, and 18 places have progressed to full registration. A further 48 nominations on national land, and therefore under the National Capital Authority's control, are in the process of being removed from the register and moved across to a non-statutory list which includes places of interest to Canberra's story but which are not on territory land. Sixteen places nominated to the heritage register for their national value for the Conservation Council of the ACT under various rounds of the ACT heritage grants program are also currently being assessed, with decisions, I am advised, likely on those 16 in this year.

The significant progress on the backlog—and there has been significant progress but it is a large backlog as well—was only able to occur due to dedicated financial resources in the administration budget, and a consultant has been engaged to undertake some of the assessment work that is necessary to deal with that backlog. Ms Le Couteur, that is all the information I have available that is relevant to your question. There is a significant backlog. The Heritage Council has sought to prioritise, to identify, and over the last two years, while the backlog remains significant, significant progress has been made.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, it appears that a nominee, or in fact possibly anybody, can pay a fee of \$3,000 to have their heritage nomination treated as urgent and have that process within 20 days. How often does that happen and are there any other criteria to be considered urgent other than the ability to pay \$3,000?

MR STANHOPE: Thank you, Ms Le Couteur. Ms Le Couteur, I do not have that information available to me. I am more than happy to obtain it and to provide it to you.

Department of Territory and Municipal Services—strategic budget review

MR COE: My question is to the Minister for Territory and Municipal Services. It is in relation to the strategic budget review of the Department of Territory and Municipal Services of 9 December 2008 by Ernst and Young. The report raises the possibility of charging for domestic waste collecting. Minister, will you rule out the introduction of such charges for domestic waste collection?

MR STANHOPE: I thank Mr Coe for the question. As I indicated in an earlier answer, the government faces a significant issue in relation to the global financial crisis and its impact on receipts and revenues in the territory and faces a very significant issue over the next five to six years.

We have a significant deficit. The Treasurer has outlined a long-term plan to bring the government back into surplus. We as a community, we as a government, we as an assembly, face a very significant challenge in relation to bringing our budget back

into surplus in order to ensure that we have the capacity, the stability, into the longer term to deal with the priority needs of this community.

We have already imposed an efficiency dividend on all agencies within the ACT, except the Legislative Assembly and the Auditor-General. We will, of course, be looking to the Legislative Assembly to do the right thing and impose an efficiency dividend on itself. It would be nice to think the Auditor-General would do the same. Every other agency in the ACT has accepted an efficiency dividend.

It is going to be hard work. It is going to be incredibly hard work. The government is determined to work with the community in relation to the decisions that have to be taken and the challenges we face. I outlined earlier today that I had begun that process in relation to Territory and Municipal Services across the board. I am engaged with the Canberra community, with all stakeholders and with the community more broadly, to look at every area of expenditure in the entire portfolio. We will do the same in relation to all those areas within the Chief Minister's Department through which services are delivered and we will find those savings.

At this stage, before the community consultation, before the forum has actually even been held, I am not ruling in or out anything. We are engaging with the community. We face an efficiency dividend. I am not ruling out a single thing. We are engaging with the community. We are going to have community forums. We are going to produce discussion papers. We are actually going to ask the people of the ACT to respond in relation to—

Mr Hanson: That is why you are spending \$90 million on a hospital that we have already paid for?

MR STANHOPE: I had not realised the Liberal Party opposed the women's and children's hospital. When did they first oppose the women's and children's hospital? What a remarkable position for the Liberal Party.

I am not ruling in or out anything at this stage in relation to decisions that we will be taking responsibly and in discussions with the community in relation, most particularly, to next year's budget and most particularly dealing with the issues that we face as a community, having regard to the consequences of the global financial crisis.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, why are you leaving the option open of charging for basic services which should be the core business of government?

MR STANHOPE: I said that I am not ruling in or out anything at this stage. We are going to engage with the community in relation to the level of service delivery, the nature of service delivery, the range of service delivery, whether or not the community believes that some services that we now charge for or do not charge for we might charge for or not charge for, alternatively. That is the sort of discussion we are going to have. Do the people of Canberra believe that some range of services

within a particular description that we charge for would perhaps be better abandoned or not charged for; but conversely, that we actually charge more for delivering some other service. That is the nature of the conversation that we are going to have.

We have undertaken to consult the people of Canberra in relation to all of these issues. These are difficult decisions; they are hard decisions. We believe it is important that we consult the people of Canberra. We are committed to consultation and we, of course, look forward with great interest to the response of the Liberal Party to these significant issues.

National Multicultural Festival—funding

MS BRESNAN: My question is to the Minister for Multicultural Affairs and is in regard to festival and fringe funding decisions. The minister announced a funding boost to the National Folk Festival last week of \$90,000 over three years. The money is to support a fringe event that will “add to the increasingly popular National Folk Festival”. Can the minister advise the Assembly if these funds come from the Office of Multicultural Affairs, what advice he received on redirecting funds in this way and whether he will table that advice in the Assembly before the end of sitting today.

MR HARGREAVES: I thank Ms Bresnan for the question. I do not recall receiving written advice on that, but I will have a look and—

Mr Seselja: Don't worry about advice!

MR HARGREAVES: Give us a go, will you?

Opposition members interjecting—

MR HARGREAVES: How about you just settle, petal? Settle, will you?

MR SPEAKER: Order! Let us hear from Mr Hargreaves.

MR HARGREAVES: I will have a look at the papers and I will give you a copy of them as soon as I can. But I can tell you this, in answer to your question: the amount of money is coming from the Department of Disability, Housing and Community Services global budget. The amount of money which has been allocated for the festival for 2010 is a figure just over \$400,000. It has a CPI component which goes on top of that. I am not quite sure what that figure is; it is something like \$18,000.

The total cost which was absorbed by the Department of Disability, Housing and Community Services last year was in the order of \$960,000. So we know that there is that amount of money available for application to other Disability, Housing and Community Services programs, if it were not to be applied to the Multicultural Festival. From that, the amount of money of \$30,000 a year to go to the Folk Festival will be applied.

With respect to the position that we took, much of this came from discussion in my office with officers around the expenditure on the National Multicultural Festival.

Had I not taken action to address this, I would have been subject, I believe quite rightly, to criticism for allowing it to just go on unchecked, and I said this could not happen. I then sought, in discussion with my officers, ways in which the overspend could be addressed. It is necessary for folks to understand the nature of that overspend.

I will say this much at this point: I have briefed Ms Bresnan on this issue, and I have briefed Mr Doszpot on this issue. But I am very pleased that the question has come forward so that I can answer it on the record here. The major reasons for the overspend were the withdrawal of sponsorship of around the \$200,000 mark. There was also the expansion of the festival into the Glebe Park area. Without going into exact figures, there was about \$100,000, and it was attributed to additional security, additional toilets, additional rubbish collection, additional power and the additional price for hiring the tents, stage and technical areas in that particular part of the world.

The application of funds is coming out of the Office of Multicultural Affairs. In a sense, that is part of the Department of Disability, Housing and Community Services. The reason why we are doing that is just to finalise the contract. It is my intention to transfer the budget and the contract, with the Chief Minister's agreement—and that has yet to be finalised—to artsACT because this is an arts activity, Ms Bresnan.

One of the issues that we faced when we looked at it was in fact the inability of the fringe to account for the moneys; they were supposed to have accounted for their expenditure and their revenue by March this year. That is still to be done. I am concerned that the administration, the production of these things, sits with people who are not skilled to do it. It should be in place with people who are skilled in administering the performing arts, and I believe that the Folk Festival has the infrastructure to do just that, and that has been a large part of the influence on us placing it in that particular position.

MR SPEAKER: Ms Bresnan, a supplementary question?

Mr Coe: The committee? What do you think? Joy, Mary—how was the meeting last night?

Mr Hanson: A good meeting?

MR SPEAKER: Order! Mr Hanson and Mr Coe, I am tired of hearing your voices today. You are just coming across too high. Let's tone it down.

MS BRESNAN: How was the decision to shift the fringe funding to the National Folk Festival informed by the views of this year's performers and audiences?

MR HARGREAVES: "Not in the least" is the answer to Ms Bresnan's question. What did inform the decision to do that was that the amount of \$960,000 was far too much. My understanding of crowd numbers in terms of value for the money of a dollar expended is that the fringe cost was not \$55,000, as people would have us believe. In fact, the cost of artists was around that figure—and an amount of \$7,000 for the person engaged as the fringe director to the Multicultural Festival. The whole

thing also included the costs of hiring the tent for nine days, rubbish collection, security, power and all the rest of it I mentioned in respect of Glebe Park. The figure was over \$100,000 in total cost—that, I believe, for an audience which did not have necessarily an ethnic diversity and a multicultural diversity application.

That informed it. The exercise was informed in terms of value for money. It was, of course, also for reducing the amount of the whole festival down to a manageable size where it could be put on for \$400,000. The fringe events needed to come down in concert with the rest of it, so what did inform it was the cost that we were paying for it. What was influencing it was the fit with the message of multicultural diversity and harmony. It was not there; it was a better fit somewhere else. I could have given some thought to just saying, “No, we won’t have one at all.” But that thought was not entertained. I thought, “Well, in that case, we should give the notion of a fringe some sort of regularity, some sort of sense of security.”

In previous years, the arrangements have been settled at about this time. In 2008, for the 2009 festival, the contract to mount it on behalf of the National Multicultural Festival was signed on 15 August. The decision not to proceed with that particular approach was taken in and around about the same period of time. So there is nothing unusual about the timing of it. Also, in the past there has been no guarantee of funding or support beyond a given year. It has been a year-by-year prospect. The application of \$30,000 for folk guarantees an activity for people engaged in fringe performance type activities—a guaranteed vehicle for three years.

It has been bandied about that the actual performances themselves had a large—

Ms Porter interjecting—

MR HARGREAVES: No, not necessarily. I did receive some complaints about some of the acts that were on, but fringe events are fringe events; they are alternative. Whether they are properly placed in Civic Square to have this sort of alternative thing is a debatable issue, but what is not debatable, I believe, is that paying \$100,000 of taxpayers’ money for such an event is a bit questionable. Having to shrink down a whole festival to bring it under the going budget is an imperative. Shrinking down the fringe to the same level has to go along with the rest of it. The question then is whether it is a good fit or not. I believe that, if we are going to encourage the fringe as artistic expression, to have a future and to grow, the best place it could possibly be is in the context of the Folk Festival.

The issue about advice—normally when you talk about contracts, you do not have conversations with everybody who is likely to be a recipient of a contract along the way. You do not actually do that. What you do—the courteous thing—is that, the moment one is concluded, you have a conversation with people who are affected. And that is what happened. That is what happened. I really do not think that it is appropriate that we make policy decisions wrapped around an individual.

Fireworks—ban

MR HANSON: My question is to the Minister for Industrial Relations. The government’s most recent survey on the attitude of the public towards consumer

fireworks revealed that 56 per cent of those surveyed agreed that the Canberra public should be able to buy and use fireworks; 41 per cent disagreed. Minister, what conclusion did you draw from this survey result?

MR HARGREAVES: Thank you very much, Mr Speaker. Mrs Dunne asked me that question and I answered it.

Mr Hanson: I raise a point of order, Mr Speaker. My question was different from Mrs Dunne's. Mrs Dunne's question—

MR SPEAKER: Yes, it was. I am sorry, Mr Hanson. I recall.

Mr Hanson: was different. It was about 98 per cent not making complaints.

MR SPEAKER: Minister, it was a different question. Do you want to further your answer at all?

MR HARGREAVES: I do not think I need to expand on the answer, Mr Speaker.

MR SPEAKER: You have not answered it. Mr Hanson, a supplementary question?

MR HANSON: Minister, what assurance can you give the people of the ACT that your decision to ban consumer fireworks was not one based on personal obsession, but rather one based on the outcomes of community consultation?

MR HARGREAVES: I can give the community in Canberra every assurance that that is so. In fact, I refer Mr Hansen and your good self, of course, Mr Speaker, to the documents that I provided to you supporting the argument that I gave.

The ban is all about stopping the illegal sale of these articles and the illegal use of these articles. It is to stop deliberate criminal damage to property like school ovals, mail boxes, vehicles, homes and buildings. It is about distress and injury to animals, as I have said publicly, not only to domestic animals but also to wildlife and stock, particularly horses, on the fringes of Canberra, and also the associated risk of injury to innocent people.

The one thing about this particular process that the opposition are not, I think, respecting terribly is that I gave them a dossier that thick. The case is laid out in the document, and there is ample case in that document for the decisions that I make in bringing forward a recommendation to my colleagues.

Unlike the opposition, I do not hang my case off one particular survey which happens to give them the information that they particularly want. For example, they did not take any notice of a survey which said, "Please do not make a public event out of imploding the hospital." They did not take a blind bit of notice of that. But we do not do that.

An examination of the document will reveal, in fact, a number of surveys which have informed us what the community attitude actually is. Mr Speaker, this is typical—

MR SPEAKER: Order, Mr Hargreaves! Mr Hanson has a point of order.

Mr Hanson: Mr Speaker, the minister referred to a survey that was conducted by the previous government prior to the implosion of the hospital. I ask that the minister table that survey by the close of business today.

MR HARGREAVES: Mr Speaker, that information is available on the web.

MR SPEAKER: Just one minute, Mr Hargreaves. Stop the clock. Mr Hanson, I do not believe the minister was actually quoting from a document. From that point, I do not think there is a requirement for him to table the document that you are seeking. As I understand the conversation, I do not think he quoted from one. Continue, Minister Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. What I have relied on in presenting a case has been a series of issues, a series of surveys and a series of incidents. I have not trawled through documents to pull out one that actually suits my case. I put the whole lot down in front of everybody.

This is a typical Brendan Smyth trawling through statistics 101 exercise. You wander through the whole document until you find one thing which supports your argument. I, on the other hand, have put everything available to me in a document and shared it with those members of the opposition.

It needs to be noted that Mrs Dunne would not allow me to have conversations with her colleagues, saying that I had to go through her. I wanted to go and have a conversation with everybody. She said, "You have to talk to me." The answer is that the document speaks for itself, and they have got access to it.

Schools—government and non-government cooperation

MS PORTER: My question is to the Minister for Education and Training. Can the minister advise the Assembly of steps that the government is taking to encourage collaboration between government and non-government sectors in education in the territory, and in ending the old public-private debate?

MR BARR: Once again, I thank Ms Porter for her interest in education matters. Again, Ms Porter stands out as a beacon in this place as a member who is prepared to ask the important questions on the education portfolio.

I say in response to Ms Porter that Labor is the party of education. Labor is the party that supports public education and non-government education. Labor is the party that is investing more than half a billion dollars to ensure that every school in the ACT is a great school.

As I have said before, as far as this government is concerned, the old public versus private debate in education is over. This government sees the non-government sector as partners in ensuring that every child in the ACT gets the best education possible. A

key way of ensuring that the old public-private debate is over is to ensure that the non-government sector is fully independent and fairly funded.

To give a practical example of this fair funding, the government has created in this year's budget a \$4 million non-government school equity fund. Specifically, this 2009-10 budget initiative will increase funding for students with special education needs across the non-government school sector. It will also, importantly, further assist students in non-government schools with identified learning needs and students from socioeconomically disadvantaged backgrounds.

The second appropriation earlier in the last financial year delivered a \$2.1 million payment to all parent groups and associations, in both government and non-government schools, with a one-off grant of \$15,000 to each of those associations, together with a grant of \$1,500 for preschool parent associations in both government and non-government school sectors. This initiative has given all school communities the autonomy and independence to determine how best to spend their grant.

In the area of information and communication technology, the government has also invested \$2.5 million to further increase the ability of non-government primary schools to improve their access to the latest ICT infrastructure, including new smart boards and computers. A similar program operates in the government school sector. This means that all ACT non-government schools with primary students will receive at least \$5,000 per school under the program, and the remaining funds will be allocated to non-government schools on a needs basis.

To ensure that our friends and colleagues in the non-government sector can provide the best education possible, ACT Labor has increased funding for non-government schools by over 35 per cent since coming to office.

There are many other practical examples of how we are working in collaboration with the non-government school sector for the good of all ACT children. For example, I recently agreed to a request from the Catholic Education Office, the Association of Independent Schools and the Association of Parents and Friends of ACT Schools to include non-government schools in a review of leading practice in curriculum and pedagogy for the range of students with disabilities in the ACT school system. I look forward to further enhancing shared professional development programs within all ACT schools.

Another example of this collaboration between government, Catholic and independent schools is in the area of physical education. As part of the minister's physical activity challenge, over 13,000 students from 47 ACT primary schools across the government and non-government sectors participated in the inaugural challenge in 2008. We funded the Children's Physical Activity Foundation to provide grants for sporting equipment and to assist in the delivery of programs in both government and non-government schools. In addition, government and non-government schools will finalise the implementation of the preschool to year 10 ACT curriculum framework "every chance to learn" by the end of 2010. The structure and nature of this framework allows non-government schools to tailor a wide range of teaching strategies to the culture and ethos of individual schools.

We have streamlined the planning system and worked with the commonwealth to ensure that every ACT student and every ACT tradie can get the maximum benefit from Labor's building the education revolution package. I refer particularly to shared campuses, such as the Amaroo and Good Shepherd schools, and the Gold Creek school and the Holy Spirit school, that are working well together in sharing playing space, libraries and even swapping tips between staff.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Can the minister advise of any community reaction to the government's measures?

MR BARR: I am aware of a range of community views. Unfortunately, there are six members of the community who have very unsavoury views—unsavoury views based on the doctrine of opposition for opposition's sake. Like Harry Truman so famously said, "I don't give them hell. I just tell the truth about them and they think it's hell."

The government's aspirations for the non-government sector are simple: that the sector is fully independent and that it is fairly funded. Whilst this is Labor's policy, it is clearly not the policy of the Canberra Liberals. The six members that sit opposite are party to Mr Doszpot's plan to use the Human Rights Act to impose his will on non-government schools in the ACT.

The moment that I announced Professor Shaddock's appointment to conduct a review of leading practice, curriculum and pedagogy for the range of students with a disability in ACT public schools, Mr Doszpot was negative—opposition for opposition's sake. First, Mr Doszpot said it was outrageous that there was allegedly no extra money for students with a disability. Accept, then, that Mr Doszpot and his five colleagues went on to vote against additional funding for students with a disability by voting against the ACT budget. They voted against additional funding for students with a disability by voting against the ACT budget.

The politics did not stop there. Mr Doszpot demanded that non-government schools be forced to comply with the Human Rights Act and be compelled to participate in the review. His media statement on 30 April 2009 stated very clearly:

The ACT Human Rights Act 2004 applies to all students with a disability, not just the government sector.

The obvious point to make here is that Mr Doszpot says the Human Rights Act means the government must view curriculum and pedagogy for students in non-government schools if the government reviews curriculum and pedagogy for students in government schools. That is what he said. It is there in black and white. It is in his media release and that is what he meant. That is exactly what he meant. That is why I have made it abundantly clear that the government opposes any suggestions—

Mrs Dunne: You're a twisting liar. You lied and you've lied again here.

Mr Hargreaves: On a point of order, Mr Speaker: Mrs Dunne just said, “He’s lied and he’s lied.” I ask you to ask her to withdraw it.

MR SPEAKER: Mrs Dunne, would you like to withdraw? “Liar”, “lying” and permutations thereof are considered unparliamentary language.

Mrs Dunne: I withdraw if you ask, Mr Speaker.

MR BARR: Thank you, Mr Speaker. As I have said on a number of occasions, we would only seek to involve ourselves in reviewing teaching and curriculum practices in the non-government school sector on their invitation.

I support choice in education and that is why I have made it abundantly clear that the government opposes the suggestions by Mr Doszpot that we would wade into the non-government sector without their invitation on curriculum and pedagogy. That is what the Shaddock review is about. As it would appear to be the case that the ACT Liberals are not prepared to state their position on this matter clearly, are they suggesting I should have waded in without an invitation into the teaching practices of non-government schools? That was the Shaddock review. Do I need to remind those opposite that the Shaddock review was into the leading practice in curriculum and pedagogy? That is what it is in relation to.

Upon their invitation—because they asked and we said yes—that is what those opposite are so unhappy about. In relation to the non-government schools, when they asked, we said yes. That ended the possibility for them to run the opposition for opposition’s sake position that they are so comfortable with running.

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

Planning, Public Works and Territory and Municipal Services—Standing Committee Report 3—government response

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3.14): For the information of members, I present the following paper:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 3—*Inquiry into the Crimes (Bill Posting) Amendment Bill 2008*—Government response.

I move:

That the Assembly takes note of the paper.

The government tabled the Crimes (Bill Posting) Amendment Bill 2008 in the Assembly on 11 December 2008. The bill proposed to amend the Crimes Act 1900 to

require organisations promoting an event to ensure that the event is promoted cleanly by taking appropriate precautions to ensure bills, posters and placards are not affixed illegally to public or private premises.

The bill also proposes to make bill posting a strict liability offence, to allow for infringement notices to be issued where an illegal billposter is caught in the act, instead of the matter proceeding to court. On 10 February 2009, the Assembly agreed that the bill would be referred to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report to the Assembly by the first sitting day in August 2009.

The government thanks the committee for its work in relation to the bill and acknowledges the individuals and organisations who provided submissions to the committee. Their contributions to the debate and the bill are valued.

The committee report identifies some interesting issues, primarily to do with ensuring there is adequate provision of bill posting silos and there is adequate public notification to ensure billposters are informed about the changes that affect them. These recommendations are, coincidentally, in line with the government's thinking and intentions in relation to the bill. The government has already committed funding for the construction of a significant number of new bill posting silos in shopping centres where illegal bill posting has been a problem. The government is also committed to adequately informing the community when changes to the legislation are introduced.

Committees provide a critical forum through which our elected members can scrutinise, digest and comment on the government's work on behalf of our community. The strenuous intellectual work of committee members should not be underestimated, nor should the degree of support committees receive from the public service who assist with the presentation of the government's case and answer queries. On top of this is the effort put into public submissions and the work of the committee secretariat in the Assembly.

There is often significant debate in the committee room, as we all know. The result in the best of worlds is agreement and consensus between members. In the present case, the government's representative, Mary Porter, and the Liberal's representative, Alistair Coe, were able to agree in the committee room on the recommendations that are included in the report. The committee's recommendations were intended to highlight any issues with the legislation, areas where the committee believes more work is required, where the committee might disagree with the direction or where the committee believes an approach should be scrapped.

I have tabled the government's considered response to the committee's report, which agrees with four of the committee's seven recommendations, agrees in principle to two recommendations and notes the remaining recommendation. It is unfortunate that we witnessed, and Alistair Coe has stated in the Assembly, something of an about-face on the spirit of the recommendations made in the committee report. These are recommendations, one must assume, that he agreed to in the committee room, because he actually signed the committee report. It is unfortunate, not least because it highlights Mr Coe's apparent inability to grasp the basic amendments to the law.

Despite agreeing in the committee room to all seven recommendations and supporting the spirit of the bill, Mr Coe is now claiming in the Assembly that in fact he only supports six of the recommendations. Now he says the bill represents heavy-handed tactics. What we are witnessing here is Mr Coe's lack of experience, his immaturity and his inability to have the courage of his convictions. Behind closed doors, in the midst of considered debate, Mr Coe agrees to a certain position, agrees with particular recommendations, but back under the fluorescent lights of the party room he finds that it is not enough for him to conscientiously exercise his role as a committee member and agree in his party room to the seven recommendations that he agreed to in the committee room. Suddenly he realises he has lost an opportunity to oppose for the sake of opposition.

His colleagues come down on him like a ton of bricks. His leader asks: "Alistair, what have you done? Agreed with the Labor Party on all seven recommendations? What have you done? Agreed? Agreed unanimously with the Labor Party? Go back, Mr Coe." That is the plaintive cry from his leader: "Go back and oppose. Do your job. Oppose for the sake of opposition. That is what you are meant to be doing. Oppose for the sake of opposition." And so he does.

He signs a report in which he agrees with the Labor member, Ms Porter, on all seven recommendations, walks into this place and suddenly agrees with only six. It is all there in the report. It is in black and white, in the committee report, "agrees to all recommendations". He walks in here and says, "Heck, it's not good enough to be seen to be agreeing with the Labor Party."

Mr Hanson: No wonder Andrew is twitching over there.

MADAM ASSISTANT SPEAKER (Ms Burch): Mr Hanson, please be quiet.

MR STANHOPE: Now of course he is also claiming that the bill makes it technically a crime for chalk hopscotch drawings to appear on paths and for small groups such as Scouts to paint stencilled numbers on guttering outside residential properties. That is not true and Mr Coe should not know that it is not true.

This was the Canberra Liberal Party's first unexamined response to the bill. And despite the committee resources that Mr Coe has taken advantage of, despite being walked through his errors, despite being convinced behind closed doors that the government was right and that Mr Seselja was wrong, back in the party room under the hot lights he buckles.

As Mr Coe and other committee members know and as the government has been at pains to explain, technically speaking these activities are already illegal under the Crimes Act. And it is not practical to separate out these activities from other forms of graffiti through dedicated legislation.

Where they are filtered out is through the application of the de minimus rule, which is applied every day by every officer with a regulatory responsibility. The rule means that offences that are of a very minor or accepted nature will not be prosecuted in the

courts and therefore do not warrant a change. This is common across all sorts of laws, all area of law, not only chalk drawings or Scouts who paint street numbers on gutters; it applies to people who write their street number on an ACT government garbage bin and, for that matter, people who post lost dog posters on a telegraph pole.

Significantly, it is also reflected in the Director of Public Prosecutions' policy document which is publicly available on the DPP's website. I urge the Liberals and the Greens to familiarise themselves with the prosecution policy.

I welcome comments received from the human rights commissioner on this amendment. The commissioner has stressed the importance of ensuring adequate protection is given to the rights of young people. It is firstly relevant to note here that on-the-spot fines for bill posting, as for graffiti, cannot be issued to a person under the age of 16 in the ACT.

The Criminal Code already absolves children under the age of 10 from any criminal liability or responsibility. The code imposes an additional evidentiary element for any prosecution of a child between 10 and 14. The prosecution needs to prove the child knew that his or her conduct was wrong. So the Criminal Code already protects younger people who may have committed an act where they had only a limited understanding of the consequences. And the DPP's prosecutions policy also specifically recognises the care to be taken in considering whether a juvenile should be prosecuted.

This is an important amendment to protect the beauty of our city, to ensure events are promoted responsibly and to put adequate penalties in place for those that would, in full knowledge, cost our community by damaging public and private property for their own gain. I have pleasure in tabling the government's response to the committee's report. As I said, I thank members for their detailed consideration of this important issue.

MR COE (Ginninderra) (3.22): I think what we have seen today in this report, tabled by the Chief Minister, the highest ranking member of the government, is absolute rubbish. Here we have a Chief Minister whose number one priority is to spend 10 minutes reading out a rant about what I might or might not have done in a committee. Ten minutes, 10 minutes of his life, 10 minutes of the Assembly's time, is spent on this report. It is pretty amazing stuff. We sit so few weeks a year, for three days, and yet the Chief Minister comes into this place and tables a report like this.

He goes on to say stuff like "his colleagues come down on him like a ton of bricks". "What have you done?" they cried. "Go back and oppose, oppose for the sake of opposition." This is a disgrace. This is the Chief Minister, the Chief Minister of the Australian Capital Territory, tabling a report like this. Can you imagine Mr Brumby tabling a report like this? Can you imagine Mr Rees tabling a report like this? What about Anna Bligh? Can you imagine what she would do?

What about Mr Barr? What would Mr Barr do? That is the question: what would Mr Barr do? What would Andrew do? That is the question you have got to ask over and over again now. That is the question. That is the question everyone in the Labor

Party is asking over and over again. What would Andrew do? What would Andrew do?

He has a good chuckle because he understands the relevance and the reality of that comment. What would Andrew do? It is not a problem for Mary, Joy or John. They can simply go and ask him. But Mr Stanhope, Mr Stanhope and Ms Gallagher cannot ask him because their relationship is so fractured they cannot go up and actually have a bit of a consultation, a bit of deliberation. They have got to actually imagine, they have got to guess. And this is what we get.

We get what is, in effect, Mr Stanhope, the poor man's Andrew Barr, trying to lay a few blows across the chamber. We get this: we get Mr Stanhope, the Chief Minister of the territory, coming in here and spending 10 minutes to have a go at kids and to have a go at the Scout movement for the work they do, wanting to have a go at the Scouts. Why not go and write them a letter and say, "I condemn you"? Why not write a letter to every school student in Canberra and say, "I condemn you"? That is what you are doing.

This bill is a heavy-handed bill, a very heavy-handed bill, and it is more about the Chief Minister's vanity than it is about good governance, much more about the Chief Minister's vanity than it is about the people of Canberra. This is another one of his personal vendettas. He gets these ideas in his head, and this is run at full speed, and he loses all context of reality. All context of reality is lost by the Chief Minister when he gets sidetracked on issues like this.

It is an amazing and indicative moment, I think, in the life of this Assembly that here we are one year into the four-year term and we have rubbish like this being tabled by the Chief Minister. I hope he is embarrassed. I really do hope he is embarrassed.

I wonder who wrote it for him. Did he write it himself last night? In the middle of the night did he wake up and say, "I am going to get Alistair on this"? I would like to think that he had a speech writer write it, but maybe not.

Chief Minister, I think your response today is an absolute disgrace. I think you should have higher priorities on your agenda, and I hope that you take better action when it comes to actually reforming the bill.

MS LE COUTEUR (Molonglo) (3.26): Firstly, I would like to say how disappointed I am that the government chose not to comment on my comments in their response.

Mr Stanhope: Do not feel left out.

MS LE COUTEUR: I do feel left out because I put considerable effort into actually responding to this legislation in a serious and considered fashion.

This legislation brings up some important issues. I will quote from the Human Rights Commission. Unfortunately we only received their submission the day that we were finalising the committee's report. I suspect it would have influenced the majority report more had it turned up earlier. I quote from it:

In our view it is problematic and contrary to the intention of the HR Act, for legislation to be deemed compatible with human rights where it is, on its face, inconsistent with human rights, with the proviso that it can be read down at a later stage by the courts. If there is an inconsistency, it should be rectified in the drafting of the bill to ensure that the law is clear to all who might be affected by it. To do otherwise is counter-productive in the compatibility process, as well as confusing.

I think that is quite the point of this legislation. Everybody has agreed, in discussing the legislation, that some of it is stuff that we simply do not expect will actually be enforced, because it is wrong, it is silly, it is disproportionate. It is clear that under this legislation people posting lost dog notices could be prosecuted. Yes, the government has said that they could have been prosecuted under the previous legislation. That is true.

But what has happened is that the government is proposing to make it easier to prosecute people. That is the purpose of this legislation. The fact that they were not prosecuted in the past is of limited relevance. The fact is this legislation would make prosecution easier. The Greens are concerned that there are considerable human rights and freedom of expression implications of the proposed legislation.

We are also concerned about the proposed expansion to the promoter of the event that is being advertised. While we agree that there are issues with commercial promotion, we do not think it is reasonable that this should be made the case for charities and non-government events and we are particularly concerned that the burden of proof is in no way adequate for it to be a criminal offence. We would much prefer to see this offence be a civil offence and we have serious concerns about the strict liability issues.

As Mr Stanhope said, there will be a substantive debate on this, which I welcome, and I say, as I say in my dissenting report, that the Greens will not be supporting this legislation without substantial amendments.

Question resolved in the affirmative.

Cultural Facilities Corporation Paper and statement by minister

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

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report (for the third quarter 2008-2009: 1 January to 31 March 2009).

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

Leave granted.

MR STANHOPE: As members are aware, the Cultural Facilities Corporation delivers a range of arts and cultural programs and services for access by the ACT community at a number of key cultural venues.

Under the Cultural Facilities Corporation Act 1997, the Cultural Facilities Corporation is required to provide quarterly reports on its activities and table these reports in the ACT Legislative Assembly. I am pleased to say that the corporation has completed its report for the third quarter of 2008-09, being the period from 1 January to 31 March 2009, and I present this report for members' information.

Members can see from the third quarter report that the corporation delivered a diverse range of programs and activities for the benefit of the ACT community through its theatres, galleries and historic places. I draw members' attention to a number of key highlights from the report: 31,000 patrons attended performances at the centre during the quarter. Some of the more popular productions included Adam Hills's *Inflatable*; David Campbell's *Good lovin' tour*; Danny Bhoj; shows from the National Multicultural Festival; and *The 39 Steps*. Due to the popularity of *The 39 steps*, the season was extended for a further week. The sales of 2009 subscription season packages reached a healthy 2,472 by the end of the quarter.

For the second year, the National Institute of Dramatic Art held a summer school at the centre in January and February 2009. The program is tailored to young aspiring acting students. CMAG opened four exhibitions during the quarter: *Ocean to outback: Australian landscape painting 1850-1950* and *An act of surrender* by Joy Burch, which opened in March 2009. Other exhibitions opened during the quarter were *The Black Sea* by Franki Sparke—to celebrate the 2009 Multicultural Festival of Canberra—and *Cabinets of curiosities*.

A number of community and education programs were also presented in association with *Ocean to outback*, including a floor talk by Ron Radford. In celebration of International Women's Day, CMAG and the ACT Office for Women presented the *Indigenous women's film festival: women of the sea*, a four-part drama series made in 1981 telling the story of four Aboriginal women. The films were screened in March 2009 and were well received by capacity audiences on each night. Over 920 people participated in community and education programs, including outreach programs, presented by CMAG.

Discussions with the Australian government regarding the long-term location of the Nolan collection are continuing. In the interim, a selection of works from Nolan's Ned Kelly series remained on display as part of CMAG's permanent exhibition. Over 2,000 people participated in programs conducted at historic places during the quarter. Programs included specialised tours for heritage students from the University of Canberra and familiarisation tours for Canberra visitor centre staff.

Lanyon launched its first major event for 2009 during the quarter. The Lanyon harvest music festival was a series of evening concerts held on Sunday throughout March. It was presented to celebrate the 150th anniversary of the Cunningham homestead at Lanyon. The festival attracted an audience of over 1,200 people over the five days.

Also celebrating Lanyon's 150th anniversary was the Lanyon anniversary lecture and dinner with Trisha Dixon on 14 March 2009. The Wright family first resided at Lanyon in 1835 and Ms Dixon spoke on the links between Lanyon and the Wright family.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-186 (LR, 13 August 2009).

Building and Construction Industry Training Levy Act and Financial Management Act—

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No 6)—Disallowable Instrument DI2009-171 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No 7)—Disallowable Instrument DI2009-172 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No 8)—Disallowable Instrument DI2009-173 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No 9)—Disallowable Instrument DI2009-174 (LR, 23 July 2009).

Building and Construction Industry Training Levy (Governing Board) Appointment 2009 (No 10)—Disallowable Instrument DI2009-175 (LR, 23 July 2009).

Charitable Collections Act—Charitable Collections Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-36 (LR, 13 July 2009).

Children and Young People Act—

Children and Young People (Children and Youth Services Council) Appointment 2009 (No 1)—Disallowable Instrument DI2009-176 (LR, 27 July 2009).

Children and Young People Regulation 2009—Subordinate Law SL2009-37 (LR, 16 July 2009).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2009 (No 2)—Disallowable Instrument DI2009-177 (LR, 29 July 2009).

Education Act—

Education (Government Schools Education Council) Appointment 2009 (No 7)—Disallowable Instrument DI2009-191 (LR, 13 August 2009).

Education (Non-government Schools Education Council) Appointment 2009 (No 4)—Disallowable Instrument DI2009-190 (LR, 13 August 2009).

Education (School Boards of School-Related Institutions) Murrumbidgee Education and Training Centre Determination 2009—Disallowable Instrument DI2009-189 (LR, 13 August 2009).

Education (School Boards of Schools in Special Circumstances) Telopea Park School Determination 2009—Disallowable Instrument DI2009-188 (LR, 13 August 2009).

Education Amendment Regulation 2009 (No. 1)—Subordinate Law SL2009-42 (LR, 10 August 2009).

Electricity Safety Act—Electricity Safety (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-178 (LR, 31 July 2009).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2009 (No 2)—Disallowable Instrument DI2009-167 (LR, 23 July 2009).

Gas Safety Act—

Gas Safety (Codes of Practice) Approval 2009—Disallowable Instrument DI2009-187 (LR, 13 August 2009).

Gas Safety (Fees) Determination 2009 (No. 2)—Disallowable Instrument DI2009-179 (LR, 3 August 2009).

Health Professionals Act—

Health Professionals (Fees) Determination 2009 (No 4)—Disallowable Instrument DI2009-182 (LR, 4 August 2009).

Health Professionals (Fees) Determination 2009 (No 5)—Disallowable Instrument DI2009-184 (LR, 13 August 2009).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-170 (LR, 23 July 2009).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) (Official Visitors) Appointment 2009 (No 1)—Disallowable Instrument DI2009-169 (LR, 22 July 2009).

Planning and Development Act—

Planning and Development (Concessional Leases) Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-41 (LR, 5 August 2009).

Planning and Development (Fees) Determination 2009 (No 3)—Disallowable Instrument DI2009-180 (LR, 31 July 2009).

Planning and Development Amendment Regulation 2009 (No 9)—Subordinate Law SL2009-38 (LR, 23 July 2009).

Planning and Development Amendment Regulation 2009 (No 10), including a regulatory impact statement—Subordinate Law SL2009-39 (LR, 23 July 2009).

Planning and Development Amendment Regulation 2009 (No 11), including a regulatory impact statement—Subordinate Law SL2009-40 (LR, 23 July 2009).

Public Place Names Act—Public Place Names (City) Determination 2009 (No 1)—Disallowable Instrument DI2009-183 (LR, 6 August 2009).

Public Sector Management Act—Public Sector Management Amendment Standards 2009 (No 7)—Disallowable Instrument DI2009-185 (LR, 7 August 2009).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2009 (No 2)—Disallowable Instrument DI2009-181 (LR, 31 July 2009).

Energy efficient hot-water systems

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): In the change of speakers, I missed the call straight after question time to provide additional information on a question I took on notice. I seek leave of the Assembly to provide information on questions I took on notice from Ms Hunter, Ms Bresnan and Ms Le Couteur last Thursday.

Leave granted

MR BARR: Last Thursday in question time I was asked a number of questions by the Greens party members about differences between the nationally agreed approach to reduce greenhouse emissions from hot-water heating and the Greens party's own Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009. I undertook to respond to those questions and also undertook to provide some further written detail in response to some further specific questions from Ms Le Couteur and Ms Hunter. The several Greens party questions are closely related; so with the Assembly's indulgence, I would like to answer them cognately, noting that this may take me a few minutes.

What the nationally agreed approach, the Greens' bill and the Liberal Party's amendments to the Greens' bill all share is a proposal to phase out conventional electric hot-water heaters in some way. The differences, though, are not only about the timing of introduction but also about different specific exceptions. In explaining those exceptions, I refer to class 1 buildings—in essence, houses and townhouses—and class 2 buildings, which are in essence flats and apartments.

Firstly, what is proposed for new class 1 buildings? The national commitment will phase out conventional electric storage hot-water heaters for all new class 1 buildings by mid-2010. The Greens' bill, as unamended, will phase out conventional electric storage hot-water heaters for all new class 1 buildings from 1 October 2009. That is basically the same commitment with a commencement date a few months earlier.

Secondly, in relation to existing class 1 buildings, the national commitment will start the phase-out of conventional electric storage hot-water heaters for all existing class 1 buildings by mid-2010 with all remaining areas to be covered by mid-2012. The phase-out begins with areas with access to mains gas. The Greens party bill proposes to commence a phase-out of conventional electric storage hot-water heaters for all

existing class 1 buildings by 1 January 2010. Again, it is basically the same commitment but in this case six months earlier.

Thirdly, what is proposed for new class 2 buildings? The national commitment will phase out conventional hot-water heaters for all new class 2 buildings by mid-2012 in areas that have mains gas, and I would note that includes the majority of the ACT. The Greens party's bill appears to be silent on the phase-out of conventional hot-water heaters for new class 2 buildings. As far as we could ascertain, that means that under the Greens' bill there is no time frame for a phase-out of conventional hot-water heaters for new class 2 buildings.

There are, of course, a number of other technical and definitional issues within the Greens' bill but they are not directly relevant to the questions I was asked on Thursday; so I will leave them for the moment.

Ms Hunter asked me about consultation the government has undertaken. Our feedback from consultation did touch on some of the points that I have explained earlier. Our consultation also included discussions about amendments proposed by the Liberal Party. I can state that should the Greens adopt any aspect of the amendments put forward by the Liberals, their bill would be further weakened. I think they acknowledge that point.

Let me give an example by revisiting our earlier comparisons on class 1 buildings. The national commitment commences a phase-out of conventional hot-water heaters for the majority of existing class 1 buildings by mid-2010. The Greens party's bill, if amended by the Liberals, would not phase out conventional hot-water heaters for existing class 1 buildings at all. Ms Le Couteur raised a number of specific requests, about copies of representations I have received regarding the Greens party bill, details of advice received by me from ACTPLA regarding the Greens party bill and copies of the government's submission to the Australian Building Codes Board's draft changes to the Building Code for 2010.

Madam Assistant Speaker, I can now table correspondence to my office from Mr Stuart Collins of the Housing Industry Association, stating his concerns about the Greens' bill, especially the lack of consultation undertaken by the Greens party in its development; a summary of the final advice received by me from ACTPLA regarding the Greens party bill in the form of the speech I delivered explaining its many shortcomings and flaws, and the ACT submission to Building Code of Australia 2010.

I table the following papers:

Energy efficient hot-water systems—Advice and correspondence to the Minister from HIA and ACTPLA.

Ms Hunter specifically asked me to "provide details of consultation the government undertook with the ACT solar industry in regard to changes made by ACTPLA that would require installation standards over and above the Australian standards". The ACT's solar installation standards are in fact national standards. The ACT does not have solar installation standards per se. It has the Australia-New Zealand standard 3000, also known as AS/NZS 3000 and commonly known as the Australian wiring

rules. The Australian wiring rules are so-called because every Australian jurisdiction and New Zealand require licensed electricians to work in accordance with those rules.

It appears that the Greens party has misunderstood ACTPLA's actions. ACTPLA simply published a note on its website, as it routinely does, to provide clarity around specific provisions of the Australian wiring rules that apply to the installation of photovoltaic arrays.

After all of that, on climate change it would appear that the test is action, not words. The Labor Party supports an ETS and opposes this unworkable bill. Other parties can make their own choices.

Pace Farm

MRS DUNNE (Ginninderra): I seek leave to table an out-of-order petition.

Leave not granted.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (3.40): I move:

That so much of the standing and temporary orders be suspended as would prevent Mrs Dunne from presenting a paper.

I seek to suspend standing orders to allow me to table an out-of-order petition. As a matter of courtesy, this morning I contacted all parties and said that I would like to table an out-of-order petition. I provided all parties with a copy of one of the letters that I had received. This is an out-of-order petition. It is signed by 33 citizens who are employees of Pace Farm in west Belconnen and it outlines their views on the Greens' proposed Eggs (Cage Systems) Legislation Amendment Bill. These are my constituents.

Having considered the options as to a way that this could be tabled in the Assembly and taken advice, I decided that this was the best course of action. As a matter of courtesy, I thought that I would seek leave from members. Most members seem not to have a problem, but it is obvious that Mr Corbell does. By moving for the suspension of standing orders, it has taken more time than it would have taken to table this out-of-order petition.

It is the usual churlish response from Mr Corbell. He would like to have everything to do with the management of the house under his control. Unfortunately, the management of the house is out of control under Simon Corbell as the manager of government business. The house has no business, and when it has no business the house spends its time taking ridiculous amounts of time to debate bills that would normally have passed in five minutes—but not affording members of this place an opportunity to represent their constituents when they believe that their livelihood is at stake.

This is a simple, straightforward request that would have taken 27 seconds, but Mr Corbell has to be churlish, as is always the case. He has to decline leave and, as a result, take up more time of the Legislative Assembly. This is a straightforward matter. It just shows the extent of churlishness from the manager of government business.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.43): I note that Mrs Dunne raised this matter with my office and with representatives of the Greens earlier today. As I indicated to Mrs Dunne's office prior to her seeking leave this afternoon, I am not in a position to agree to her request to seek leave.

The reason for that is that this not a petition; this is a form letter—things that are very common in this place. This is not a petition; it is not even worded as a petition. It is a form letter, albeit an eloquent and well-put one. It is a form letter; it is not developed as a petition.

The Assembly should have some regard to the forms of this place. The forms of this place are that when people sign a petition when they do not construct the petition in a way which is consistent with the standing orders, a member can seek to table it as an out-of-order petition. Those are accepted in due course because the intent of the people who are signing a petition is quite clear.

That does not mean that we simply grant leave for the tabling of whatever other documents members feel they wish to table. In this particular instance, on the basis of the documents that Mrs Dunne has provided to my office—she provided two of the types of letters she wishes to table—the documents are not in the form of a petition; they are in the form of a form letter, a form letter which a series of people have signed and provided to Mrs Dunne.

I respect absolutely Mrs Dunne's right, willingness and responsibility as a member to raise these concerns in the Assembly. But the nature of the form that she wishes to use is not the appropriate one. I have indicated to Mrs Dunne that it is most appropriate that they be tabled in the context of any debate around an attempt by a member of this place to prohibit battery cage production here in the ACT or through an adjournment debate.

To construct it as an out-of-order petition—this is my real concern—opens up the prospect of saying that anything that a member deems to be a petition is a petition and therefore it should be tabled and leave granted. The bottom line is that it is not a petition. It is not constructed as a petition. For Mrs Dunne to seek to table it as an out-of-order petition is an abuse of the forms of this place.

The government are not going to have a big argument about this, but we are simply going to make the point that we should have some regard to the forms of this place, the way petitions are viewed and the way petitions are presented to this place. This is not a petition; it is a form letter. Members receive form letters in this place all the time. It is not a petition; it is not even an out-of-order petition.

Mr Hanson: You have said that 18 times now, Simon. We get it. We understand your position. Repeating it endlessly does not really help. I understand what you say and I understand your position.

MR CORBELL: And I have five minutes to explain what my position is, Mr Hanson. Madam Assistant Speaker, for that reason the government believes that the forms of this place should be respected. This is an abuse, and we disagree.

MR SMYTH (Brindabella) (3.47): Out-of-order petitions by their nature are out of order. They do not look like the standard petition that would be tabled by the Clerk at the opening of the day. When you receive a document, as many members do, sometimes you go and get advice from the Clerk's office as to how to best present it to the Assembly.

This is what Mrs Dunne did. She went to the Clerk and said, "Look, I know it does not conform as a petition. Can it be tabled as an out-of-order petition?" The answer was "yes, it can"—advice from the Clerk's office. Advice was sought on who could do that: "You can go to a minister or you can do it by leave."

The argument that Mr Corbell puts in place, that the government does not accept it as an out-of-order petition, is invalid in this case. We have advice that it is. It is the government's opinion that it is not. We are now going to take almost 15 minutes, in which time such a petition could have been tabled and we all could have moved on, but again it is Mr Corbell on his high horse, leaping to his feet just to stymie the process. We give leave for a majority of cases in this place—speeches, tabling statements—

Mr Hanson: It is opposition for opposition's sake.

MR SMYTH: It is in fact opposition for opposition's sake. Well said, Mr Hanson. It says volumes about the manager of government business and the way he approaches this house. It simply says that Mr Corbell has not realised that they are no longer a majority government whereby he can ride roughshod over this place, whereby he can determine what is and is not simply because he has the numbers. He does not have the numbers. What we should have—

Mr Barr: That's the will of the Assembly, isn't it, Brendan? You are very fond of the will of the Assembly, aren't you?

MR SMYTH: Yes, it is the will of the Assembly. We will see the will of the Assembly in a minute. It was very different before October.

The process followed was on the advice of the Clerk. The advice was that it could be tabled as an out-of-order petition. The government is just choosing. There was no case made. It was "we just choose not to accept it as an out-of-order petition". Give us a reason why it is not an out-of-order petition.

The problem for the government and the problem for the manager of government business is that he just does not like things being out of his control. That is what this

is about. It is not about the Assembly being able to respond to its constituents. It is not about the Assembly getting on with its business in an orderly way. It is about Mr Corbell simply having his way when he wants it.

A little bit of courtesy would have gone a long way in this. There are forms. If you go to *House of Representatives Practice*, it talks about this. We could have just had this tabled and been into the MPI by now. But no. Mr Corbell, because he wants it his way or no way, will attempt to do this on the majority of occasions, as he has done so often over the past years.

It is reasonable to do it in this way. It is a petition. By any stretch, by any definition, it is a petition from a group of members of the community through their representative to this Assembly that something happen on their behalf. In that manner it should be treated as such. Courtesy was given. It was given to both parties. It could have been done quickly; it could have been done efficiently. The only thing that stands between us and the good governance of this place is Mr Corbell.

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

Mr Smyth: Leave is granted.

Mr Corbell: Leave is not granted; the standing orders are suspended.

MRS DUNNE (Ginninderra): I table an out-of-order petition signed by 33 citizens who are employees of the Pace Farm in west Belconnen, outlining their views on the Greens' proposed Eggs (Cage Systems) Legislation Amendment Bill 2009. These citizens state:

I have recently read a number of articles in Canberra press about the Greens intent to introduce a Bill to amend the animal welfare Act ...

Mr Corbell: On a point of order, Madam Assistant Speaker: I think we have given Mrs Dunne leave to table the so-called out-of-order petition. We have not given her leave to make a statement.

MADAM ASSISTANT SPEAKER (Ms Burch): Mrs Dunne, can you—

MRS DUNNE: I am not seeking leave to make a statement. I am familiarising the house with the terms of the petition.

Mr Corbell: On a point of order, Madam Assistant Speaker: the suspension of standing orders was simply to permit Mrs Dunne to table the document. She has done so. If she wishes to do anything else in relation to this matter, she will need to seek leave to do so. Given that there is no question before the chair, she will need to seek leave to make a statement.

MADAM ASSISTANT SPEAKER: Mrs Dunne, you did seek to table. There was no acceptance of the tabling statement. Have you tabled the documents?

MRS DUNNE: I therefore seek leave to make a statement in the form of acquainting the house with the contents of the petition.

Leave not granted.

MRS DUNNE: I will do it in the adjournment debate.

Community consultation

Discussion of matter of public importance

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

Community consultation in the ACT.

MR SMYTH (Brindabella) (3.53): Madam Assistant Speaker, community consultation is very important to the people of the ACT, and, indeed, its approach to community consultation represents perhaps one of the major failings of the Stanhope-Gallagher government. Prior to the 2001 election, the commitment by the then Leader of the Opposition, Jon Stanhope, was that his government would be open and accountable. Indeed, the words “more honest, more open and more accountable” were often said. He said in his documents that ACT Labor believes that responsible governments are open and accountable. Now, that is the theory. The question is: what is the reality? The reality is that we have a litany of consultation failures from all of the ministry, whether it be Mr Barr on schools, Mr Corbell on ESA commissioner arrangements, Ms Gallagher on Calvary, the Chief Minister on so many things, and, indeed, the master of no consultation, Mr Hargreaves, on everything from library closures to pulling down heritage-listed bridges. This litany of consultation failures culminated in the latest fiasco—the fringe festival.

This history of failure to consult with the community led to the Stanhope-Gallagher government putting in place a consultation project to make government consultation more consultative. What did they do with the outcomes of that consultation process? They ignored it. It is very hard to actually work out what the outcomes from this project were. We can find information on the website of the Department of Disability, Housing and Community Services headed “Citizen centred governance—summary report of submission”. It is a very brief report. It talks about the background, key themes and recent developments. But it hardly gives anyone any confidence that the government has actually taken into account what has happened here and at the same time implemented openness and accountability. You only have to look at the time frame to know that the government has had no commitment to citizen-centred governance and no commitment to more openness and accountability. There is no commitment.

This document was released for public comment on 26 July 2008 in the lead-up to the election. A total of 16 submissions were received by the deadline of 8 September 2008. You only have to look at some of the instances of a major lack of consultation since that time to know that this was a pre-election sham. We have Ms Gallagher cutting secret deals with the Little Company of Mary, such that she would have a heads of agreement by the caretaker period so that this deal to purchase Calvary Hospital could actually go ahead with no public consultation whatsoever. There is a document where the health minister and Deputy Chief Minister says: "Let's wrap this up before caretaker. Let's cut the deal. Let's not consult, it's only \$100 million". That is the approach of this government.

Then, of course, we have Mr Corbell and consultation with the fire brigades. In consulting with the Rural Fire Service brigades, Mr Corbell was told that we should have independent service chiefs for all the emergency services—fire, ambulance, State Emergency Service and the Rural Fire Service. In early July he said: "No way is that going to happen. I've spoken to the commissioner and we're sticking with the two-deputy-commissioner model that we have." Two weeks later, without any consultation with anyone, the minister for emergency services simply does a backflip and refuses to give any notion of support to the Emergency Services Authority commissioner, hence leading to his demise.

The problem here is that they did not know how they would implement it. I draw members' attention to the front page of the most recent issue of the ACT Rural Fire Service *Bushfire Express*, volume 2, issue 6, under the heading "Changes for ESA". This is the official magazine that comes out of emergency services headquarters for rural service volunteers. What does it say? It says:

There are no clear directions as to how this change will be implemented, however the A/g Commissioner and Senior JaCS Executives will be consulting with staff and key stakeholders over the coming weeks.

So: "We've made a decision. We've put in place a new structure, and now we're going to talk to you about it. Do you like what we've done?" That is serious consultation! We also have a chief officer update, and I have got update 2, which arrived on Friday, 21 August. Now we have got consultation on the 11th, the 13th, the 14th, the 17th, the 19th, the 20th. So: "We've made a decision. Now we're going to set out a validation process." It is not consultation when you have already taken the decision. What you are doing is going out and seeking to validate what you have done. That is not consultation.

You can take the citizen-centred governance summary report of submissions and just tear it up, because it simply does not mean anything. That is the problem with this government. It is hard to work out the outcomes from that project, and we know that not only did the government not listen to the consultation, but we then had Minister Hargreaves admit today when asked questions about the fringe festival that, "I could have given some thought." Well, yes, he could have given some thought. He could have given some thought to a litany of issues that have plagued his ministerial days. Remember, Mr Hargreaves did not get a seat in the first Stanhope cabinet. For three

years they only had four ministers. Mr Hargreaves did not get a seat. But the pressure was on and he had to go in.

We see why Mr Stanhope was reluctant to put Mr Hargreaves in the cabinet—the whole issue of roads funding, the Tharwa bridge debacle, Mr Hargreaves's part in the Gungahlin Drive extension and the closing of Griffith library. Mr Hargreaves had a chance to consult on the closure of Griffith library, but he said: "We knew what you'd say, and we just ignored it anyway. We knew you didn't want this library closed." Here is a government committed to representing its community, knowing full well that the community did not want the library closed, and it just ignored the community.

The list goes on: remember the busway, over his dead body; the ACTION timetable, not once, not twice, but effectively three times they failed to listen to the community about the ACTION bus timetable; security at the interchanges, where Mr Hargreaves just ignored the problem. Then there was the rock throwing at buses. Now there is an interesting incident. Mr Corbell had to come to the rescue of the government and say, "I'll set up a process with the AFP." The left saves the right. Mr Corbell is the knight in shining armour on this one. We had the insult to the Vietnam veterans. We had the fiasco of FireLink. The ESA headquarters move to Fairbairn, which six years later still has not occurred—Mr Hargreaves. Problems in housing. The issue with Revolve. Revolve, a community-based organisation with a passion for the environment and a passion for looking after those less well off by creating job opportunities. Forget it, not going to consult. They are gone. The graffiti issue, taxis, no waste by 2010 and shopfront closures. Then, of course, we have got the standouts: the Al Grassby statue and, of course, the fringe festival. That is Mr Hargreaves's commitment to consultation.

Now, you only have to look at the words on the Department of Disability, Housing and Community Services website, and they are encouraging words. They are good words. They are much better words than the words mouthed by the Chief Minister a few minutes ago:

Welcome to ACT Community Engagement Online.

Community engagement refers to the many ways in which the government and the community work together.

The ACT Government is committed to engaging the Canberra community in the development and implementation of government policies, programs, projects, public works and services.

The information found on these pages is designed to assist members of the community and the government to work together to achieve improved decision-making on policies and programs. We encourage your feedback.

Whoops, what are these words again? The ACT government is committed to engaging the Canberra community, and this information will assist members of the community and the government to work together. We see the community and the government working together on the potential purchase of Cavalry, because the community was included right from the start! We see the Chief Minister being included in the

consultation to shunt the fringe festival to the edge of the city! Mr Hargreaves thought fringe festival meant it had to be on the edge of something, so he sends it to the edge of the city. He just does not fundamentally understand what a fringe festival is. We see it all the time in the failure of consultation—Mr Corbell with the ESA commissioner, and, of course, Mr Barr with the schools. This is the position adopted by the Stanhope-Gallagher government. After consulting with the community on how the Stanhope government should consult with the community, they continue to make the same mistake of disregarding those who have an opinion, are involved or have something to offer to better the ACT and better this city.

Now, why did it actually take a special project? I mean, it is not rocket science; it is nothing new. But the Stanhope-Gallagher government did not learn, has not learned, and continues not to learn about consultation. What did the community tell the Stanhope-Gallagher government? Well, it is interesting if you refer to the document. Part B of the document is key themes from the submissions. What do the submissions tell the government? Submissions emphasise the importance of openness and clarity regarding the purpose and limitations of the consultation process.

They actually wanted to know whether or not they were genuinely involved and whether or not the government would genuinely listen. I think the answer is as we see—the litany of failed consultation shows that this was a sham, and we have a government that is not interested in genuine citizen-centred governance. Indeed, community consultation in theory and practice. This is lovely—in part B.4, community consultation in theory and practice, there was an agreement that a considerable amount of community consultation was occurring in the ACT; however, the motivation and effectiveness of past and future community consultation process was queried. This is what the community told the government: “Yes, we know there’s lots of community consultation going on, but we question the motive, the motivation and the effectiveness of the past and future community consultation process.” In particular, it was felt that consultation sometimes seemed to be conducted to satisfy the process requirements or to legitimise decisions already made. That is the Chief Minister’s position. This is the way the Chief Minister often operates—we go out and consult afterwards. “I’ll make the decision, and then we’ll justify it by talking about it afterwards.”

The second dot point is that there was no real intention to take the community’s opinion into consideration in decision making. No real intention. Again, this is the Chief Minister’s responsibility. This is the man who talks about openness and accountability. This is the Chief Minister who talks about listening to the people, but what do the people think? They think that he has no real intention of taking the community’s opinion into consideration in decision feedback. There was a lack of feedback. “The government asks for what we think, but then they don’t give us any feedback.” There was sometimes no acknowledgement of contributions. The government’s response was not satisfactory, and there is a need to be assured that community views have been taken into consideration. Now, the man responsible for that is the Chief Minister. Ultimately, it is the Chief Minister who dictates the way his government works. If these are the comments on the Chief Minister’s government, if these are the comments on the way that the Chief Minister’s government is behaving—the way his ministers behave—then it is an indictment of the Chief Minister. The Chief Minister needs to answer as to why they have—

Mr Seselja: He doesn't control them at all.

MR SMYTH: That is true. I am sure the Chief Minister now consults with Mr Barr to make sure that everything is okay. Because the question is: what would Andrew do?

The report goes on to say that there was a lack of satisfaction with particular community consultation processes, including the closure of the Griffith library—Mr Hargreaves—school closures—Mr Barr—changes to the territory plan that facilitated multi-occupancy developments—Mr Barr—and revised ACTION timetables—Mr Hargreaves. So it looks like the right has the motza on community consultation here, but the question is: what will the Chief Minister do? Because if you try and find the community consultation protocols on the website, you cannot find them. They should be on the TAMS website. I am sure the minister responsible will tell us where they are when he stands up! I am sure he could not even find them.

The suggestions for improvement were quite clear: accompanying all major policy or planning proposals with a communication strategy with clear milestones—“Tell us what is going to happen.” Develop a clear feedback process—“Tell us that we've been listened to.” Develop measurable outcomes—“Tell us you've implemented what we asked.” That is truly citizen-centred governance, but it is not what they are going to get from Jon Stanhope's Labor government.

I think the emphasis of the feedback of the community's experience with this consultation is simply that the government does not listen. Having had the sham of this consultation in the lead-up to the last election, what we see after it is a continuing process of ignoring the community, ignoring common courtesy, and just doing what we want. Again, it goes back to Mr Hargreaves's comment today when he said about the fringe festival, “I could have given some thought.” Well, yes, you could have given some thought.

Now, of course, that is only part of the story in the document where it talks about Griffith and school closures and ACTION. We go on to the fact that this lack of consultation has so often cost the public so much money or reduced services or produced a poor outcome. You only have to look at Tharwa bridge. The Tharwa bridge episode is just disgraceful. Remember that we were told there was no timber. Remember we were told that it could not be fixed. Remember we were told that we had to build a new bridge. Remember the community were given the option of take it or leave it, and remember the disgraceful road closure that had that enormous diversion which, at one stage, even took a life, and \$4.9 million. Now it will cost tens of millions of dollars because of poor consultation. (*Time expired.*)

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) (4.08): It was John Keynes who immortalised the virtues of mental agility and flexibility when he said, “When the facts change, I change my mind. What do you do?” This morning we have witnessed the mental atrophy of an opposition that went to the last election bleating about costs of public consultation, lost the last election bleating about—and

that is the point, is it not?—public consultation. The word “lost” there is operative. It still has not dawned on the poor old Liberal Party that they lost the last election. They lost the last election, bleating about public consultation, and now, almost, what, 10 months on, they cannot think of a single matter of greater public importance with which to fritter away the Assembly’s valuable time than this.

Just this morning, Mrs Dunne hopped onto local radio to explain why the Liberals will not vote for a ban on fireworks. “There was not enough consultation,” she said. Why does she not have the guts to come out and say, “We won’t vote for the ban on fireworks because we’re in opposition for opposition’s sake”? This is a party that went to the last election promising, if they were elected, to ban fireworks. Actually Mr Pratt, just before the last election, introduced legislation or a motion in this place banning fireworks in the ACT. It was the Liberal Party’s position. But, this morning, today, yesterday, no; like a rabbit in the headlights, Mrs Dunne comes out and says, “Oh, no, we won’t have a bar of this, because there hasn’t been enough consultation.”

For the benefit of those opposite, allow me to place on record the degree of consultation that went into the government’s decision to ban consumer fireworks. In 2002, the government held an inquiry into the use of consumer fireworks. That inquiry concluded that fireworks were commonly used illegally outside the June long weekend, were generally a public nuisance, caused distress and injury to animals and damaged property. Notwithstanding these findings, the government knew that banning fireworks ought to be the last option after all other options had been exhausted. Thus, the continued use of fireworks was permitted after that public inquiry in 2002 but under a much stricter regulatory regime. Unfortunately for all those Canberrans who enjoy cracker night and abide by the rules, some of their fellow Canberrans did not. Calls for a ban grew louder.

I have no doubt that the Liberals will say that it would all have been sorted if only the government could have equipped police officers with teleportation devices so that they could swoop on antisocial Canberrans letting off firecrackers outside the designated hours before they vanished into the night. Anyone with an ounce of common sense will realise that this is not a resourcing issue; it is a logistical issue.

I return to my recitation of the consultation that went into the making of the decision to ban fireworks. In 2007, the Dangerous Substances Act 2004 and the consumer fireworks regulations were reviewed. In 2002, there was a public inquiry; in 2007, there was a major overhaul of the Dangerous Substances Act. I do hate to contradict Mrs Dunne, of course, and her opposition for opposition’s sake, but this review involved extensive community consultation, as recently as 2007, including the release of an issues paper for public comment, an online community survey, public meetings, focus groups with stakeholders and industry participants, two random telephone surveys of 1,000 Canberrans to canvass the community’s views and experiences in relation to the 2008 consumer fireworks season and two consultant’s reports detailing the results of the consultation. Here we have today: no consultation, no consultation on this issue.

What did we take into account in the decisions we made in relation to fireworks? Let us go back to the last major attempt at actually dealing with this issue holistically. We

had the release of an issues paper, an online community survey, public meetings, focus groups with stakeholders and industry participants, two random telephone surveys of 1,000 Canberrans, two consultant's reports. And the Liberal Party say there was no adequate consultation. The Liberal Party clearly do not know what the consultation was. They do not care about the depth and the level of the consultation. They took a decision yesterday on the run or, actually to the extent that Mrs Dunne looked so much like a rabbit caught in the glaring headlights, on the hop.

Still the government took a cautious approach. As a result of consultation with the community, changes were made in relation to the sale and use of fireworks for the 2008 Queen's birthday long weekend. These changes were designed to help minimise the distress caused in some sections of the community by the use of fireworks while still allowing people to enjoy fireworks. Sadly, an inappropriate and illegal use of fireworks continued and continues to this day. Of course, teleportation devices for our police remain confined to science fiction.

The time comes in any public policy debate when consultation must end and decision making must begin. Indeed, I was bemused—and I have actually mentioned this in this place previously—recently to hear radio announcer Mark Parton accuse the government of too much consultation. I thought, "Maybe we're getting there now." Mark Parton, on 2CC, said "Why doesn't the government just make decisions? That's what they're paid to do. What is it with all this consultation?" I heard him say that, and I must say that it causes me a wry smile now to have at least one morning radio announcer berating the government for over-consulting. Perhaps we are getting there.

It is common knowledge to everyone in this place that the ACT government is currently reviewing the range of community consultation mechanisms and opportunities that exist in the territory with a view to making them better and more inclusive and with a view to establishing better feedback mechanisms. There is no single right way to approach community engagement or consultation. The circumstances and situation of each issue will be unique, and flexibility is essential. Unlike those opposite who have not been able to exercise sufficient mental or creative flexibility to update their key lines since the election a year ago, we in government have got cracking on delivering our third term agenda and delivering on our promise to better engage the community along the way.

Just this past weekend we conducted the first of our new style community cabinet meetings on a weekend, with each of the members of cabinet attending that particular consultation in Gungahlin. The response was far better than we have ever enjoyed on a weekday. All agencies, all ministers and all agency heads were there, talking with residents, hearing their issues, listening to their concerns and putting them directly in touch with the right areas of government to address their concerns.

This was not a talkfest; this was not a panel of experts up on a stage with whiteboards and PowerPoint presentations telling people how well we are doing; this was face-to-face conversations, introductions and discussions on matters affecting them, their lifestyles and their families. Out of those conversations and out of those discussions, we were able to listen to what people were saying and were able to hear what people had to say, hear what issues matter to people, hear why issues matter to

people, hear directly how government decisions impact on people and their families and hear what issues affect them most of all and what they are most particularly interested in now.

Seventy or 80 people or so took out most of their Saturday morning to come and speak with us this last Saturday. The place, the library at Harrison school, was abuzz with conversation. Anyone who wanted to speak to a minister or an agency representative was able to do so. There were, of course, a whole range of issues that were discussed there.

I had one particular meeting with a young mother new to Canberra, new to Australia, speaking limited English, and with her daughter who suffered profound hearing difficulties and, understandably, had very limited English. Like any mother, this woman's main concern was that her daughter be able to receive the help and assistance she needed to make the most of our education system and her new life in Canberra. Whilst government has in place translation services, interpreter services and the like to assist people with English as a second language, to assess government services, it is, nonetheless, a daunting task to navigate through the correct government channels to access those services. This lady came to the cabinet in the community seeking help from the government, and we were able to put her in touch directly with the correct assistance services through DHCS. We will continue with this method of community consultation, as it generates significant positive outcomes for all concerned.

Community engagement and consultation takes many forms and serves many purposes. Sometimes we seek to involve the community directly in decisions that will affect their lives. Sometimes we just need to let the public know that something is happening, that a road will be closed or that a community celebration is planned.

The nature of the conversation will depend on many things, which include the extent of prior engagement and consultation, the complexity of the issues being debated, the size and diversity of the community affected, the depth of concern, the scope for realistic manoeuvring in policy or service and the time and resources available for the conversation. The form of conversation that might be suited to a long-term climate change strategy might be ill suited to a policy response to a pandemic. An issue primarily affecting residents of a single suburb may not warrant city-wide consultation.

Many Canberrans do already play an extraordinarily active role in commenting on policies and proposals put forward by the government. There is always the danger that those who are the loudest and most visible exert a potential influence that is out of step. One wonders, for example, how many Canberrans are currently signed up members of Save Our Schools. In order to reach beyond the usual suspects, innovative and fresh ways to undertake these conversations need to be considered. More Canberrans have access to the internet than any other Australians in any other city. But we are also busy people and, if we are to be properly engaged, it has to be at a time and in a fashion that is convenient to us.

Moving beyond the traditional approaches to consultation, public meetings and written submissions may allow many Canberrans who have not previously connected

with government to do so on their own terms. The use of innovative engagement methods such as interactive websites, webinars, media flash surveys and postcards may help us engage better with younger Canberrans. The key is to use targeted engagement methods to reach out to each of the various groups that combine to make up our community.

Older Canberrans and those with limited mobility are often best served when we disseminate information through channels such as ACTION buses, hospitals, medical clinics, community centres and the home library and mobile library services. One in five people in the ACT, for instance, identify as having a disability. It is crucial to use tools of engagement that are genuinely accessible to those with disabilities. For example, web-based engagement tools are being progressively used to remove barriers to participation. To best implement and communicate with contemporary consultation practices and as part of its citizen-centred governance implementation framework, the ACT government has recently introduced a range of initiatives to help ensure that Canberrans are better informed on issues of importance and their views heard.

In late 2008, my department took on a central coordination role for community engagement to help ensure a more consistent, considered and collaborative approach to community consultation across government. Introduction of the ACT government community noticeboard has consolidated all government information on events, consultations and announcements into a single place in Saturday's *Canberra Times*. We have upgraded the ACT government's community engagement website from the previous look and feel and its search capability. The website lists all engagement activities currently being conducted by ACT government agencies. It is a long and impressive list. The site is also a vehicle for highlighting outcomes for engagement activities, particularly any feedback received.

In April this year, the government began to consult the community on preferred engagement methods and techniques, and that work is just about complete. The project has used a range of tools, including an online forum, a telephone survey, focus groups and qualitative interviews to get feedback on the community's preferred methods of engaging with government. The outcomes of this work will feed into a review of current community engagement models and protocols and will be used to update the government's community engagement manual. The updated manual will provide guidance to all agencies on the most effective means of engagement and include case studies and current best practice examples.

The ACT is committed to involving Canberrans on decisions on matters that affect our community. With the dozens of community consultation processes conducted each year, it is important that Canberrans are able to provide their input to these processes in a way that is convenient and accessible.

ACT government agencies provide a huge range of opportunities for Canberrans to be heard. In the past 12 months, there have been approximately 85 consultations in TAMS alone on issues as diverse as rabbit baiting in Watson, Christmas in Gungahlin, the Tuggeranong skate park and on-road cycling. Significant consultation has taken place on the playground safety program. There has been a disabled parking review,

a Canberra stadium master plan, a Manuka oval master plan, consultation on the proposed southern cemetery and crematorium and the Weston Park master plan.

These consultations have involved the use of displays, fact sheets, information from the TAMS website and the cemetery's website, advertising, media releases, letterbox drops, online surveys, hard copy surveys, phone surveys, letters to peak industry groups, briefings, stakeholder interviews, information sessions and internet blogs. Round tables have also been used to discuss the issue of tourism and transport, and numerous community meetings have been held on the future of shopping centres.

As better, new technologies increase the communications options available to us, traditional methods such as submissions and public meetings are being augmented by social media such as Facebook and Twitter. The recent community consultation on a review of supermarket policy involved the use of these emergent technologies, including a video presence on Facebook to outline the nature of the review and a call for comment.

Community consultation is also undertaken as part of the formulation of the annual budget, as a means for the community to engage with the government in identifying key areas of priority. Interested community groups, organisations and individual Canberrans have been invited to share their views, suggestions and recommendations for the 2010-2011 budget. As I said earlier today, in TAMS we will begin a detailed community consultation process on budget issues within the next month. Through this consultation process, we are looking for the community's feedback on what services they value most, suggestions in relation to revenue measures, whether they would be willing to support increased taxation or cost recovery for existing services or savings through a scale-down of services that they do not consider to be of a high priority.

MADAM ASSISTANT SPEAKER (Mrs Dunne): On the matter of public importance, Mr Seselja.

MR SESELJA (Molonglo—Leader of the Opposition) (4.23): Thank you, Madam Assistant Speaker.

Mr Stanhope: That's outrageous, Madam Assistant Speaker.

MR SESELJA: I am not sure if Mr Stanhope is reflecting there on the chair, but it is hard—

Mr Stanhope: Well, I am reflecting on that decision. You certainly were not first on your feet, Mr Seselja, and if the—

MADAM ASSISTANT SPEAKER: Sit down, Chief Minister, and be quiet.

Mr Stanhope: There is a convention in this place that the crossbench will be accorded an opportunity by rote in relation to matters of public importance, and it is an outrageous use of the chair.

MADAM ASSISTANT SPEAKER: Mr Stanhope, you have had your opportunity to speak; you will be quiet.

Mr Stanhope: Yes, the Greens will be quiet too because they have not had an opportunity—

MADAM ASSISTANT SPEAKER: Mr Seselja was the first on his feet—

Mr Stanhope: He was not.

MADAM ASSISTANT SPEAKER: that I saw and he has the call—

Mr Barr: Oh, that you saw; because you were only looking at him.

Mr Stanhope: That you saw, because you did not look anywhere else.

MR SESELJA: Point of order, Madam Assistant Speaker. Both Mr Barr and Mr Stanhope are now reflecting on your ruling and I would ask you to bring them to order. They can move a substantive motion if they want; otherwise they should come to order.

MADAM ASSISTANT SPEAKER: Mr Barr and Mr Stanhope will be quiet. Mr Seselja has the call. Clerk, can you start the timing clock, please.

MR SESELJA: Thank you, Madam Assistant Speaker. We do have a particularly touchy Chief Minister. We see it again and no doubt he will walk out the door and not listen. He likes to do his attack but he can never bring himself to actually listen to anything in response; so we look forward to him engaging in this debate rather than just throwing cheap barbs at you.

The issue of community consultation, despite the start of Mr Stanhope's speech where he seemed to be questioning the need for us to discuss the issue, is an important one. We see the Chief Minister again leaving the chamber because he does not want to hear the response. He simply cannot bring himself to deal with the fact that there will be people with alternative views and he will not like what is being said.

This is a government that now has copped a lot of criticism. Mr Stanhope touched on this in his speech. It has copped a lot of genuine and justified criticism for its lack of community consultation on issues like the power station, on issues like Griffith library, on issues like Tharwa bridge, on issues like school closures. We have a government who are now talking a lot about community consultation. There is no doubt about it. They are talking about community consultation more than I think they ever have. If there are radio announcers saying they are sick of it, it is perhaps because they are sick of hearing governments talk about community consultation. But there is a difference between genuine community consultation and paying lip-service to consultation.

It is all very well to put advertisements in the paper saying that you are consulting; it is all very well to put community newsletters out there. But how genuine are you in your consultation? We can use two examples: one is from last term and one is from this term; so we can bring it back to a very recent example.

The issue of school closures is a very simple one. This is a government that had a lot of meetings about school closures. It had a lot of meetings about school closures but only after it had made the decision that it was going to close a lot of schools. It did not actually consult—say, at the election—honestly and openly about whether or not it would be reasonable to close a lot of schools. They said they would not close before the election and then after the election they went and consulted on exactly which schools should be closed. Then they said they would not be selling the sites and, of course, then they went and consulted on which sites should be sold.

People do look very sceptically at their community consultation. Simply saying it is community consultation, simply having a newsletter, does not make it genuine community consultation. We see that again more recently with the issue of the fringe festival. We saw the fascinating exchange on this issue on Alex Sloan's program where the Chief Minister was being forced to defend Minister Hargreaves for his lack of consultation with Jorian Gardner. That would have been a fairly simple thing. It is one thing to spend thousands of dollars on newsletters, but making a phone call to the person running the festival would have been a fairly simple form of community consultation.

The Chief Minister certainly looked and sounded very uncomfortable when he was being asked about this. Alex Sloan says to him, "This goes to the relevant minister, which is John Hargreaves." He says, "Well, I am not going to that point." I think there is a reason why, Madam Assistant Speaker. And Alex Sloan goes on, "I am just wondering if it has got to that, and when we get the blow-out in TAMS, and again that has happened on John Hargreaves's watch when he was minister. Of course, you took over that portfolio after you were re-elected, but again it goes to John Hargreaves. I mean, why is he still in this job?" The Chief Minister said, "Well, I support—" and then Alex Sloan says, "And I bring up the Al Grassby statue." The response was, "Well, Alex, I think that is being a little bit—" and Sloan says, "Well, I think it might be expressing how the community feels about it. We wonder why he is still in such an important role."

The Chief Minister's response was overwhelming. He says, "Well, Alex," pause, "Um," pause, "You know," pause, "I have no hesitation in defending John Hargreaves, no hesitation in defending John Hargreaves. He is a valued minister within my cabinet." And didn't we all believe him; didn't we all believe him with his lack of hesitation in endorsing his ministerial colleague?

We all believed him with his three pauses prior to not hesitating in defending John Hargreaves. He goes on. He does then criticise him for his consultation with Jorian Gardner. He says, "In the context of this issue you raised, there are aspects in relation to consultation with Jorian Gardner, but the fundamental issue, the overspend in relation to which I have expectation that John Hargreaves would respond, it's just not acceptable for that level of overspend, to that degree of management or the lack of management."

So what is he going to do about this? Alex put this to him: "So you are acknowledging that he has not handled these things well. Is it because he controls the

right faction in the ACT of the Labor Party? Is that what this is all about? I mean, is that why he is keeping these roles?" The response was, "Oh, well, look, that's—I do not want to get into factional issues and who controls which faction, but the leader of the right, if I am to discuss factions at all, is Andrew Barr."

That is the Chief Minister's answer to the question of why you have a minister who does not consult and why you are prepared to tolerate it. His answer is, "Well, firstly, I need to correct you, Alex. John Hargreaves is not the leader of the right. It is Andrew Barr. And, yes, I am beholden to him and, yes, that is why I have a minister who pays such scant regard to the community, who pays such scant regard to community consultation, who has such a poor record in his ministerial portfolios. But, of course, Jon Stanhope cannot get rid of him. He cannot get rid of him because the right will not let him.

We know that the right had a meeting here in the Assembly last night and, really, that is the new caucus. Once the right makes its decision, that is what the cabinet is bound by, that is what the Chief Minister is bound by. It was sad to watch the Chief Minister today in his churlish attack on my colleague Mr Coe. The outbursts we see from the Chief Minister are getting quite embarrassing. You have to suspect that these embarrassing outbursts are as a result of a man who has totally lost control over his caucus, of a man who has totally lost control over his cabinet and who has acknowledged publicly that the factions are in play.

He had to correct Alex Sloan and tell her that actually the right is controlled by Andrew Barr. So it is no longer the Chief Minister in control of his cabinet. It is no longer the Chief Minister in control of the caucus. He is a slave to the right of the Labor Party at the moment. We saw that again I think with the timing of the announcement on fireworks, an issue that we know the government is divided on.

We saw that overwhelming endorsement from the Chief Minister of Mr Hargreaves and that day we are told he goes out and signs the regulation to ban fireworks. What can we draw from this timing? What we have here is a Chief Minister who can no longer defend the fact that he has no ability to remove ministers when they are not performing. He will do as he is told and he has been told that this is the ministry that he gets. This is perhaps why we see some of the outbursts from the Chief Minister. We see a Chief Minister who is so frustrated by this scenario. It is sad to watch. It is sad to watch this decline. The question then becomes—

Mr Hanson: It is not that sad, though, is it?

MR SESELJA: We all have different views on how sad it is, but it is sad for the community. We have seen this in recent days. Why are they not consulting with the community properly? It is because they are too busy consulting the only community that matters to them at the moment, and that is the factions. That is the only community of people who really matter to the Labor Party right now. It is the factions. It is the factions who are controlling what goes on in this government and in this cabinet, and it is the factions who they need to consult with.

That is why they do not need to bother to consult with the community. That is why they tolerate a minister who has such a poor record on consultation, who has such a

poor record of managing budgets, who has such a poor record of delivery for the people of the ACT. But when it comes to it, that does not matter to this government or to this Labor Party any more because in the end the right is in control. It has been acknowledged and they will call the shots. We have a Chief Minister simply unable, even if he was willing, to actually do anything about it.

This is a government that should get back to focusing on delivering for all Canberrans, on delivering the basic services that they expect of their ACT government, rather than focusing on their own internal troubles which have been spilling out so often, so loudly and so embarrassingly in these last few weeks. (*Time expired.*)

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.34): A key element of the ACT Labor and Greens parliamentary agreement is to ensure an accountable and transparent government, public service and parliament that are responsive to the community. It is obvious that to do this there is a need for appropriate high-quality community consultation in the decision-making processes of the government. This is something that has not always been done well in the past with the ACT school closures and the Griffith library closure being prime examples.

It seems that with the recent examples of changes to the EPIC board and the moving of the fringe festival without speaking to the director of the festival first, it would be fair to say that there is a need to understand and adhere to the current community consultation processes that exist. The Greens strongly believe that the ACT community expects and deserves better from the government on consultation. The government has delivered on another element of Labor-Greens agreement in re-establishing the community engagement unit in the Chief Minister's Department. The Greens are pleased with this move.

It is essential within all levels of government that it is understood that ensuring inclusive Canberra community, consultation on major issues is integral to achieving this. To date we have yet to see a significant difference in community consultation since the community engagement unit moved into the Chief Minister's Department. It may be that it will take some time for the unit to get up to full capacity.

The re-establishment of the unit in CMD was an item in the agreement and was welcomed by many including ACTCOSS. The purpose of this move was to enhance communication and consultation between the unit and the community, and thereby the government and the community.

ACTCOSS in their 2009-10 budget submission *Prioritising people* stated:

In order to effectively engage with the Community the Government must ensure people are made aware of Government funded services and programs, that consultation processes are appropriate and that people are made aware of what decisions are made and the reasons for them.

We have also seen the value of conducting community forums around things such as the kangaroo management plan, the transport plan, master plans, plastic bags and the solar farm construction. We look forward to hearing the views of the community in

relation to the energy policy through a thorough and rigorous consultation process. The Chief Minister just mentioned in his speech that at the community engagement website there is a string of various consultations that have either closed or are ongoing at the present time.

There are a couple of points I want to make about that. Number one is that when we put in the agreement that we wanted the community engagement unit re-established in the Chief Minister's Department, we also expected that the tools that they were using such as portals and websites would also move over; so in the future we would like to see that that website is easily accessible and is not necessarily accessed through a different department's website.

Another note of caution is that it is important to run consultations. There are times when people do not feel consulted enough or they feel consulted out. It is always difficult to get that balance. It can be very difficult particularly for peak organisations representing a range of individuals or organisations when a series of consultations all are running at the same time.

At the moment we have a number of government plans that are all running out in a similar period. There is the mental health plan, the young people's plan, the children's plan and the list goes on and on. For some of the organisations at the peak level, this is an incredibly heavy workload for them to consult on with their members and the consumers about their member services and so forth and to be able to put a well-researched and considered submission into some of these processes.

I also sound a note of caution that about moving the community engagement unit to the Chief Minister's Department. Part of it was to be able to look right across government at all those different plans that fall out of the social plan and the Canberra plan to ensure that they are put in place in a considered way and not, sort of, in a six-month period with a frenzy of activity around consultation.

All four Green MLAs have hosted public forums here at the Assembly since being elected. These forums on subjects ranging from the food we eat to the way we are buried have been well attended and brought community views and debate into the public arena. We have brought strong advocates from particular sides that have given debate together with members of the public who come along with their views or simply to listen to become better informed. One forum organised by Mr Rattenbury brought together the Canberra Airport Group and Curfew for Canberra.

While these two groups have very different positions on the issue of a curfew for Canberra, the debate still brought out many shared concerns. The forums have shown once again Canberrans' eagerness to engage in all matters of public interest. Interestingly, the best-attended of our many forums so far was on the subject of death and burial, one that I believe that Mr Coe spent some time deriding us about. This is a subject that we might imagine the public would avoid discussion of, but it is clearly something that is of great importance to many people across Canberra. There were something like 80 to 100 people who turned up to that forum here at the Assembly.

A forum I held recently in which Dr Maartin Stapper discussed the important issue of who is in charge of producing and processing the food we eat. The forum was another

example of a flow of information between experts, politicians and the public that left us all better informed. This is vital work, of course, for MLAs who should always be open to the merits of opposing arguments.

The strength of a strong consultative process is that common ground and assets are able to be identified and the possibility of a way forward found. People are able to come to a shared understanding of the issues and each other's perspectives. Most of all, when people are included in the process they feel valued and are therefore perhaps more willing to participate and accept the final decisions and outcomes.

I would like to move on in the last few minutes to look at regulatory impact statements. Today's MPI provides an opportunity to discuss not only the manner in which the ACT government consults with the community but also how it reports on it. Sometimes after a government has conducted consultation, it provides a report on the feedback it received and tables it in the Assembly or makes it available on a department website. But something that is not often provided is the government's regulatory impact statement which accompanies the legislation, something which the Minister for Planning espoused the importance of last week.

According to the 2007 *ACT government legislation handbook*, all policy and legislative proposals seeking cabinet consideration must be accompanied by one of these statements. Subordinate legislation only requires a regulatory impact statement if there is an appreciable cost to the community or part of the community. Unfortunately, the ACT government at this stage has not chosen a standard practice to make these statements available publicly as many other governments do.

Looking at the ACT legislation register, for example, regulatory impact statements are available for only a small number of regulations and determinations. Perhaps the ACT government does not have within itself a clear understanding of what the statement is or when it is required. Perhaps it does not actually require regulatory impact statements for cabinet as standard practice or perhaps cabinet has relaxed its internal decision-making processes and has not informed the public.

Madam Assistant Speaker, community consultation is high on the ACT Greens agenda. We ensured it was part of our agreement with the government and we will seek to ensure at all times that we are developing an inclusive community here in the ACT.

MS LE COUTEUR (Molonglo) (4.42): I welcome the opportunity to talk about community consultation today. Community consultation is a key part of ensuring that our communities are supportive—on side, whatever words we want to use—with the changes that are happening to our society and our built environment. It is an inevitable part of human nature that we are uncertain about change, but we all know that it is inevitable.

Today, as I am the Greens planning spokesperson, I will concentrate mainly on the built environment. There is an abundance of examples to talk about in the built environment. One of the main things I want to talk about is what we actually mean by consultation. One of the issues is: are we doing consultation or are we doing

presentation, as it were? Real consultation is a situation where you have an idea, a proposal or whatever and then you go to someone else and consult them. You get the feedback from them in a way where you are prepared to actually change the results on the basis of the feedback you get. In the planning process, that can be where we are most seriously lacking.

Most of the consultation the government does on planning has very specific proposals, some of which are close to being already underway, where the community consultation is the last step and the community usually has very limited options, or more likely no options, for changing them.

In the case of the old Latham petrol station, ACTPLA did the community notification process, but unfortunately, I am told, it forgot to tell the community that it was not just a lease variation but a development proposal as well. The community was only in a position to comment on the lease variation. When ACTPLA then realised that they had skipped the notification on the proposal itself, it was added later. They told the community, and I am sure they are correct, that what they did was absolutely legal. It may well have been legal but it was not consultation in good faith.

That brings me to some of the issues on consultation that were brought up in the planning committee's recent work in the inquiry on the Lyons draft variation. The proposal changed markedly from the one in the 2001 master plan, but the changes do not appear to have been in response to the community's concerns. As the Woden Valley Community Council said in its submission:

To find out at this late stage, and only through the release of the Draft Variation, that the proposal has changed from medium density maximum 3 storey (with a 9 storey tower) to high density 6 storeys to be allowed to be developed over the entire site (with set back of 50 m) and a 10 storey tower, flies in the face of all the years of earlier consultation with WVCC. It is a similar example to the disregard given by ACTPLA to the Woden Town Centre Master Plan after at least 3 years intense consultation with the community.

The consultation has been such an issue that, in the majority report on DV288, the majority—all three of us in the committee—commented on the consultation issues. Our first recommendation was:

... that the ACT Planning and Land Authority commission all Planning Studies itself and, where a Territory Plan Variation is initiated by request from a proponent, require the proponent to fund the cost of the study.

The reason we said that is that people were seeing the planning studies as being simply a tool of the proponent.

The majority report went on to make three other recommendations with respect to consultation. One was "that ACTPLA not combine multiple planning and zoning issues into a single Draft Variation in future", because it was really confusing to the people. Another was that there should be better documentation available so that people could understand the current territory plan provisions and that ACTPLA should ensure that in the future all relevant documentation is available to the public

during the statutory draft variation consultation time. I note that the issue of documentation being available is not unique to this particular territory plan variation; I have heard it mentioned in a number of cases.

Let me go to some things that I said in my minority report. It was very noticeable that what people commented on was the indicative pictures, as it were—the detail which would come in the development application. They did not comment so much on the territory plan variation, because most people—most humans—cannot understand the legalese that it is written in. So if there was an artist's impression which looked good, people were happy with it. The problem is that that artist's impression was a possible development, but not a development that was actually being proposed and it was not the territory plan variation that people were being consulted on.

One of the proposals that I made was that ACTPLA should provide a drawing of what the territory plan variation could mean, as it were, in its maximum impact so that with the block drawing covered in the 10-storey element in DV288—it was potentially 50 metres in diameter—the drawing should be there with 50 metres diameter and have the six-storey elements over the entire area that they could be. Using the much more attractive indicative dwellings made the whole thing look potentially more realistic, but it was potentially misleading.

Moving away from that, other instances of planning issues seen in this Assembly have been in Hawker and Nicholls. Both of those are issues where the community consultation has been so poor that the issue has been brought to the Assembly and the Assembly has been asked to try and make some sort of planning determination on the floor of the Assembly. As Mr Barr says, keep the politics out of planning. Having such poor consultation that the Assembly feels it has to make determinations is not the way to go.

Let me look more broadly at the territory plan, the role of consultation and the role of ACTPLA. We have the situation where the territory plan covers almost everything. ACTPLA is in a situation where, if the proposal, the development application, that it receives is consistent with the territory plan—by this I mean not just that it has got the same land use purpose, but that it has got the correct setbacks, it is the correct height et cetera—basically ACTPLA has to agree with it.

What this means for consultation is that there is really no role for consultation. The development application notice goes up outside the new block of flats or whatever it is going to be. The affected neighbours busily write their comments, whatever they may be; then they go in to ACTPLA. I do not know what ACTPLA says; I am not in ACTPLA. But whatever ACTPLA says—whether ACTPLA thinks there is merit or not—ACTPLA is in the situation where, if the development application is consistent with all the parts of the territory plan, ACTPLA has to approve it. So the whole consultation becomes—

Mr Barr: Didn't they go to some length to explain the process to you?

MS LE COUTEUR: We did go through that. Mr Barr, we did go through that.

MADAM ASSISTANT SPEAKER (Mrs Dunne) Order, members! This is not a conversation; this is a matter of public importance.

Mr Barr: Didn't the head of development assessment outline all of the other things?

MS LE COUTEUR: Mr Barr, we did go through all of these things. You are quite correct.

MADAM ASSISTANT SPEAKER: Ms Le Couteur, refrain from addressing Mr Barr and address the chair.

Mr Barr: Please focus on Mrs Dunne.

MS LE COUTEUR: I thank you for your guidance, Madam Assistant Speaker; I will try to remember this in the future. But there was some discussion on this issue in the public accounts committee. Yes, it is quite true that many aspects have to be taken into account, but if they are ACTPLA has very, very limited discretion.

I was going to move on to another issue which is basically the ASIO building and the associated issues—an area where the people of Canberra have even less opportunity for consultation: all the things under the purview of the National Capital Authority. Unfortunately, I have only 14 seconds left. In short, while I think there is room for improvement of the consultation processes in the local planning system, there is even more room for improvement in national areas.

MADAM ASSISTANT SPEAKER: The time for this matter of public importance has expired. Before I call the Clerk, I draw Mr Barr's attention to the standing orders. I remind Mr Barr that the standing orders require that people address the chair. They do not address the occupier of the chair; they address the office of the chair. You might remember that in future, Mr Barr.

Organised crime—government response to resolution of the Assembly Paper and statement by minister

Debate resumed.

MR RATTENBURY (Molonglo) (4.53): Earlier in the year when the issue of serious organised crime was debated in the Assembly, in particular outlaw motorcycle gangs, I stressed the need to not get caught up in a moral panic and indicated that I was not prepared to see a rushed legislative response. That position was reflected in the motion agreed to at the time. The result of that motion is the report from the government that we are discussing today.

In my opinion, this report is a valuable contribution to the debate in the ACT. It is a factual account of the law as it currently stands and it identifies where there is scope to reform ACT laws to better address serious organised crime. What the report makes very clear is that the ACT has an opportunity to take a cool-headed, evidence-based

approach to serious organised crime. To take up that opportunity and carefully plan the ACT's response is the most desirable path to take. The alternative path, to quickly and blindly legislate without thinking through all the consequences, is irresponsible and risky. We risk such things as driving serious organised crime further underground and making the situation worse. That is one potential risk that the report identifies.

Taking an evidence-based approach to issues such as serious organised crime is not without its risks as well. The risk is one of being labelled soft on crime and being open to the accusation of making the ACT a safe haven for criminals. The benefit of an evidence-based approach is that it allows for a smarter approach and tackles the problem in a more targeted way. I feel the report demonstrates the worth of the evidence-based approach. We really are now much better informed than earlier in the year when we first talked about this topic. Any steps taken from here to act on the report will need to be equally well planned. We will be carefully monitoring the government's response in that regard.

The context for the debate earlier in the year was dominated by the laws introduced in South Australia and New South Wales to create an offence by association. The report effectively rules out offence by association as a responsible option for the ACT. In making that point the report makes a number of significant findings. Firstly, such laws would raise a number of human rights issues. Secondly, such laws have a number of associated risks. Risks include pushing crime further underground and actually making the situation worse. There is international research on what actual effect such laws have had. I will not get into the detail of the theories and issues. I think the report canvasses some of those. However, it is fair to make the point that laws such as offence by association do come with risks. Thirdly, it is still very much too early to gauge the effect of the laws in South Australia and New South Wales. We do not know what the outcome of those laws will be yet and whether or not they are proving to be effective. Finally, there are a range of other existing ACT laws that could be used. They could be amended or expanded instead of creating the problematic offence of offence by association.

From the speech the Attorney-General made when tabling the report it is clear that he and his department are aware of the fundamental human rights issues that an offence by association provision raises. As the Attorney-General pointed out in that speech, any law that raises human rights issues needs to strike a proportional balance between competing rights and policy considerations. As I noted when we debated this back in April, the Greens are quite clear in our stance that a person's guilt or otherwise should be determined by the offence they commit, not the group of people that they belong to. There are plenty of laws on the statute books which, in our view, are capable of penalising people on the basis of the offence they actually commit.

As it currently stands, there is little evidence that an offence by association provision achieves its stated objectives of reducing serious organised crime. The Greens would need to be provided with more evidence than is currently available in order to give our support to the creation of such an offence. The real value of the report is the way in which it identifies other legislative options for the ACT to tackle serious organised crime. Should the government decide to act in any of those identified areas, the ACT Greens will be assessing each proposal on its merits.

I will not canvass each of the discrete possible areas of reform. That is best left for when we see concrete proposals. I think they are detailed in the report, and certainly Mr Hanson touched on each of them this morning. However, one area I will discuss briefly is that of unexplained wealth provisions. The report identifies these as one possible addition to ACT law. These provisions are a good example of what I have discussed today in that they are a targeted strategy for addressing serious organised crime. Research and expert knowledge show that organised crime is primarily motivated by profit. Unexplained wealth provisions go straight to that motive and remove the incentive for organised crime—that is, under the provisions a court may order confiscation of wealth that is unable to be properly explained.

At the heart of these provisions is a reversal of the onus of proof in existing laws in the ACT surrounding confiscation of criminal assets. If such a proposal were to be brought forward, the ACT Greens would look at it carefully. Clearly, there is a proportional balance to be struck between removing the motivation for organised crime and upholding human rights. That is a proportional balance that I think can be struck in light of the strong evidence and support for such provisions.

Unexplained wealth provisions are a targeted strategy for addressing serious organised crime. A recent commonwealth inquiry into the legislative arrangements to outlaw serious and organised crime groups by the Parliamentary Joint Committee on the Australian Crime Commission found that such provisions are backed by nearly every law enforcement agency in the country. It is interesting to note that the inquiry was initially tasked with looking solely at the effectiveness of association-type offences. However, the inquiry broadened its scope to look at “following the money trail” strategies after gauging the weight of evidence in favour of them.

That said, unexplained wealth provisions are not immune from human rights issues. I reiterate the point I made before and say that, should the government decide to move on unexplained wealth provisions, the Greens will look very closely at the proposal. We will be looking at it in a cool-headed and responsible manner to ensure that we get the right laws for the ACT.

The last point I would like to touch on relates to the public comments made by the New South Wales Director of Public Prosecutions, Nicholas Cowdery, in relation to the NSW laws passed earlier this year at the height of the media frenzy following the incident at Sydney airport. These are included at annex E of the report. Mr Cowdery draws out a number of troubling features of the New South Wales provisions which I would like to discuss briefly today. Firstly, the New South Wales crime of offence by association casts a very wide net that could be applied to any small and informally organised group.

The potential for the provisions is very broad, much broader than laws of criminal conspiracy and certainly much broader than just outlaw motorcycle gangs. Mr Cowdery makes the point that the decision on where to draw the line is unclear and may be made by the unelected police commissioner with little legislative guidance. I touched on this point when I spoke in April and I will not go over it now. It is important that groups that are not intended to be caught up should not be caught up in

the definition. I fear that down the line, when a government has a group before it that it does not particularly like, there is the potential for abuse of such provisions.

Mr Cowdery's next point was that the New South Wales provisions attempt to oust in the widest possible terms the ability to apply for review of control orders made under the provisions. This interferes with natural justice considerations.

The next point he made was that the definition of a member of a group is alarmingly wide. Very little evidence is required to prove that an individual is actually a member of a group. Because individuals may be the subject of control orders, this definitional issue has serious ramifications.

The final point I want to draw out from Mr Cowdery is that facts that need to be proven under the provisions need only be proven on the balance of probabilities, as opposed to beyond reasonable doubt. In Mr Cowdery's words, this is "insufficiently rigorous" for the removal of such fundamental rights as freedom of association.

There are a number of other points that he sets out in the report, and I have just touched on a taste of them, but I think this is quite a serious set of public comments from the Director of Public Prosecutions in New South Wales, a man who has, I think, spent considerable time thinking about these issues. They demonstrate the very serious issues raised in these areas of law and underline the responsibility placed upon members of this place as we consider how to tackle the issue of serious organised crime. It is a very serious issue, and one which I think does warrant the sort of analysis that we have seen the first stages of in this report from the government.

I welcome the report. I think it provides us with a much better foundation for moving forward and discussing these issues than simply standing up and making comments like, "Well, the ACT is the softest jurisdiction in Australia." What does that mean? I do not think that is a useful contribution. I do not think being tough is a useful end in itself. I think we need to have laws that tackle the crimes we face. I think that is the way that the Assembly should proceed.

MR CORBELL (Molonglo--Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.03), in reply: I would like to thank members for their contribution to the debate on this report this afternoon. As members have noted, the report provides advice on the nature and operation of existing territory laws used to combat organised crime groups and any proposed review of such laws. It looks at issues arising from the South Australian legislation; legislation introduced or proposed in New South Wales and Queensland; other legislative developments internationally that are of relevance; the human rights issues raised by such legislation; and legislative changes that may be considered by this Assembly and the government to enhance the ACT's response to serious organised crime groups and activities.

As the minister responsible, I am determined to get the balance right when it comes to how the ACT responds to serious and organised crime. When I tabled the government's report on serious organised crime, I described the report as a

comprehensive and factual document designed to inform debate and provide members with the facts that exist, not idle speculation and anecdotal comment. I think in many respects the report has served its purpose, although I note that in some respects, at least when it comes to the opposition, that is perhaps questionable.

I note that the Queensland government has announced its intention to introduce new laws this week aimed at dismantling organised crime gangs in that state. My counterpart, Mr Dick, has indicated his intention to release a draft bill this week for consultation with legal, justice and civil liberties groups. I would like to point out to the Assembly that these legislative amendments were anticipated by the government and were referred to in the report we are debating this afternoon.

While I have not had the benefit of reviewing Queensland's draft bill, I understand that under the proposed legislation the courts will be given the power to make declarations against criminal organisations, control orders against members of criminal organisations and anti-association orders in similar fashion to those now available in New South Wales and South Australia.

While the Queensland government appears to have considered balancing the rights of the individual with community safety by including a public interest monitor during court proceedings, I am advised that this type of legislation, as with the South Australian and New South Wales provisions, would fall foul of our Human Rights Act. That is because, in essence, the laws seek to punish individuals for who they associate with, not for what they have done.

Since tabling the government report, the Standing Committee of Attorneys-General has progressed its work on serious and organised crime. Earlier this month, Attorneys-General met and agreed to a range of additional measures, including enhanced law enforcement powers and offences for combating and prosecuting organised crime; nationally coordinated arrangements to identify, prioritise and respond to organised crime threats, including consideration of the development of a national organised crime threat assessment; nationally consistent criminal asset confiscation regimes; the strengthening of criminal intelligence capabilities; and greater engagement and coordination with business to target organised crime. I have confidence that these national efforts, coordinated under the umbrella of SCAG—the Standing Committee of Attorneys-General—is the right and appropriate way to tackle these issues.

I would also like to draw members' attention to the Joint Parliamentary Committee on the Australian Crime Commission and its inquiry into the legislative arrangements to outlaw serious and organised crime. This report was publicly released earlier this month and in it the committee comprehensively catalogues the threat of serious organised crime in Australia. The report also provides a useful analysis of many of the same issues canvassed in the government report.

Members will be aware that last week I introduced the Crimes (Assumed Identities) Bill that will give police in the ACT the ability to create and adopt a new and false identity for the purposes of gathering intelligence and arresting organised criminals. If passed, the legislation will be a valuable addition to police powers aimed at disrupting organised crime rings within the ACT.

Powers will only be available to officers who have been authorised at the most senior levels of command within ACT Policing. In future, I have already indicated to the Assembly that I will be introducing additional cross-border investigative laws, including provisions with respect to surveillance devices and witness protection. This suite of reforms will continue the work of integrating ACT powers with the national scheme already agreed by all Attorneys-General through SCAG.

When I introduced the Crimes (Controlled Operations) Bill back in 2008, I also announced a review of police criminal investigative powers. This work is ongoing. I am advised that the work through the committee, involving officers from my department, criminal justice agencies and stakeholders like the Bar Association and the Law Society, is proceeding well. I would like to commend officers of my department for their diligence and work they have undertaken in that regard.

I would like to take this opportunity to advise the Assembly that there are a range of additional tasks that I have asked my department to progress as a result of this particular report. Specifically, the government will be giving consideration to a provision for the offences of affray and participation in criminal groups and recruiting persons to engage in criminal activity. The government is also giving consideration to the concept of joint criminal enterprise. Such a provision would apply where a group of two or more offenders agree to commit an offence together. The effect would be that responsibility for criminal activity engaged in under an agreement by one member of the group is extended to all other members of the group.

The commonwealth has recently introduced the Crimes Legislation Amendment (Serious and Organised Crime) Bill that includes joint criminal enterprise into the commonwealth Criminal Code. Advice to my department from stakeholders in the legal and law enforcement community have suggested that it would be desirable, given that the commonwealth has indicated its reform, for the ACT to also give consideration to such amendments.

The Australian Senate Standing Committee on Legal and Constitutional Affairs is currently reviewing these arrangements, and I will be carefully considering how the commonwealth resolves the tensions between the need for effective law enforcement and well-established legal principles.

I also take the opportunity to advise members that I have asked my department to progress work with a view to introducing unexplained wealth provisions. I note that, if passed, the commonwealth bill will introduce unexplained wealth provisions into commonwealth legislation. Such provisions would be aimed at individuals involved in criminal activities who obtain profit from those activities and whose wealth cannot be explained by their legitimate sources of income.

The government will progress work on unexplained wealth separately, given the nature of issues to be considered with the ACT's confiscation of criminal assets scheme and how unexplained provisions can function optimally with the existing scheme. There are clearly many lessons to be learned from other jurisdictions in this regard. In particular, the experiences in the Northern Territory and Western Australia

will provide useful examples of the opportunities and pitfalls in the implementation of unexplained wealth provisions.

The government's commitment to effectively responding to serious and organised crime is unassailable. Legislative and law enforcement landscapes are quickly developing to respond to the challenge. But this does not mean that we should act hastily or resort to simplistic slogans when it comes to dealing with the development of what are complex criminal justice mechanisms. For that reason, I hope that the Assembly will continue to adopt an approach which is considered and thoughtful on these matters. I commend the report to the Assembly.

Question resolved in the affirmative.

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Pace Farm

MRS DUNNE (Ginninderra) (5.12): As I undertook today, in lieu of making a statement to accompany the out-of-order petition, I will now read, for the benefit of members, the contents of the letter that was signed by 33 of my constituents. It says:

I have recently read a number of articles in the Canberra press about the Greens intent to introduce a Bill to amend the animal welfare Act and potentially force the closure of the Pace egg production facility at Parkwood, and restrict the sale of certain egg products.

I am one of over 60 employees who work at this place of business and while animal welfare has received a lot of attention, there has been no regard for my or my families welfare. When did animal welfare become more important than human welfare? Are we just numbers on a piece of paper? I happen to need my job. If I lose it, I will be evicted from my rented house. I won't be able to pay my bills. I won't be able to eat. I won't be able to run my car. I won't be able to live.

Why is it that the human cost never seems to outweigh the animal cost in situations such as this? Why is the welfare of hens, which have a life expectancy of around ten years in the most idyllic conditions, more important than the welfare of people, fellow human beings? Why are we just "collateral damage"? I am sorry, but this business earns me a living, a simple living.

There is nothing wrong with the welfare of the chooks at Parkwood, they are healthy productive and relaxed, however this means nothing to the activists who won't stop their rampage until we are all vegan and living in a way that "they" deem to be acceptable. I don't think they know or care about the welfare of chickens, they are just trying to make a political statement using my livelihood to push an agenda.

Instead of listening to the animal activists who, like common thugs, trespass, vandalise property, and steal from businesses like the one that employs my fellow workers, and me please consider my future, my options and those of my family. We are proud to be employed, contribute to society and help sustain the local economy.

The letters I received were signed, in total, by 33 people. I would like to put on the record my support for the position put forward by my constituents in relation to their concerns about their employment. I would like to put on the record my concerns in relation to what appears to be an attempt to break into the Parkwood facility earlier this month which resulted in the theft of chooks from the site, which has resulted in a biosecurity lockdown at the site.

I will be speaking more about this in the coming days. I think this is a reprehensible development and I hope that no member of this Assembly or no-one who engages in serious debate on these issues has had any involvement in or condones in any way this unlawful activity.

Community consultation

MR HARGREAVES (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (5.15): This afternoon I was in my office doing a number of things that just could not wait and I could hear an enormous amount of invective coming through the wires. And one of the repeated themes was criticism of me for lack of consultation. I thought I might take the opportunity to put on the record a statement about some of the consultation processes that I have been through and ask people to compare them, if they will, with those of the only person on that side of the chamber that has ministerial experience, Mr Smyth.

Take Housing and Community Services. I have done seven ministerial forums during 2005, a two-day housing summit, continuous consultation with tenants and stakeholders like the Joint Champions Group et cetera, a roundtable on social housing, a housing industry stimulus package information session and an energy efficiency roundtable.

In ageing, I have done three community consultation forums and I meet with the ministerial advisory council on a regular basis. In multicultural affairs, there have been 13 ministerial forums during 2005, the Multicultural Summit in 2005 and again in 2008. The first one had 450 people at it; the second one had 350 people at it. That is actually more people than Mr Smyth got votes from in the last election, as it happens.

I also did the Multicultural Youth Summit in 2006. As it turns out, I had six months of discussion on the Grassby memorial—yes, I did—with the multicultural community. Do you know, though, the original idea for it came at Mr Grassby's funeral. The now Senator Humphries said to me, "We should have a memorial to Mr Grassby." That was the genesis of it. We do not get that from across the chamber.

I have been belted about other things. We had the Ramadan function last year. I talked about this as an opportunity to walk with people. I say a big thank you to Ms Bresnan

for joining me with this one. We get a lot of value out of it, walking and talking with people and these things. I considered it a consultation process. The Muslim Advisory Council is such a process.

I have been bagged out for the Tharwa bridge. What you do not know about it, because these guys—sorry about this—were not here at the time, was that I went down to Tharwa and in the hall I spoke with 100 people on both occasions, told them the technical details about what was going on and asked them their advice. For example, I asked them whether they wanted a set of traffic lights at both ends. They said no. So I wiped them. I also went down to have an informal meeting with them and two meetings with the rural leaseholders. The way they tell the story, I have done nothing.

On the taxi system, I convened a working group with TAMS and the Disability Advisory Council and completely revised the wheelchair accessible cabs. And I convened a roundtable with stakeholders to discuss a general taxi service which ended up with a whole stack more taxis on the road. As to the airport road congestion, I got a roundtable about that and we ended up with extra money to do that. Of course there are a whole series of other bits and pieces.

When I added up just the major ones, and not counting all the little ones which might be a bit iffy to count, there are 50 major consultation processes over 60 months in office, just under one month. I contrast that with Mr Smyth's consultation process. He did not consult anybody—he was a minister then—about the Hall-Kinlyside debacle, about the feel the power campaign, about “What colour grass would you like at Bruce stadium? Would you like green? That's a good colour. We have got leftovers from World War I, haven't we?” Did we talk about the consultation on the sale or the borrowing of the money? Did we get that? No, we did not. No, we did not get that.

In fact, I tried to find something Mr Smyth actually did consult the community on over his 3½ years as minister but I could not find anything. Maybe he would like to come in and tell us about what he has done. Or he can keep his criticisms about consultation processes to himself.

If I get criticised for making a decision, I remind members that a bloke who never made a mistake never made anything. And I will continue to do that, mostly with the advice of people, as we go down the track. But if time is imperative I do not mind making a decision and taking the consequences of it. But do not you guys across there talk to me about a lack of consultation, because I have done far more of it in my time here than you have done in a lifetime.

Hartley Lifecare

MR RATTENBURY (Molonglo) (5.20): On Saturday night I had the great honour to be invited to participate in the Hartley Lifecare annual celebrity debate. The Legislative Assembly has a proud tradition here. Ms Gallagher was a participant last year and was on the winning team and the trophy stayed in the Assembly for the last 12 months. I took the trophy back on Saturday night but I had the good fortune to again be on the winning team. So the trophy will be spending another 12 months at the Legislative Assembly.

The theme on Saturday night was that cycling is the way to heaven and, somewhat unfortunately, I found myself on the negative side. We nonetheless managed to argue that cycling is in fact the way to hell. It was actually a very fun evening. Again, there was a great crowd and I would really like to congratulate the organisers of the event and the sponsors of the evening.

There was a very serious side to what was a fun evening, and that is that the evening was designed to raise money for Hartley Lifecare. Hartley Lifecare is a Canberra-based organisation that provides accommodation, support and respite care for children and adults in the ACT with physical and complex disabilities. They have been doing this for more than 45 years. They provide a range of services, including full-time residential facilities and care, assistive technology, a transport system and workplace training and development, amongst others.

It is great work that they do and the people that are putting in an effort to raise funds for Hartley Lifecare put in a great deal of effort. Hartley Lifecare receive both government funding as well as business and individual sponsorships in addition to the fundraising events they undertake. I simply want to take the opportunity to reflect on the good work that Hartley Lifecare do and congratulate them on their work and wish them all the best with their future fundraising endeavours, as they seek to provide a very valuable service to the Canberra community.

Dr Brendan Nelson

MR COE (Ginninderra) (5.22): I rise this evening to pay tribute to the career of the Hon Brendan Nelson, federal member for Bradfield. Earlier today, Dr Brendan Nelson announced that he would be retiring from the federal parliament next month. His departure from the House of Representatives will be a great loss for the people of Bradfield, the Liberal Party, the parliament and Australia. He was a consummate professional and a person who will be remembered for his honesty, conviction and compassion.

Dr Nelson's parliamentary career started in 1996, when he was elected to represent his northern Sydney electorate. Prior to being elected, Dr Nelson served as a general practitioner for 10 years, including service with the Australian Medical Association, including federal president of the organisation from 1993 to 1995.

Early in the year of the Centenary of Federation, Dr Nelson was appointed Parliamentary Secretary to the Minister for Defence. He became Minister for Education, Science and Training post the 2001 election. Early in 2006, he was appointed Minister for Defence and served in that position until the 2007 election. Dr Nelson was elevated to leader of the parliamentary Liberal Party post the election and served as Leader of the Opposition until September 2008.

I had the pleasure of serving alongside Dr Nelson in the party's federal executive for a few months before my term in that body expired. I admired, and still do admire, his style of politics and the values he espouses. Dr Nelson will be looked at very favourably by past, present and future university students for having the conviction

and courage to introduce voluntary student unionism. For decades this holy grail for university students was beyond reach. However, it was the personal influence of people like the then Minister for Education, Science and Training that made the achievement possible.

Dr Nelson took a broad view to the education portfolio that included an investment in the future of our country by supporting vocational education, including training, the trades and skill development for people of all ages. Years of Labor elitism had eroded the significance of the trades and tradespeople. The Howard government instilled confidence in this vital sector and the growth in our economy over the years of that government was tangible proof of that change in philosophy.

Dr Nelson was a politician that never lost contact with the grassroots of the community or his party. In spite of being a senior member of cabinet, Dr Nelson remained very active in his community and would regularly be seen at events in the electorate, hosting meetings and other local member duties. Dr Nelson was an avid supporter of youth engagement in politics, in particular the Young Liberal Movement of Australia and the Australian Liberal Students Federation. Dr Nelson was a champion of our constitution, including defence of our stable and democratic system of government.

His achievements as defence minister are significant and diverse. He oversaw a considerable investment in our defence force and continued peacekeeping and security operations in our region and beyond. He also successfully engaged with industry and further developed the longstanding partnership of the government, industry and community in securing our nation. The period for which he oversaw the defence department was a particularly challenging time for defence force recruitment, and Dr Nelson's personal commitment to the defence force recruitment program has helped ensure the army, the navy and the air force are better placed going into the future.

The image of Dr Nelson that many will remember during his time as a federal member would be of him on his motorbike, participating in a ride supporting one charity or another. Charity work has always featured prominently in his life, and I should think that this prominence will increase post retirement from parliament. I commend Dr Nelson for his service to Australia and wish him every success in his career beyond parliament.

China—human rights

MS BRESNAN (Brindabella) (5.18): I would like to speak today on human rights abuses that continue in the People's Republic of China. These abuses have been reported most recently in the Amnesty International report of 2009, which documents the state of human rights during 2008. In discussing freedom of religion, the report notes that people who practise a religion outside the officially sanctioned channels, including Christians, Muslims, Buddhists and others, faced harassment and persecution. Falun Gong practitioners were among those treated most harshly by the government. In the lead-up to the Beijing Olympics, thousands were reported to have been arrested with hundreds imprisoned or assigned to re-education through labour camps and other forms of detention.

One particular story is highlighted in the Amnesty International report. On 25 January, Yu Zhou, a well-known folk singer, graduate of Beijing University, and reportedly a Falun Gong practitioner, was arrested in Tongzhou District, Beijing, along with his wife, Xu Na, a poet and painter. On 6 February, the authorities from Qinghe District emergency centre told his family that Yu Zhou had died from either diabetes or a hunger strike, although the family maintains he was healthy at the time of his arrest. The staff at the emergency centre refused the family's request to view the body and for an autopsy. On 25 November, Xu Na was sentenced to three years in prison for "using a heretical organisation to undermine the implementation of the law". She appealed against the sentence and is at risk of torture and other ill treatment in detention.

A recent story on the election results and protests in Iran demonstrated how countries where human rights are being breached are working together to bring their stories to the public arena. Computer software developed by volunteers from the Falun Gong movement to allow internet users to bypass Chinese government censorship was and is being used by pro-democracy activists in Iran.

The death of Neda Agha-Soltan, who was killed while watching post-election protests in the Iranian capital Tehran, may not have been known had it not been for the software. A passer-by recorded the scene and posted her dying moments on the YouTube hosting website, bringing global attention to a conflict the Iranian government was trying to suppress. Iranian authorities had started blocking certain websites in the lead-up to the presidential elections, but the software allowed Iranians to access information about what was occurring in their country. Shiyu Zhou, deputy director of the consortium which developed the software, stated:

The reason that we created this service was mainly due to the suppression of the Falun Gong in '99.

Many of us were Tiananmen students during the Tiananmen massacre time in '89, so we knew how frightening state-controlled media can be, like in China, that can turn white into black overnight.

People want to know what's going on, because people care about society, people care about other people and they want to know exactly what is happening.

They hunt for information over the internet because it has become an open platform, a multimedia platform, and the most powerful and widely used form of media.

I would like to quote from the Amnesty International report of 2009 foreword by Irene Khan, Secretary General of Amnesty International, which points to the actions of human rights activists around the world:

History shows that most struggles for great change—such as the abolition of slavery or the emancipation of women—started not as the initiative of states but as the endeavour of ordinary people. Successes in establishing international justice or controlling the arms trade or abolishing the death penalty or fighting violence against women or putting global poverty and climate change on the

international agenda are all largely due to the energy, creativity and persistence of millions of activists from around the globe.

Community consultation Health—interprofessional workshops

MS BURCH (Brindabella) (5.30): I have two things to raise. Firstly, I will go back to the MPI and question time when there was some talk around this government's record on consultation. In question time Mrs Dunne asked the Minister for Industrial Relations a question about consultation on the issue of fireworks. It is a question for those opposite as to why Mrs Dunne and the party are now ignoring their own findings, as documented in Mr Pratt's attempt to have fireworks banned. I would like to quote Mr Pratt's statements in the debate. Mr Pratt said:

The Liberal opposition have listened to their constituents, who believe that the banning of shopgoods fireworks would benefit the majority of the community.

He went on to say:

I have run a petition calling for the ban on the retail sales of shopgoods fireworks, and the response has been tremendous. On the first weekend that I ran the petition in the city, approximately 220 signatures were collected.

He went on to say:

This support was backed up by the number of calls, overwhelmingly in favour of the proposed ban, that were made to talkback programs on local radio stations. Emails to my office and to the offices of my colleagues have also been overwhelmingly in favour of the ban.

I leave Mr Pratt there. I notice that Mr Pratt did not quite make it back to the Assembly.

On a more positive note, as I was looking through *Healthy Territory*, a wonderful production, I came across a colleague. In my previous life before I came to this Assembly I worked with university departments around the rural health workforce and new models of care. It was a pleasure to read this story around interprofessional learning and interprofessional practice. It talked about a number of workshops that were held in Canberra and across the country. It said that workshops were an engaging way of teaching and learning and were particularly suited to interprofessional learning. They encourage group interaction, lively discussion and networking opportunities for those professionals.

ACT Health was instrumental in coordinating a series of interprofessional workshops across Victoria, Western Australia and New Zealand, including two workshops in Canberra. These workshops recruited the expertise of two experienced interprofessional learning facilitators from the UK. Those in this room may or may not know that interprofessional learning and interprofessional practice is a way of the future in the new models of care that our society, our communities and our health systems need.

The workshops were held in Melbourne, Bendigo, Gippsland, Christchurch and Canberra. The Canberra workshops were organised. The first was hosted by the Canberra Institute of Technology and the second was hosted by the University of Canberra. I note that the Canberra Institute of Technology is leading the way in its training of allied health assistants, which goes to the broader health service team. I commend them on that work.

The first workshop catered for the needs of clinicians and the second was focused at health academics. It went through enhancing participants' knowledge of interprofessional learning, increasing participants' awareness of skills needed to practice interprofessional learning and agreeing on a philosophical direction for interprofessional learning across collaborative organisations and institutions.

There was no doubt that the workshops provided a valuable opportunity for reflective practice and a fertile forum for innovation in interprofessional learning. Madam Deputy Speaker, I appreciate your health background. You too would recognise that this really is the way of the future.

Interprofessional learning continues with the interprofessional learning community now gearing up for an international interprofessional conference to be held in Sydney in 2010. International bodies—there is an Australian, Australasian and New Zealand group—are looking to this, and I wish them well on their work. I also note the great work that is done in interprofessional learning and interprofessional practice in ACT Health. Not only do they recognise allied health assistance by creating a role for them in the health service but also they are facilitating this with an interprofessional learning unit within ACT Health.

Vice-Chancellor Professor Stephen Parker
ACT Ethnic Schools Association
Dr Brendan Nelson

MR SESELJA (Molonglo—Leader of the Opposition) (5.35): I would just like to take a brief moment to pay tribute to the work that Vice-Chancellor Stephen Parker is doing with the University of Canberra at the moment. I think he has been a breath of fresh air since taking on the role. I have had a number of meetings and discussions with him. In fact, recently my colleague Mr Doszpot and I were hosted by the vice-chancellor and some of his senior staff at the university to talk through some of what is going on there, particularly with the master planning process. There is a lot of good work being done. Some hard work has had to be done. They had to turn around a financial situation which was less than ideal. They are now focusing on growing and expanding the university and on changing the physical landscape of the university. There is some exciting work being done there.

The university has a real potential to grow in the coming years, to take advantage of some of the reforms that are going on around the nation and to ensure that Canberra continues to be at the forefront of education in Australia. Whilst we have a wonderful institution in the Australian National University in Canberra, I think the University of Canberra is an underrated institution. It is a growing institution and, as Mr Hargreaves points out, it is our university. It is one of which we can be very proud. We look

forward to the work that the vice-chancellor and his staff are doing. We thank them for hosting us. Ms Inga Davis was our host, along with the vice-chancellor and a number of senior staff. It was a great pleasure to be there. I commend them on a lot of the wonderful work that is being done there.

I would also like to briefly mention that Mr Doszpot and I—and you, Ms Porter—attended the ACT Ethnic Schools Association dinner on Saturday night. I did not have the opportunity to stay right through but I did have the opportunity to address the dinner. It is a wonderful part of our community—the ethnic schools. I certainly had the opportunity as a youngster to go to an ethnic school. It was not always something that I wanted to do, but I am sure it was very good for me. It is very good for young people to have that connection with the culture of their parents and their grandparents. Sometimes kids have to be dragged along to some of these things.

I really want to pay tribute to Javad Mehr and the Ethnic Schools Association for the work they do in the community and the work they do in preserving and helping our ethnic communities to preserve the links with their culture through language and the teaching of culture. I think it is sensational. I think it is a very important part of our community. We have a wonderful multicultural community in Canberra. It is an example to not only the rest of the country but also the rest of the world in bringing different cultures together—not having them isolated from one another but having them as part of the community. I pay tribute to the Ethnic Schools Association. Their dinner is always a good night. I was there last year as well, and we had a great time. They always show us wonderful hospitality. I thank them once again for the work that they do.

I would also briefly like to add my words to those of Mr Coe in relation to Dr Nelson. I have found Dr Nelson to be one of the more decent characters to deal with in politics in Australia. I think he is a genuinely decent and good person. He is a very hardworking local member and was a hardworking leader. I think he took over the leadership during what was clearly a very difficult time after a change of government after almost 12 years in office.

Dr Nelson needs to be commended not just for the way that he handled himself during that difficult time but for the way he has handled himself since losing the leadership. I think he is a man of great character. He is a man who I personally enjoyed meeting and speaking with. He is a very decent individual. I wish him all the best in his retirement. I am sure that he has a lot more to offer to Australian life. I am sure we have not seen the last of Dr Nelson. I just put it on the record that I think he has served his community very well. I personally have found him one of the most decent people to deal with in public life. I would like to join with Mr Coe in paying tribute to him for the contribution he has made to Australian public life.

Question resolved in the affirmative.

The Assembly adjourned at 5.40 pm.

Schedule of amendments

Schedule 1

Long Service Leave (Portable Schemes) Bill 2009

Amendments moved by the Minister for Industrial Relations

1

Clause 2

Page 2, line 4

omit clause 2, substitute

2

Commencement

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 21 (1) and (2)

Page 11, line 13—

omit clause 21 (1) and (2), substitute

- (1) The governing board has at least 3 members and not more than 7 members.

Note 1 The chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

Note 2 The chief executive officer of the authority is appointed by the governing board after consulting with the responsible minister (see *Financial Management Act 1996*, s 80 (2)).

Note 3 The registrar is a member of the governing board and is the chief executive officer of the authority (see dict, def **registrar** and *Financial Management Act 1996*, s 80 (4)).

- (2) The governing board must have the following members:
- (a) at least 1 member appointed to represent employer organisations for the covered industries;
 - (b) at least 1 member appointed to represent employee organisations for the covered industries;
 - (c) at least 1 other member who is not appointed to represent an employer or employee organisation.

Note One of the members mentioned in par (c) is the deputy chair (see s 22).

- (2A) In appointing the members for subsection (2) (a) and (b), the Minister must, as far as reasonably practicable, ensure that there is equal representation for employer organisations and employee organisations.

3
Clause 43 (3) (b)
Page 22, line 9

omit

42

substitute

45

4
Clause 54 (1), penalty
Page 30, line 7

omit

5
Clause 54 (2)
Page 30, line 9

omit

6
Clause 55 (1), penalty
Page 31, line 6

omit

7
Clause 55 (2)
Page 31, line 7

omit

8
Clause 64
Page 38, line 18

omit clause 64, substitute

64 **Service credit—registered worker’s service**

Service to be credited in the workers register for a registered worker for a covered industry is the amount of service worked out under the covered industry schedule for the covered industry.

9
Schedule 1
Clause 1.16
Page 75, line 20

omit clause 1.16, substitute

1.16 **Service credit—building and construction industry—s 64**

A registered worker for the building and construction industry must not, in a financial year, be credited with more than 220 days of service.

10
Schedule 2

Clause 2.16
Page 87, line 20

omit clause 2.16, substitute

2.16 Service credit—contract cleaning industry—s 64

- (1) A registered worker for the contract cleaning industry is to be credited in the workers register with 1 day's service for each day (including a day when the worker does not carry out cleaning work) in each service period of the worker on or after the worker's registration day.

Example

A day when a worker attends a court in accordance with a summons to serve as a juror or a subpoena to give evidence or produce documents is a day in the worker's period of service when the worker does not carry out cleaning work.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) However a registered worker for the contract cleaning industry must not, in a financial year, be credited with more than 365 days of service.

11
Dictionary
Definition of *covered industry schedule*
Page 97, line 5

omit the definition, substitute

covered industry schedule means—

- (a) for the building and construction industry—schedule 1; and
(b) for the contract cleaning industry—schedule 2.
-