



# Debates

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**Wednesday, 26 August 2009**

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

### **Unparliamentary language Statement by Speaker**

**MR SPEAKER:** Members, I wish to make a statement concerning the use of unparliamentary words. Standing order 56 states that when offensive or disorderly words are used, whether by a member who is addressing the chair or by a member who is present, the Speaker shall intervene. My attention has been drawn to comments made last Thursday in the discussion of the matter of public importance by Mr Doszpot, who stated, "Minister Barr is an out and out liar." It has long been the practice of this legislature that it is unparliamentary to call another member a liar, and I therefore call upon Mr Doszpot to withdraw the words.

**MR DOSZPOT** (Brindabella): Mr Speaker, I withdraw those comments.

### **Minister for Education and Training Motion of censure**

**MR DOSZPOT** (Brindabella) (10.01), by leave: I move:

That this Assembly censures the Minister for Education and Training for using his office as Minister to make a false and misleading statement about another Member of this Assembly in the form of a letter to the Non-Government Schools Education Council for his own political gain, and for displaying a pattern of behaviour of misleading the ACT Legislative Assembly for his own political gain.

Mr Speaker, the minister has left me no choice but to move this censure motion today. Andrew Barr has abused his position as a minister of this place and has also treated the community with contempt. Mr Barr has a pattern of behaviour in this regard and once again he has misled this Assembly.

Members may recall last week during the discussion of a matter of public importance that I made mention of a matter that had concerned me greatly. On Tuesday, 18 August 2009, the minister tabled in the ACT Assembly a ministerial response to the Non-Government Schools Education Council. The response was dated 28 July and included the following statement.

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

This assertion is false and patently political and made without any evidence to support it. I have never made these statements and no evidence can be found in *Hansard*,

press releases or in Canberra Liberal policy documents that support the minister's assertion. The letter to NGSEC is not only false; it is malicious and reflects poorly on the minister personally and as a government minister.

The minister has made his own fanciful and false conclusions as to what my intent was and it does not excuse him from wilfully misrepresenting, in his official ministerial capacity, what I actually said. I would like to remind the Assembly that I have given the minister every opportunity to present evidence regarding what he has claimed I said, and failing that, to apologise for his actions and statements and also to write a retraction of the statements made by him to the Non-Government Schools Education Council, NGSEC. He has done none of these things. Through his continued wilful arrogance, he has once again demonstrated his lack of respect for this place and his role as a minister and, indeed, his contempt for the ministerial code of conduct that he is bound by.

The ministerial code of conduct is a document that all ministers have signed up to, and it is quite evident that the opposition and the crossbench observe this code of conduct but that the very people it is meant to apply to, including this minister, do not observe any parts of the code of conduct.

The opposition often refer to the ministerial code of conduct. We refer to this when debating issues in this place, as we are now, to remind ministers of the pledge they have made to this place and to remind them that they have a responsibility to the people of the ACT and to this Assembly. The code of conduct is about accountability, and it is about understanding that the Assembly elects a Chief Minister and that the executive is ultimately responsible to the people of the ACT through this place. It is about accountability and it is about respect—and I quote:

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

*Government members interjecting—*

**Mrs Dunne:** On a point of order Mr Speaker: this is a serious matter. A minister is subject to a censure motion, and you cannot actually hear the mover over the din from the government benches. I would like you to call them to order.

**MR SPEAKER:** Thank you, Mrs Dunne. Mr Doszpot, would you like to continue?

**MR DOSZPOT:** It is about respect—and I quote:

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

Once again, we need to remind the Chief Minister, who, again, is not here, about his statement and his commitment to the code of conduct when he introduced his amendments to the ministerial code of conduct in February 2004. The government at

the time made an assurance that it would apply a rigorous code. At the time the Chief Minister emphasised that the values of fairness, openness and responsibility were the defining factors of his revised code. Back in 2004, the Chief Minister was adamant when he said:

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

He went on to say—and I remind you, Mr Barr:

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

Chief Minister and members of the government, we are waiting for you to uphold your own code of conduct. Could it be that this government, as we mentioned before, have been around for too long? Have they forgotten—they obviously have—what they have signed up to? The general obligations, as we have stated before, in the code of conduct are about respect for the law and the system of government; respect for persons; integrity, accountability and honesty; diligence; and economy and efficiency.

I would like to focus again on the issues that Mr Barr has so badly neglected. Respect for persons:

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

Public references to individuals:

In the discharge of his or her public duties, a Minister will not—

I say to Minister Barr—

dishonestly or recklessly attack the reputation of any other person.

Integrity:

Ministers will at all times seek to advance the common good of the community that they serve, in recognition that public office involves a public trust. In particular, Ministers will ensure that their official powers or position are not used improperly for personal advantage, and that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest. Ministers are to ensure that publicly funded publicity that they arrange or approve is relative to Government responsibilities and is not party political in tone.

Contrast this, Mr Speaker, with what Mr Barr tabled in the ACT Assembly on Tuesday, 18 August 2009 in a ministerial response to the Non-Government Schools Education Council. The response was dated 28 July and included this statement:

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

The public statements made by the minister, Mr Barr, in this place, and which I corrected for the record last week, show a complete disregard by this minister for his obligations. Last Tuesday, when Mr Barr flouted convention by seeking leave to make that statement, he made those same statements that he has made to the Non-Government Schools Education Council, and repeated them here in the Assembly once again.

I feel personally affronted, as I have said before, that the minister has chosen to extrapolate an argument that I put forward to him in such a dishonest and unfair way. The statement in question was my argument that the human rights principles of students with a disability in the non-government sector were being compromised by the government for not including them in the special education review, commonly known as the Shaddock review.

The minister has chosen to spin a tale from this, and he has chosen to take any words that I have used so out of context that there is absolutely no resemblance to my original premise. Mr Barr has chosen to perpetuate this falsehood to stakeholders and to this Assembly with further statements that he made during question time and also, obviously, in the form of the letter that he tabled in the Assembly last week.

Mr Speaker, I do not take any pleasure from moving this censure motion. I find that it is quite a reversal of roles. Here am I, the shadow minister for education, trying to make my colleague the minister for education act responsibly within his portfolio.

Mr Barr has embarked on a course of action that is not peculiar to this instance. He has followed similar patterns of behaviour, and it is in the interest of this Assembly for all of us—the crossbenchers, the opposition and, indeed, the government—to take note of these actions. The code of conduct is there to apply to ministers, and the very person it is meant to apply to in this instance has totally ignored it time and again during the course of this debate that we have been having for over a week.

I have been made to apologise and to retract a statement when falsehoods have been made. This Assembly seems to place a lot of emphasis on the terminology applied, and yet the very act that was carried out by the individual has, to this date, been allowed to stand.

As I said at the outset, this minister has left me no choice but to move this censure motion today. Minister Barr has abused his position as a minister of this place, and has also treated the community with contempt. Not only the community; he has treated this Assembly with total contempt.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.14): It goes without saying that the government will not be supporting

this censure motion. For the benefit of members who may find this whole debate a little mystifying, I might just outline some of the facts, and there are some fairly basic facts around this. The government announced a review of curriculum and pedagogy for students with disabilities in ACT public schools earlier this year. On 30 April the ACT Liberals, through their shadow education spokesperson, demanded that the ACT government use the Human Rights Act 2004 to ensure that the review also examined curriculum and pedagogy for students with disabilities in ACT public schools. In his press release, Mr Doszpot said:

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

This is the heart of the matter. Mr Doszpot says the Human Rights Act means the government must review the 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 his media release:

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

I rejected that demand and indicated a policy position on behalf of the Labor Party that we would not impose a review on non-government schools without those schools requesting involvement in such a review. The Doszpot release was put out on 30 April. On 16 June, within 24 hours of a request from Catholic and independent schools to be included in the review, I was delighted to announce that we could conclude the funding and timing details of revised terms of reference. That was good news for all, because they asked to be included and we said yes. Except that the next day, 17 June, Mr Doszpot interjected in the Assembly during question time and said:

Under human rights principles, you have a responsibility, minister.

Again, I rejected that, and I quote from what I said at that time:

If we are to take Mr Doszpot's argument to its logical conclusion, there can never be a differentiation in policy, teaching practice, curriculum or anything that is relevant to the Human Rights Act.

My office was in touch with the Catholic and independent schools within hours of Mr Doszpot's claim to assure them that, whatever he had in mind, I am committed to the full independence of the non-government school sector and so is the government. I will never seek to dictate to non-government schools their teaching and pedagogy practices. If they ask to be involved in a review—which they did in this instance and we said yes—that is fine. But it is not my view that I would seek to go in and impose teaching practices, curriculum and pedagogy on the non-government school system.

On any examination of the facts, what is clear is that my statements about Liberal Party policy have been entirely accurate and fair. If the Liberal Party wishes to clarify this matter of the confusion over their policy, they could—

*Opposition members interjecting—*

**Mr Hargreaves:** On a point of order, Mr Speaker: Mrs Dunne asked everybody to be quiet when that side was making a point. All I have heard is a series of interjections. For exactly the same reason Mrs Dunne asked for a bit of silence, could I ask you to ask these people to be a bit quiet too?

**Mr SPEAKER:** Yes, Mr Hargreaves, you make a fair point.

**MR BARR:** Thank you, Mr Speaker. I wrote back and made a suggestion to Mr Doszpot, following his letter to me yesterday, that the way to clarify the uncertainty around this issue would be for him to issue a statement on behalf of the Liberal Party clarifying their position on this matter. I even suggested a form of words for Mr Doszpot. He could say, "The Liberal Party rules out using the Human Rights Act 2004 as a way of the government taking over non-government school teaching and curriculum." If he issues that statement, the debate is over; there is no confusion over Liberal Party policy. I have even suggested the words he could use. It is up to him, of course, to make a statement. He can do that.

Any examination of the facts, as I said, shows the statements I have made about Liberal Party policy are entirely accurate and fair. The question that the Assembly really must consider is this: why are we having this debate this morning? It would be too easy for a neutral observer to dismiss this argument as mere politics. But there is more going on here than the usual Liberal doctrine of opposition for opposition's sake. This is a serious policy debate, and there is a serious political contest underway. As I have said before in this place on numerous occasions, the old public versus private debate in education is over. That represents a great opportunity for children in all schools, and we are seeing the benefits of that now—new classrooms, new computers and new libraries in all schools. We can see the benefits to come.

**Mrs Dunne:** On a point of order, Mr Speaker: I draw your attention to the substance of the motion. It is about performance and the fact that the minister misled. This is not an opportunity to rehash what the minister thinks the ACT government's achievements in education are. It is about his performance.

**Mr Corbell:** On the point of order, Mr Speaker: when a minister is being censured in this place, it has been accepted in this place that the minister can defend himself in whatever form he believes is necessary to address the issues before him. There is a general convention in this place that the minister is able to do so however he believes it is appropriate to address the issues before him. This is a serious motion being moved by the Liberal Party; the minister is entitled to defend himself as he sees fit.

**MR SPEAKER:** When a minister is being censured, I think he has the latitude to make his case. His performance is being questioned. I counsel Mr Barr to remain broadly relevant to the education portfolio and the specific issues. Mr Barr, the floor is yours again.

**MR BARR:** Thank you, Mr Speaker. I was, in fact, talking about the heart of this debate around education. As I was saying, the fact that the old public-private debate is over does represent a great opportunity for all schools in the territory. As I said, we



are seeing benefits across the ACT education system—new classrooms, new computers and new libraries in all schools. We will see more benefits to come with the range of policy initiatives that both the territory and federal governments are pursuing.

It is around pursuing an agenda to improve teacher quality, to reward our best classroom teachers with \$100,000 salaries to get better results in all schools. If there are a couple of words that would sum up the government's approach to education across all schools, it is that everybody learns in the government system and the non-government system. Everybody learns. That is the great threat to the conservatives in the Liberal Party, and we are seeing these changes occurring now. It means the old politics of smear and fear, of divide and conquer just do not work anymore, not in this city and not in this century. Parents have moved on, children have moved on. The reason Mr Doszpot is in the hole he is in and moving the motion he is this morning is—

**Mrs Dunne:** Because you lied.

**MR BARR:** He has not moved on. That is the bottom line. I had a simple proposal.

**Mr Hargreaves:** Mr Speaker, Mrs Dunne has to be told to withdraw. She actually said, "Because you lied."

**Mrs Dunne:** Mr Speaker, this is a substantive motion about the fact that the minister for education has misled the Assembly, and I do not think that I should need to withdraw. This is at the heart of the substantive motion.

**MR SPEAKER:** Mrs Dunne, I would ask that you withdraw the assertion. I do not think that even in a substantive motion that is the standard that we want to set in the Assembly.

**Mrs Dunne:** I withdraw.

**MR SPEAKER:** Mr Barr, the floor is yours.

**MR BARR:** Thank you, Mr Speaker. As I was saying, the bottom line in this debate is that the community has moved on from the public versus private debate. I had a simple proposal to improve teaching and learning for students with a disability, and Mr Doszpot could not stand it. So what did he do? He went completely over the top and accused me of breaching the human rights of kids in non-government schools. Why? Because the old public-private debate is his only idea in education. It is all about flicking the scab. It is hopeless; it is embarrassing; it is old school; it is out of touch.

This debate today is more about who wrote what and when. But it should be about our plan for the future and the Liberals' obsession with the past. That is why the Assembly should reject this censure. It is pointless; it is meaningless. Mr Doszpot can clarify the situation by clarifying Liberal Party policy. That is all he needs to do. That is all this debate is about. He does not like my characterisation of Liberal Party policy.

Well, he can clarify the situation by issuing a clear Liberal Party policy on this matter rather than spending his entire time accusing me of breaching the human rights of students in non-government schools. It would be equally ridiculous for me to move a counter censure motion against Mr Doszpot for accusing me of breaching the human rights of students in non-government schools, because that is what he has been doing.

**Mr Seselja:** It is gutter politics, Andrew.

**MR BARR:** You are right, Zed; this motion is gutter politics. That is all this is about. There is nothing substantive in this censure motion, and everyone knows it. I imagine that 15 other people are pretty mystified about why this is even being brought on this morning. It is a stupid waste of the Assembly's time. We all should move on. As I indicated in my letter to Mr Doszpot this morning, the uncertainty centres on Liberal Party policy. If he wishes to clarify Liberal Party policy by issuing a statement, the debate is over. Until then, there is uncertainty about what the Liberal Party's position is on this matter. What we know is they do not like me and they are censuring me today. Fine. They are my political opponents; you expect censure motions of this nature. But I think if you go through the history of censure motions in this place, this would be vying for the weakest one ever. We should not be wasting the Assembly's time on this matter. I urge members not to support this censure motion.

Motion (by **Ms Bresnan**) put:

That the debate be adjourned.

The Assembly voted—

Ayes 9

Noes 6

Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Mr Hanson		Mr Hargreaves	

Question so resolved in the affirmative.

**MR SPEAKER:** Ms Bresnan, is it your intention that this be adjourned to a later hour this day or a later sitting day?

**MS Bresnan:** Mr Speaker, a later sitting day.

**MR SPEAKER:** The question now is:

That the resumption of the debate be made an order of the day for the next sitting.

**MR HANSON** (Molonglo) (10.31): I move the following amendment:

Omit "the next sitting", substitute "a later hour this day".

Amendment agreed to.

Motion, as amended, agreed to.

## **Minister for Planning**

**MS LE COUTEUR** (Molonglo): I request leave of the Assembly to seek clarification from the planning minister regarding the documents he tabled yesterday.

Leave granted.

**MS LE COUTEUR:** Yesterday Minister Barr tabled documents about the Greens' hot-water bill following my request. My request was for Mr Barr to table all the advice regarding the two versions of the Greens' hot-water bill that the government had received from ACTPLA or any other government agencies. Instead of tabling that, Mr Barr tabled a copy of his own speech in the in-principle debate. Of course, we already had a copy of that speech in *Hansard*. I request that Mr Barr actually table the advice on the bills received from ACTPLA and other government agencies. As the hot-water bill will be debated today, I request that he also assist the Assembly by tabling these documents as soon as possible before lunchtime or certainly before the bill is actually debated.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Battery cage eggs—petition No 102**

*By Ms Le Couteur, from 652 residents:*

#### **To the Speaker and Members of the ACT Legislative Assembly**

In the ACT 250,000 hens live in battery cages. A battery hen lives in less space than this A4 piece of paper; she cannot spread her wings and the end of her beak is cut off. Please stop this animal abuse by effectively banning the production of battery eggs in the ACT.

### **Canberra Hospital—car park—petition No 103**

*By Mr Hanson, from 8 residents:*

#### **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 the Planning Minister (at the request of the Health Minister) has used "call-in" powers to approve demolition of a 3-storey car park at Canberra Hospital and building on that site a 9-storey car park which would tower above the new mental health precinct.

Your petitioners therefore request that the Assembly direct the Minister for Health and the government to:

- Halt the car park demolition planned for September 2009;
- Seek the advice of the Chief Psychiatrist as to the mental health implications of building the planned car park tower overlooking the planned new acute care mental health facility, and publish that advice;
- Direct that any building located near the new mental health precinct conform to the latest version of the Australasian Health Facility Guidelines (shortly to be promulgated), especially re the location of a tall building near *an acute care mental health facility*;
- Release information on the traffic implications of placing a large car park tower at a crossroads within therapeutic areas;
- Urgently review the community's preferred option of an alternative site for the car park, and in particular on Yamba Drive west.
- Save the existing 3 storey Bateson Road carpark for night staff and disabled.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.*

## **Civil Partnerships Amendment Bill 2009**

**Mr Rattenbury**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo) (10:34): I move:

That this bill be agreed to in principle.

I rise this morning to introduce a bill which has already received significant commentary. Personally I find some of that discussion somewhat confounding, but I will return to that later.

This is a bill to introduce legally recognised ceremonies into the Civil Partnerships Act 2008. A legally recognised ceremony will ensure that appropriate weight is given to the public act of entering into a civil partnership.

This bill is about giving full legal weight to a public declaration of love and shared commitment. This bill is about fully legitimising that declaration and giving it the legal weight it deserves. Couples entering into civil partnerships are making one of life's biggest commitments. The Greens believe that entry into a civil partnership deserves more than a simple registry process involving making an application on the papers. A legally recognised ceremony should be an option for couples, should they choose to have such a ceremony. Registry processes are appropriate for car registrations, property dealings and the like. That is, registry processes suit everyday, routine transactions just fine.

What do not fit the registry process in all situations are those once-in-a-lifetime events that shape our entire future and the future of those around us. Events such as taking up citizenship of a new country or forming a legally binding partnership with the person you love deserve the option of being more than a registry process decided on the papers. For some couples a registry process will be the path they wish to take, and it is important to recognise their right to choose that path. But we should also give couples the option to choose a public ceremony to solemnise their relationship.

This bill recognises that entry into a civil partnership is one of those rare life-changing moments that deserve the option of being marked publicly. The current operation of the legislation means that a ceremony does not have legal effect. Rather, it is the decision of the registrar-general back in the office that marks the commencement of the partnership.

Civil partnerships deserve more and this bill delivers that in the form of legally recognised ceremonies.

This sentiment was set out well by the campaign coordinator of Equal Love Canberra in an open letter to the Chief Minister. In the letter the campaign coordinator said: "We believe that loving relationships deserve support and equal recognition, regardless of the gender of the partners. Love and commitment deserves to be celebrated, for the good of society."

In that sense, this bill is about what has meaning in our society and more exactly how we make meaning. The Greens believe it is right and proper that the most significant and meaningful moments in a lifetime be endowed with a social reality. By that I mean that the opportunity for those moments to be officiated publicly is incredibly important.

Without giving couples the extra option of having a ceremony, and legally recognising that ceremony, the law does not entirely recognise civil partnerships. It creates the potential for them to be regarded as something to be tolerated but not celebrated. It sets them up as something to be dealt with on the papers but not something that people should have an option of publicly engaging in. That is what this bill does. It fully recognises civil partnerships as deserving to be part of our society.

There are of course defined human rights contained in the Human Rights Act 2004 that this bill supports. At section 8, the act provides that "everyone has the right to recognition as a person before the law" and also that "everyone has the right to enjoy his or her human rights without distinction or discrimination of any kind".

Recognising the rights of all couples to enter into a binding relationship publicly is the right thing to do. It is about ensuring equality and respect. In the words of section 8, it is about ensuring that all couples, regardless of their sexual preference, enjoy the same rights, free from discrimination.

One important thing to clarify at this stage is the role of ceremonies under the existing legislation. I do this for the avoidance of doubt but also because it draws out exactly what this bill will achieve.

Currently couples are able to have commitment ceremonies before or after they enter into a civil partnership. In some cases commitment ceremonies are attended by staff of the registrar-general who take possession of the application documentation and return it to the office for processing.

Commitment ceremonies do not legally create the partnership. The partnership is only legally created later in the office when the registrar-general processes the paperwork and endorses the application. Our bill will remove that confusing and unfair situation by providing that the ceremony itself will create the relationship.

These commitment ceremonies are a halfway step to equality for same-sex couples but do not go far enough. This bill goes the extra necessary step to ensure that all couples have access to the same rights. Members of the Assembly will be reasonably well aware of the provisions of this bill, especially those who were members during the previous Assembly. However, today I will set out briefly exactly what the bill will do in the interests of clarity.

Firstly, the bill will give couples a choice of how they enter a civil partnership. The current process of making an application to the registrar-general will remain. The bill will insert a second way in which a couple may enter a civil partnership, by inserting the ceremony option. The making of a declaration at the ceremony will legally create the civil partnership.

Secondly, the bill will provide for members of the public to apply to the registrar-general to become civil partnership notaries. For a ceremony to legally create a civil partnership under the act, the ceremony must include a declaration by each person before a civil partnership notary. It will then be the responsibility of the notary to take the declaration back to the registrar-general and get the partnership included on the register.

Thirdly, the bill will expand the range of equivalent relationships in other jurisdictions that can be recognised for the purposes of territory law. Currently, relationships in the other Australian states and territory can be recognised under ACT law. The bill will expand this to include the ability to recognise relationships from other countries.

Finally, the bill will make consequential amendments to the Births, Deaths and Marriages Registration Act 1997 and the regulations.

I spoke earlier about the commentary on this bill. It has been fascinating to observe the different attitudes and how social change comes about. There have been two threads to the adverse commentary on this. The first is a view that we should not even be trying on this because we ultimately might be defeated: we may not win. The second is that we are wasting the Assembly's time in canvassing the issue. The editorial in today's *Canberra Times* rolls both of these together in a completely defeatist case.

On the first, let me say that the bottom line is that nothing ever changes if you do not try. I have always liked the way Andy Warhol captured that sentiment. He said, "They

always say time changes things, but you have to actually change them yourself.” Personally, I am not prepared to be the one who turns away because the challenge seems too great. Change mostly comes about because persistent people keep trying. They talk; they discuss; they agitate. They do not give up. Those people are far more inspiring and far more valuable members of our community than those who roll over and accept mediocrity.

Then there is the suggestion that we are somehow wasting the Assembly’s time by putting this issue on the table. Members may be surprised to hear that I agree with this to some extent. The reason I agree with it is that we should not be having to spend time on this. It should not be controversial. It should not take a lot of time. It is simply the right thing to do.

As I have already stated today, this bill is about equality, it is about decency and it is about respect. We should simply get it passed and get on to other matters. I commend the bill to the Assembly.

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

## **Gaming Machine (Suspension of Transfers) Amendment Bill 2009**

**Mr Smyth**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR SMYTH** (Brindabella) (10:42): I move:

That this bill be agreed to in principle.

I am pleased to present the Gaming Machine (Suspension of Transfers) Amendment Bill today. The purpose of this bill is straightforward. Over recent weeks, considerable debate about gaming machines, more colloquially known as poker machines, has occurred for a number of reasons. There have been extensive discussions within the community about the way in which poker machines should be managed. The fundamental reason for this discussion has been the way in which these machines are allocated and surrendered, transferred, and whether they are actually being sold.

All things being equal, the licensees of poker machines have access to a strong and consistent revenue stream. This income provides the licensee with a good base on which to build the business. The business, of course, must be community based and satisfy the requirements set out in the act.

In May 2004, when introducing what is now the Gaming Machine Act 2004, the then Treasurer, Ted Quinlan, said:

The eligibility criteria for a gaming machine licence for a club needs to ensure eligibility only remains with those venues that are genuinely not-for-profit.

The intention for allocating gaming machine licences according to that presentation speech by the former Treasurer is quite clear.

The concomitant of this premise is that the benefits that flow from operating poker machines must remain within the community. The operation of any club which has poker machines must be based in the community, the revenue generated by a club must be used for the benefit of the community, and any changes to the operation of a club must be approved ultimately by the membership, free of influence—that is, by the broad base, the community base, of that club. The licensees of poker machines are part of the community, and the community has a right—and also a responsibility, as well as an expectation—to make sure that the activities of these licensees are appropriate.

That brings me to the purpose of the bill. In recent weeks, the Canberra community has seen the spectacle of one of our major clubs, the Canberra Labor Club Group, proposing the sale and effective transfer of its gaming machine licences to another club. When the general essence of this transaction became known, there were expressions of concern from within the community. These concerns were largely based on the nature of the transaction and, in particular, the benefits that would flow to the community from the transaction.

It is now a matter of history that the transaction has been abandoned. Nevertheless, as the transaction progressed, even more serious issues were raised about the transaction. They were not raised by the Canberra Liberals; they were not raised in a political context. They were raised by the president of the board of the Canberra Labor Club Group himself.

These issues have been considered serious enough for an inquiry into the transaction being initiated by the Gambling and Racing Commission. These issues cover things like whether the gaming act has been breached, taxation concerns and whether corporate law has been breached.

As these are serious issues, the opposition has been concerned to ensure that decisions are not made on gaming machine licences until the commission has completed its inquiry—indeed, until the Assembly has had time to look at that inquiry and discuss its implications. It is therefore essential that all the circumstances of this transaction are examined independently.

This bill will make sure that there is an opportunity for the lessons that the commission identifies as arising from this transaction to be taken into account in the administration of the relevant legislation—in particular, the administration of gaming machine licences. Consequently, we do not want to see any applications with respect to gaming machine licences applied for after today decided during this inquiry period.

This bill will preclude any application in relation to gaming machine licences from being made from today until the end of December this year. We consider that this action is essential to ensure the integrity of the process involved in dealing with gaming machine licences. I commend the bill to the Assembly.



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

## **Emergencies (Bushfire Warnings) Amendment Bill 2009**

**Mr Smyth**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR SMYTH** (Brindabella) (10:48): I move:

That this bill be agreed to in principle.

I am delighted to present the Emergencies (Bushfire Warnings) Amendment Bill 2009 this morning. This bill is the first in a suite of bills that I intend to present to the Assembly to address how we as a city deal with the ever-present threat of bushfires in the ACT.

Emergencies in Australia are a fact of life. We have major bushfires—as an aside, I would use “bushfire” rather than any other term such as “wildfire”, as this is the recognised Australian term for describing these phenomena; we have cyclones; we have earthquakes; we have floods; we have major accidents. We are well used to a range of emergency situations.

The critical issues that we as a community have to face on a regular basis are: how will we prepare for emergencies? How will we deal with emergencies? And how will we respond after emergencies? For instance, significant bushfires occurred in the ACT in the 1938-39 season, the 1951-52 season, the 1956-57 season, in 1979, in 1985, in 2001 and in 2003.

The purpose of my bill today is to focus on a key issue in the context of how we prepare for and deal with bushfire dangers. Specifically, my bill will provide for a simple and coherent approach to the provision of warnings at times of heightened bushfire danger. Further bills will address the issue of fuel reduction and the issue of preparation, responsibility and accountability.

The sad reality is that the Australian landscape is littered with report after report after report on why a particular bushfire emergency occurred and what should be done next time to prevent the adverse consequences of these situations, that is, to prevent a repeat of a situation that was the repeat of a situation that was the repeat of a situation.

A report into how Australia was prepared for and responded to bushfires was prepared for the federal government in 2004, in the wake of the Canberra bushfires of 2003. This report was prepared by three eminent people. Stuart Ellis was the chair, and he was supported by Professor Peter Kanowski and Professor Bob Whelan. Their report drew together the history of bushfires in Australia for as far back as reasonable records go.

What did they find? They found that there had been innumerable reports prepared after major bushfires—each an excellent report in itself, each with essentially sound recommendations. But what did they also find? They found that, despite many reports, tragedies arising from bushfires continued to be experienced.

The sad reality is that we do not appear to learn either from the continued experience of bushfires or from the learning that is gathered after the event in the form of an expert report or coronial inquiry—such reports as the royal commission into the 1939 bushfires in Victoria, the royal commission into the 1960 bushfires in Western Australia, the report into the 1967 bushfires in Tasmania, the report into the 1998 bushfires in Victoria, the report into the 2002-03 bushfires in Victoria, the McLeod report into the 2003 bushfire disaster in the ACT, as well as a number of commonwealth and state government inquiries into bushfires. I also note the comments being made in Greece at the moment, with major bushfires burning around Athens, about the lack of preparedness only two years after the major bushfires of 2007.

With this history, in this context I have been prompted to prepare this bill. I have consulted a wide range of experts in drafting this bill, and I am also extremely grateful to the parliamentary counsel's office for their efforts in translating all the inputs into this bill into a system that works. What I present is a relatively straightforward approach to developing and implementing warnings for major bushfire events.

One significant example of the warnings that I have used is the approach used for cyclone warnings. The cyclone warning system has been used consistently for many years. People living in areas that are susceptible to cyclones are well aware of the use of the warnings and, in particular, the hierarchy of warnings from a category 1 to a category 5 cyclone. The rationale for cyclone warnings has been clearly explained to the communities and they understand what is required when a particular category of warning is issued.

Let me run through the approach to bushfire warnings that I propose. The key to any coherent warning system is to have a sound, technical basis to specify what is likely to happen in the immediate future. The basis that I have proposed is that of using the fire danger index. This is a widely recognised concept within the fire-fighting community, yet largely unknown to the general community. At this time devices such as the forest fire danger meters and the grassland danger fire meters exist that provide a sound, technical basis for projecting what the conditions are likely to be for the coming 24 hours.

The McArthur mark 5 forest fire danger meter calculates the fire danger index by combining the following factors: the number of days since rain, rainfall till 9 am that day, the drought factor, the relative humidity, air temperature and wind speed, to calculate the fire danger index for that day. It calculates an index between one and 100 over five categories. A low index is zero to four. Zero actually means nothing will burn. Moderate is five to 11. High is 14 to 23. And the majority of days in the ACT fall within those three categories. Very high is 24 to 49 on the index, and extreme is 50 to 100. It apparently can generate indexes over 100, but the meter itself is just from zero to 100.

Let me give some context so that people can understand. For instance, the index for Canberra on 18 January 2003 was calculated the night before. I will read from the official report:

Saturday—

that is, 18 January—

the forecast fire danger rating for the highlands is 62—

which puts it in the extreme—

lowland forest, 58—

which puts it in the extreme—

and grasslands, 40.

which puts it in the very high. What you have is a very clear indication that days with these very indexes are very dangerous. In Victoria on 7 February this year, it was extreme. Some reports I have read had numbers of a fire danger index of 180 and above. I have not been able to secure what exactly it was.

But as my bill sets out, this index as a warning shall be issued throughout the year, both during the official bushfire season and, as we know now, with such warm weather and bushfires currently burning in Queensland, at any other relevant times. They will be issued automatically. The index dictates when the warning is given. Moreover, at times when there is a significantly increased risk of a major bushfire and the index is revised during the day, the latest readings shall be promulgated.

The use of the fire danger index then provides the basis for preparing warnings of likely events with respect to a bushfire. If the index exceeds a prescribed level, certain actions will be required. I have proposed a threshold fire danger index of 25, that is, to start warnings when the very high index is reached. If the index is forecast to be below 25, no warnings shall be issued. If the index is forecast to be 25 or greater, an appropriate bushfire warning is to be prepared and promulgated.

All categories of warnings are created in the bill. The first is a general warning, and this is in the very high fire danger index range of 25 to 49. We then have three levels in the extreme range: extreme 1, which is a fire danger index of 50 to 74; extreme 2, a fire danger index of 75 to 99; and extreme 3, a fire index of 100 or higher. Current research indicates that, where the index of 75 is exceeded, the danger becomes acute, often leading to the loss of life and property.

The reason for selecting the threshold of 25 is twofold. Firstly, it incorporates the best knowledge that people or experts in this field have been able to provide. Secondly, it draws on research into the pattern of different types of days that have been experienced across the ACT and, indeed, surrounding New South Wales over the past 50 years. I do not expect many warnings to be given each fire season.

The crux of my bill, then, is the nature of the warnings themselves. As I have noted, if there is a forecast of a fire danger index of 25 or greater, a bushfire warning will be required. Warnings will be required to comprise a number of components: the fire danger index, the relevant bushfire activity category, a warning that is associated with that level of bushfire activity, the area, if any, to which the warning applies, an analysis of the potential for changes in conditions, the consequences of any changes for people and property, and sources of further information.

There are three additional components that may come into effect, depending on the level of the fire danger index. If the index is forecast to be between 25 and 49, in other words, a very high warning, the warning will ask people to decide whether they are equipped to defend their properties or whether they should evacuate. If the index is forecast to be 50 or greater, therefore in the extreme category, the warning will say that, if people have not prepared themselves and their property and are not able to defend their property, they should evacuate. Warnings for either of these scenarios will provide the location of evacuation centres.

I mention in these components two additional matters. Firstly, there are bushfire activity categories. The bill sets out the hierarchy of bushfire activity categories. Secondly, there are warnings that are associated with each activity category. The combination of each bushfire activity category and associated warnings is linked to the specific range of the bushfire danger index.

This aspect of the bill has required extensive consideration. On the one hand, there is the need to have a properly differentiated warning for each level of bushfire activity. On the other hand, there is the imperative to provide useful information at each level of warning without being overly complex. I emphasise the analogy of this approach to the approach used for cyclone warnings where there is a combination of numerical levels of intensity and associated cyclone characteristic.

I have not attempted to prescribe actual warnings for each bushfire warning level in the bill. I took the view that putting specific wording for each warning into an act was too prescriptive and would not allow any flexibility to take account of particular circumstances of different situations. And I am very grateful to parliamentary counsel for this very useful advice on this matter.

There are two other matters I need to mention. There are provisions covering how warnings shall be promulgated. That will be with the assistance of the local media, and I compliment the government for having made those arrangements through MOU since the 2003 disaster. And there is specific provision for developments in communications technologies and how these can be used to disseminate warnings. As we all know, that is a moveable feast and the technology seems to change every day.

This is not an unusual way to give a warning. Every weather forecast now contains a UV index and a warning. The reporting of the fire danger index will work on the same format.

There are provisions in the bill requiring public education programs. Again, the details for these programs are quite general. That will be up to the government of the

day as different circumstances will require different strategies. The government of the day will determine what is appropriate for these programs.

Members will be aware of the interim report of the 2009 Victorian bushfire royal commission that was released last week. While this is an interim report, it contains much useful information and learning from the tragic bushfires in Victoria this February. I would like to draw out of that report some comments about warnings. The commission noted that it was motivated to have a lengthy examination of bushfire warnings issued in February 2009. Chapter 4 is an extensive commentary on bushfire warnings.

The commission described the consideration of bushfire warnings by successive inquiries, reviews and reports as a well-trodden path. Indeed, as I have noted, there have been innumerable reports into bushfires in Australia and the consideration of warnings has been a common theme. The commission sought to identify what constitutes a good bushfire warning. In analysing this issue, the commission draws on a considerable body of evidence and information from Australia and other countries.

The commission made other observations and, for instance, notes that AFAC, the Australian Fire Authorities Council, has developed a draft position on warnings. While observing that the AFAC position paper was first drafted in 2005 and modified in 2007, it still remains a draft. I would observe that this approach is symptomatic of the Australian approach that we just cannot seem to get things finalised and implemented when it comes to bushfires.

There is much other valuable commentary on warnings in the commission's report that will need to be considered. And I commend chapter 4 of the report to members for their reading.

Much of the angst in Canberra after the 2003 fires, and indeed in Victoria after February fires, was over the lack of warnings. In fact, the interim report of the Victorian royal commission referred to the issue of warnings contained in a considerable number of the submissions. Indeed, it was the equal second most talked about thing in the submissions. Fuel reduction and prescribed burnings were mentioned in 485 submissions; fire warnings were mentioned in 430; along with fire preparedness in 430 submissions. The question "Why weren't we told, why weren't we warned?" rang large in Canberra in 2003. Unfortunately, six years later it still rings large in the Australian community—unfortunately, this time, in Victoria.

It is my hope that this bill will provide encouragement and some impetus to implementing a uniform national system of bushfire warnings. I would be delighted if the ACT could provide such a lead, particularly after we had so much learning about bushfire warnings after our bushfire disaster of 2003.

It is time that this country had a serious discussion about how we approach bushfires. Bushfires do not happen every 100 years or every 50 years. Somewhere in Australia almost every year a community suffers the impact of bushfires. And yet we seem to always reach the position that they are somehow unassailable, somehow unstoppable on the day. The work has to commence before the day. It cannot be left until that morning.

We need to educate the Australian public. I have said a number of times and I will say it here again: people say the only things certain in life are death and taxes. In Australia, the only things certain in life are death, taxes and bushfires.

What we have to do is make sure that our services are equipped appropriately, that they are set up appropriately and that they are staffed appropriately to do the job should the day come. But what we need to do is at least give them a chance to make their efforts effective on the day by making sure that we have proper command systems in place, that we have done the fuel reduction that should be done, that we actually, as a community and as individuals, take responsibility for our own properties and that every year, before the start of the season on 1 October, we actually do clear our properties; we remove the vegetation; we remove the things that might burn that are close to the properties; we take responsibility; we look at whether or not, if you are on a property that has a pump, the pump works; we look at sources of water should the power go down. There is a community responsibility.

What happened in Victoria is very similar to what happened in Canberra. The services on the day were overwhelmed. There were something like 550 fires on the day in Victoria. Only five or so got away. But those five are the five that did the damage. For 99 per cent of fires that we have to fight, we have to have appropriate mechanisms in place to combat them.

It is the dangerous fires that people like Tim Flannery are now calling the mega fires that should be of most concern. He says that climate change is causing the nature of fires to change. In fact, when speaking recently to American firefighters, they said they are probably getting fewer fires per year, they arrive over a much longer period in that year but have much greater intensity and are doing much greater damage. But we have to get prepared.

There are other things that we need to do to try to minimise the impact on the day. Should a fire occur or should the threat of a bad fire day be there, we have to tell the community what is coming so that they can prepare, make decisions and actually implement the program—that is, prepare, stay and defend or leave early. And we do this debate a disservice particularly by calling it fight or flee.

Again, I would be delighted if the ACT could provide a lead to this country, particularly after what we have learnt since 2003, to set up national systems of warning so that wherever you go you hear the same warnings, because local indexes do change. Western Australians have a different index to the one that we use in the ACT. But what we need is a consistent set of warnings so that whether I am in Queensland, Victoria, Tasmania, South Australia, New South Wales, the Northern Territory, Western Australia or, indeed, at home in the ACT, if I hear a warning I understand what its implication is.

We can do it for cyclones; we can do it for the UV index; we should be able to do it for bushfires. I commend the bill to the house.

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

## **Emergencies (ESA) Amendment Bill 2009**

**Mr Smyth**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR SMYTH** (Brindabella) (11:09): I move:

That this bill be agreed to in principle.

I have much pleasure in presenting the Emergencies (ESA) Amendment Bill to the Assembly this morning. This bill has one important purpose: it seeks to re-establish a statutory authority for the management of emergency services in the ACT. It is pertinent to consider some brief history that underpins the bill that I present today.

Following the January 2003 bushfire disaster in the ACT, the ACT government established an inquiry to examine the way in which emergency services responded to the bushfire disaster. In August 2003, six years ago, Mr Ron McLeod released his report *Inquiry into the operational response to the January 2003 bushfires in the ACT*. A major recommendation made by Mr McLeod was that an ACT Emergency Services Authority be established. It is interesting to note that Mr McLeod is an Assistant Commissioner in the Victorian Bushfires Royal Commission.

A major recommendation that was made by Mr McLeod was that an ACT Emergency Services Authority be established because in his expert opinion emergency services should be managed by a single, larger operational body specifically set up outside the framework of the ACT public service. Mr McLeod spent an entire chapter of his report—chapter 6—setting out his analysis of the evolution of the management of emergency services in the ACT and why he was persuaded that a separate authority was now needed to manage our emergency services.

The Stanhope government proceeded to establish an authority and it began operations in mid-2004. Mr McLeod's arguments were very strong in 2003 and they remain valid today. In fact, if the recent history of the management of emergency services in the ACT is anything to go by, Mr McLeod's arguments are even more valid today. The findings made by Mr McLeod were supported by the report of the coroner into the deaths of the four people who died in the January bushfire disaster.

Coroner Maria Doogan presented her report in December 2006. She made a major recommendation that the Emergency Services Agency be transformed into an independent statutory authority reporting directly to the minister. In the recent history of the ACT, two independent expert inquiries have found that emergency services in the ACT should be provided through a statutory authority. Mr McLeod made his recommendation before the ACT government acted to establish the ACT Emergency Services Authority. Coroner Doogan made her recommendation after the ACT government abolished the Emergency Services Authority.

The Stanhope government acted to abolish the authority on the flimsiest of grounds. We can only guess at what the still secret Costello report said about this authority

because the Stanhope government refuses to engage the community in effective discussion of the analysis and findings that were contained in the Costello report. In one of the 2006 budget papers, the Stanhope-Gallagher government noted that the Costello report had commented critically that the authority's budget had increased by 46 per cent since 2002-03 and in the next paragraph the government sets out all additional spending that had been made on emergency services.

The arguments used by the Stanhope-Gallagher government to abolish the authority were very weak. In any event, the authority was abolished. The management of emergency services has been treated in a sorry manner by the Stanhope-Gallagher government and, sadly, the situation is no better today.

In July 2009, we had the extraordinary sight of the emergency services minister announcing, out of the blue, that each of the four emergency services would have their own service chief. He claimed all sorts of evidence to support this decision but an internal government document shows that this decision was made on the run. It was a minister who had to respond to serious concerns within the ESA and he shot from the hip. He apparently did not consult with his then commissioner; he did not give it any thought; he did not plan it; and he had no capacity to follow the decision through. The internal document distributed to rural fire service volunteers clearly demonstrates how poor this decision was. It says, "There are no clear directions to how this change will be implemented."

This was not the only turmoil in recent times at senior levels in the ESA. It actually followed an announcement by the minister two weeks previous to this decision that, indeed, he would not be changing the model and that he would keep the two deputy commissioners. We then saw another senior officer, the Deputy Commissioner of Fire and Rescue, leave the ESA. The internal government document reveals that this position would then not be filled.

This is not an indication of a minister who is in control of agencies that are his responsibility. This is a sign of a government that is unable to manage effectively. The government has no strategy for emergency services. I have not even touched on other issues that affect the provision of emergency services in the ACT—for instance, a new headquarters and its site.

Madam Deputy Speaker, I fully expect that the government will argue that the proposal in this bill is an expensive return to the failed past. That is the way of this government and of this minister. There will not be any substance in these arguments. They are simply rhetoric because we know that since the changes the ESA has continued to blow its budget.

Of course, the model that the Stanhope-Gallagher government implemented from 2006 has been shown to be a failed model for the provision of emergency services. The recent announcements from the emergency services minister demonstrate that this model was top heavy, cumbersome, administratively inefficient and expensive to operate. Not only has the minister's model failed but history has shown that there have been no savings in costs. Indeed, cost overruns and poor financial management have continued to plague the provision of emergency services in the ACT.



Given these failings, I have sought to develop a model for the management of emergency services that is effective, efficient and maintains the highest possible standards. I have consulted widely in preparing this bill and have also considered models that have been implemented in other jurisdictions, particularly the approach that has been adopted in South Australia where the South Australian Fire and Emergency Commission, better known as SAFECOM, is in place.

The model for the provision of emergency services that is set out in my bill is essentially very simple. There will be an authority established to manage emergency services. That authority will have a governing board. This board will comprise the chief officers of each of the four emergency services. To that will be added the chief police officer because, as we all know, in times of emergencies the police play a critical role.

There will be two other members with appropriate expertise appointed by the minister, one of whom shall be the chair of the board. The administration of the authority shall be managed by the chief executive officer of the authority. This person will be a non-voting member of the board. The executive of the day will appoint the chief officers of the four emergency services.

This structure of the senior management of the authority provides clear lines of communication from each emergency service to the relevant minister in the same way that the chief police officer has direct access to the minister. This access is important if the ACT is to have fully effective and properly resourced emergency services. At the same time, these arrangements will ensure that there is effective management of each of the emergency services.

The chief officer of each emergency service will be able to exercise appropriate management of their particular service, whether it be the fire brigade, the ambulance service, the state emergency service or the rural fire service. This is an essential requirement for the provision of emergency services. Moreover, these arrangements will ensure that there is effective collaboration between the services, as this is necessary, and that the services use common management and administrative processes where this is possible.

The functions for the authority are generally self-explanatory. One set of functions that I would highlight relates to education programs. There are various aspects to education. An essential component of education about emergencies is set out in proposed subsection (q). This relates to educating the public on their personal preparedness to cope with an emergency and on their responsibilities in responding to emergency situations.

Our community demands the most effective management services that are possible within the constraints of availability of funding and other resources. My bill provides a structure that will enable the community needs to be met as effectively and efficiently as possible while being mindful of the pressures that always exist on budgets. I commend this bill to the Assembly

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

## **Eggs (Cage Systems) Legislation Amendment Bill 2009**

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

Title read by Clerk.

**MS LE COUTEUR** (Molonglo) (11:19): I move:

That this bill be agreed to in principle.

I present the Assembly with the Eggs (Cage Systems) Legislation Amendment Bill 2009. This bill will outlaw the practice of keeping hens for egg production in a battery cage system by 2011. This is the production method which is also commonly known as battery cage farming or sometimes layer hen farming.

The bill will also change the way that cage eggs can be displayed by retailers. Retailers would need to display cage eggs separately from other eggs and accompanied signage displaying their origin. This is a necessary step to ensure that consumers receive proper information about eggs. Currently we have a system of egg labelling and display that is failing consumers. In addition, the federal mutual recognition law prevents the ACT from banning the sale of imported cage eggs. So the improved display requirements are the furthest additional step the ACT can take to show that we do not support eggs originating from a cage system. It is a step consistent with and complementary to outlawing cage egg production.

Members will recall that I introduced an exposure draft of this legislation in May. I did this because I wanted other parties to find a way that they might be able support an end to cage egg farming in the ACT. The draft, of course, went out to the public as well. I can inform members that I have received a large amount of positive support from the community. In fact, with the exception of a number of letters from employees of Parkwood farm, I have only received positive support for this.

I did not receive one critical submission, although I requested feedback from the Australian Egg Industry Association. It could be that possibly even those in the industry recognise that cage egg systems are archaic and will be phased out. Battery cage farming has already been banned in many countries, including the Netherlands, Sweden, Finland, Switzerland, Germany, Austria and Norway. The EU is phasing out battery cage production for a total ban on cages by 2012. The US state of California also voted last year to ban this type of cage, as well as to introduce other improvements for the welfare of farm animals.

The exposure draft of this bill also attracted approximately 600 signatures on a petition of support, which I tabled earlier today in the Assembly. This is in addition to the many hundreds of signatures the Greens have received on this issue over past years. The ACT community is very supportive of moves to stop battery cage production. I regret, however, that the feedback to date from the government and the Liberal Party has not been positive.

Despite support from the community and all the moral advancements we have made in society, we still have glaring oversights in the way we treat animals, especially when it comes to food production. Chickens in battery cage systems are arguably the most compromised of all farm animals. I have been through this before, but I will mention some of the facts again.

Cage system hens are confined to small wire cages with no room to scratch, flap, walk about freely, let alone to nest or dust-bathe. They cannot stand without pushing against other hens, and they are de-beaked to prevent them from pecking. They exist in artificially lit surroundings to maximise laying and they never see daylight. A study of battery cages found that 31 per cent of battery hens had broken bones at some time before they were killed, and typically they are killed after about a year in these conditions, at which point the hens are considered spent.

This description is not just the perspective of animal activists. It is the perspective of vets, scientists and other animal experts. There is ample scientific literature which examines chickens in cage systems clinically and unemotionally and it concludes that these animals suffer greatly. We are talking about something factual and I encourage members who are unconvinced to look into this issue further.

Those who defend cage egg production, like the Australian Egg Industry Association, argue that cage systems are a positive good that improve chickens' welfare, or else they say that cage egg production is economic and profitable. The arguments do not outweigh the moral imperatives to end a cruel practice. The same kinds of arguments have been used to defend other morally wrong practices, such as slavery, which is now universally accepted as unjustifiable and immoral. In any case, the claim that cage egg systems improve the welfare of chickens is disingenuous at best.

I have heard representatives of the egg industry try to argue that caged chickens live in luxury five-star accommodation. At the very least, this claim ignores the fact that chickens feel pain, fear, stress and frustration, just as we do. Supporters of cage egg systems sometimes claim that chickens might have endured bad conditions in the old days of caged systems, but they say that modern cage systems have cured these problems. That is also untrue. The conditions in cage systems themselves are inherently inadequate. There is no way that it can be adequate to keep an animal 24 hours a day in a small cube with no daylight, no litter, no perches, no freedoms and being forced to mechanically lay eggs.

I ask members on both sides to seriously consider my legislation from their own consciences, as well as from a party perspective. The Liberal and Labor parties both say that they support animal welfare. Both are committed to prohibiting animal cruelty. My legislation is a way to take decisive action and to act on these commitments. Refusing to take any action to stop cage egg farming is an inherent contradiction.

The government recently decided to ban fireworks, and I believe this is largely because of their detrimental impact on animal welfare. The Greens have supported this decision. Consistency demands that the government will also act to end battery

cage farming. The suffering of dogs, cats, horses and wildlife because of fireworks is certainly more visible than the suffering of caged chickens. But to value the suffering of these animals over others is a very peculiar double standard.

Before I describe the aspect of the bill that relates to egg display requirements, I will make some comments regarding the other arguments I have already heard from the Liberal and Labor parties. Mrs Dunne has already made comments about employment at Parkwood. Of course it is true that if Parkwood vanished some employees would need to find new jobs. I agree this is a valid concern. However, as a mechanised factory farming system, cage farming requires very few employees. Barn or free range systems would create more jobs. So converting to one of these systems would be a win on many levels.

In 2007, Parkwood reported that they only had 14 employees. That is the only official reporting I have heard. The higher numbers that were mentioned in the letters that Mrs Dunne tabled yesterday are questionable. I think it is possible that these are bolstered by including the casual employees that Parkwood employ for short periods when they annually slaughter the hens. Possibly they are inflated by counting workers who work in related facilities, such as distribution centres or granaries, and these jobs would not, I understand, be affected because they will still service other Pace Farm facilities.

Mrs Dunne might be interested to know that I wrote to every Parkwood employee back in June after I received similar form letters to the ones which she received and tabled yesterday. I offered to meet with them and talk about their issues, but I have as yet to receive a reply. I also tried to organise a visit to Parkwood to meet management to discuss the issues, but that also has not been accepted. I take it that the concerns about employment are not possibly overwhelming.

The bill also seeks to take employment into account by phasing out cage eggs, starting from 2011. This allows almost two years since I introduced the bill to allow employees and Parkwood to transition to other work. Of course, the better solution would probably be for Parkwood to convert to barn or free range production.

Members may also wish to consider the age of Parkwood's facilities, which are fully depreciated. It is also questionable whether—and it has been suggested to me—Parkwood's dilapidated equipment may not fully comply with the poultry codes of conduct. Replacing this would be extremely costly. On the basis of this, it is possible that the Parkwood facility will need to change or go out of business anyway.

I have also heard arguments that other jurisdictions need to act on cage eggs, rather than the ACT acting alone. On the contrary, I would argue that given the situation in Australia the ACT needs to act first to spur action. When the ACT government failed to act the last time the ACT Greens introduced a cage egg bill, it was a great setback. Other jurisdictions looked to us and just mimicked our inaction. With some brave action, Australia could have phased out cage eggs by now, just as other countries have done. This is actually a great chance for the ACT to be a leader, to act on what is right, and other jurisdictions will be moved by our action.

Mr Stanhope appears to give great weight to the apparent economic contribution of Parkwood to the territory. But, as I have asked him before, how many employees does Parkwood have, and does it pay any payroll tax to the territory? Looking at the numbers that I think it has employed, I do not believe it will be paying payroll tax to the territory. I would point out again that Pace has a peppercorn lease for the Parkwood property, paying only \$486 a year rent to the territory.

This small amount of economic gain needs to be weighed against the moral imperatives of ending such a cruel practice and setting the lead for Australia. It is much more admirable than defending an outmoded and unwanted business. The issue is not going to go away. If the bill is defeated by this Assembly, I foreshadow that the Greens in the next Assembly will bring it on again. The issue is not going to go away. The other parties will need to address it at some point.

I will now turn to the second element of my bill, which concerns retail display requirements for cage eggs. Members may have heard that Woolworths recently announced it would voluntarily separate cage eggs and free range eggs on its shelves. In doing so, Woolworths has recognised that consumers are having trouble identifying the different egg production systems so they can make informed choices. However, other supermarkets will not necessarily follow suit. So it remains important to pass my bill because this will require the separation of cage eggs on shelves as well as additional signage about the production methods. Without that, most consumers will be left in the dark.

The new display requirements will really benefit consumers, who are being misled by a variety of confusing egg labels. Some of these labels are so unrepresentative of their realities, they are almost comical. Some have pictures of green open fields with the word "cage" in a tiny font hidden away on the bottom of the carton. This can be very misleading for consumers. The president of the egg group of the Victorian Farmers Federation summed up the problem when he commented on Woolworths changes. He said, "I reckon, at the end of the day, half the people don't realise what they're buying. They just buy what looks good, because it's all nice, colourful, branded products." He added, "I get confused myself and I'm a farmer!"

Interestingly, Woolworths recognised the shifting attitudes of the community and declared that it would reduce the number of cage egg lines it stocks. McDonald's also began using free range eggs overseas and has now confirmed that this will happen in Australia. When the ethics of McDonald's start to advance beyond those of the ACT government it is a warning that something is wrong. Eighty-three per cent of ACT residents answered a recent survey by agreeing that cage egg systems were cruel. It is time to ban the production of cage eggs in the ACT and to back it up with proper, consumer-friendly displays of any imported eggs.

I am pleased to see that Mr Stanhope read my exposure draft and saw the merit in my signage proposal. I understand that he has now written to retailers in the ACT to ask them about that. I appreciate his interest in this area. He may also be interested to know that at the beginning of the year I spoke to a number of Canberra retailers. All of them told me that the changes required by my bill would not cause them any issues.

While commenting on the issue of consumer choice, I would also like to comment on the argument that we should not ban cage egg production; we should instead let consumers choose to stop buying cage eggs. This is a very weak approach. It is more about the unwillingness of the Liberal and Labor parties to act on the issue.

As we know, consumers are often misled or unaware of factory farm conditions. In addition, there are many consumers who believe that the government would not permit the sale of products which were cruelly produced. Consumers think, “Well, these eggs have been produced legally. If these eggs were produced through cruel means, the government would not allow their sale.” It is the job of the Assembly, as legislators, to prohibit animal cruelty. It is not the market’s job, with its limited and sometimes erroneous information.

One final part of the bill I will mention is an amendment to the labelling legislation which would mean that eggs from the ACT must be labelled with the words “cage eggs”. Currently the labelling act requires the words “battery cage eggs”. However, the industry is not complying with this. It appears that this is happening because cage eggs sold in the ACT come from interstate. The ones that are produced in the ACT are in fact exported to New South Wales and then imported to get around our labelling laws.

Under the commonwealth mutual recognition laws, eggs imported from interstate do not need to meet the ACT’s labelling legal requirements. I believe the best and easiest way to correct this for now is to require that our eggs only be labelled “cage eggs”. This would be consistent with the national scheme and is an adequate description. It would stop the transporting of eggs backwards and forwards for absolutely no purpose.

In conclusion, I commend this bill to the Assembly. It takes practical steps to improve consumer information around the sale of eggs. This is an area where individual retailers are already, thankfully, beginning to act. It also takes long overdue action on the important moral issue of cage egg production. This issue is not about the morals of farming animals or about eating animals. It is simply about basic human decency and how we as a society treat other sentient creatures. To act on this will require a small amount of bravery, but it can be done very simply and it will reward us as a society. I commend my bill to the Assembly.

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

## **Department of Territory and Municipal Services—strategic budget review**

**MR COE** (Ginninderra) (11:37): I move:

That this Assembly:

(1) notes the Strategic Budget Review, Department of Territory and Municipal Services of 9 December 2008:

(a) was tabled on 20 August 2008;

- (b) gives a scathing assessment of the department and reveals a lack of financial transparency, a lack of leadership and strategic direction, and a failure to make promised administrative savings;
  - (c) reveals that political influence has led to the department not delivering core business and that political expediency is more important than financial control; and
  - (d) makes recommendations in relation to improved financial management, better future planning, and departmental and government restructures to better align the department's and Government's service delivery to core business;
- (2) notes also that the poor performance of the department is a result of a lack of ministerial leadership, in particular from the former Minister, Mr Hargreaves; and
- (3) calls on the Government to table a report into the progress of the implementation of the recommendations of the Strategic Budget Review.

Ernst & Young have given a scathing assessment of the Department of Territory and Municipal Services in their strategic budget review tabled on 20 August 2009. TAMS was created in 2006 as a result of a government-wide restructure during the 2006-07 budget. It was a merger of the Department of Urban Services, Environment ACT, Australian Capital Tourism, ACT Sport and Recreation, the ACTION authority, Canberra Stadium Authority, and the Office of Sustainability. Integration savings and economies of scale were cited as the justification in the context of the savage 2006-07 budget. These savings and administrative streamlining have never been realised.

The document reveals a lack of "financial discipline", management have "limited visibility of the activities performed within the department", the financial systems "appear not to rigorously adhere to core financial management requirements" and that cost allocation "is not transparent". It also reveals that some activities are not being delivered due to "political influence".

Since the department was established in 2007, almost \$900 million has been spent without a performance framework. I repeat: over \$900 million of taxpayers' money has been spent without a performance framework. It is amazing that Ernst & Young has had to recommend the development of key performance indicators. This should have been done years ago.

The department was set up by Mr Stanhope to improve service delivery and efficiency. Almost three years on, the report gives a dreadful review of Mr Stanhope's creation. Given the depth and breadth of the criticism, it is now obvious why the Chief Minister delayed tabling the document for so long. Mr Stanhope used every excuse in the book to try and stall making the document available to the Assembly. After months of pressure, Mr Stanhope finally gave in.

The report is now more than eight months old and half the recommendations should have been implemented. Eleven of the 22 recommendations had a deadline of before

six months. That is why this motion calls for the government to table its progress on meeting the recommendations of the Ernst & Young report. The challenge is for the government to explain what improvements have been made and what changes will be occurring in the near future.

Unfortunately, yesterday in question time, we saw a glimpse of the solutions and the so-called “vision” that the Stanhope Labor government are going to offer us. Is it to make efficiencies? No. Is it to improve management structures? No. Is it to improve financial performance and discipline? No. Is it to implement best practice? No. Is it to focus on the delivery of core government services? No, it is certainly not that either. So what are they going to do? They are going to increase taxes. The vision of the Stanhope-Gallagher government extends only to taxing the people of Canberra more, for less in return. Instead of addressing key problems in the organisation and making the government work better, they are propping up an operation which Ernst & Young said is costing more and more of taxpayers’ revenue for less and less.

Canberrans are already paying some of the highest taxes in the country and, as I have mentioned many times in this place before, what Canberrans want is a government that concentrates on core business. They want a government that is effective and efficient and that delivers the services that they pay for, the services they expect.

Yesterday in question time, the minister all but announced another tax on Canberrans, for garbage collection. This is nothing but a cash grab in an attempt to claw back the budget blow-outs and poor financial management we have seen in TAMS in recent years, and in all the other departments.

Canberra’s households already pay for their garbage collection through their rates, yet Mr Stanhope wants to impose another tax. Mr Stanhope has failed to rule out secret plans to slug ratepayers twice, and he now must abandon any notion of what would be an unfair tax on Canberra’s households. All of this is in addition to the taxes and charges that the government has already increased this year, including parking fees, parking fines, bus fares and rates.

The government’s position on the possibility of introducing other fees and taxes in TAMS simply remains unclear. The government has been quick to embrace the possibility of increasing taxes and charges but has not taken much notice of the rest of the report. The rest of the report reveals that efficiencies have not been achieved from the merger, there is a lack of financial transparency, there is a lack of control by managers, there are too many administrators, and even that there is too much political influence that is preventing the department from getting done the things that it needs to get done. A key extract from page 25 of the report reads as follows:

Recent performance suggests that TAMS’ existing structure and resourcing allocations are not ideally suited to delivering its service delivery priorities for the Government within its existing budget.

On page 29 it says:

This lack of clarity and alignment regarding accountability for performance from the Ministerial level down to the service delivery level makes it difficult for the



Department to balance its overall priorities, risks, accountabilities and financial management responsibilities.

This is absolutely scandalous, and it concerns me that TAMS may not be the only department that is operating like this. Mr Stanhope has his prints all over this department, as does Mr Hargreaves, and how many other departments do they have their prints over? How many other departments are affected in a similar way by political influence, by lack of financial transparency and by all the other management problems that the Ernst & Young report highlighted?

The extract reveals that the true source of the problem is at the ministerial level and at the chief ministerial level—Jon Stanhope and his predecessor, John Hargreaves. The litany of failures from the Hargreaves era is well known and includes the Tharwa bridge, the Gungahlin Drive extension, road maintenance backlogs which extend to some \$25 million per year, car parking shortages, the ACTION bus timetable shambles and the closure of the Griffith library, to name a few. Now we have a new minister, Mr Stanhope, who looks like making the same mistakes of the past.

The report reveals that senior management has limited visibility of the department and the costs of activities. I will say that again: the report reveals that senior management has limited visibility of the department and the costs of activities. If senior management do not have this, if the minister does not have visibility, who does have visibility? Who is actually spending taxpayers' money properly?

The financial section has no “sufficient” authority to exercise fiscal direction and control. There is “a perception that ‘limited consequences’ exist for overspending”. There is no ability to track and calculate forward purchase commitments, and it is unclear how Parks, Conservation and Lands' asset management plan and maintenance schedules are included in the budget formulation process.

Other aspects of the report are of concern to the opposition. The Ernst & Young report says that there are still too many administrators in the department. Ten per cent of full-time equivalents are classified as management, corporate services or administrative support. This is far too high for a department where efficiencies should have been made due to integrations and economies of scale. Savings in this area can be achieved to a level of 10 to 15 per cent if administration was simplified.

The report slams the government for political influence which has stopped some areas of the department completing its work. The nature of this influence remains unclear after Mr Stanhope could not answer the question yesterday. I look forward to Mr Hargreaves's contribution to this debate—if he feels he has any defence regarding his appalling tenure.

The report also says that management structures are a key focus of the review. There are particular concerns in relation to indicators not being aligned to day-to-day work and not measuring the right things. The workforce plan does not link well enough with service requirements and the asset management plans.

The report poses a key question to the government, and that is: how should the government structure services to ensure that TAMS can focus on core functional

services to the community and to plan and deliver these services in an accountable and financially constrained fashion? Increasing taxes and charges and not tackling the challenge of management and the financial structure is ignoring the problem. All of these are damning problems.

It is unfair to ACT taxpayers that the government should continue to increase taxes at a time when we do not know how or where the money is being spent, and there is no effective ministerial leadership of the Territory and Municipal Services portfolio. There is a lack of financial transparency, a lack of leadership, a lack of strategic direction and a failure to make promised administrative savings. Political influence has led to the department not delivering core business. Political expediency has been more important than financial control. It is a “spend at all costs” mentality.

The review has made some important recommendations and posed some questions for the government. But this government has a record of secrecy surrounding this report. This report did not come to the Assembly until last week, some eight months after it was published. Appendix A of the report remains a mystery because it was excluded from the document tabled in the Assembly. This raises further questions as to what the government has to hide. Appendix A detailed the review methodology and how different activities of the department are evaluated. The Chief Minister was not even here to read the tabling speech; who knows what the justification for that would be had he actually read his speech. Again, in the words of the review, “issues do not appear to have been fully resolved to leave a smoothly functioning single department”.

The government must look at the report and implement changes to management structures, improve financial reporting and discipline, and restructure the department and the government to ensure that TAMS can focus on its core service delivery priorities. It is important that this Assembly is given the opportunity to scrutinise the government’s progress in implementing these recommendations to resolve these issues, and I look forward to the minister providing a report.

Mr Stanhope has two key challenges. The first one, as I have already mentioned, is: how is he going to respond to this report? How is he actually going to fix the Department of Territory and Municipal Services? How is he going to implement the 22 recommendations? The second challenge is: what is he going to do about Mr Hargreaves? Mr Hargreaves has had problem after problem, yet it seems that the right faction and Mr Barr are way too strong and overshadow that of the Chief Minister. It is time for the Chief Minister to show some leadership and some strength, to stare down the ALP right faction and to sack Mr Hargreaves. I commend the motion to the Assembly.

**MS LE COUTEUR** (Molonglo) (11.48): I understand that the government will be moving some amendments to this motion, circulated in Mr Barr’s name. I will just say that the Greens will be supporting those amendments. The first amendment is to omit paragraph (1)(b), which includes the words, “gives a scathing assessment of the department”. I have only been here nearly a year, but I have to say that every question time I hear a scathing assessment of the Liberal Party or the Labor Party. This review could hardly be described as a scathing assessment, whatever we might describe it as. Paragraph (c) does not appear to be supported by this report. Paragraph (2) is also not

supported by the report. We fully agree with paragraph (3), and I understand the government will also be agreeing with that.

Let me move on to the more substantive issues. I have to say that this is a very interesting report, and I am very pleased that the government has tabled it so that we can all have a better idea of what is happening in TAMS. The first point I want to make is about the amount of unfunded things that TAMS is required to do. Page 25 of the report says that the programs and services were amalgamated into one department as part of the Chief Minister's leaner, more focused public service initiative which anticipated the generation of \$18 million in savings. However, as it goes on to say at some length—so I will not bother quoting—basically there was an anticipation of savings without any clear planning for how those savings would actually eventuate. As they say, as is usually the case in mergers and acquisitions, be it government or non-government, savings that are anticipated never usually seem to quite eventuate. That seems to be the case for TAMS in particular. They have been asked to perform and do more with less, and that is clearly one of TAMS's significant issues.

The report goes on also to talk quite a bit about the cost pressures in TAMS, and I will briefly touch upon some of those. Firstly, I want to talk about what it says on page 6—that the unfunded maintenance expenditure of \$25 million represents the annual budget shortfall identified by Roads ACT in maintenance of roads, pavements, bridges, stormwater, traffic signals, lines and signs, community paths and street lighting. The point that I would like to make is that we have got these assets and as a community we have to look after them. We all know the stories that have come from other councils—TAMS is to quite an extent our local council—where road maintenance is not done. It only costs more in the long run.

The second point I would like to make is that, given we are not adequately managing to maintain our road and footpath network to date—that is what this report is saying—we need to seriously look at how we do transport in the ACT. Can we afford to keep going by constructing more and more roads without having the funding to maintain them? This is something you would be expecting the Greens to say, and I will say it again: we need to look at our transport system. If we are not managing to maintain the roads at present, why build more of them? We need to look at a transport system like more public transport, more cycle ways and better footpaths so that people feel safer to walk on them, and a system that is less resource intensive in the long run to maintain.

Another point made is that apparently TAMS does over 1,000 different services, so it is very difficult to produce KPIs and meaningful reporting indicators. That is a theme that the estimates committee took up as part of its recommendations. This was not just for TAMS, obviously, but it would seem on the basis of this report that probably TAMS is one of the areas where we should have most to say about this. What appears to be the case is that the government does not have a sufficient, cohesive set of strategic indicators to work out what the real priorities are and, therefore, where the money should go when funding is tight. Certainly there are comments through this report about the many areas where there are no KPIs and no reporting. That is understandable if there are 1,000 of them, but I cannot see, as I have said before, how the government can effectively balance the competing budget priorities if it does not have strategic indicators which enable it to see what is the more important thing.

Another thing I would like to talk about is how TAMS and the government should be evaluating where it should be spending its money. It is very important for the government to look at the cost not just to the government but to the community. In saying that, I would like to refer to another review relevant to TAMS—the Wright review on waste management. It has got a number of options over 20 years, net present value for different waste options. Option 1, which is to hold waste recovery at 75 per cent, has a net benefit of minus \$20 million to the government. That, from the government's point of view, was the best option, because the other options went back to the worst option being minus \$113 million, which was to cease recovery efforts and go to export to landfill. The second worst option was to increase recovery beyond 90 per cent, which the Wright review thought would cost the government minus \$82 million.

If you go to the next page of the Wright review, you will find that they do an evaluation of the economic impacts over 20 years—in other words, looking at the impact for the ACT community and not just the impact on the government. In this case, the option of holding recovery at 70 per cent—the cheapest for the government—basically was cost neutral from the community's point of view. The most expensive option for the community was to cease recovery efforts and export to landfill, the same as it was just from the government point of view. But the best option from the community's point of view, the option which had a positive payout for the ACT community, was to increase recovery efforts beyond 90 per cent. There are many reasons we have a government, but one of the major reasons we have a government is to do things where the community as a whole benefits rather than individuals. It is very important that the government, when it looks at the review of TAMS, particularly at the waste area given the work that has been done, looks at the benefits to the community as a whole and not just the cost to government.

That brings me to my next statement: I am very pleased to hear the Chief Minister's statements about community consultation on what services we as a community want TAMS to do. We think that is a very appropriate way to move forward. TAMS is responsible for a lot of things that make Canberra a great or a not great place to live. I note that part of our agreement with the Labor Party relates to these TAMS issues. We asked for more money for footpaths and more money for cycle ways, because these are areas where the people of Canberra are saying: "We want more. More would make Canberra a better place." That is true for a number of things for TAMS.

One of the positive things in this report—the opposition did not quite look at it that way—is that TAMS has a positive culture of trying to serve the community and being responsive. Clearly, the Greens are pleased about that. That needs, obviously, to be balanced by fiscal restraint and putting your efforts in the right direction. We need to serve the most important things, not just the most urgent things.

In conclusion, I would just like to say that TAMS is a really important part of the government's activities. It is our local council; it is what on a day-to-day basis makes our city liveable and a great place to live. We anticipate the government will be reporting back on its efforts in response to this report, and we commend the community consultation on the TAMS portfolio.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (11:58): I thank Mr Coe for his motion today, and I am pleased to have this opportunity to inform the Assembly about the progress of the review. On average, ACT residents directly interact with the Department of Territory and Municipal Services at least five times every day—that is each and every one of us. The department has a central role in building Canberra’s environmental, social, cultural and economic capital. TAMS is a hands-on organisation whose staff are committed and work hard to deliver services to the Canberra community.

I have mentioned in recent days some of the services TAMS provides, but in order to provide context to the discussion we are having it serves to repeat just some of the issues which TAMS faces every day. TAMS manages a 700,000-item library collection; TAMS maintains and manages 3,000 kilometres of public road, 2,400 kilometres of footpaths and cycle paths; TAMS manages 70,000 street lights; TAMS manages 630,000 urban street trees; TAMS reunites and rehouses lost or unwanted dogs; TAMS manages 3,345 hectares of urban open space; TAMS manages the cleaning of 84 shopping centres; TAMS is responsible for city cleaning; TAMS is responsible for graffiti management; TAMS is responsible for cleaning public toilets; TAMS is responsible for litter removal; TAMS is responsible for removal of dead trees; TAMS manages just under 500 individual playgrounds; and TAMS operates and manages just under 300 individual and separate barbecue areas. These are just some of the things that TAMS does.

As the city grows and the environment changes, TAMS is being faced with new challenges: the maintenance of ageing infrastructure, such as roads, street paving and toilets, and a city which continues to grow and expand. This puts pressure on existing service delivery as resources are spread across a growing city. As a community, we are faced with the realities of climate change. Canberra’s trees continue to suffer as a result of the drought, with an increasing number having to be removed. Our stormwater system has to be augmented to handle more intense storms. These are just some of the challenges TAMS is faced with and is already managing while still delivering high-quality services.

Two years after its formation, and with consideration given to the high-quality service delivery program undertaken by the department, the government undertook a review of the department and its functions so that any necessary refinements and adjustments could be made. What was asked for and what was delivered was a warts-and-all look at the ACT government agency that is responsible for delivering so many of the services important to Canberrans.

The review was born of the desire to always aspire to greater efficiency and service. The strategic budget review is all about getting on with the job of caring for the territory and caring for our community. The report’s recommendations are a catalyst for change and identify areas for improvement. Some require structural reorganisation and some require a re-examination of priorities and how the department manages and delivers its services.

The recent appointment of Mr Gary Byles as the new TAMS chief executive opens the door for the government to undertake some of this more structural change. The strategic budget review report contains 22 recommendations that are being addressed by TAMS. The clear message for TAMS from the review is the need for a better understanding from a department-wide perspective of financial performance, accountability for performance and accurate costing of service delivery activities.

Several recommendations, where it has been possible, have already been implemented, and others have a longer term focus. Several of the recommendations involve major changes in systems, processes and culture that will take more time to implement. There were a number of recommendations relating to the delivery of services within budget, the role and effectiveness of the finance committee. There is now more scrutiny by TAMS's strategic finance during the preparation of proposals with financial implications, and all businesses have signed on to manage to their approved budgets.

The role of the TAMS finance committee has been strengthened. It is now a decision-making body, and the chief executive of the department now chairs the finance committee. The role of the chief financial officer has been strengthened, and these are decisions consistent with recommendations that have been made in the report. The chief financial officer is now included as a member of the strategic management team, and meeting regularly with the TAMS chief executive. There is now better alignment of external and internal budgets. Implementation has commenced, and approved changes will form part of the ongoing internal budget process.

The report recommended the development and implementation of consistent asset management plans across the department's assets. A TAMS asset management committee has been created, and the development of a full suite of asset management plans is underway. Investigation of cost recovery and opportunities to increase or introduce new fees are being investigated.

Procurement Solutions staff have now been embedded in the department to assist with procurement processes, and the department is currently exploring training opportunities. Communication protocols with Treasury were reviewed and strengthened in line with the development of a financial management framework. The department is also in the final stage of completing its strategic plan for 2009-13, which will guide development of network and business unit plans. There will be clear linkages between these planning documents.

As part of the organisational restructure which will come into effect as at 31 August, a review of administrative practices and operations will be undertaken to see how additional arrangements might need to re-orient to build on operational capacity. In implementing these recommendations, TAMS is embarking on a significant reform agenda. This will result in a more robust financial management framework that will allow it to better manage the balance of service standards, service delivery and fiscal control. The focus is clearly on better lines of reporting and aligning businesses where they can create greater effectiveness through working together.

One of the report's recommendations is that TAMS should develop a detailed agreement with government on the service levels it must deliver. A documented process for reporting on services already exists, and a detailed agreement will certainly be beneficial. This, of course, should not be a matter just for TAMS and the government; it needs to include solid input from our community—a point Ms Le Couteur has just acknowledged—to ensure that the community itself is directly involved in identifying the community's own priorities for service delivery.

It is in that context that I have announced a number of community forums which will be held over the next few months to explore with community representatives what are the priorities amongst the services TAMS delivers. Forums will be made up of representatives from peak bodies, including community councils, the property council and user groups such as Pedal Power. The first meeting will be held in about four weeks. Subsequent meetings—at this stage there are an anticipated eight subsequent meetings or forums—will see the groups divide into subgroups to discuss specific areas of TAMS service delivery. That work, when completed, will be distilled into a discussion paper which will be released to the public with an invitation to the broad and entire Canberra community to comment on issues that are raised and distilled in the discussion paper.

The TAMS community forums are an opportunity for the ACT government to discuss TAMS services and how we can better provide those services to the community within the allocated budget. The forums will ask where, for example, people see TAMS already working efficiently and where they believe improvements should be made. Where are there opportunities to maintain areas to a more modest standard? Are there services that we can reduce, and would that reduction of services be acceptable to the community? Are there areas where a more modest standard would be accepted in order for us to actually achieve efficiencies? Where do we need to focus more service? Is it possible for the community in a conversation or an engagement to agree to a reduction in service in some area while suggesting that services need to be enhanced in others?

The forums will also look at how we can better partner with community groups and stakeholders to deliver services. I have a personal view that we can enhance and expand the range of friends groups that work to different levels of success around Canberra, perhaps through a more broadly arranged set of partnerships. For instance, I acknowledge in the context of park care and care of particular significant areas of Canberra that the Friends of Mount Majura is an incredibly successful organisation through its energy, its lobbying, its representations and its partnerships. It has over this last year been engaged in a detailed partnership with TAMS in relation to rabbit control and eradication. It has engaged with TAMS on a project that has led to the government providing \$100,000 to actually rehabilitate and to reconstruct walking trails within Mount Majura.

Those particular outcomes are a direct result of a partnership between TAMS and Friends of Mount Majura. There are other friends groups which do not have that same level of energy and have not achieved similar outcomes, but I am sure that if we actually work on partnerships we can develop a whole array of partnerships that will

work as successfully as the Friends of Mount Majura. Having said that, as with almost all organisations, one should acknowledge the particular effort of those most deeply involved, their passion and the energy that they put in, including in representations to the government.

The community forums, in summary, are about ensuring that we provide affordable and well-targeted quality services to meet the community's needs. This may mean looking at trading off services to meet the community's needs and expectations. It may mean developing partnerships for innovative ways to provide services. It may mean adjusting the way in which we charge the revenues that we collect.

It is in the context of the commitment that I have made following recommendations made in the strategic review that I have established these forums. I have made a public commitment that the government, through TAMS, is not afraid to look at any issue in relation to the myriad services delivered by TAMS. It is in that context that I am not going to enter into a rather tedious exercise of ruling things in or out to allow the Liberal Party to make minor, fleeting political advantage out of me saying, "Well, I'm not going to rule out a discussion at these forums on waste or garbage collection." Why would I? Why would I establish eight community forums with the stated, publicly explained purpose of discussing with the community every single aspect of service delivery from TAMS and before I get there answer Mr Coe's puerile question that he asks on each successive day, "Will you rule out a discussion on garbage"? Well, no, I am not going to rule it out. I am not going to actually say it is off the table. I am not going to say: "You can discuss anything you want, but don't discuss garbage. Just accept that everything that is done in the ACT in relation to waste collection is appropriate and leave it to the government to make decisions in relation to waste and garbage. Don't you worry about it, community. We don't want to talk to you about waste collection. We don't want to talk to you about recycling. We don't want to talk to you about garbage. Just leave that up to the government."

**Mr Coe:** What about Revolve? Did you speak to them? Did you speak to Revolve?

**MR STANHOPE:** Yes; do not talk about Revolve. You would have to take that off the table too. "Are you going to talk about the cost of garbage collection?" "No, no, can't talk about that, out of bounds." "Are you going to talk about any aspect of waste collection? Which part?" "No, no, no. Can't talk about that. Can't talk about Revolve. Can't talk about recycling. Can't talk about anything to do with waste."

**Mr Coe:** What about school closures, Jon?

**MR STANHOPE:** Well, here we go.

**Mr Coe:** What about school closures?

**MR STANHOPE:** Precisely, Mr Coe. So, "Will you rule out any discussion of school closures in relation to efficiencies in education? Rule out any school closures." "Okay, let's not talk about that. Leave that to government." The extension of the Liberal Party's determination to ban community consultation on garbage or waste takes us back to those days. You do not want to engage on the difficult issues. The Liberal



Party suggests that we should leave issues in relation to waste up to the government. Do not take the community into your confidence. Do not dare have a community forum where you discuss garbage or waste. According to the Liberal Party, these are matters for government. “Do not trust the community to enter into a conversation on garbage,” say Mr Coe and the Liberal Party. “You can talk about other things, but do not talk about difficult issues. Do not talk about revenue.”

This is what Mr Coe suggests: talk to the community about anything except revenue measures relating to garbage. So there we go. The bottom line is, “Yes, we want you to consult more, but we’ll decide what you consult about.” The Liberal Party has decided the government should not consult about garbage. Garbage is off the table. Garbage should not be discussed with the community.

I thank Mr Coe for the motion. The department is serious about the review, and I will take this opportunity to seek leave to move the amendments circulated in Mr Barr’s name together. I thought this debate would have been held this morning. I understand there was a delay in proceedings by some non-political process.

Leave granted.

**MR STANHOPE:** I move:

- (1) omit paragraphs (1)(b) and (1)(c); and
- (2) omit paragraph (2).

**MR SMYTH** (Brindabella) (12.13): Mr Speaker, there is a very interesting report, and the government’s approach to dealing with this report is just as curious. I note the amendments that were to have been moved by Mr Barr but were moved by Mr Stanhope. They say that we will take out part (c) in paragraph (1), which says:

... reveals that political influence has led to the department not delivering core business and that political expediency is more important than financial control ...

I note that the Greens said they will support the amendments. But I wonder whether the Greens have actually read the recommendations and how bad this problem is for the department. If you go to page 16, “Financial Management, Budget and Costing”, priority No 5 is:

TAMS should introduce a register to capture the details of all unfunded initiatives it is asked to introduce by the Government and its Ministers.

This problem is so bad for the department that they have got to set up a catalogue to keep track of the work that they do when the ministers ring to get things done—that they have not been funded for, that are not part of their budget. That is causing them problems. You then only have to go to page 54 of the report. Under “Transport Regulation and Planning”, it says:

... this area has indicated that it is facing considerable pressures to deliver on its mandate as a result of funding, staffing and political influences that are resulting in certain activities not being undertaken.

I am amazed that the Greens do not believe that that is worthy of scrutiny. Taking “political interference” out of this motion says that the Greens believe that the way this government operates and the way it affects their departments is okay. That is not honest. That is not open. That is not accountable. It is there as a recommendation: “This problem is so bad, let’s set up a catalogue. We’ll keep a litany, a list of things that people like Minister Hargreaves ask to be done without any funding.”

That is how bad the problem is and that is why part (c) should remain. It is political influence that has caused this problem. It is the minister ringing and demanding things to be done—not being held accountable. His fingerprints do not appear anywhere. The letters are not there; the minutes are not there. The department has been advised by a reputable accounting firm to set up a register to keep track of what the minister has told it to do. The ministers will not stand up for themselves and the department wears the odium.

It is interesting. We asked about this report in the estimates. There were several days when the report came up. I refer to 26 May, just three months ago today. I asked Mr Stanhope some questions. I will quote myself:

**MR SMYTH:** I see on page 100 of budget paper 3 in table 4.2.18, the second line, that Territory and Municipal Services are expected to find \$7 million over the coming years as part of the efficiency dividend.

That is in this current year. I continued:

Before we go there, Ernst & Young, I think it was, were helping the department to find supposedly \$10 million worth of savings. Have Ernst & Young given you their report and have \$10 million worth of savings been found?

Mr Stanhope, the Chief Minister, the Minister for Territory and Municipal Services, answered:

No. The department commissioned Ernst & Young for advice in relation to financial management and strategic planning, but the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.

Let me read this again. The Greens want to take out—they will vote for the removal of—“political interference”. But here we have a Chief Minister who says:

... the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.

Well, interesting! Let us find out what the report was commissioned for. Page 8 outlines the key findings against the terms of reference page. Let us go to page 5, just to make it very clear and make it very simple for people to follow this through. Section 1.1 is “Key Findings Against Terms of Reference”. It starts on page 5. On page 8, we get to reference paragraph 1.1.6, still under the “Key Findings Against Terms of Reference” section. It says “Identify possible cost savings”. Goodness me!

The Chief Minister says, “No, no; there is no basis or suggestion of finding savings and it does not do that.” The report actually reports against it. Somebody should take Ernst & Young to task for overstepping what they were told to do!

There is a recommendation on how to find savings. It even proposes a long-term strategy for cost savings, over on page 9. There is a list of options on ways to make the savings. But if you then get into the body of the report, there is actually a chapter, chapter 13, called “Identify Possible Cost Savings”. It is there in the report.

I have to go back to what the Chief Minister told the estimates committee. He said:

No. The department commissioned Ernst & Young for advice in relation to financial management and strategic planning, but the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.

I wonder if the Chief Minister actually read the report before he misled the estimates committee—because that is what he did, Mr Speaker. There on page 87, chapter 13—“Identify Possible Cost Savings”. It goes through and analyses the spending. Then we get to page 91. It actually lists the savings initiatives. Remember that the Chief Minister said, “No, it does not provide that.”

Chief Minister, you should open page 91. Page 91 lists the saving initiatives. Let us see. Consolidation of administrative practices will save you 10 to 15 per cent, potentially \$1 million to \$1.5 million. Parallel review of procurement strategies will save you one to two per cent of supplies in the services budget, \$2.25 million up to \$4.5 million. No 3, “Review of services provided which can be delivered through alternative business models”, will save you 0.5 to 1 per cent of total expenses, \$2.05 million up to \$4.1 million.

If you add them up, what number does it magically come to? Remember that we are not looking for \$10 million worth of savings. On the low side, if we give you \$5.3 million, if you garner the full savings as outlined under “Savings initiatives” as part of the terms of reference that the Chief Minister denied existed to the estimates committee, it actually saves \$10.1 million—\$10 million. They found the savings that the Chief Minister denied—that the Chief Minister said to the estimates committee were not the objective of the report.

Perhaps we will look at this a little bit further. It is amazing. I will read it a third time. He was asked:

Have Ernst & Young given you their report and have \$10 million worth of savings been found?

He said:

No. The department commissioned Ernst & Young for advice in relation to financial management and strategic planning, but the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.

**Mr Coe:** When was that quote?

**MR SMYTH:** That was exactly three months ago today, 26 May 2009—the estimates committee in this Assembly in the inquiry into the government’s 2009-10 budget. The Chief Minister, the Minister for TAMS, said there were no savings, it was not part of the report and it does not deliver. Well, it was part of the inquiry, it does name those savings, and it delivers \$10 million worth of savings. So there is another one for the Chief Minister and his sense of honesty, openness and accountability to this Assembly.

**Mr Stanhope:** It says no such thing.

**MR SMYTH:** It says no such thing?

**Mr Stanhope:** It delivers no such thing.

**MR SMYTH:** “It delivers no such thing,” the Chief Minister says. He is in denial. It is just pure denial. I will go back. Page 87, chapter 13: “Identify possible cost savings”. How can you deny that? “It does no such thing,” the Chief Minister says. The man is a joke. Mr Speaker, the man is a joke. Andrew Barr, would you please come down here and read this chapter to the Chief Minister, because it is clear why he had to give up the Treasury portfolio.

Mr Speaker, here in the document that was commissioned by Mike Zissler—and there is another issue. The Chief Minister, in estimates and indeed in questioning last year, was saying, “No, it is a cabinet document.” In essence he was saying, “It is a cabinet document.”

**Mr Stanhope:** It is a cabinet document.

**MR SMYTH:** It clearly says that it was commissioned by Mike Zissler for the department. It is a departmental document. He hid behind it. He told us that it did not deliver any savings. He told us that it was only about structure. He told estimates that it did not find any savings whatsoever, and yet the \$10.1 million of savings that they were tasked to find has been delivered by Ernst & Young.

He just sits there and says, “No, it doesn’t. It doesn’t.” I am not sure what alternative parallel universe the Chief Minister lives in, but if he cannot find page 87, turn over the page to page 89 and then turn over the page to page 91 and find the \$10.1 million worth of savings, he is a very poor excuse for a minister.

Mr Speaker, this is a reasonable motion, and I commend Mr Coe for bringing it on. The motion says that we had a strategic budget review; it is kind of hard to disagree with that. It says that it was tabled on 20 August—kind of hard to deal with that. It says:

... gives a scathing assessment of the department and reveals a lack of financial transparency, a lack of leadership and strategic direction, and a failure to make promised administrative savings.

It does that. It is scathing. It might be couched in very gentlemanly terms and very accounting-like terms, but it is scathing of the things that need to occur. And these are things that, in the main, need to occur within three to nine months of the report being tabled, which is this month.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (12.24): I am getting up to support the amendments to this motion that have been moved by the government. That was acknowledged by my colleague Ms Le Couteur earlier on.

One of the things with this report that I think I mentioned publicly late last week was that there were some processes and change management processes that did not go on just after 2003. We had the functional review that led to many changes across government. One of those was that many different business units were brought into what became this very large Department of Territory and Municipal Services. That was things like ACTION buses no longer being a separate statutory authority but becoming a business unit within the new Department of TAMS.

I believe that what happened in that process was that there was not an ongoing change management process, a look at how the structure would work and a look at the governance arrangements and the financial accountability that needed to be put in place when you were pulling together so many different services and business units under one umbrella, one department.

The idea of this was to produce cost savings to some degree. That did not happen. But what did happen along the way was that the department commissioned this report, this strategic budget review, which was a good step along the way, to be able to take stock, to look at how they might be able to improve performance, to look at how they might be able to restructure the organisation to deliver the services, and also, obviously, to look at the budgetary issues.

I think it is undeniable—even the Liberals would be hard pressed to deny it—that there has been a rise in costs in the last few years. There has been a rise in the cost of water. There has been a rise in the cost of goods and services. This has obviously impacted on a department that provides so many front-line services to the ACT community.

It is TAMS that you ring about parks. You ring them about playgrounds, roads, rubbish, public transport, footpaths, cycle paths and libraries. If there is a problem with your street trees, you call TAMS. There are so many services that this department delivers to people across Canberra every single day. And they have been very good at responding to those calls.

I am not going to stand here and criticise a department that has been responsive to the calls from people who want someone to come and check a nest in the backyard to see if it is a European wasp's nest and there needs to be action. There are elderly people who have had some issues around footpaths and walking in their neighbourhoods who call TAMS to come and assist them. I am not going to criticise there.

What this does lead to is that this report has come up with a series of recommendations about how they might be able to move forward, to ensure that there are proper governance processes in place and that there is financial accountability. Earlier we heard the Chief Minister talk about the consultation that will be going on with the community—a conversation that really needs to take place. We do have ageing infrastructure. We are going to have a massive issue with our urban forest over the next 20 to 25 years and beyond.

These are just some of the major issues we face. Therefore it is important to engage the community in these conversations around the level of delivery, their expectations and how they believe that this department could move forward to deliver these important services in a way that is going to meet some community expectation but at the same time keep within some sort of budgetary envelope.

One of the things I wanted to point to as well was this. Mr Smyth was going on about the Greens not supporting “reveals that political influence”. There are 22 recommendations in this report. We are not going to pull out one of them. What we are saying is that we do agree with the part of the motion that says that we would like to see, and call on the government to table, a progress report on this strategic budget review. We look forward to seeing that report so that we are assured that there are changes being made within the department and that these recommendations are being moved on. That is an incredibly important thing—for the Assembly to be able to keep on top of what is going on with the implementation of these findings.

They were some of the points that I wanted to raise. It is important to understand that if we are going to have a city that is going to continue to grow and that is going to continue to spread out across the territory to make a larger city—one of the issues that was raised in the report was around Canberra’s urban footprint—this is going to have a big impact on the costs of maintaining those extra roads, footpaths, playgrounds, parks and so forth. That is another part of that conversation that needs to be had with the community.

Once again, just to reiterate it, the Greens will be supporting the government’s amendments to this motion.

*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**

### **Housing—first home owners**

**MR SESELJA:** My question is to the Chief Minister and relates to the direct grant of residential land in May of this year. Chief Minister, your press release at the time of the grant said:

No other method of land release would see housing blocks delivered to consumers in a more timely manner—an important factor at a time when we

need to support local construction activity and give Canberrans access to the enhanced first home owners' grant.

Chief Minister, the *Canberra Times* reported last Saturday that the developers were still negotiating with the government on the prices to be paid for the grant and that the transaction had not been completed as of the date of the article. It was therefore impossible for the developers to sell the land, due to the incomplete deal. Chief Minister, why did you make this announcement before price negotiations had been completed?

**MR STANHOPE:** There is an accepted methodology in relation to the valuation of land for direct sale. It is that three independent valuations will be sought and the highest of the three valuations will be the price to be paid for the land. It is a simple equation, it is an equation that applies in relation to all direct grants and it will apply in relation to this particular case.

Having said that, let me say that, particularly in relation to new estates, greenfield estates, there are sometimes offsets that are involved in negotiations in relation to the contribution made by a particular developer—for instance, for roads and other infrastructure. I believe that, in relation to west Macgregor, there is an ongoing—I will confirm this and provide greater detail. But it is my understanding of those negotiations—negotiations, of course, which I am not involved in—that the underlying principle of valuation applies in this case as it does in all others: that there will be three valuations and the highest valuation will apply.

But there are negotiations in relation to developer contribution or offsets to infrastructure or to other necessary works that need to be undertaken. One of the issues at west Macgregor which I am not sure has been finally resolved is an issue in relation to either the rehabilitation or the relocation of a fairly significant sewer or sewage outlet and issues in relation to the rehabilitation of sewerage infrastructure in relation to west Macgregor.

They are some of the issues, but as to the exact issue in relation to the non-finalisation of a payment, I will have to take some further advice on that. I am more than happy to provide it in time.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Chief Minister, when do you anticipate that this process will be completed and will you guarantee that no first home buyer will miss out on the grant as a result of the delay?

**MR STANHOPE:** I will have to take the question on notice.

### **Canberra international airport—master plan**

**MS HUNTER:** My question is to the Chief Minister. Chief Minister, last week you made available to the federal minister for transport a preliminary draft report on the first three months of the Hackett noise monitoring project, in anticipation of him

making a decision prior to 28 August on the Canberra airport's 2009 preliminary draft master plan. Chief Minister, can you inform the Assembly as to the main findings of Ms Burgess's preliminary report, including her main recommendations?

**MR STANHOPE:** I am more than happy to provide that detail. I do not have it with me, Ms Hunter. I can say, on the preliminary findings by Ms Burgess in relation to noise, that my understanding of those findings is that they essentially confirm to a significant degree findings of the outcomes of the Airservices Australia noise monitoring in relation to that particular area. But to some extent I think they suggest that the Airservices Australia findings were perhaps somewhat conservative in terms of noise levels—actually, not conservative; there was a lack of conservativeness in relation to some of those findings.

I cannot respond to you directly today, Ms Hunter, in relation to that. I am more than happy to provide that detailed information, and I am more than happy to confirm, following the question that I believe Ms Bresnan asked on this issue, that I did meet with the federal minister for transport, Anthony Albanese, and I did speak, as I had undertaken to Ms Bresnan that I would speak, with Mr Albanese, in relation to the independent noise monitoring which the ACT government had commissioned, of my desire, and the desire, of course, of the Assembly, to ensure that any decision that the commonwealth minister takes in relation to Canberra airport is informed by all the available information.

I understand that the commonwealth is at the point of making a decision in relation to certain aspects of the Canberra airport master plan. I do not know about the exact timing of a decision or an announcement by the federal minister in relation to that. That was not raised with me by the minister in the discussion that I had just last week. But I do understand informally that the decision point is approaching. It was in that context that I did put to Minister Albanese the fact that we had supported independent noise monitoring in the ACT and that we would be hopeful that that information would be taken into account by the commonwealth.

Minister Albanese made no such commitment, but he understood the point that I made and he responded that the commonwealth decision would be made on the basis of all available information.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Thank you, Mr Speaker. Chief Minister, given you have read the preliminary report from Ms Burgess, when will you make public your position on the proposal for the 24-hour freight hub?

**MR STANHOPE:** Ms Hunter, I have said that the ACT government will not make a final, formal decision in relation to the operations at Canberra airport, most particularly in relation to the imposition of a curfew, without evidence that would support that position. I do think it is important, Ms Hunter, and I will repeat it—I have said this last time I was asked a question in this place in relation to the issue—that it is understood that I believe a decision around a possible or potential curfew on the operations of Canberra airport is one of those decisions demanding a genuine triple bottom-line consideration. I do believe that this is, of course, mantra from you and the



Greens in the ACT. I believe that is quite appropriate. I acknowledge and recognise the Greens' rigid support for triple bottom-line decision making.

If there were any decision that demanded a rigorous application of triple bottom-line—in other words, environmental as well as economic and social considerations—it is one relating to issues around the operation of the Canberra airport and, most particularly, in relation to the imposition of a curfew. I believe that before we support a curfew at Canberra airport we must genuinely, objectively and rigorously attend to the environmental implications as well as the economic implications and the social implications of a curfew. Before we can make those decisions on a pure, proper, objective bottom-line basis we need the evidence. I believe that part of that evidence is a final, formal report from an independent noise assessor in relation to the level of existing noise and, through that, perhaps an extrapolation on other aspects of the noise implications of a 24-hour freight hub.

It would be different if we were talking about, other than a freight hub, a fully operational, 24-hour international airport. It might be then that some of the considerations we take into consideration might change. But the Canberra airport master plan and planning, as I understand it, is that there should be capacity for the airport to operate as a 24-hour freight hub. But, Ms Hunter, we do not have a final report. I must say, I have been led to believe that the final report would be available this month. I now understand that that will be another couple of weeks. It is not available. Always in relation to delays in the delivery of reports there is frustration. But I do not think it is reasonable for the government or, indeed, the Greens or this Assembly to rush to a position on a curfew for Canberra airport without having all of the evidence that we are actually deliberately gathering in relation to the issues that we need to take into account, most particularly noise.

Even when we take into account the issue of noise, we should not allow that to be the only consideration. We should be looking at those other aspects of the triple bottom-line decision making which you continually advocate—namely, a need to look at the economic implications of a curfew as well as the social implications of a curfew along of course, with the most reasonable assessment of the environmental implications, most particularly noise. That is the attitude we have adopted. It is the attitude we will maintain.

## **Visitors**

**MR SPEAKER:** Members, before we proceed with further questions, I would like to point out that we have a delegation from Kurdistan with us in the chamber this afternoon. They are visiting the Assembly to observe how we undertake our business. I welcome them to the ACT Legislative Assembly.

**Members:** Hear, hear!

## **Questions without notice Gaming—sale of Labor clubs**

**MR SMYTH:** My question is to the Chief Minister. Chief Minister, the Ministerial Code of Conduct states:

A Minister should take all reasonable steps to avoid situations in which his or her private interests, whether pecuniary or otherwise, materially conflict, or have the potential to so conflict, with his or her public duty.

Chief Minister, have you sought advice from the ethics adviser as to whether your position on the admin committee of the ALP is a conflict of interest with regard to the proposed sale of the Labor Club Group? If so, when did you take this advice and, if not, why not?

**MR STANHOPE:** I have not taken that advice. I see no need to. There is absolutely no conflict of interest for me, nor indeed is there for any member of the Australian Labor Party in their involvement in the internal operations of their party, just, Mr Smyth, as there is, from my perspective, no conflict of interest for you or any of your colleagues in your activities in the Liberal Party, to the extent that the Liberal Party has any activities, of course, other than the creation of false Facebook sites, fake Facebook sites, fraudulent Facebook sites.

There is no conflict of interest. I am happy to have this conversation ad nauseam. Each of us, as members of this place, has a certain range of responsibilities and certain roles and we are subject, of course, to full and appropriate scrutiny in relation to those. We also have private lives and, in our private lives, we conduct private activities. One of mine is my membership of the Australian Labor Party, just as your membership of the Canberra Liberal Party is something you pursue in your capacity as a private citizen, as you are entitled to do.

Having said that, I do not disguise the fact that I have, in recent years, been supportive of the sale of, or at least the distancing of the Labor Party from, the Canberra Labor club.

*Members interjecting—*

**MR SPEAKER:** Order! Mr Stanhope has the floor. Chief Minister, one moment, please. Members, if you would like to discuss that matter that you are discussing across the chamber, I suggest that somebody ask a question or take it up outside the chamber. Mr Stanhope has the floor.

**MR STANHOPE:** Thank you, Mr Speaker. I must say that is a very interesting conversation. The Liberal Party have now acknowledged that they do know who created the fake Facebook site but they will not actually identify the person for fear that he is going to be sued. That is a very interesting development in that particular case. It is quite interesting.

I will conclude on this point. I am actually now digressing. This is the position I have arrived at in a private capacity, not as Chief Minister. In a private capacity, as a member of the Labor Party, I have come to a view—and it is a view shared, I thought, by the Liberal Party—namely, that the Labor Party should distance itself and its association should dissociate itself from the licensed club industry. I am one of those within the party that supports that position. I am of those that believe that the Labor Party should.

I thought, until the last month, that this was the position of the Liberal Party too. I must say that the Liberal Party in this place has ad nauseam in my time here demanded that the Labor Party sell the Labor club and get out of the licensed club business. We now decide, a decision that I support, that we should do that and the minute we take the decision and actually advance the proposed sale of the Labor club the Liberal Party suddenly has a quick change of heart, to the point where we have legislation introduced this morning which prevents the Labor Party from selling the Labor club. Talk about an about-face. This was a position I shared with the Liberal Party until the Liberal Party changed its position; namely, that we should—

**Mr Seselja:** You are acknowledging that you directed them?

**MR STANHOPE:** No. I am acknowledging that I am, as a member of the Labor Party, of the view that we should sell the Labor club, a position which the Liberal Party used to have but which, now that the Labor Party is on the cusp of selling it, the Liberal Party introduces legislation to prevent the Labor Party from selling the Labor club. Talk about two-faced political opportunism. Talk about opposition for opposition's sake. The minute we get to the point of deciding to sell the club, you introduce legislation that prevents us from selling it. I wonder why.

It is a bit like the about-face on fireworks. We discover, with just a tiny bit of research, the fact that every single one of the Liberals has campaigned on the abolition of fireworks. Until the government decides yes, let us do it, all of a sudden it is an outrageous thing to do.

**Mr Hanson:** On a point of order, Mr Speaker: Mr Stanhope has just alleged that I have campaigned on the issue of fireworks. I ask that he present evidence of that claim.

**MR SPEAKER:** There is no point of order.

**MR STANHOPE:** It is interesting, though, how quickly Mr Hanson dissociates himself from all of his colleagues. The strength of Mrs Dunne's objection! It is time members of this place took a good, hard look at themselves and, in accord with the overwhelming will of the community, banned fireworks. What a hypocrite! (*Time expired.*)

**MR SPEAKER:** A supplementary question, Mr Smyth?

**MR SMYTH:** Yes, thank you, Mr Speaker. Chief Minister, what actions, if any, have you taken to avoid the perception of a conflict of interest in this matter?

**MR STANHOPE:** Should I go back to fireworks, do you think? Mr Speaker, I have absolutely no conflict of interest in this place. I have not in any way offended the ministerial code of conduct. I have not offended against any law of the territory and nor will I. I have not done anything to unduly affect the control of the Labor club by the members of the Labor club board, absolutely nothing—nor will I and nor would I ever. But am I one of those members of the Labor Party that support the sale of the

Labor club? Yes, I am, as I am entitled to do. I have accepted a position urged on me by the Liberal Party until today when they introduced legislation to stop us—I wonder why the Liberal Party have done that.

Why have the Liberal Party decided now that they do not want the Labor Party to sell the Labor club? They want the Labor Party to stay involved in the licensed club industry. And now we see in the legislation to be introduced—and of course we will all be interested in the views of the licensed club sector on the terms of reference proposed by Mr Smyth to his Assembly inquiry into this issue—that in future no club, whether it be the Vikings, the Southern Cross Club or the local football club, if they decide to sell their club, can actually benefit from the sale. In other words, Mr Smyth is now proposing that there be an Assembly inquiry to investigate whether in future when any club is sold none of the proceeds can go to the organisation that owns the club. I wonder what the club industry will think of that.

**Mrs Dunne:** On a point of order, Mr Speaker: my point of order is in relation to relevance. The question was about the Chief Minister's conflict of interest. If he wants to debate the matter that he has referred to he can do that tomorrow in Assembly business.

**MR SPEAKER:** Chief Minister, I invite you to try and stick to the question Mr Smyth asked.

**MR STANHOPE:** I will conclude. I answered the question. I answered it absolutely and categorically. I have absolutely no conflict of interest in this issue. I have not changed my position. I have not done what Mr Smyth has done in relation to fireworks. I go to Mr Smyth's view on fireworks, and the sensible and reasonable thing for all members to do today is to ban fireworks. What a hypocrite.

### **Arts—Belconnen**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, as Minister for the Arts and Heritage, would you please advise members of the Assembly about the government's commitment to supporting arts in Belconnen?

**MR STANHOPE:** I thank Ms Porter for her question and for her strong and continuing interest in the local arts sector and, of course, issues within the electorate of Ginninderra.

As members, I am sure, are aware, I think the most significant event of the month, or perhaps even the year, is the opening tomorrow of the new \$9 million Belconnen Arts Centre. This new arts centre, a landmark project for the Labor government, highlights Labor's strong commitment to the arts in Canberra and also particularly for the Belconnen community.

The centre will provide new opportunities for the people of Canberra and surrounds to engage with the arts, and I am hopeful that the opening program, which includes the official opening tomorrow and exhibition opening and public open day on this Saturday, 29 August, will provide some Canberrans that would not ordinarily engage with the arts with an opportunity to do so and to get involved.

My government has invested more than \$9 million on the design and construction of stage 1 of the Belconnen Arts Centre. This includes a visual arts gallery, large foyer, dance studio, two creative workshops, community meeting room, three artist studios, an arts lounge and surrounding landscaped area for outdoor festivals, concerts and major events, as well as being a state-of-the-art environmentally sustainable facility.

The centre caters for people of all ages, cultural backgrounds and abilities. The building is fully accessible to people with disabilities, and hearing loops are located in both the foyer and the dance studio. The centre has been designed to allow for future development, which will include a major performing arts theatre, additional studios, classrooms, administrative spaces and a restaurant.

The centre's management will be independent of government, run by the Belconnen Arts Centre Inc, which has been established to manage the centre and will receive ongoing government funding of \$300,000 a year through a deed of grant from the government.

Instrumental in the establishment of the Belconnen Arts Centre has been the important work by the Belconnen community arts officer at Belconnen Community Service over the past four years. I particularly acknowledge the work of the late Jan Wawrzynczak, who was the community arts officer for a number of years, and his commitment and dedication to this project.

Labor's commitment to the arts in Belconnen does not stop at the Belconnen Arts Centre. The government will continue to provide theatre access in Belconnen and has recently invested \$100,000 in upgrading the Belconnen Theatre in the Belconnen Community Centre. The arts in Belconnen are also being supported through the ACT government public art program. There are a number of announcements to be made tomorrow at the opening of the Belconnen Arts Centre.

A key arts organisation in Belconnen is also, of course, the Strathnairn Arts Association. Strathnairn offers a range of facilities for artists, art audiences and the community. It was announced as part of the 2009-10 budget that a number of capital works will be undertaken at Strathnairn over the next year, including the development of a bronze foundry, which will fill a gap for the whole ACT community, as well as landscaping works to improve accessibility and functionality. In addition to capital funding, Strathnairn receives \$19,000 through the ACT arts fund's project funding category.

Another important arts initiative in Belconnen is located at Billabong Aboriginal Corporation. The ACT strategic Indigenous arts development initiative is a joint initiative between the ACT government and the Australia Council for the Arts. Its purpose is to achieve long-term benefits for the ACT's Indigenous arts community and includes support for nascent, emerging and developing Indigenous artists. In 2008-09 this initiative provided \$40,000 to Billabong Aboriginal Corporation to assist with costs of employing an Indigenous arts coordinator to facilitate arts programs for the community.

This government-supported activity is complemented by a range of community-based initiatives that have contributed to arts activity in Belconnen. The Belconnen Festival, which regularly receives ACT government assistance, is becoming an increasingly vibrant community festival. I anticipate that the new arts centre will be a springboard that will allow the festival to continue to grow.

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Thank you, Mr Speaker. Would the minister please inform members of the planning process in the development of Belconnen Arts Centre. I am sure that members opposite—Mrs Dunne and Mr Coe in particular, who are both members for Ginninderra—might be interested in a second answer, given that they were too busy talking in regard to the first.

**MR STANHOPE:** I think it is relevant to acknowledge that the Belconnen community has been deeply and quite intimately involved in the development of the arts centre since the facility was first proposed. The community has worked closely with the government to make the centre a reality and to ensure that it meets the community's needs and wishes. A group of community members worked for many years under the banner of the Belconnen Cultural Planning Group to discuss their priorities for the cultural development of Belconnen. The group's thinking built on the activities taking place at the Belconnen community centre, at Strathnairn arts centre and at the University of Canberra.

Work to scope and plan for the centre has ramped up over the past six years and has involved intensive collaboration with artists and community stakeholders. In 2003, there was a study of Belconnen arts facilities. In the following year, the government embarked on dedicated and extensive community consultation towards the development of the new centre. This involved the establishment of two advisory groups comprising local artists and community stakeholders. The resulting building therefore reflects the clearly identified need for an arts centre in Belconnen and the specific arts and cultural needs of the Belconnen community.

It is in that regard that the establishment of the Belconnen Arts Centre is an important capital investment by the ACT government and a fantastic addition to the range of community facilities in the Belconnen town centre.

### **Department of Territory and Municipal Services—strategic budget review**

**MR COE:** My question is to the Minister for Territory and Municipal Services and relates to the strategic budget review of the Department of Territory and Municipal Services of 9 December 2008. The review reveals that ACT Libraries has developed recommendations around alternative fee structures. Minister, will you rule out the introduction of additional charges for ACT library users?

**MR STANHOPE:** I indicated in a debate earlier today on a matter dealing with TAMS that I expected at least once a day Mr Coe to ask me to rule in or out of a

community consultation a particular aspect of the operation of TAMS. It is an interesting issue in politics, of course, Mr Speaker, when your opponents become so deeply predictable. I did not actually pick that it would be libraries, but I assumed there would be a suggestion from Mr Coe as to whether I would rule out reducing the number of times that we clean the toilets in Civic from six to five a day, or some such.

I am happy to engage; I guess it is during question time and on sitting days that politics becomes its most puerile, and it is a game that we all play to some extent. But this is puerile politics at its most base. “Chief Minister, will you rule this in or rule this out in the face of a community consultation which you have undertaken to provide?” There is going to be community consultation in relation to all aspects of service delivery. There will be a community forum. One of the specific forums through which we have decided to consult is libraries. One of the specific headings, one of the designated headings, in relation to the consultation which will commence in a few weeks time is libraries.

So here we have it: the Liberal Party is demanding and insisting that we consult on this and consult on that, and we are criticised if we do and we are criticised if we do not. I have undertaken, publicly and openly, to engage in a broad-ranging, unfettered consultation on the delivery of library services in the ACT. The consultation starts in four weeks. I have said that everything is on the table. I want to hear from the community on how best to deliver library services in the ACT. And the Liberal Party stand up today and say, “Chief Minister, will you rule out any discussion on libraries?” Of course, I am not going to rule out a discussion on libraries. If somebody from the Liberal Party wants to come along—

**Mr Hanson:** So you make the decisions and then consult?

**MR STANHOPE:** I am not making any decisions. I am dealing with the community. I am expecting, in fact, members of the Liberal Party to engage in the consultation, and I am expecting members of the Liberal Party to put a view on the table as to whether or not they believe services, costs and charges in relation to the libraries are adequate or not. Have you got the guts to engage? Have you got the guts to put a position on the table? Have you got the guts to say that you believe library services are appropriate and adequate? Have you got the guts to say you would like to enhance the services at this cost? Have you got the guts to say you believe that the services are being oversupplied and we need to make these adjustments? Have you got the courage to engage in the conversation? Have you got a policy on libraries? Have you got a position on libraries? Have you got a view on libraries—except that you will oppose everything that the government suggests it would like to discuss?

The ACT government will, in four weeks time, engage in a specific, directed consultation on the operation of libraries in the ACT. Why, today, when I have announced that there will be a full community consultation on library services, would I stand here and say, “Oh yes, Alistair, I’m horribly intimidated by your media release. I’m horribly intimidated. I’m afraid of what the *Canberra Times* will run on the front page tomorrow because I dare to consult”? I will not take off the table anything that might be on the table or which might be raised by a member of the community.

**MR SPEAKER:** Mr Coe, a supplementary question?

**MR COE:** Thank you, Mr Speaker. Minister, are libraries core business for the government, and why are you leaving the option open of charging for core government services?

**Mr Corbell:** He's answered the question.

**MR STANHOPE:** I have answered that question. There are aspects of the Liberal Party's position on crackers that I have not gone to yet.

**Mr Coe:** Relevance.

**Mrs Dunne:** Relevance, Mr Speaker.

**MR STANHOPE:** Oh, right.

### **Health—energy costs**

**MS BRESNAN:** My question is to the Minister for Health and concerns the future costs of energy for health services and facilities in the ACT. The minister would be aware of the Australia Institute policy brief, "State of denial", which made the point that state and territory governments, unlike heavy energy users in industry, are not being compensated for the impact of the proposed emissions trading scheme and that the scheme will have a significant impact on services such as education, police and especially health. Can the minister advise the Assembly what requests she has made to the federal government for compensation to cover the increase in health-related energy costs and what response the federal government has made to those requests?

**MR CORBELL:** Mr Speaker, this is a matter relating to the energy policy of the territory overall. As the responsible minister, I will take the question.

Of course, it would be useful if we had an emissions trading scheme. I note that the Greens in the federal parliament have voted against an emissions trading scheme and are not prepared to put in place an emissions trading scheme in Australia. It is a bit rich of the Greens to criticise the government for failing to or not seeking to get compensation in relation to an emissions trading scheme when the Greens have voted against an emissions trading scheme in the federal parliament.

**MR SPEAKER:** Ms Bresnan, a supplementary question?

**MS BRESNAN:** Thank you, Mr Speaker. Has the minister, whether it be the Minister for Health or Mr Corbell, ensured the department of health has modelled the increased energy costs associated with the proposed ETS and modelled plans to deal with that, and can that modelling be tabled in the Assembly by the end of the sitting week?

**MR CORBELL:** The government is taking account of issues around the cost of energy and the implications for government agencies moving forward. We are, of



course, conscious that there will be considerable increases in the cost of energy over the coming years as a result of a range of developments. Of course, it would be more helpful if we knew exactly what the implications were from the introduction of an ETS if the Greens had actually voted to put in place an ETS. But because they are not prepared to support the model, it makes some of the modelling somewhat difficult, because we do not know what is going to come out of the commonwealth parliament.

### **Alexander Maconochie Centre—NSW prisoners**

**MR HANSON:** Mr Speaker, my question is to the Minister for Corrections and is in relation to accepting prisoners from the surrounding New South Wales region. Minister, in 2001, when you were the shadow spokesman for Corrective Services, you were reported in the *Canberra Times* as saying:

... prisoners from regional NSW should be housed in the proposed jail to help subsidise building costs.

And further:

... the ACT Government had squandered an opportunity to negotiate with NSW on the issue.

Minister, have you started negotiations with the New South Wales government on this issue? If not, why not?

**MR HARGREAVES:** I thank Mr Hanson for the question again. I have answered the question before in this place. Mr Hanson has asked in this place before, "Have you started talking to the New South Wales government? If not, why not?" I said to him at the time, "No, I haven't, but I will do in the fullness of time when the procedures and the processes of the AMC have been settled down and have been put in."

**Mr Hanson:** You thought in 2001 when we were planning for this that it was squandering an opportunity not to speak to them.

**MR HARGREAVES:** Mr Speaker, in former times in this place the good offices of the Speaker put up with just so much and promptly warned people. You have been good enough not to warn anybody in the time you have been Speaker, and I think that has been appreciated by most members, but I would urge you to give that serious consideration. I have answered this question before. Yes, that is—

**Mr Hanson:** Are you giving him his speaking notes, Andrew?

**Mr Barr:** This could cost us the 2001 election, Jeremy!

**MR HARGREAVES:** This could cost us the 2001 election! Mr Speaker, I have said it before in this place, and if Mr Hanson asks me the same question again in a month's time I am going to say, through you, to Mr Hanson, "I have already answered the question." Then I am going to sit down. He is on notice from me, through you, that that is going to happen.

I said then, “I won’t go to New South Wales until all the programs have been bedded down, until all of the technical glitches that go with new buildings have been bedded down, until all of the programs—

*Opposition members interjecting—*

**MR HARGREAVES:** Mr Speaker, those opposite are not thinking about what actually happens in a corrections centre, particularly this one. I have said this before: there are two types of people who go through the AMC. The first set of people—with whom, of course, we have maximum difficulty—are those people who have experienced the New South Wales system before. Those people who have come out of the New South Wales system are generally people who have been brutalised.

**Mr Hanson:** “... the ACT Government had squandered an opportunity to negotiate with NSW on the issue.”

**MR HARGREAVES:** Mr Hanson can babble on as much as he likes because—

**Mr Barr:** Was that when you were supporting a prison or when you weren’t?

**MR HARGREAVES:** That is right. We need to make sure that the post-release programs for the AMC are indications for their release. I am not going to offer the New South Wales people a facility—

*Mr Barr interjecting—*

**MR HARGREAVES:** I am not going to offer the people of New South Wales the same service that we have been receiving from New South Wales—

**Mr Hanson:** Fascinating lesson in history, this.

**MR HARGREAVES:** Will you just stop waving things around. You’ve got flies. The issue—

**Mr Coe:** You look like Neville Chamberlain coming off the plane there.

**MR HARGREAVES:** The poor man’s Christopher Pyne starts pontificating once again. You go for it, young fella. You are going to make a name for yourself. You are not going to like it, but you are going to make a name for yourself.

**Mr Coe:** Good on you, grandad—incompetence.

**Mr Seselja:** He can always make you look silly, John.

**MR HARGREAVES:** Oh, bring it on. Look at this. Motormouth over here says it, so you have to believe it. When it comes out of the man with the ever-moving lips, that is fine with me. This is a study in things that move.

**Mr Seselja:** Are you going to answer the question?

**MR HARGREAVES:** Mr Speaker, in attempting to answer the question, let me say that when our people were released from the New South Wales prison system they were waved goodbye at the gate with no follow-up service. I am not going to offer that same service to New South Wales in return. I am going to make sure that the service available to people on release and their families is going to maximise the amount of time they can stay out of the system. We have not had our programs that do that in the ACT for long enough to evaluate them, and I said that I would not even contemplate it inside 12 months. That is going to be the answer.

**Mr Hanson:** You wouldn't even negotiate. You wouldn't even start the negotiations.

**MR HARGREAVES:** I will just sit down now and wait for the supplementary. Then I will do you again.

**MR SPEAKER:** A supplementary question, Mr Hanson?

**MR HANSON:** Thank you, Mr Speaker. Minister, given that in 2001 you said that the ACT had squandered an opportunity to negotiate with New South Wales on the issue and your government has now had over eight years to negotiate on this issue, have you squandered an opportunity?

**MR HARGREAVES:** I actually have to correct what Mr Hanson says about what I said in 2001. Around the same time I was talking about the proposed prison I was, in fact, fighting the Liberal Party's proposal to have a privately owned and privately run prison in this town. I was fighting the proposal that was going on with this lot to have a privately owned and privately run prison in this town. In fact, you can go back and have a look at the previous planning committee meetings—

**Mr Hanson:** The government was going to spend \$110 million.

**MR HARGREAVES:** Well, now, you see, Mr Hanson puts up a page from the *Canberra Times* as the gospel according to St Jeremy. But, do you know, Mr Speaker, that there are more authorities and references he could have used. The Standing Committee on Justice and Community Safety is a more definitive reference, and I suggest that Mr Hanson stop being lazy, stop looking up his *Canberra Times* bible and check it out. All those opposite were going to do in those days was to pick up the same system that applied in New South Wales and applied here.

**Mr Smyth:** Absolutely not.

**MR HARGREAVES:** Absolutely not?

**Mr Smyth:** Absolutely not.

**MR HARGREAVES:** Mr Smyth says absolutely not, because he is the guy that was not going to have it at all anyway. He was going to take the \$100 million—capital, mind you—and apply it to recurrent costs to improve our health system. That was a clever move from you, Mr Smyth. Budgeting 101, mate. Fail, fail, fail! You got

sprung. Brendan Smyth got sprung by a college student. Ms Hunter was there at the time. The guy was at the back of the room at the Lake Tuggeranong college, and he sprung him about his environmental credentials and about taking the money out of the prison and putting it into the hospitals. He actually got sprung by a college student. How good was that? No wonder you did not win that election. No wonder you are the only minister in this place ever to lose one. No wonder.

**Mr Smyth:** We'll see.

**MR HARGREAVES:** "We'll see", he says, and his voice goes up to middle C yet again. Good on you.

**Mr Hanson:** Mr Speaker, on a point of order, the question is about why Mr Hargreaves has squandered an opportunity over the last eight years rather than Mr Smyth's election results.

**MR SPEAKER:** Yes, Mr Hargreaves, Mr Smyth is not relevant to this debate.

**MR HARGREAVES:** I have not squandered any opportunities at all, because, in fact, I followed the lead of my colleagues here and have picked up a prison system that we can actually build on and through which we can actually reform and remake people. We can actually give them a restorative opportunity in their lives. I am rather tickled by the thought of being lectured by these guys when you consider that I have already tabled their prison policy—please turn over on both sides of the paper. I still wait to see one. How can these guys have the temerity to stand in this place and lecture me? I am trying to save lives and provide restorative justice measures for these people when Mr Hanson has no policy, no idea and no hope. This is the next leader of the Liberal Party, with no policies! Look at this. If you want to lead them, mate, lead them from the front, not from behind. You are leading them from behind, Jeremy. Get on with it. The whole of Canberra is waiting for you. Take it over while you have got the chance, mate. Stop making a complete goose of yourself and take his job. Mr Motormouth awaits you.

### **Gaming—sale of Labor clubs**

**MRS DUNNE:** My question is to the Treasurer. Treasurer, the Canberra Labor Club Group has proposed to sell its clubs. Indeed, the sale had been agreed to in principle some weeks ago, although that transaction has now been put on hold, if not abandoned. Treasurer, what duties and other indirect taxes are payable to the ACT government arising from the sale of a licensed club?

**MS GALLAGHER:** Thank you, Mr Speaker. I have not actually taken any advice on that. Now that Mrs Dunne has raised it, I will take advice and provide the Assembly with the details.

**MR SPEAKER:** Mrs Dunne, a supplementary question?

**MRS DUNNE:** Thank you, Mr Speaker. While you are taking advice, Treasurer, what effect would variations in the value of any underlying assets have on duties or taxes that would be payable to the ACT government?

**MS GALLAGHER:** I am not sure how we would be able to answer that. What, if any, underlying changes to valuations?

**Mrs Dunne:** What impact would the variations to the sale price have on the taxes collected?

**MS GALLAGHER:** Is this the sale price that has been allegedly reported in the *Canberra Times* or the actual value of the operating assets? I am not privy to that information and I think I would have to make a request. If your question is specifically in relation to the Canberra Labor Club Group, that question would have to be put to the Labor club board. I do not have that information, and I do not imagine the Treasury has it either. In terms of—

**Mrs Dunne:** In relation to the duties? You don't have the information—

**MS GALLAGHER:** Okay. We can do changes to variations to duties on valuations—

**Mr Stanhope:** Hypothetical.

**MS GALLAGHER:** that are hypothetical. Would you like them on the hypothetical valuation of \$50 million, as reported in the *Canberra Times*? If that is the question, then I will provide that hypothetical duties analysis to the Assembly as well.

### **Battery cage eggs**

**MS LE COUTEUR:** My question is to the Minister for Territory and Municipal Services and concerns battery cage egg farming. After the debate on cage eggs in 2007, you said the government would show its concern for the welfare of hens by committing that all ACT government agencies would be using non-battery cage eggs by May 2009. Can you please inform the Assembly whether all ACT government agencies, in fact, do now use non-battery eggs and which agencies, if any, still need to convert?

**MR STANHOPE:** Thank you, Ms Le Couteur, for the question. The last advice that I received on this issue was some little while ago. The advice was that all ACT government agencies that are mass purchasers of eggs now have converted all of their contracts for the purchase of eggs and that no battery cage eggs are purchased by major purchasers of eggs—that is, institutional purchasers of eggs—by the ACT government. That was the last advice I received. I will now refresh myself on that advice.

Ms Le Couteur, when you last asked the question, there were a number of ongoing contracts in place on which we took a decision not to breach for the purpose of actually meeting the government's commitment to purchase only non-battery eggs. Of course, we are talking about our major institutions and the major purchasers of eggs. I think the leading purchaser of eggs may have been the CIT for its courses and classes. I imagine that since then, of course, AMC has become fully operational. So they are major purchases of eggs or egg products.

There is an issue in relation to egg product, Ms Le Couteur, so I will probably need to clarify that. I understand that almost all egg product that is sold is comprised of battery cage produced eggs. I think there is probably a need to distinguish between actual eggs that are purchased and egg products.

To summarise, to conclude, the most recent advice available to me is that all of the ACT institutions that purchase eggs now purchase non-battery cage eggs. I do make this distinguishing point in relation to the purchase of egg product by those institutions that continue to purchase egg product: that egg product is probably battery cage eggs. I will confirm that and respond in full.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Thank you, Mr Speaker. Mr Stanhope, where are the non-cage eggs used by government agencies sourced from? How many are sourced from producers in the ACT?

**MR STANHOPE:** I do have to take the question on notice. I will find out the answer and get back to you.

### **Department of Territory and Municipal Services—strategic budget review**

**MR DOSZPOT:** My question is to the Minister for Territory and Municipal Services. Minister, you have recently tabled a report from Ernst & Young which details, amongst other things, the extent of the financial blow-out in the department. Minister, is there another report about TAMS commissioned by the government and completed by Ernst & Young that has not been tabled in the Assembly? If the report does exist, will you table it in the Assembly today; if not, why not?

**MR STANHOPE:** I am dreadfully sorry, Mr Doszpot. Could you repeat the question, please?

**MR DOSZPOT:** Sure. Minister, you have recently tabled a report from Ernst & Young which details, amongst other things, the extent of the financial blow-out in the department. Minister, is there another report about TAMS commissioned by the government and completed by Ernst & Young that has not been tabled in the Assembly? If the report does exist, will you table it in the Assembly today; if not, why not?

**MR STANHOPE:** Thank you, Mr Doszpot, for your courtesy in repeating the question. Just before answering, it is relevant, and just to be fair, that I should inform the Assembly of Mr Doszpot's views on banning fireworks.

**Mrs Dunne:** Relevance, Mr Speaker.

**MR STANHOPE:** Mr Doszpot's stance—

**MR SPEAKER:** Order! Mr Stanhope, this is not relevant.

**MR STANHOPE:** Isn't it? What a pity. I will do it later.

**Mr Doszpot:** No doubt you're going to tell me what my views are, like Mr Barr—

**MR SPEAKER:** Order!

**MR STANHOPE:** I will table your views, Mr Doszpot. I am happy to table Mr Doszpot's stated views, if that would bring you comfort. But in the context of the question, I must say, Mr Doszpot, that I will have to take advice on the question of the existence of another report that is relevant. I do not know what you mean—in the last year or in the last 20 years? I will have to take advice on whether or not that particular company has produced any other reports on TAMS in the history of TAMS. I am more than happy to do that, and I am more than happy, when I have that base information, to get back to you. And I will, Mr Speaker, in due deference to you, and with a desire not to be disorderly, inform the Assembly at a later hour this day of Mr Doszpot's views on the banning of fireworks.

### **Health services—Norway and Denmark**

**MS BURCH:** My question is to the Minister for Health. Minister, earlier this month you travelled overseas to look at comparative health systems in Norway and Denmark. Can you please update the Assembly on the details and findings of this visit?

**MS GALLAGHER:** In the week from 8 August to 16 August, I led a small delegation to Norway and Denmark to study and learn the developments in e-health technologies and health facility design.

Assembly members are aware that the ACT government, with the support of the ACT Assembly, has committed to a billion-dollar rebuild of the public healthcare system and that this work has already commenced. One of the key features of the capital asset development program is for the early adoption of e-health technologies and integration of these into our forward development program. It is for this reason that this Assembly has recently appropriated \$90 million in the last budget for the early establishment of e-health technology, which will underpin the health system and be an integral feature in the overall rebuild of our facilities here in the ACT.

Members may know that Norway and Denmark are two of the most advanced nations in the world in health facility design and the use of cutting edge e-health technology. Denmark, in fact, boasts the world's oldest and best developed personal electronic health record system. Norway has the world's two most technologically enabled and best designed public hospitals. There is nothing at all like them in Australia or, for that matter, anywhere else across the world. I had the opportunity to visit, inspect in detail and meet with the leaders and developers of both these magnificent facilities.

I visited two university hospitals in Norway, Akershus in Oslo and St Olavs in Trondheim. Both are large, state-of-the-art health facilities serving similar sized communities to the ACT. They have highly developed technology, are totally patient-centred and show the value of good long-term planning, integration of technology and sustainability built in from the outset.

The trip gave me the opportunity to visit and meet the leaders of these health systems and to catch up with the Danish minister for health for whom I hosted a lunch here in Canberra back in 2008. While in Denmark I also met with the Director General of the Ministry for Health and the chief executives and chief information officers of three key government agencies responsible for the Danes' e-health strategies. They are: Sundhed DK, which is the official Danish e-health portal for the Danish public healthcare service, and the word "sundhed" means health in Danish; Medcom, a prescribing system established back in 1992 which now allows 97 per cent of primary healthcare providers to e-prescribe through Denmark; and Digital Health Denmark, which provides the framework for the computerisation of the Danish healthcare sector. The goal is to create a coordinated health services record where doctors, practitioners and citizens all have access to necessary health data.

While our two systems are different, these high level discussions with the Danes confirmed that our e-health strategy and our investment in the program are well targeted, well timed and really essential for the future of Australia's healthcare system.

I had the opportunity to visit a large regional university hospital in Aarhus in Denmark. This health service is currently in the final planning stages of a \$2.6 billion health facility redevelopment. This service will adopt a similar approach to integration of technology and patient-focused design as occurred at Akershus and St Olavs in Norway. The ACT is adopting a similar development pathway, and we will work closely with our Danish and Norwegian colleagues in this endeavour.

I was also invited to meet with the Chief Executive, the Chief Operating Officer and the Chief Financial Officer, Asia Pacific, of ISS, the world's largest healthcare support and logistics company. ISS is a Danish-based company and is the fifth largest corporation in the world. I was briefed on future directions in health facility support, design and planning from the world's number one provider of such services. ISS has recently taken over the contract at Canberra Hospital for the provision of cleaning services, so the opportunity to meet with them was very well timed.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** Yes, indeed. Minister, how will this information now be incorporated into the "your health, our priority" billion-dollar rebuild of the ACT health system?

**Ms GALLAGHER:** Over the course of this five-day study tour, I was exposed to literally the best health facilities that exist in the world. The world's leading nations in e-health have established and built on the professional collegial and technical networks needed to assist us here in Canberra in our own program that will span the next 10 years. Some of the technologies we saw included the electronic medication management, known as EMM, and members will note that this is a key part of our own e-health package. In Akershus in Oslo, Norway, I saw first hand a fully automated robotically dispensed medication system in play. The benefits of such a system are twofold, and it reduces the risk of errors in the chain of production from prescribing right through to the dispensing of medication to the patients at the bedside. International studies of risk to patient safety identify medication errors as the single



largest preventable cause of adverse outcomes in the healthcare system. There are many reasons for this.

**Mr Hanson:** There's a Canberra business that's been trying to employ that in ACT hospitals for years, and you won't talk to them.

**Ms GALLAGHER:** Mr Hanson interjects with claims that the government will not talk to a local company that offers a similar product. That is actually incorrect. The government has engaged in discussions with the provider. I know I should not respond to interjections, but Mr Hanson is the serial and worst offender in this place when it comes to interjections. He actually ends up through question time asking about 45 questions when he is actually entitled to one. I hate to see with your proposed changes to the standing orders, Mr Speaker, how many questions he will actually get in once those changes come into place.

Mr Hanson is wrong on that. That is quite incorrect. The money for that product was only appropriated in the June sittings of the Assembly. Just because it is local and just because it provides a similar product to what we are actually looking for does not mean it is right. There is a process that needs to be gone through. I am sure Mr Hanson would support appropriate procurement processes rather than just providing a multimillion dollar contract to somebody who offers that product just because they are local and, therefore, they are right. I will no longer respond to Mr Hanson's interjections unless they are as wrong as the last one he interjected with.

There are multiple benefits of electronic medication management, and I think seeing it in play in this hospital really did give the delegation the sense of opportunity that exists from using automated prescribing and robotic dispensing in terms of ensuring the patient experience in the hospital is optimum.

We saw a combination of digital technology, smart cards, automatic stock control, the work that automatically guided vehicles do across the health system, and the widespread use of SMS and wireless-enabled communication protocols to ensure that staff are able to spend more time in direct patient care and less time in the clerical process of ordering and restocking. Both hospitals have been able to achieve significant efficiencies in the support functions required to run the hospitals through the integration of the use of the most modern technologies.

I came away from this study tour convinced that, whilst we have a lot of work ahead of us, we are on the right track in terms of the redevelopment of our healthcare system. We have done a lot of planning. We have provided the suitable investment. We will need to work through a number of issues here as we are not as advanced in the detailed planning stage about the adoption of new technologies, but we have a once-in-a-lifetime opportunity here to create and to fold these technologies into the public health system. I look forward to working with the Assembly as we do that to build the best healthcare system we can for the people of the ACT.

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

## Paper

Mr Speaker presented the following paper:

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual report—2008-2009, dated 10 August 2008.

## Minister for Education and Training Motion of censure

Debate resumed.

**MS BRESNAN** (Brindabella) (3.01): The ministerial code of conduct provides the absolute minimum standards for the manner in which a minister must behave. One of the most important statements in the code is in its preamble, where it states:

Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions. Ministers will ensure that their conduct does not bring discredit upon the Government or Territory.

The Liberals have accused the minister for education of breaching that code through the standards it sets for honesty and integrity. Judgement of the minister's actions hangs on the interpretation of a sentence inserted into a letter to the Non-Government Schools Council:

The Government opposes suggestions by the Liberal Party's spokesman that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum.

The Greens have searched through *Hansard* and other records to try to find where it is that Mr Doszpot has made such a statement or anything he said that could be logically interpreted as such. We could not find any. Mr Doszpot has said that, to be consistent with human rights, the minister should include education services for children or young people in non-government schools in the Shaddock review. But how could one logically interpret from that, I wonder, that the Liberal Party would like to see the ACT government take over their teaching and curriculum? Such a statement seems absurd.

The ministerial code of conduct does not provide a clear outline about the process to be used when a minister's conduct is called into question. But it does say that it is up to a minister to justify his or her actions and conduct.

This morning, in response to the censure motion, the minister had his opportunity to justify his action. Unfortunately, his justification was weak. If Mr Barr, in his official role as minister for education, did, in fact, purposely mislead the Non-Government Schools Council and purposely misrepresent another MLA, it is a serious matter. That is why we are giving the minister an opportunity to correct the record, to ensure that a breach of the ministerial code of conduct was not intended.

There is something else that colours this debate today, and that is the manner in which the letter to the Non-Government Schools Council came to our attention. Last Tuesday, the minister tabled a paper under section 118A of the Education Act titled “Advice from Non-Government Schools Education Council”. I would like to read out section 118A, because this is quite important. Section 118A states:

The Minister must present a copy of advice given to the Minister ... to the Legislative Assembly within 6 sitting days after the day it is given to the minister.

Section 118A does not say the minister must also table his response. Yet this is exactly what the minister did last Tuesday. Under the guise of advice from the Non-Government Schools Council, he slipped in his response, the letter which features those potentially misleading statements about Mr Doszpot.

We checked with the Assembly office to see whether it was usual practice for the minister for education to also table his response to the council. But no, it was not. No minister for education has ever tabled such a letter in this Assembly or the previous ones.

On the face of it, one might be led to believe that the minister for education intentionally tabled the letter in order to provoke the opposition. We could be wishful and believe that the minister tabled the letter in the name of good governance but it seems unlikely.

You could say here, if you want to really get into it, we also note the dorothy dixer the minister set up yesterday when Mr Doszpot was not here. The minister seems to be playing a dirty political game, one that potentially breaches the code of conduct and goes against what I hope all MLAs consider to be good practice.

So it is not Mr Doszpot that has brought this debate on and tried to make a political attack; rather, it is the minister for education who has done so by putting a very unnecessary statement in the letter and then flaunting it in the face of Mr Doszpot. His actions must be dealt with.

The Greens do not support an immediate censure. We take censures and the ministerial code of conduct very seriously and believe, in the first instance, the minister should be asked quite formally to correct the record. I move:

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

“(1) notes that:

- (a) the Minister for Education and Training wrote to the Non-Government Schools Council on 28 July 2009, stating that ‘... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party’s spokesman that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum’ and then tabled this letter in the Assembly on 18 August 2009;

- (b) the Liberal Party's spokesman for Education, Mr Doszpot, has asserted that this is an incorrect statement and that the Minister for Education has misrepresented him and misled the Non-Government Schools Council and, in doing this, has breached the Ministerial Code of Conduct; and
  - (c) the Minister for Education and Training has been unable in the debate today to provide a logical and substantial justification for making that claim to the Non-Government Schools Council;
- (2) calls on the Minister for Education and Training to:
- (a) apologise in the Chamber to Mr Doszpot for misrepresenting him in the letter to the Non-Government Schools Council by the end of sitting on Thursday, 27 August 2009; and
  - (b) write to the Non-Government Schools Council withdrawing the statement, as it misrepresented Mr Doszpot, and table a copy of the signed letter by end of sitting on Thursday, 27 August 2009; and
- (3) should the Minister for Education and Training not meet the requirements of clause 2b, calls on the Speaker to write to the Non-Government Schools Council, in the following terms:

'In a letter from the Minister for Education and Training to you on 28 July 2009, he stated that "... I have made abundantly clear in the Legislative Assembly that the Government opposes suggestions by the Liberal Party's spokesman (Mr Doszpot MLA) that I should use the *Human Rights Act 2004* as a way of the Government taking over non-government school teaching and curriculum".

The ACT Legislative Assembly has found that this statement may have misled you because it is a misrepresentation of Mr Doszpot. It has also found that in making such a statement to you, the Minister inappropriately used his position of authority.

The Assembly called on the Minister for Education and Training on Wednesday, 26 August 2009 to apologise to Mr Doszpot, and correct the record with you, but he has chosen not to do so.'".

The Greens' amendment to the censure motion seeks to give the minister an opportunity to formally correct the record, both in the chamber and to the Non-Government Schools Council. If he does not do so then the best way we can go forward to correct the record is to have the Assembly step over the minister and write to the Non-Government Schools Council. The minister should remember, as he has not done on previous occasions, that he is not above the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.06): It is an interesting new standard that the Assembly is proposing to establish today, because basically the standard that the Assembly is proposing to establish today is that, where a member of this place puts a political

position and characterises their opponents' political position in a particular way, and a member takes offence at that, they can be censured in this place. For goodness sake, we are politicians. We are politicians and we make political points.

**Mr Hanson:** So when I accused the Minister for Health of a cover-up, I would not expect a letter from the department head, by your rationale, would I, Mr Corbell?

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Mr Hanson, please! Mr Corbell, please continue.

**MR CORBELL:** Thank you, Madam Assistant Speaker. There are plenty of times in this place when I am sure members of the government have felt that their position has been grossly misrepresented by members of the opposition and members of the Greens. In fact, it is a daily occurrence. But we do not run into this place and seek to have the record corrected or to censure a member because we feel that our political position has been misrepresented.

That is exactly what is happening today and it is an absurd use of the Assembly's powers and the Assembly's time. If it is going to be the case every time a member feels offended because their political position has been misrepresented, we will not be doing anything else in this place except moving censure motions and demanding apologies. For heaven's sake, I feel it is an absurd position.

On top of that, we have the amendment proposed by Ms Bresnan which calls on the minister to do certain things and then, in what I have to say is an unprecedented position on the part of this Assembly, suggest that the Speaker should intervene in what is a political dispute between the opposition and the government and express a view on behalf of the Assembly. I find that position quite extraordinary as well.

Clearly this motion is going to pass today. The government will not be supporting the motion or the amendment. And the simple reason for that, as I have just said, is that this is a dispute between two political parties about the political position of one vis-a-vis the other. It is as simple as that.

It would appear that the new reality is that, if a member of the opposition takes offence about how their political position is being characterised, that warrants a censure of the minister. I would simply say to members that, if that is the new position that is being adopted, the government also—and I say this to the crossbench in particular—will look forward to your support; we will look forward to the crossbenchers' support when we move motions in this place holding to account the misrepresentation of the government's position by other members in this place, because that is the standard that is being set today. Quite frankly, it is an absurd standard; it is an incredibly low bar; and it is an absurd position to adopt.

*Opposition members interjecting—*

**MADAM ASSISTANT SPEAKER:** Members of the opposition, please! Mr Corbell, please continue.

**MR CORBELL:** It is an incredibly low bar. Just because a government member portrays an opposition position in a particular way and characterises it in a particular way, does that warrant a censure? Does that warrant an admonishment? Does that warrant the need for an apology? I think the answer is no. And we will not be supporting either the absurd motion or the absurd amendment.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.11): What we have heard from Mr Corbell just then is really conceding the point. The defence now is that this is real politics; that this is just politics; that you can make these statements; you can make these statements as a minister; you can make these statements on ministerial letterhead and it should not matter. On Mr Corbell's argument, ministers should be able to say whatever they like; they should be able to use ministerial letterheads to write to stakeholders, write to the community, to say whatever they like because it is just politics. That is not what this is.

This is a complete and deliberate misrepresentation of what was said; it is using and abusing the office of minister for education in order to score a cheap political point. We understand the desire of the government to score cheap political points but that does not excuse behaviour which is designed to deliberately mislead the community and which bears little, if any, resemblance to the truth. That is the debate we are having here.

Mr Corbell, in his defence, has actually failed to defend the statement, except to say that this kind of behaviour should be allowed; that it really does not matter; that misrepresentations and mischaracterisations are acceptable.

**Mr Hanson:** Low bar, they call it.

**MR SESELJA:** Low bar, indeed! What we have is a very simple scenario which has been put and, it appears, broadly accepted now by the Greens—and certainly we accept Mr Doszpot's argument—that what was done by the minister was inappropriate; that it was in breach of the ministerial code of conduct and does need to be rectified. We take the view that it does warrant censure. We take a different view to the Greens. But it appears that what we do agree on is that there does need to be a very clear statement from the Assembly that this kind of behaviour is unacceptable.

We only need to look at what Mr Doszpot said and then what Mr Barr said to see why this is important. Mr Doszpot said:

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

That is what he said. This is what Mr Barr had to say:

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

Nowhere did Mr Doszpot at any stage say or suggest such a thing. The idea is absurd.

In fact, you need to go back to some of the motivation for this. We had a minister who was embarrassed by the fact that the shadow minister ran a campaign which was successful. He ran a campaign which was successful, which was to see non-government schools not excluded from the Shaddock review. That was the campaign that was run by Mr Doszpot; that was the campaign which the minister resisted.

He had to backflip eventually under pressure and, when that happened, his petty piece of revenge was to try to claim that Mr Doszpot was advocating something which he clearly was not advocating. It was wrong; it was false. The wording in that letter sent to non-government schools was incorrect; it was deliberately so.

There is a difference, is there not, when someone actually sits down, takes the time to draft a letter, thinks about the words, and they are totally false? And that is what this minister has done in this case. It is as clear as day. We see this in the ministerial code of conduct:

Ministers will treat other Members of the Legislative Assembly, members of the public and other officials honestly and fairly ... In the discharge of his or her public duties, a Minister will not dishonestly or recklessly attack the reputation of any other person.

He has not acted honestly and fairly here. He has acted in a way which absolutely, deliberately misrepresents a statement, which absolutely makes a claim that is patently false, that has no evidence to back it up. And what we have from the Labor Party is: "No, that is okay; it is politics. We can say what we like."

There is rough and tumble in politics but we need to draw a line at things that bear no relationship to the truth whatsoever. And that is what we have here. We can compare the statements—and I am sure Mr Smyth will touch on this—of Mr Barr in the media. It is a slightly different situation, when you take the time to write a letter and think it through versus a live radio interview. Sometimes people mis-speak or do not quite explain things as well as they would like.

We do see a pattern. On the issue of EPIC this minister was being questioned by Ross Solly. Ross Solly said to him:

You did reappoint five of the members, that is correct, but you told the two outgoing members, including EPIC Board Chairman Brian Acworth, not to bother reapplying.

Andrew Barr said:

No, that's not correct.

When Mr Solly put it to him that he had spoken to Mr Acworth, yes, he acknowledged that what he had said was not correct. So we see this pattern: just say it and hope you can get away with it.

There is a difference. There is a difference between that live interview and this letter where there would have been premeditation, where the minister sat down and, no doubt in response to the fact that he had lost this battle with Mr Doszpot, decided that he was going to show him; and the way he was going to do it was to run a scare campaign, a baseless scare campaign, in the non-government school sector that there was some plan of the Liberal Party to take over non-government schooling, take control using the Human Rights Act.

What a load of rubbish! It was so unbelievable. There is no chance that he would have actually believed it when he wrote it but he was prepared to put pen to paper, he was prepared to put this in writing, for the basest of political motives, the absolute basest of political motives. We are saying, as an Assembly and as a party, this is unacceptable.

We do not accept Mr Corbell's pathetic defence, which is, "It is just politics and therefore we can say what we like." Politics is not an easy game but it does not mean we can completely throw the truth out the window. It is important that ministers are held to high standards. It is important particularly when they are corresponding as ministers with stakeholders.

It is reasonable—and in the future these actions by Mr Barr will undermine this relationship—that the very important relationship that stakeholders have with a minister is one based on trust; that, when they receive a letter from a minister, the minister for education, writing to non-government schools, they could rely on the words in that letter; that they would look at that and say, "The minister says it; so we believe it to be true." No doubt that is how they would have seen it when they received this letter.

It does undermine trust; it does actually breach the very important standards by which we hold ministers to account in this place—the basic standards, as Ms Gallagher said in the debate last week on the MPI; commonsense standards; standards that, if they were not written down, we would expect to be complied with anyway, that ministers will act honestly and fairly when dealing with members of the public and when dealing with other members of this place.

The minister has breached this; he has breached the code of conduct; he has done it for the basest of political motives. We have seen it in a lot of areas from this government but this is a blatant example where the minister has been caught out. We believe he does deserve to be censured for this. To deliberately go out and mislead stakeholders in such an egregious way, we believe, warrants censure.

But we are prepared to support this amendment as certainly a strong statement from the Assembly that this kind of behaviour by ministers is unacceptable; that we as an Assembly will hold ministers to account for their actions, as is our role; and that we will not accept the line that is being put by Mr Corbell in defence, which is, "It is all just politics; this is acceptable; we should not worry ourselves with this."

The minister has been caught out. He deserves to be censured and he certainly deserves a strong statement from this Assembly, which we will be getting once this



amendment goes through. We would call on the minister as a result of this to apologise to Mr Doszpot, to actually correct the record and to not engage in this kind of behaviour in the future. But he does deserve to be condemned for this behaviour; he does deserve to be censured; and he does deserve to be held to account in this Assembly for his actions. I commend Mr Doszpot for his motion.

**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) (3.21): I think it is appropriate in a debate such as this that we actually look at the behaviour of all members and the standards we expect of all members in this place. I think it goes very much to the heart of the comments of Mr Corbell in the contribution he made to this debate. What is the standard and how is the standard to be applied universally?

I made some comments today about the stated public position of members of the Liberal Party in this place on the banning of fireworks. I am referring to the statements that they made publicly, on the record, in this place and in the community about their position and their attitude. Go to the comments and the rationale applied just now by the Leader of the Opposition to the appropriate response to this particular issue, irrespective of the rights or the wrongs of what was said by whom or not said by whom and the representation that was made by Mr Barr of a comment that was made by Mr Doszpot.

It is not just about the attitude or position of ministers; it is about the attitude and position of all of us, is it not? You cannot apply one standard or attempt to apply one standard for ministers and not accept the standard for yourselves. So what does Mr Doszpot, the mover of this motion, do publicly and what does this Assembly do, as an Assembly, in the context of this particular position put publicly by Mr Doszpot in an election campaign, direct to electors? He said:

I stand strong with the policy of the Canberra Liberals on this issue that the retail sale of shop-good fireworks should be banned in the ACT.

That is Mr Doszpot's stated public position on the banning of fireworks. What is the Assembly going to do now about this statement of Mr Doszpot's? Let me repeat it:

I stand strong with the policy of the Canberra Liberals on this issue that the retail sale of shop-good fireworks should be banned in the ACT.

Mr Seselja has just made much of the need for the public to be able to believe its MLAs. I actually wrote down some of his words: "To not be honest and up-front in everything we do and say undermines public trust." What about the public trust in relation to the sale of fireworks?

Of course, this is not just a comment made outside this place. We then go to the comments made inside this place by current members. We go to Mrs Dunne who, over the last few days, has led the charge for why it is absolutely ridiculous to ban fireworks. Mrs Dunne has been maintaining on all of the airways in the last three days the Liberal Party's rigid opposition to this policy. What did she say in this place? This is what Mrs Dunne said in this place on the public record in *Hansard*:

It is time that the members of this place—  
the Assembly—

took a good hard look at themselves and, in accord with the overwhelming views of the community, supported Mr Pratt's legislation.

The legislation was to ban fireworks. That is what Mrs Dunne said in this place—in this place—and the people of Canberra rely on Mrs Dunne's position in this place. Mr Smyth, knowing that he is next on the list, is just leaving the chamber. Mr Smyth knows that he is next on the list in relation to what he said in this place. He has been embarrassed into coming back.

Let me give Mr Smyth's view on the public record in this place on this issue. We go back to what Mr Seselja just said, that the members of this place—ministers, he said, but why not members?—must apologise. He said that they have to stand up; they have to do the right thing; they have to retain the trust of the people; they must not mislead the people. We see how Mrs Dunne has misled the people on this issue. We see how Mr Doszpot has misled the people of Canberra on this issue. What does Mr Smyth say about banning fireworks? He says:

Banning things is something we should avoid until we get to the stage where, because there has not been a response, it is the sensible and reasonable thing to do. And the sensible and reasonable thing for all members to do today would be to support this bill—

The bill was to ban fireworks. That is Mr Smyth's view on fireworks. Are you going to retract that position? Are you going to apologise to all the people who rely on your views on this—all the people out there that thought you were telling the truth? Are you going to withdraw? Are you going to stand up here and apologise? If we move a censure against you for misleading the Assembly, will the Greens actually move a motion saying, "Oh, well, if they apologise then we will not"? If they stand up and apologise—

**Mr Doszpot:** It shows you do not understand what this is all about. You have no understanding.

**MR STANHOPE:** So it is all right for Mr Doszpot. We see the gross hypocrisy of Mr Doszpot's position. He stands up in this place and moves a censure motion in the very week of the greatest backflip, hypocrisy and backdown by the Liberal Party on an issue. The majority of the members of the Liberal Party in recent times have advocated strongly and unequivocally a position in relation to the banning of fireworks.

They have backflipped in the last two days. They have misled the entire Canberra community. They campaigned on a ban and they come in here with this blatant hypocrisy, this posturing, this patronising nonsense that we see here today and say, "Oh, we cannot mislead."

We saw it again this morning from Mr Smyth when he purported to quote from an estimates committee hearing in relation to the strategic review. He claimed that I had said something unequivocally, absolutely, categorically. When you turn the page and you actually read the full transcript, what does it say? I was asked:

Yes, that is okay about open space, but Ernst & Young were not charged with finding any savings at all?

I responded:

I do not believe that was their remit, Mr Smyth.

I said that I did not believe that. Mr Smyth asked the question again and I responded:

I have taken that question on notice.

He sits here this morning and deliberately and blatantly lied about what I said at estimates.

**Mr Seselja:** On a point of order, Madam Assistant Speaker: I know he is struggling, but can you ask him to withdraw the word “lie”?

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Yes, I think we have decided “lie” is not—

**MR STANHOPE:** This is a substantive motion—

**MADAM ASSISTANT SPEAKER:** No, no—

**Mr Seselja:** Mrs Dunne had to withdraw this morning.

**MR STANHOPE:** Members of the opposition have been repeatedly claiming and insisting that Mr Barr was actually telling lies. You cannot have it both ways.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope!

**MR STANHOPE:** They cannot say it about Mr Barr and not cop it themselves.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope!

**MR STANHOPE:** It is a substantive motion; they cannot do it.

**Mr Seselja:** Yes, we can.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope, could you please withdraw the word “lie”?

**MR STANHOPE:** Do I actually have to move a censure against Mr Smyth if I am to repeat it?

**Mr Smyth:** Yes, you do, yes.

**MR STANHOPE:** Well, I think that might be the appropriate—

**MADAM ASSISTANT SPEAKER:** Mr Stanhope, would you please just withdraw—

**MR STANHOPE:** I withdraw. I will withdraw it for the time being. We will deal with it through a substantive motion.

**Mr Seselja:** No, Madam Assistant Speaker—

**MADAM ASSISTANT SPEAKER:** Unreservedly, I understand.

**MR STANHOPE:** I withdraw. So we have it here; get the transcripts out from this morning; have a look at what Mr Smyth said and then have a look at the full transcript of what I said before estimates. I went on to say:

I do not believe that was their remit, Mr Smyth.

That was an equivocal statement. You asked it again and I said to Mr Smyth:

I have taken the question on notice.

You said that my answer to that question was to mislead. That is what you said this morning because you actually quoted selectively from the transcript of estimates. You did not quote the full transcript of estimates. You missed out the bit where I say that I have taken the question on notice so that I could check it.

**Mr Seselja:** When do you think you will talk about Andrew and his statements? He is not standing by him.

**MR STANHOPE:** I am standing by him absolutely. This is complete, sheer and absolute nonsense. Just by an expansion of your own behaviour, the extent to which you misled the community in relation to your real position on fireworks, it is a rebuttal of everything you do here.

It exposes this as the absolutely cheap stunt that it is: upset, nowhere to go, no relevance, no grasp of any issue, no policies—actually, no respect within the community. So on private members' day—thank you for that—you actually resort to this nonsense, nonsense that is being treated and will be treated in the way that it deserves: with contempt.

This new attempt by this Assembly to deal with or to adjudicate on the political positions and statements of opponents in a political environment really is a new standard of nonsense. The censure is a joke and the amendments are derisory.

**MR SMYTH (Brindabella) (3.30):** It is interesting that in a 10-minute speech the Chief Minister could not once support his right faction colleague, Mr Barr. Yes, he launched an attack on the Liberal Party.

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

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Stop the clock, please.

**Mr Stanhope:** That is a complete absurdity. Mr Smyth really should withdraw allegations that I did not support my colleague. I supported him fully. It is simply not true. It confirms the position I put, that we actually should judge, need to judge, the members of the Liberal Party by their own standards. They need to tell the truth.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope, there is no point of order. Points of order should be about procedure rather than the substantive content of a speech. Mr Smyth, please continue. Start the clock.

**MR SMYTH:** It came after Mr Corbell's speech, in which Mr Corbell admits there is a mislead, but says, "It is just politics, so it is okay."

**Mr Barr:** He did not. That is number two. Thirty seconds in and you have done it twice.

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

*Opposition members interjecting—*

**MADAM ASSISTANT SPEAKER:** Stop the clock. Members of the opposition, I cannot hear the Chief Minister.

**Mr Stanhope:** The transcript will reveal that Mr Corbell did no such thing and said no such thing. Mr Corbell simply did not say that. As Mr Barr interjects, that is simply not true. You have made two misstatements of fact in 30 seconds.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope, again, I cannot see a point of order. Mr Smyth, please start again. Start the clock.

**MR SMYTH:** Madam Assistant Speaker, Mr Corbell's explanation was that maybe he had gone too far. Tacitly this is a misrepresentation; it is a mislead—it was just politics and therefore it should go away. The theory of this place may be one thing. But what Mr Barr did was take something that Mr Doszpot had said, put it on ministerial letterhead, twist it so completely that it bore no resemblance to the truth at all and then sent it out to people, purporting to be something that it was not. That is the problem.

Then Mr Barr exacerbates the problem by writing a letter. He is good at this. He projects. It is very Lathamesque. It is the sort of behaviour that Mark Latham used to indulge in. He would accuse people of things that he had done himself. Mr Barr writes this letter to Mr Doszpot and says, "On 30 April you demanded that I use the Human Rights Act to ensure that the review also did these things." Mr Doszpot did no such thing. Mr Barr invents the story and then promulgates the story as the truth.

He says, “Your press release clearly stated that in your opinion the Human Rights Act means that the government must review curriculum and pedagogy for students in non-government schools.” It does not say that. Point it out. I think it has been appropriately picked up by the crossbench. It does not say that. It does not say it anywhere. It does not mean that. The minister has taken something—fair enough, there is argy-bargy in this place, and it is the nature of parliaments all over the world—then invented a story, put it on ministerial letterhead and put it out in the way that has been done. It is disgraceful!

This letter and the way the minister behaves in public goes to the ministerial code of conduct. We have heard a lot about the code of conduct this week, and I am sure we will hear more about it. The code states:

Ministers will treat other members of the Legislative Assembly, members of the public and other officials, honestly and fairly...

Well, there is no honesty or fairness in what was written.

Mr Doszpot, in direct contrast to the behaviour of Mr Barr, has behaved with a great deal of honour in this matter. He has asked for a correction on a number of occasions. He wrote a letter asking for a correction. It asks, “I think the appropriate thing would be for you to stand up in the Assembly and apologise.” Matter done, matter all gone away.

Compare the behaviour of the contenders for the crown, Minister Gallagher and Minister Barr. Minister Gallagher made a mistake. She said something in this place and I called her on it. I said, “You are wrong, go and check your facts, I expect an apology.” The next morning, first thing, at 10 o’clock in the morning she came into this place. She had the great courage to stand up and say, “I got it wrong. I apologise.” I thanked her, and that was the end of the matter.

That is how it should be. Those are the rules. That is the way it is played. If you make a mistake, you come and apologise. You withdraw, you retract, you apologise and you do it unreservedly, with no Wally words. To give her her due, the Treasurer did exactly what should be done. She said, “I got it wrong. I apologise.” Not Mr Barr. Mr Barr was asked. A letter was written to Mr Barr, very calmly laying out the case. Mr Barr wrote back a letter attacking the person who has been verballed in this way. He continues to hide behind ministerial letterhead. He is saying, “I can take whatever you say and I can invent it. I can invent a story and put out a ministerial letterhead with the full authority of the government, knowing I have got the backing of my colleagues.” That is the shame of what is happening today.

Go back to the way this ministerial statement was made. While offering to provide some extra information to the Assembly in further answer to a question of the previous day, he made what, in effect, is a ministerial statement. Normally, for ministerial statements, the opposition and the Greens crossbench are given advance notice. But he did not do that. It is the way Mr Barr operates. It is very Lathamesque. You twist it, you invent the story and you then put it out.

Mr Barr said a number of times this morning that what he has said is entirely accurate and fair. I think it says a lot about Mr Barr's sense of accuracy and fairness.

**Mr Seselja:** None of his colleagues do that, do they?

**MR SMYTH:** None of his colleagues have been as inventive. He said, "This is mere politics. This is opposition for opposition's sake." He went on to say this several times. He then talked about serious political debate. Well, the serious political debate he is concentrating on is, of course, the debate inside the ALP on the succession plan.

This is about misleading, respect for persons, and fair and honest dealings. We do not get that from Minister Barr. It really does raise the question whether the minister is up to the job. Ministers also have to set the standard and set the example, and this minister does not do that.

Mr Corbell played it down. He said, "It was just politics." But it was not just politics. It was a total fabrication. There is absolutely no remorse here; there is absolutely no admission that they have got it wrong. It is quite clear from the amendment moved that, given his own defence of himself this morning, he has not made a case. Read the *Hansard* if you missed the debate this morning; Mr Barr said nothing. Mr Barr made no justification. Mr Barr could not point to one single thing that he was claiming that was right. Mr Barr could not make the case to avoid this censure. He should not avoid the censure. That is the problem with the minister

**Mr Barr:** It is not a censure, apparently. Are you speaking to the amendment?

**MR SMYTH:** I am speaking to the whole. You see, you do not know your rules. You speak, through the amendment, to the entire motion. You need to learn your rules before you interject. You show your ignorance. That is the problem with this minister. He shows his ignorance all too often.

He should have had the courage and the courtesy to come into this place this morning and admit the mistake, admit the fabrication, admit the falsehood that he broadcast, using ministerial letterhead, using the power of the authority that he gets from the warrant that he has from the Chief Minister. He did it, fully knowing his obligations under the ministerial code of conduct. The code states:

Ministers should ensure their personal conduct does not adversely affect their ability or the ability of other MLAs ... public confidence in the integrity of the system of government or public sector ...

This minister's actions in fabricating this falsehood, broadcasting it and then attempting to defend it today simply show that he has no respect for the ministerial code of conduct. The code also states:

Ministers will ensure that their conduct does not bring discredit upon the Government or Territory.

As Mr Seselja said, this is a minister that has fallen. We saw it in relation to the Exhibition Park Corporation board. The minister was asked on radio—

**Mr Hargreaves:** Repetition.

**MR SMYTH:** I have not said this. I am not repeating it.

**Mr Hargreaves:** You have. This is the second time you have said it.

**MR SMYTH:** Ross Solly asked the minister, “And you told the outgoing members, including EPIC board chairman, Brian Acworth, not to bother to reapply?” Minister Barr replied, “No, that is not correct. We certainly sought expressions of interest. I put media releases out in mid-June seeking expressions of interests.” Mr Barr then refused twice to answer whether he had explicitly asked Brian Acworth not to re-apply. Ross Solly asked, “Minister, we have spoken with Brian Acworth this morning. He did not want to come on the show, but he said you told him it would not be necessary for him to seek reappointment.” Minister Barr replied, “Well, I wrote to Mr Acworth and other members of the board along those lines, yes.” Ross Solly asked, “So why did you tell those two it would not be necessary for them to seek reappointment?”

There it is. He will go as far as he can go whenever he thinks he can get away with it. He will, on the radio, deny something that is patently false—not once, not twice but three times—and then, when confronted with the truth, does not apologise, does not correct. He thinks he can get away with it. He tries to do it in here. It is important that he is brought to account, It is important that the standards are maintained. It is important that the standard is high because, as the Chief Minister, said—and it is probably the only correct thing that he said—we need to set a high example.

It is certainly not something we are getting from the frontbench or parts of the frontbench. It is about time the minister stood and simply said he got it wrong. He should do that. He should not have to be forced to do it. If he was an honourable man, he would do it. His failure to do it does give rise to grave doubts about whether or not he is up to the job. It does give rise to grave doubts about the example that he sets and the standards that he lives by.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (3.41): I need to make a number of comments about this whole process today. I am concerned about a number of facets of it. I am concerned about the substantive subject matter, I am concerned about the way in which it is being played out within this chamber and I am concerned about the precedent set by the amendment offered by Ms Bresnan.

I have been in this place, Madam Assistant Speaker, for 11 years. I have been on the backbench as an opposition member. I have sat in the whip’s chair. I have sat on the frontbench. I have sat in committees. In all of that time Mr Brendan Smyth has been on the other side of the chamber. If ever there was a man who is expert in the creation of spin, fabrication and mistruths bordering on the hysterical, it is he.

**Mrs Dunne:** I raise a point of order, Madam Assistant Speaker. We have determined this morning that the accusation of a mistruth is to be the subject of a specific motion.



Mr Hargreaves has just accused Mr Smyth of mistruths. He should withdraw or make an alternative substantive motion.

**MR HARGREAVES:** Madam Assistant Speaker, I have no difficulty in withdrawing that; none at all.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Thank you, Mr Hargreaves.

**MR HARGREAVES:** However, I can say that on more than one occasion I have seen Mr Smyth create a straw man. He creates a straw man, creates this imagery and then proceeds to tear it down. He does not do it just in this chamber. He continues his creations and his destructions in his media releases and his pontifications out there in the electorate.

Now, when you have been around as long as we have, you get this sort of feedback. You do not actually just rely on what you know yourself. You get feedback. I know that, of any member who has been in this place for any length of time, Mr Smyth is the absolute expert in character assassination. This bloke is the absolute master at it. The thing is that he has absolutely no qualms. He has ice water in his veins.

**Mr Seselja:** I raise a point of order, Madam Assistant Speaker. Going on from the precedent set last week in the MPI, I would ask for your ruling on whether Mr Hargreaves's statement in relation to Mr Smyth is a personal reflection and therefore breaches the standing orders.

**MR HARGREAVES:** On the point of order, Madam Assistant Speaker: this is not an MPI. This is not a debate.

**Mr Doszpot:** It is a debate.

**MR HARGREAVES:** This is a censure motion and a point of far more gravitas than these vexatious people would have us believe.

**MADAM ASSISTANT SPEAKER:** Mr Hargreaves, would you withdraw that comment, please.

**MR HARGREAVES:** Yes, I will withdraw that. It has been said and I cannot put it back in my mouth.

**MADAM ASSISTANT SPEAKER:** Thank you.

**MR HARGREAVES:** You know, the moving finger writes and, having writ, moves on. That has stuck it up. Not only is Mr Smyth guilty of creating straw men and tearing them down; he is also guilty of creating images of people out there in the public arena which are not true. I have seen it, and he has applied it time after time after time to me. I accept that as being part of politics. I do not like it. More often than not, it is false. I have come into this place and proven it to be false, but he still goes about his merry way doing these things. I find his pontifications in this place today too much to stomach.

I have wondered where previous members of this place got their approach. It is from Mr Smyth. It is he. I thought he was just being a good politician and creating things that we have to do battle on. No, it goes deeper than that. These people, and particularly he, know the depths of hate like nobody else in the world. I do not know why. I struggle to understand it.

This man is the only minister ever to have been booted out when he was a minister. His whole government disappeared. He has the temerity to talk to Mr Barr, who, as it happens, was re-elected as a minister. Mr Barr took himself to the electorate as a minister and was re-elected. Mr Smyth took himself to the election and was rejected. His whole government was rejected. Was it rejected once? No. Was it rejected twice? No. It was rejected three times. His credibility has taken a nose dive.

**Mr Smyth:** I think you got elected fourth this time around.

**MR HARGREAVES:** I was re-elected as a minister as well. Hello! As a matter of fact, the percentage reduction in my vote was actually less than Mr Smyth's. You can go away and count that one. By way of distraction, he will use his interjection to create another straw man and tear it down. This is just unreal.

**Mr Hanson:** This is just appalling. He has said he is struggling, and he is. You are struggling, John.

**MR HARGREAVES:** The issue that the Assembly has been asked to talk about—

**Mr Hanson:** One man here to defend Andrew Barr.

**MR HARGREAVES:** Madam Assistant Speaker, I ask you to warn Mr Hanson. He has been a constant interjector, and I heard him in silence. Now, on this serious issue, they are rabbiting on, and I ask you to call them in order. Otherwise we shall return sevenfold.

**MADAM ASSISTANT SPEAKER:** Mr Hargreaves, please continue. The noise level is not higher than usual, whichever way you want to look at it.

**MR HARGREAVES:** Then I draw your attention to Mr Hanson's bellowing. His voice is only a little bit more sonorous than Mr Pratt's was.

**Mr Doszpot:** You will get the Stanhope award for content here, John.

**MR HARGREAVES:** We will talk about that a little later, Mr Doszpot. I do not think this issue is serious enough for this place to debate. If Mr Doszpot perceives some offence against him, he can use the standing orders to voice his grievance and have it put on the record. To ask the rest of us to adjudicate it because he has taken offence I think is not properly respecting the function of this place.

The big concern I have—and I am running out of time, Madam Assistant Speaker—with Ms Bresnan's motion is this. I understand it to be a compromised position, and I

thank her very much for her attempt. But I worry about the precedent of the Assembly saying to a minister, “You should do this. If you do not do this, then Y will happen.” In other words, “We will get the Speaker to do your job for you.”

Madam Assistant Speaker, the Assembly does not appoint ministers. The Chief Minister does, and the Assembly appoints the Chief Minister. This is a very, very serious precedent that we are embarking on here. I urge the Greens to give serious thought to whether they want to progress this or not. Maybe they want to actually go away and think about this one. It is about the Assembly involving itself in the day-to-day administration of a department through the activities of a minister, and I do not think it is appropriate for the parliament.

We have in this country the doctrine of the separation of powers. There is an executive, a parliament and a judiciary. My view is that this amendment may very well offend the doctrine of the separation of powers.

**Mr Doszpot:** What about ministerial conduct?

**Mrs Dunne:** John Hargreaves, constitutional lawyer.

**MR HARGREAVES:** Madam Assistant Speaker, I am not going to entertain an interjection by Mr Doszpot or the inane ramblings of mad people like Mrs Dunne. I want to speak seriously, through you, to the Greens about the doctrine of the separation of powers. Please give where we are heading here some thought. I do not think this is a precedent we ought to take lightly—

**Mr Hanson:** Madam Assistant Speaker—

**MR HARGREAVES:** Stop the clock.

**Mr Hanson:** I ask that Mr Hargreaves address his comments to the chair and not to the crossbench.

**MR HARGREAVES:** Madam Assistant Speaker, it is a vexatious complaint. I ask you to name him. I did it through you.

**MADAM ASSISTANT SPEAKER:** Mr Hargreaves, please continue your speech.

**MR HARGREAVES:** I did that through you, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** You did, indeed.

**MR HARGREAVES:** That is a vexatious complaint worthy of Mr Hanson being named and given a holiday. Give him a holiday. You have learnt the tactics, Mr Hanson. Good on you. Give yourself a fourth medal and bugger off home.

**MADAM ASSISTANT SPEAKER:** Please start the clock again.

**MR HARGREAVES:** Madam Assistant Speaker, this is supposed to be a serious matter done with gravitas. These people are frivolous about this exercise. They should

be serious about it. We are talking about the seriousness of the separation of powers. Nobody has mentioned it. It is news to Mr Smyth because he knows nothing about the doctrine of the separation of powers. He knows nothing about parliamentary process. He is in no position—no position—to talk about propriety.

We could mention a few things. Unfortunately, we have not got the time. We could talk about things that you have said slanderously about me in the public arena for which we could take your house. But you have not done it. You are gutless about those things. You should step down from your own position. (*Time expired.*)

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.52): I just rise to clarify a few of the points that were made earlier by my colleague Ms Bresnan and to address some of the points that have been raised which I think muddy the situation today. First of all, I state quite clearly that the Greens will not be supporting the censure motion. Ms Bresnan has put forward an amendment so that we can have another way forward on this matter.

I want to start by going back to something that Ms Bresnan said in her speech. It is around the ministerial code of conduct and the high standards of probity, accountability, honesty, integrity and diligence in the exercise of public duties and functions by a minister. She went on to explain that what had happened in this case from our view was that the minister for education had put an interpretation on the statements made by Mr Doszpot, an interpretation that we believe was drawing a very, very, very long bow. In fact, I do not think a bow this long has ever been invented in the history of the world. It looks to me like it is a completely new weapon, and a very clunky one at that. The point was that this interpretation had not just been stated here in the house. The point from, I think, Mr Corbell was along the lines of, “This is lowering the bar. It is really going to be a terrible thing for the Assembly if people can’t get up and have that sort of banter across the Assembly, and that misinterpretation goes on all the time.”

We are not talking about something that happened in this Assembly. We are talking about something that was put into a letter. That letter was sent to an outside agency, in fact a statutory body—the non-government schools council. That misinterpretation was put on ministerial letterhead and sent out there. It was sent out of this place. When people in this place feel a bit offended or feel they have been misrepresented or whatever, there are standing orders within this house that can deal with the situation. That is not the case with the matter before us today. This letter was sent to an outside body. The Greens have thought very carefully about this. As I say, we are not supporting the censure motion, but we do believe that there is a case for the matter to be cleared up. In our amendment we have put forward a number of steps.

I take on Mr Hargreaves’s point at the end when he was getting very concerned about the separation of powers and the doctrine of the separation of powers. I would say to you, Mr Hargreaves, there are steps that can be taken by the minister before the final part of the amendment would kick in, and those steps are for the minister to stand up in this house, to apologise and to correct the record. It is about correcting the record.

If the minister chooses not to do that then we go to the next part of that amendment if it gets up today. I think we need to be very clear. This is not about the argy-bargy and

the banter that goes on in this Assembly when people have a way to address it through the standing orders. This is a case where the minister used a letterhead and his office to send what was his interpretation of a matter. The Greens' belief is that that was not the proper interpretation and that the record needs to be corrected. Therefore, I commend Ms Bresnan's amendment to the house.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (3.56): Obviously I will not be supporting the amendment. I have already spoken on the substantive matter. I thank Ms Hunter for her contribution because I suppose it does go to the heart of the matter, and that is political interpretations. I do not accept the Liberals' position or the Greens' position that it was unreasonable for me to draw such a conclusion. I acknowledge that an Assembly mercy rule will be implemented for the shadow minister in relation to this. His inability to clearly articulate a view is not my problem, Madam Assistant Speaker, but if the Assembly feels he needs that protection and his inability to clearly express a view of Liberal Party policy requires that level of protection from the Assembly then so be it. That is a matter for the Assembly to determine.

However, in the context of the media releases that Mr Doszpot has put out on a number of occasions in relation to this issue I note that there are a number of statements in those media releases that I feel perfectly within my rights to raise in exactly the same context as Mr Doszpot has in relation to his concern about my comments.

**Mr Hanson:** Who did he write to?

**MR BARR:** He has issued a media release, so he has written to everyone.

**Mr Doszpot:** Did I write on a ministerial letterhead?

**MR BARR:** Yes, on his letterhead—on the shadow minister's letterhead—accusing me essentially of failing to acknowledge the human rights of students with a disability in non-government schools.

**Mr Doszpot:** Which you acknowledged, and you have corrected.

**MR BARR:** I have never at any point sought to breach the human rights of students in a non-government school. He has just made that assertion. For the cross-bench that goes to the heart of the matter. I am perfectly entitled now, having had that assertion made, to bring a similar censure motion. I now formally request Mr Doszpot to withdraw all of those allegations. If you do not do so by the close of business today then it will be within my rights to bring on an appropriate motion to reflect your failure on this matter.

Whilst I am on my feet, I would like to draw the Assembly's attention to what was one of the most outrageous speeches ever in this place. In the MPI discussion last week, Mr Doszpot accused me of having "deep-seated insecurities". Big blowing of the dog whistle, Madam Assistant Speaker! Along with the other statements that he

has made, if this is the new standard that we set in the Assembly today, so be it. If we go down this path it should apply to everyone equally.

Amendment agreed to.

**MR DOSZPOT** (Brindabella) (4.01): A dangerous precedent has been set by Mr Barr through his actions these past few months. The minister's response here today has been abysmal. The manner in which he has handled this issue is appalling and not befitting of someone who holds public office. The minister is getting more emboldened as each day passes. His factional position in the Labor Party has given him delusions of grandeur and apparently delusions of infallibility as well. He must not be allowed to get away with the arrogant behaviour he has displayed. By making the assertions he has to the Non-Government Schools Education Council in writing and over and over again in this place he has paved a clear pathway.

All members of this place, including the Greens, can now be certain that, by his actions, the minister has paved the way for everything that we say as members, particularly the opposition and the crossbench, to be potentially manipulated and distorted in any way any minister of the day sees fit. Mr Corbell, in his very strange response a few minutes ago, also seemed to endorse it as being a quite acceptable part of politics.

Minister Barr, I would caution you on your continued misleading of this Assembly and, indeed, members of the Non-Government Schools Education Council. You have already compromised your position and your status as education minister and dug yourself an ever-deepening hole. I find it quite incredible that you are perpetuating this myth about what I said and what I meant. The constituents that you are trying to impress with this false impression of protecting the non-government schools from the Canberra Liberals are already very aware of your form, and mine for that matter, and I give you two guesses as to whom they will believe.

You have made your position quite clear with them and I am very comfortable with the impression and the opinions I have expressed to both the non-government and the government school sectors. I have spoken to individuals external to this place, without going into detail about this issue. Obviously I have felt aggrieved, and because I feel personally affronted the issue is very raw and close to me.

These individuals made comments such as: "Isn't this what you do now that you're in politics? Isn't it about political point scoring and lying?" I beg to differ with this. This is not the game that I have come into this place to play. I definitely do not see our role as members of this Assembly as one that can be manipulated as an individual sees fit. Perhaps this is a naive view or perhaps it is a new view that should be undertaken more seriously than the current minister for education seems to think that he can. Or perhaps this minister has been here too long. He is certainly displaying the arrogance of someone who is taking for granted the office and the responsibility that he represents.

This censure motion—which obviously has changed somewhat, and I endorse Ms Bresnan's amendment—against Mr Barr is serious. Minister Barr has

misrepresented my statements to constituents and to this Assembly. In fact, he has continued to do this. His misrepresentation is based on assumptions, interpretation and plain falsification of what I actually stated.

The minister has debased the ministerial code. Because of the Chief Minister's silence on this matter, or his impotence in controlling Minister Barr, Minister Barr now believes that he can do or say anything, even perpetuating falsehoods, which, as he thinks, if he repeats these falsehoods often enough, will be accepted as fact. I think he certainly believes that. The Chief Minister lets him get away with it. His fellow ministers turn a blind eye to his indiscretions, of which this is just one more in a litany that this minister has been allowed to get away with.

The letter to the Non-Government Schools Education Council that Mr Barr tabled in the ACT Assembly last week makes assertions that are false and patently political and are made without any evidence to support it. I have never made statements and no evidence can be found in *Hansard*, in press releases or in Canberra Liberal policy documents that support the minister's assertions.

These are the facts. The letter to the Non-Government Schools Education Council is not based on fact; it seeks to misrepresent. As I have said previously, Mr Barr's actions and his continued disrespect of this Assembly bring shame on him personally and indeed on his party for allowing it. It will also reflect on this Assembly if we let Mr Barr continue to get away with this sort of conduct yet again.

In closing, I would like to focus on what Minister Barr has referred to in his letter to me as the heart of the matter—a letter, I might add, that was only received at the very beginning of proceedings this morning. While we were all here in the chamber, his letter was delivered to my office, not to me prior to the start of proceedings as he would have had us believe—

**Mr Barr:** That's a lie. My staff member delivered it to your office before the Assembly began.

**MR DOSZPOT:** It was not delivered to us in any known fashion, Mr Barr. I was notified of your letter while we were sitting here.

**Mr Barr:** That is your office's problem. It was hand-delivered by my staff to your office.

**MR DOSZPOT:** His duplicity is galling. The minister states:

On 30 April 2009 you demanded that I use the Human Rights Act 2004 to ensure that this review also examined curriculum and pedagogy for students with disabilities in ACT non-government schools. You said in your press release of that day:

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

This is the heart of the matter.

I agree, minister; this is the heart of the matter. I called on you to include all students with a disability in the review into special education based on the premise that all

students with a disability should be included according to the principles of the Human Rights Act 2004. What the minister has failed to articulate each time we have debated this issue is that the terms of reference of the special education review also include “provide advice on future options for the provision of special education services in the ACT”.

How can the minister stand here in this place and, as bold as brass, continue making the wild assertions that what I really meant was that the government should take over non-government schools? He said that over and over again in question time yesterday. Minister Barr, you must have been inside my head when I made that statement because you know best what I meant to say. I categorically state now, for the umpteenth time, that that is most certainly not what I said, nor was it my intention.

For the record, I have made my intentions and my thoughts very clear to the non-government sector, and there was no confusion on their part. In fact, the only person who is continuing with this red herring is Minister Barr. The real problem is that he was forced to change his mind and include non-government schools in the review. This is his way of trying to punish me for having made my point clear. I call on all my colleagues in this place to ensure that Minister Barr does not continue this pattern of behaviour. We must stop this pattern and ensure the integrity of this place for future activities.

Question put:

That Mr Doszpot’s motion, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 7

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

Question so resolved in the affirmative.

## **Department of Territory and Municipal Services—strategic budget review**

Debate resumed.

**MR SESELJA** (Molonglo) (4.11): I thank my colleague Mr Coe for bringing forward this very important motion. The first thing that needs to be said at the outset is that, having had dealings with staff from TAMS over the years, I have known most of them to deal with me in a highly professional manner and to discharge their responsibilities well. Most, if not all, of those I have had dealings with have left me with a good impression. That said, what this report does is to actually criticise in quite a significant fashion some of the overall management of TAMS, particularly the financial management of TAMS. In the end, that is the responsibility of the minister.



In the end, it is up to ministers to ensure that their departments run efficiently and effectively in delivering services to the people of the ACT. They cannot outsource that responsibility. They can have other people who are charged with delivering aspects of it and doing the work on the ground, but, in the end, the buck stops with the minister, who is responsible for ensuring that the department under him is managed effectively and efficiently to deliver these services. Clearly, there has been a breakdown of ministerial responsibility and leadership over the years which has led to some of these very damning findings in relation to municipal services in the ACT.

We are talking about some of the most important services delivered by the ACT government. These are the local, grassroots services which people very much notice when they are not done. We notice when the grass is not mown when it should be; we notice when the pothole is not filled; we notice when the footpath is in a state of disrepair and is not repaired for a long time. These are core functions for the government; it is absolute core business for the ACT government, which has both local and territory-level responsibilities. It is of significant concern to us that there are such damning findings in relation to the management of this area.

It is worth just touching on the charges that are suggested in the report, and we have heard Mr Stanhope refusing to rule out extra charges. Yesterday he refused to rule out extra charges for rubbish collection. In refusing to rule that out, he is saying to the community, "Even though you pay significant rates as a local ACT resident, they may no longer cover rubbish. Actually, what we might find is we need a separate charge for rubbish. Possibly, that might be over and above what you are paying in rates."

I would have thought most Canberrans would have been under the impression that when they pay their rates they actually get their rubbish collected and they actually get basic services delivered. We have seen rates going up and up over the years. We are in a high-taxing jurisdiction. We have a government that is leaving open the possibility of actually saying to people, "We know you are paying high rates, but because we haven't been able to manage our massive budget, a budget that is soon going to have doubled from the time we came into office, we might levy you extra for rubbish collection."

We see the difference in approach even from Kevin Rudd. Kevin Rudd is doing a tax review, but when there were media reports that there may be a capital gains tax on the family home, the government rejected it, because it was wrong and would have been silly. It would have been a bad tax, and the government were able to see that. They did not need to go through a consultation process to say, "Well, we need to examine every possible bad tax. Every possible scenario is on the table." They have said some things are not on the table. What else would be on the table? Would a doubling of rates be on the table? Is that going to be part of the conversation that we have? A tripling? Would we see stamp duty doubled? Is that something that could be considered in order for this government to get more revenue and to try and fill the budget black hole that we have seen?

We need to look at this report as a bit of a microcosm of this government. We know that a number of ministers over time have had a hand in TAMS and a number of

ministers share responsibility. We just need to look at some of the findings to see the real concerns. I suppose the reason why this government was reluctant to make this report public is that we see this post-merger environment, this lack of clarity and alignment regarding accountability for performance from the ministerial level down to the service delivery level. That makes it difficult for the department to balance its overall priorities, risks, accountabilities and financial management responsibilities. That is a fairly damning finding, a finding that says that from the ministerial level down to service delivery there is a lack of clarity and alignment regarding accountability for performance.

What that is saying at the ministerial level is that they do not have the clarity they need and they do not have the alignment they need and, therefore, they do not have the accountability of performance. That is exactly, it would appear to me, what the ministers want. They want to take no responsibility, but they are responsible. This Ernst & Young report puts that into stark focus. We see a number of others in relation to financial transparency: corporate overhead cost allocation to business enterprises is not transparent.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Order, Mr Seselja. Chief Minister, if you want to have a conversation, could you do that outside or considerably lower your voice? I cannot hear Mr Seselja.

**MR SESELJA**: Thank you, Madam Assistant Speaker. The report goes on to say that the finance function has no sufficient authority to exercise physical direction and control. The TAMS financial management system is not effective, which results in limited visibility of where and how the moneys are being spent. It goes on to say that a perception of limited consequences exists for overspending. That is a very important statement, and I think this is something that pervades this entire government—that is, there are limited consequences. This government has assumed that revenue would always grow at the extraordinary rates that we have seen in the past few years.

If we look forward in the budget estimates, even as we see significant revenue growth, this government is still planning on having the budget in deficit. So we see here in this analysis of TAMS and this analysis essentially of the various ministers who are in control, because they are answerable for the performance of their agencies, a microcosm of the attitude that pervades the ACT government under the Labor Party here right now. We see it from the Treasurer, we see it from the Chief Minister, we have seen it from the former minister for TAMS, and we see no indication from this minister that things will indeed be any different.

We do need to ask the question: if we were to have an Ernst & Young style review into other areas, would we indeed—

**MADAM ASSISTANT SPEAKER**: Order, Chief Minister.

**Mr Stanhope**: On a point of order, Madam Assistant Speaker: I did not hear what you said.

**MADAM ASSISTANT SPEAKER**: I said: can you be quiet, please.

**Mr Stanhope:** I am sorry, I did not hear what you said. Thank you, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** You are speaking too much.

**MR SESELJA:** Would we see similar findings? Is there a need to review how other agencies are managed and to look at some of these very serious issues that we have seen? We see lack of control by managers; we see too many administrators; we see 10 per cent of FTEs being classified as management, corporate services or administrative support. That figure is high, given that the department was supposed to make efficiencies in this area due to integration.

We also see in the Roads ACT budget an annual \$25.8 million maintenance backlog. That is partially going to be the result of the statement with regard to transport regulation and planning that says that this area is facing considerable pressures to deliver on its mandate as a result of funding, staffing and political influences that are resulting in certain activities not being undertaken. So we have got political interference stopping some of the core business from being undertaken. That is a serious charge; that is a serious finding from this report.

This report is far from a glowing reference. This is a damning report, particularly for the previous minister. The current minister, Mr Stanhope, needs to make sure that the major mistakes that were made under John Hargreaves do not continue indefinitely into the future and that we do see this culture turn around soon.

Question put:

That **Mr Stanhope's** amendments be agreed to.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

**MR COE** (Ginninderra) (4.25), by leave: I move the amendment circulated in my name:

In paragraph (2), add “by the last sitting day in September 2009”.

The amendment puts a time frame on the report we expect the government to table. Paragraph (3) in the motion that I originally moved states that we call on the

government to table a report on the progress of the implementation of the recommendations of the strategic budget review. What I am asking for through this amendment is that the report be tabled by the last day in September. Given that the government has had the report since December 2008, I think that is quite reasonable.

**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) (4.27): That is only three weeks away. The structural reforms that the department is instituting are major structural reforms; they will not be completed. I am in the hands of the Assembly. I am happy to do that, but it will be a partial report because the job is only half done. It would be far more sensible to report in December. If you want a report in September, I am happy to do it, but it is not particularly sensible. You want a report additional to the report I gave today in three weeks time, and that is just silly. The government will not support this date. I am more than happy to give a commitment now to report fully by the last sitting day in December, but the government does not support the amendment. If it passes, it passes, and I will give you a report in three weeks.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.28): The amendment is calling for an update. This is a report which the government has had since December. We would presume that a reasonable amount of progress has been made by September, some nine months later. A report to the Assembly would be reasonable. We would expect that that would be more than just a cursory report at that point, but we understand it will not be the final report on the structural changes. We believe it is reasonable that we see, nine months after this report was issued, a progress report on moving towards implementing a lot of the recommendations and the structural reforms that have been suggested.

**MR RATTENBURY** (Molonglo) (4.29): The Greens will not be supporting Mr Coe's amendment. We are of the view that it is a little too soon. Something like a December time frame would be more suitable, and we would be willing to support some amendment that reflected that kind of a time line.

**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) (4.29), by leave: I have given a commitment on the record that the government will provide a full report in December. I give the commitment here and now that the government will provide a full report on its implementation of this report in December.

**Mr Seselja:** That's fine.

Amendment negatived.

**MR COE** (Ginninderra) (4:30): As I said before, and whilst some people—namely, the crossbench—disagree, what we saw in the Ernst & Young report is a scathing report on the Department of Territory and Municipal Services. We have had so many issues outlined in this department that go from the very top, from the minister, right

down to service delivery. I refer to issues such as visibility by managers, financial transparency and political influence. It goes on and on and on. This report is a damning indictment of the government. As has been said before today, there are genuine concerns that this report may well be indicative of how other government departments are running, not just the Department of Territory and Municipal Services.

Mr Smyth said earlier that about \$10 million in savings had been identified in this report. Ernst & Young said that at worst there was \$5 million in savings and at best \$10.1 million of savings that could be made should their recommendations be fully implemented. This report is something that I think the government must take very seriously, and it is a great shame that it has taken almost nine months for us to actually see a copy of this report.

The reason for that has changed. For a while the government were saying it was a cabinet document; for a while it was a TAMS document; finally they conceded that it is in fact a TAMS document and that therefore it can be tabled. However, it is worth noting that appendix A of the appendices was not included. The reason for that, I am told, was that it was commercial in confidence. I have great difficulty in believing that, given that this report was written for the department with the knowledge that it would be disseminated quite widely at least within the department if not further afield. I do wonder whether appendix A is in fact commercial in confidence. I would welcome the Chief Minister actually clarifying at some point in the near future whether that is the case.

I urge the government and I urge Mr Stanhope to table the report before December and to outline which of the recommendations have been implemented, which of the 11 of 22 recommendations that were scheduled to be completed before the end of six months have been done, and which of the remaining 11 which were scheduled to be done within nine months or a year are still to be completed. I urge the government to take this report extremely seriously, to take the recommendations on board and to table their report as quickly as possible. I urge those present to support the motion.

Question resolved in the affirmative.

## **Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009 Detail stage**

Clause 1.

Debate resumed from 19 August 2009.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.34): I move amendment No 1 circulated in my name [*see schedule 1 at page 3774*]. Amendment No 1 will move the commencement date of this legislation. It will move it from October to January.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Mr Hargreaves, I cannot hear again. Can you be quiet, please.

**MR SESELJA**: We believe that is a reasonable period. We have spoken with industry on this particular amendment. That is a period which will allow orders to be completed and allow sufficient time to make adjustments that are needed to ensure that we do not get unintended consequences as a result of the passing of this legislation. We believe it is a reasonable change. It is not an undue delay but it will give enough time, about five months from now before it will commence, for industry to make the relevant adjustments. I commend it to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.35): The government's view is that this amendment, although a step in the right direction, still is not consistent with the national framework that the government has signed up to as part of the Council of Australian Governments. That is a proper and thorough process. The government's view is that the dates that we have agreed to as part of the national agreement, that I announced in my statement in this place last week, would be the appropriate dates. So we will not be supporting this amendment.

**MS LE COUTEUR** (Molonglo) (4.35): The Greens will accept this amendment so that as much as possible of our original bill can be passed, although of course we are disappointed that the bill will not be passed in its entirety. Looking at the issue of dates, the Greens actually did extensive consultation about this issue, about the whole issue of hot-water change, and most people we spoke to said, "Isn't it already law?" I think a lot of it was due to the Village Building Co putting hot-water services in all their affordable houses and that made people think obviously it must be the law.

As I said, one of the things I asked my office to do was start running through the Yellow Pages, ringing up plumbing suppliers. They did not have a problem. We spoke to the community councils. They have not had problems. Subsequent to Mr Barr's comments about my lack of consultation, I have emailed and rung the MBA and the HIA, neither of whom have responded as yet.

I think the overwhelming feedback that we have is that everybody is expecting this to happen; so there is no issue in terms of the timing. I would also point out that every house plan that has already been approved would be approved under the existing situation; so there is an in-built delay in terms of when this actually comes into practical effect for new houses anyway.

Yes, the Greens will be accepting this amendment. We are a bit disappointed because climate change is an emergency. We need to act on it now, not some time in the future. But given this does at least give us certainty, we will be supporting it.

Amendment agreed to.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.38): I move amendment No 5 circulated in my name [*see schedule 1 at page 3774*]. This is a slight

amendment. We tossed around what was the best way to do this, with our stated goal of not limiting any future technologies that are low energy and low emission. What we have allowed, what we have clarified, is that the minister will have the opportunity to declare that certain types of technology, whether they be electric or otherwise, provided they meet the relevant standards, can be used.

We do not want to see a situation where we hitch our wagon to particular technologies. There are emerging technologies at the moment in terms of energy. We will see that expand at a great rate of knots over the coming years. What this does, we believe, is provide flexibility to the government to respond to this, to the minister to respond to this, to ensure that we do not get unintended consequences where very low-energy electric is excluded simply because it is electric.

We believe this provides for the widest range of possibilities, gives the relevant flexibility that is needed, whilst meeting the policy goals, which is to ensure that in new dwellings we do not see energy-intensive hot-water systems being put in place. So we believe it is a sensible amendment. It is only a slight amendment. It gives some guidance to the minister, and I am sure that will be useful in statutory interpretation if the minister wants to declare under this section. I commend this amendment to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.39): This is a sensible amendment and does at least give some flexibility to mandate on performance rather than just, as Mr Seselja said, seeking to limit it to specific technologies at this point in time. So it is a sensible amendment and one that the government will support.

**MS LE COUTEUR** (Molonglo) (4.40): We will support the Liberal amendment. It is very minor and simply is an example of the types of hot-water systems a minister can say are compliant by regulation. Its example is of an electric system.

What this bill is aiming to do is phase out inefficient high-energy electric systems and we have added safety. The legislation already has in it a system whereby the minister can deem that various systems are compliant. It is simply that we did not put an example there of electric. What we have said is that any system which is deemed compliant will have to be at least as efficient as a heat pump, a solar hot-water system or a high-efficiency gas system.

To our knowledge, there are no current electric systems which meet this standard; so I do not think this example is going to have any significant effect. However, if it did, that would be fine. I would point out that, as there were already performance standards in there, the example was not needed if such a system turned up. But given this, we are happy to support the amendment.

Amendment agreed to.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.41), by leave: I move amendments 2 to 4 and 7 to 13 circulated in my name together [*see schedule 1 at*

page 3774]. What this series of amendments does is make changes to the legislation which are reflective of our policy position, and that is that this legislation should apply to new dwellings, not to replacement hot-water systems in existing dwellings.

We believe that there is a fundamental policy approach whereby it is reasonable—and I think we are always cautious in imposing new things for new homes—that, when there is a significant outlay, we do look at cost. We are doing this in all areas. In building standards, we impose certain standards which, to a degree, add to the cost of building but which make for safer homes, make for more energy-efficient homes. We take that trade-off and some of the cost savings of course that come with that and the environmental benefits that come with that.

Likewise, in relation to hot-water systems, we believe it is reasonable to impose this standard on new dwellings. Where a family is building a home, they are making a significant outlay. This in many cases will be an extra outlay but one that is recovered through lower energy costs.

In the situation where there are particularly emergency replacements and urgent replacements of hot-water systems in existing dwellings, we do not want to see that cost burden mandated. Many people will make the decision, they will make the rational decision, based on their own financial circumstances; they will weigh it up.

But we do not want to put low income earners and others into a situation where they are forced to pay more at a time when they simply do not have the money. We know how stressful it can be when you need to urgently replace hot water. Living in a home with a family without hot water is no fun. And for those who struggle financially to replace those systems, we do not want to place an added burden and an added cost impost on them. That is what these amendments are about.

They also fulfil our election commitment about ensuring that, in new dwellings, we would see these standards imposed. We believe, though, it is reasonable to ensure that we do not go as far as the Greens wanted to in this regard and impose it on existing dwellings.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.44): The government will not be supporting these amendments. They do represent what we believe to be a backward step, both in terms of the Greens' bill and the Greens' stated objectives, and the national agreements that the government is party to and is progressing.

I would signal that, should these amendments be successful today, then the government will have to bring in further legislation to meet our requirements under the COAG process, and we will do so. It amazes me that we have just got what I believe to be an indication from the Greens that they are going to accept the watering down of their legislation in this way. Again, that is a choice they make. We will obviously be back to debate these issues another day.

**MS LE COUTEUR** (Molonglo) (4.45): The Greens will support these amendments, admittedly with quite a degree of reluctance. The reason we are supporting them is



basically that we want to see immediate action, or as close as we can to immediate action, on this proposal. Energy efficient hot water is one of those things where we could have a win for the environment and a win for people's hip pockets, particularly at present.

As I am sure all members are aware, the federal government is offering substantial rebates for purchasing new energy-efficient hot-water services. You can get from the REC system about \$800 to \$1,200 off, and then there is the federal solar hot-water rebate, which is a \$1,600 federal rebate available to households replacing electric hot-water systems. This means that the cost of a replacement hot-water system is about half what the cost would be otherwise. It is only a few hundred dollars more than replacing it with an electric hot-water system.

**Mr Barr:** Plasma TV?

**MS LE COUTEUR:** Much less than a plasma TV. According to the federal government's figures, you should expect to save between \$300 and \$700 a year by having a more energy-efficient hot-water service.

I suppose I could say my major regret in this is that such legislation is even necessary. Why are not people doing it? Why is not everybody doing it anyway? I guess I know the reason why people are not all doing it anyway. Your hot-water system fails, you think, "I need hot water, I need it," and then the simplest, quickest thing, you think, is to replace your old electric hot-water system with a new electric hot-water system. And you do not even think about the bigger implications: the fact that you might save money for yourself, the fact that you might do something positive for the environment. You just do what the plumber tells you to do.

But it is a substantial disadvantage. And here I am going to quote from Dr Hugh Saddler, who, I think again, we are probably all aware of. He is a local energy-efficiency expert and one of the many experts who did give us advice and feedback about our bill. He said:

The changes proposed by this Bill could make significant energy savings for Canberra houses. Canberra has a large proportion of houses with gas which still use electric hot water heaters. Converting these houses to efficient hot water systems when the existing system has to be replaced is the low hanging fruit, in terms of lowest cost and highest energy savings. This is particularly prevalent in rental houses, and passing this Bill could significantly reduce energy bills for low income renters.

I point this out to the Liberal Party in particular, because passing this part of the bill could have led to significantly reduced energy bills for low income renters. We discussed this with ACTCOSS and they also were supporting it for this reason.

I take Mr Barr's point about it not being a positive step. We would be happy to support a positive amendment from the government. At any time you wish to bring it forward, we will be happy to do that. But given where we are right now, we will be supporting reluctantly the Liberal Party's amendment.

Question put:

That **Mr Seselja's** amendments be agreed to.

The Assembly voted—

Ayes 9

Noes 6

Ms Bresnan	Ms Hunter	Mr Barr	Ms Porter
Mr Coe	Ms Le Couteur	Ms Burch	
Mr Doszpot	Mr Rattenbury	Mr Corbell	
Mrs Dunne	Mr Seselja	Ms Gallagher	
Ms Hanson		Mr Hargreaves	

Question so resolved in the affirmative.

Amendments agreed to.

**MS LE COUTEUR** (Molonglo) (4.52), by leave: I move amendments 1 to 7 circulated in my name together [*see schedule 2 at page 3776*]. These are very minor, technical amendments. What we are talking about is the change of numbering in climate zone terminology. It changes references to the climate zone of the ACT for the purpose of determining renewable energy certificates. Instead of referring to climate zone 7, the amendment changes the bill to refer to the climate zone in which the ACT is located.

This recognises the fact that renewable certificate data has not yet been delivered for climate zone 7 for heat pumps, although I believe it has for solar hot-water systems and has for some time. So this new wording means that the closest climate zone that we have proper data for for the ACT will be the one that is used.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.53): The government will support these amendments. They go some of the way to filling in some of the holes and errors that were contained in the original bill. I suppose, to coin a phrase, Madam Assistant Speaker, they fill in some of the holes in the Swiss cheese. Unfortunately, what we have been left with has been left in the sun a little bit too long and has gone off. It is worth putting on the record that the Greens and the Liberals have now conspired to deliver, dare I say, a very brown bill. It is a step backwards. It will, of course, be noted elsewhere in the country the position that the ACT parliament has taken in relation to the national reforms and that the bill that will pass today is significantly inferior to the national agreement.

**Mr Hanson:** Write a letter, Andrew.

**MR BARR:** Indeed, Mr Hanson. Your actions will speak for themselves. I am sure that when word gets out about what has transpired in the Assembly this afternoon, Madam Assistant Speaker—

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): What will be a reflection on a previous vote, Mr Barr, is entirely out of order and you will cease to comment on the subject. Do you want to get back to the subject matter that we are debating?

**MR BARR:** Thank you for your guidance, Madam Assistant Speaker. The amendments address what was a clear error in the original bill. On that basis they are worthy of support in that they do at least ensure that the correct climate zone will be applied in the legislation. I am sure we would all welcome that as being an important advance in ensuring that the legislation that we finally end up with is in some way workable.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.55): We have no objections to these amendments. I would just say, partially in response to Mr Barr, that I think there has been—

**MADAM ASSISTANT SPEAKER:** You are not reflecting on a previous vote?

**MR SESELJA:** I am not going to reflect on the vote at all.

**Mr Barr:** It's good to see you even-handedly applying the standard, Madam Assistant Speaker.

**MR SESELJA:** I would not expect anything else. I am sure that anyone questioning that would be brought to order very quickly. Madam Assistant Speaker, the minister has not acted constructively on this. There is no doubt about it. There has been no willingness to negotiate from the government. I think there has been a relatively constructive negotiation. What we will eventually have in this bill, I think, is a good step forward, a very important step forward. It is a reflection of the very clear policy that we took to the election. We are very pleased that we could work with the Greens on this to get it right.

I would say, though, that where we disagreed with the Greens was on the need to amend it for existing dwellings. There was a comment that it was only a few hundred dollars. There was a comment across the chamber from Mr Rattenbury, I think, that it cost less than a plasma TV. It is a very different thing from a plasma TV to be replacing your hot-water system when you have got no hot water in the house. It is often a very stressful thing for a family. Many families do not have the money and I am not prepared to support a situation where we impose an added cost burden on them. It is very different from a family choosing to buy a plasma TV. This is one of the essentials of life and this is where we depart sharply from the Greens. That is why I am very pleased at what we have been able to negotiate.

But it does take negotiation. We are not going to agree with everything that is put forward by anyone in this place. There will be lots of things that we do agree on and by finding those we will sometimes get legislation that is workable. I think what we will get here is a good step forward. It is focused on where we believe it should be. It does not impose an added cost burden on low income families who are replacing hot water systems. We are very pleased that our policy will be reflected in this bill as it is going to be passed.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.58): I stand because I think it is time to dispense with the rhetoric around this bill and the

amendments proposed and to get a few things straight. Firstly, this is not—and I repeat “not”—an ill-conceived bill. Again, I repeat the strong request of my colleague Ms Le Couteur that the minister table the advice from ACTPLA and DECCEW to substantiate his claim with regard to any flaws in our original bill.

If the minister does not table the advice he continues to refer to, the community can only assume that he is misleading them with political interference. We have consulted at least a dozen experts in the field and numerous professional organisations. For Minister Barr to claim that we have not is nothing short of misleading. I can quote Dr Hugh Saddler who is a notable expert on energy in Canberra and one of a number of experts who gave us feedback and technical advice on our bill. I quote Dr Hugh Saddler:

The changes proposed by this Bill could make significant energy savings for Canberra houses. Canberra has a large proportion of houses with gas which still use electric hot water heaters. Converting these houses to efficient hot water systems when the existing system has to be replaced is the low hanging fruit, in terms of lowest cost and highest energy savings. This is particularly prevalent in rental homes and houses, and passing this Bill could significantly reduce energy bills for low income renters.

Secondly, Madam Deputy Speaker, let us get it clear what the original bill will and will not do and how these amendments will affect the intent of the original bill. The original bill will significantly reduce energy bills for low income renters and this has been supported by experts such as Dr Saddler and organisations such as ACTCOSS.

Thirdly, contrary to what Mr Barr is sprouting in the media, industry already know that change is coming and are prepared, largely because other states and territories have already made changes. Some of them even did it way back in 2006. Mr Barr's statements in the media that claim the industry is not prepared do not reflect reality. In fact, they only expose that Mr Barr is not in touch with industry or the issues surrounding energy efficiency changes.

To make significant energy savings for the ACT community is why the Greens introduced this bill. I encourage the minister and the opposition to grasp this concept. It is about making significant energy savings. It is without a doubt that the ACT is lagging behind other states in reform on energy efficiency and the now ACT government would like the people of the ACT to wait at least a further 12 months or more for an uncertain COAG process to deliver. But when will this happen? How much longer does the government want the people of the ACT to wait for climate change and energy efficiency reform?

Why is the government seeking to confuse the people of the ACT by firstly claiming that the Greens' bill will have a negative impact on the community and then claiming that it will implement the same reforms through the COAG process? Why is the government running these confusing lines? It is because this government is not genuine about saving greenhouse gas emissions now. It wants to delay the decision to an uncertain time with uncertain details. Why will this government not support the Greens in giving the people of the ACT guaranteed energy savings? Because the government would not support any parts of the bill, have not brought any amendments

and have given no legitimate reasons as to why, we are now supporting the Liberal Party's amendments, which will be an improvement on government inaction.

I can assure the people of the ACT that the original bill, as amended, will fall far short of the mark of its original intent and far short of the benefit it could have delivered the people of the ACT. The Canberra community cannot trust the planning minister or the environment minister to act without Green leadership on environmental issues. So we have put forward a proposal to address energy consumption and greenhouse gas reduction for the ACT community. We have led the way and the government cannot even follow.

The voters of Canberra wanted change. They wanted Green leadership, so they voted for Green MLAs. They have entrusted that the Greens will deliver on climate change initiatives. Sadly, it appears that we will have to drag the government kicking and screaming up to the speed that the people of the ACT want.

The Greens will be accepting the opposition's amendments, so something can be delivered to the people of the ACT. But I want the community to clearly understand that Mr Barr would not work with us on this bill. He has not made available any help or evidence from ACTPLA or DECCEW. By these actions he makes it very clear that the government is not serious about the threat of climate change and the need for increased energy efficiency. Do not, Madam Deputy Speaker, for one minute mistake this government for anything but a pale shade of green. In fact, we could refer to it as "light green", as the public can very clearly see who is leading on the extremely important issue of energy efficiency.

Amendments agreed to.

**MS LE COUTEUR** (Molonglo) (5.04): In rising to close the debate I thank Ms Hunter for her comments about the process that we have gone through in doing this. It has been a quite amazing process. I originally introduced the bill in April. I was told by the planning minister's office that it was fatally flawed—so badly flawed that there was no possibility of amendments and there was no possibility of even telling me what was wrong with it. I do not know what was wrong with it because they were not capable of telling me.

I then made some amendments to the bill. I tried to think of all the possible things that could be wrong with it. There was still no feedback from the government. However, I did have lots of feedback from the community. As I said before, most of the community thought that this was already the law. I did not find objection. The only people who had any objections were concerned about equity issues with low income people. As I said when quoting Dr Hugh Saddler, we believe that one of the reasons that you should support the original bill is to protect the low income people of Canberra.

It is important to act on greenhouse gas emissions and energy efficiency. This is one of the ways in which the Assembly can act which will be good for the environment and good for the financial efficiency of the people of Canberra. It is one of the occasions when there is a win for the environment and a win for the economy. That is one of the reasons I have been so passionate about supporting this.

I will not say any more because I think it has already been said. I am very disappointed that I did not have support from the government for this. If this comes in in the future then obviously we will be delighted to see it. I was very pleased that we had at least positive words about energy efficient hot water from all three parties in the Assembly. I am disappointed that only the Greens were prepared to stand up for something which would be very good for the environment and very good for the economy. I am appreciative that the Liberal Party went as far as their election policy. I am disappointed that the Labor Party, as yet, have not chosen to go as far as their election policies. I commend the bill, as amended, to the Assembly.

Remainder of bill as a whole, as amended, agreed to.

Question put:

That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 6

Ms Bresnan  
Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson

Ms Hunter  
Ms Le Couteur  
Mr Rattenbury  
Mr Seselja

Mr Barr  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves

Ms Porter

Question so resolved in the affirmative.

Bill, as amended, agreed to.

## **Gaming—sale of Labor clubs**

**MR SMYTH** (Brindabella) (5.12): I move:

That this Assembly:

(1) notes:

- (a) that the Treasurer has referred certain documents to the Gambling and Racing Commission for inquiry;
- (b) the continual refusal of the Chief Minister to fully answer questions concerning his role in the proposed sale of the Canberra Labor Club Group;
- (c) that the Gambling and Racing Commission does not have the same independent role as the Auditor-General or an Assembly committee; and
- (d) the significant concern surrounding the proposed transaction and apparent conflict of interest with the ACT Labor Government; and

- (2) calls on the Chief Minister to fully detail his participation in the proposed sale of the Canberra Labor Club Group.

The sale of the Labor Club Group is an issue of considerable concern to the community. There is so much concern that the president of the Labor club has raised his concerns that the proposed transaction could have involved improper influence or unlawful acts. The ACT Treasurer, having been written to about these concerns, referred the matter to the Gambling and Racing Commission.

At this point we do not know the extent or timing of that inquiry, what can or will be investigated or what the inquiry process will be. I emphasise that we support most strongly the Gaming and Racing Commission. The integrity of this commission is unquestioned. What we are doing, however, is questioning whether the commission is the best agency to conduct this inquiry, given the limits that apply to the commission. The commission can only investigate the gaming issues. The commission cannot examine the application of corporations law or any possible tax implication. Indeed, the commission cannot determine policies relating to gaming; that is a role for the Assembly alone. I emphasise that there are important issues of public policy that must be considered relating to the sale of poker machines. It is essential that the proposed transaction involving the Labor Club Group is not rushed through.

I need to comment briefly on the basis on which poker machines were introduced into the ACT. It was not intended that they create private gambling empires. Indeed, as the former Treasurer said in his presentation speech in May 2004 when introducing the current act, eligibility for gaming machine licences remains with those venues that are genuinely not for profit; community contributions are an integral requirement of the way in which poker machine revenues are to be used. The current Chief Minister has repeatedly reinforced this community bias. In November 2007, he said in the Assembly that those amongst our community who make the decisions to run the clubs do it because of their commitment to the community.

That is all useful background. It leads directly to the role of the Chief Minister in the process that the ACT Labor Party has put in train to sell the Labor Club Group. We are well aware that the Chief Minister has refused to answer questions about his involvement in this process. The other four ministers in the ACT government, who are to be congratulated, have each said that they have not been involved in the sale process, that none of their staff have been involved in the sale process and that none of their representatives have been involved in the sale process. The Chief Minister, on a number of occasions now, has ducked this question, even though the Chief Minister is a member of the ACT Labor administrative committee.

There remain many questions to be answered in relation to this matter and there are serious questions relating to the activities of people who have been alleged to have influenced the sale or the halting of the sale of the Canberra Labor Club Group. In the context of our debate today, the real question is: what role did the Chief Minister, as a member of the Labor Party administrative committee, have in this matter?

A critical issue in the entire matter is the conflicts of interest that are either evident or appear to exist in relation to this transaction. This is especially pertinent in the context

of the ministerial code of conduct, where ministers are required to avoid situations where their public duty may, or has the potential to, conflict with their private interests.

Now let me turn to the Gaming Machine Act. Before I turn to the Gaming Machine Act, let me say that this is interesting in the context of today and the answer that the Chief Minister gave, which again raises even more questions. Just some weeks ago, Jon Stanhope voted to veto the sale of the Canberra Labor Club Group as a member of the powerful administration committee of the Labor Party, yet today in the Assembly he stated that he was 100 per cent behind selling the clubs. The backflip by the Chief Minister is of concern. You have to ask what forces are at play here, given that the right faction of the ALP, with its overwhelming numbers in the Labor Party caucus, can essentially dictate to the Chief Minister how the government and the Labor Party can be run.

Now let us look at the Gaming Machine Act. The Gaming Machine Act prohibits, in section 14, the use of the gaming machine licence for individual or commercial gain by someone other than the club. There appear to be grounds for questioning the basis of the decision by the Labor Party to sell the Labor Club Group, as an integral component of the transaction was to be the sale of the gaming machine licences. The Labor Club itself has acknowledged the significance of these licences to the overall transaction. In the *Canberra Times* of 15 August this year, the president of the Labor Party was reported as saying:

Cancelling the Gaming Machine Licences would make much of the clubs worthless.

Some of the recent headlines in the *Canberra Times* reinforce concerns about the nature of the proposed transaction. On 25 July 2009 we had the headline "ALP branch sells 'river of revenue'". On 26 June 2009, there was "Labor in for \$20 million boost on club sale". Moreover, once the prospect of the transaction became public, other players emerged and other issues or concerns were raised. The national executive of the Labor Party weighed into the transaction, as reported in the *Canberra Times* on 19 July 2009:

The national executive also made it clear in high-level talks on Thursday that the proposed \$20 million sale of the party's lucrative Canberra Labor clubs to the Tradesmen's Unions Club might not reflect market price.

You would ask why the national executive might weigh in. We had further statements from the national executive when they said that the Canberra Labor Club Group represents about half of the asset base of the national party.

**Ms Gallagher:** Why don't you join the Labor Party, Brendan?

**Mr Hargreaves:** You wouldn't be the first man who tried.

**Ms Gallagher:** Last time I looked you were a member of the Liberal Party.

**MR SMYTH:** Yes, that is okay. We are keeping you lot honest. That is the whole purpose of this, Katy. That is the whole purpose. From this we therefore have a



number of serious potential conflicts of interest that have become apparent in this matter. We have one body, the ACT government, which is charged with regulating the gaming industry in the ACT and which is also a major player in the gaming industry. The body charged with investigating regulatory breaches, the Gambling and Racing Commission, reports to a minister, the Treasurer, who has a vested interest in the outcome of that investigation. The CEO of this commission, who is charged with running the investigation in this matter, is appointed by and can be removed by the minister who has a vested interest in the outcome of the investigation.

Then there are reports that the ACT Labor Party's administrative committee exerted influence on the board of the Labor Club Group to halt the sale of the group. As far as we are aware, the Chief Minister, Jon Stanhope, is a member of the Labor Party's administrative committee. During recent publicity about this matter, it is evident that the Chief Minister gave direct quotes that could be read as influencing the decision making of the board of the Labor Club Group.

Then we have the recently appointed temporary secretary of the ACT Labor Party, Ted Quinlan, who was brought in to resolve the conflict. He also is reported to be a member of the board of the clubs.

All that the community can see of this matter is a tangled web with millions of dollars at stake—millions of dollars in which the community has an interest, because these licences are for the benefit of the community, and for which the community demands and expects accountability.

The various conflicts or potential conflicts in this matter heighten concern about the nature of the proposed transaction and the role of various parties, both directly and indirectly, in influencing the progress of the transaction.

At the most fundamental level, gaming machine licences did not provide, and were not intended to provide, the capacity for an organisation to build up and then sell a gambling empire. There is no provision in the act to sell the licences. They are to be surrendered. They are to be reissued. Yet this is what is proposed with the proposed transaction in which the Chief Minister has been involved through his membership of the administration committee.

In the *Canberra Times* of 29 July, the Chief Minister is quoted as saying:

It would be bizarre in the extreme if the Labor Party as the owner of an asset says we no longer wish to sell this asset but a group, albeit members of the Labor Party and directors of the board, says well we are going to sell the asset anyway. That's just untenable.

It raises the issue of who owns the Labor clubs. This is a Chief Minister who has far more than a passing interest in this matter. At this point, the Chief Minister must satisfy the community about his involvement in all aspects of the proposed sale transaction. That is the simple objective of the motion. As one can see from the notice paper, part 1(a) says:

... the Treasurer has referred certain documents to the Gambling and Racing Commission for inquiry ...

Perhaps the Treasurer would also like to table those documents for the certainty of this place. Part 1(b) says:

... the continual refusal of the Chief Minister to fully answer questions concerning his role in the proposed sale of the Canberra Labor Club Group ...

Part 1(c) says:

... that the Gambling and Racing Commission does not have the same independent role as the Auditor-General or an Assembly committee ...

Part 1(d) says:

... the significant concern surrounding the proposed transaction and apparent conflict of interest with the ACT Labor Government ...

The motion:

... calls on the Chief Minister to fully detail his participation in the proposed sale of the Canberra Labor Club Group.

That is not hard. We have asked a number of times. We have got a number of ministers who have simply answered no. They have given the confirmation that neither they nor their staff or their representatives have sought to influence or have a part in this. That is not the answer that we have received from the Chief Minister.

For clarity's sake, it is very important. For certainty of process, it is very important. For an understanding of compliance with the law, it is very important that the Chief Minister fully details his participation in the proposed sale of the Canberra Labor Club Group. That is why we are moving this motion today.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.23): Despite whatever Mr Smyth may claim in here, the vendetta on the Labor clubs is motivated by politics of envy and nothing more. This petty jealousy and desire to score cheap political points through the bill he tabled this morning has meant that he and the Liberals have chosen to draw the entire club industry into their politicking, all for the sake of a fight with the Labor Party over the Labor club. And with this motion, he sees fit to draw into his pursuit the independence of the Gambling and Racing Commission, making unjustified, uninformed and ignorant claims about the roles and powers of the commission in relation to issues on the proposed sale of any club in the ACT.

Under the Gambling and Racing Control Act, the Gambling and Racing Commission has extremely wide-ranging powers, including but not limited to approving and regulating all gambling and racing activities within the ACT and investigating and conducting inquiries into issues related to gaming and racing, including the activities of individuals in relation to gaming and racing, for the purposes of exercising functions under the gaming laws. Thus, the powers exercised by the commission for the purposes of the administration or enforcement of the gaming laws are very broad,

both in relation to the activities regulated and the organisations and individuals monitored and investigated.

The commission and its authorised officers have substantial powers of investigation and enforcement. If Mr Smyth were to listen, he would find that they are actually much wider than those of the Auditor-General in relation to this matter. He has the powers to serve notice on individuals, to provide information or attend and give evidence on oath or affirmation, to enter and inspect any premises at any reasonable time and remove anything that might be used as evidence, to require any person on such premises to answer questions or provide documents in their possession, and to conduct searches of premises as authorised by warrant and seize and remove evidence. These powers extend well beyond the usual powers of most government bodies. This is for very good reason. According to the act, the commission must perform its functions in a way that best promotes public interest. It therefore needs these broad powers to do so.

The commission consists of five members, one of whom must be the Chief Executive Officer of the commission, who must also be a public servant. Otherwise, the members are independent and their appointment is subject to scrutiny by the relevant Assembly standing committee.

The Auditor-General exercises power only in respect of territory agencies, including territory-owned corporations. The auditor's power to obtain information is limited to a written request, although the auditor may require a person to answer a question under oath or affirmation. The auditor or an authorised person may enter a premises at any reasonable time, provided that premises is occupied by a territory entity. The auditor does not have the power to demand a person on such premises answer questions or produce documents in their possession, nor can the auditor conduct searches authorised under a warrant. By contrast, the commission can.

I will be interested in Mr Smyth's analysis of that. His entire argument seems to rest on the point that I could dismiss the Chief Executive Officer, despite the fact that the Chief Executive Officer is one of five members of the commission. So I cannot dismiss them and, if you read the legislation, Mr Smyth, you would actually understand that.

The proposed sale of the Canberra Labor Club Group, if it proceeded, could only be to another gaming machine licensee in the territory; thus the machines would stay in the territory for the benefit of the community. The surplus from any sale of the Labor Club Group would be a matter for the members of the club to determine, as reflected in the club's constitution. I think if you look at other clubs around the territory, that is a similar process—that all are established under their articles or constitution—and it is a matter for the members of those clubs to determine any proceeds of any transfer of licences.

The Gaming Machine Act provides that a club's gaming machine licence must identify its influential persons, who must undergo suitability checks undertaken by the Gambling and Racing Commission. In addition, it is a requirement of the act that a club's management committee must have complete control over the club's business

or operations or any significant aspect of the club's business or operations. This requirement relates to the way a club makes management decisions on their activities. It deals with the question of who makes a decision and therefore who is in control.

In interpreting the application of this requirement under the act, that is, section 14(1)(h), consideration must be given to the normal business practice that a board or management committee may seek or receive advice from a range of persons who may offer differing opinions or views about a subject matter under consideration by the board, for example, seeking members' views or obtaining expert opinions such as legal or financial opinions.

Any corporate board is the subject of suggestions or lobbying on a regular basis, irrespective of whether the opinions that have been provided have been sought or, indeed, are welcome. Some opinions or views are accepted. Some are not. This is a matter of judgement for the relevant board. Equally, just because someone provides an opinion to a board does not necessarily mean they have control over the business. But quite rightly, I have not discussed those matters with the commissioner. In fact, the only discussion I have had is via letter, where I referred the letter, which I was copied, to the commissioner and I have received a letter in response saying that he will pursue the matter of the issues raised in that letter.

The Assembly knows that I have done that. I did that the first day I received the letter, and it is quite appropriate that the Gambling and Racing Commission fulfil the functions that it was intended to fulfil, as established under the relevant ACT legislation. I am very certain that, if there has been a breach of the Gaming Machine Act in this case, the commission's investigation will reveal that. I have already given a commitment in this place that I will report back to the Assembly on the commission's investigation when I receive it. I am happy to do it on the next sitting day after receiving the report. The commissioner has advised me that he will forward the outcomes of the investigations to me. I can stand here and say that I will provide that to Assembly members at the first opportunity that I have.

I was interested to hear Mr Smyth say something correct in his speech, which is always good, that the Gambling and Racing Commission cannot look at the Corporations Law or the taxation law or, indeed, administer either of those. However, Mr Smyth did go on to say that that is a matter for the Assembly. I am interested in the role you seek for the Assembly in administering and interpreting the Corporations Law.

**Mr Smyth:** I did not actually say that.

**MS GALLAGHER:** You did.

**Mr Smyth:** You have to listen closer.

**MS GALLAGHER:** I will listen closer and I will review the *Hansard* but you said it was not a matter for the Gambling and Racing Commission and therefore those matters are now a matter for the Assembly.

I would also question Mr Smyth's attack on the broader club industry, as outlined by the legislation he presented today, this motion and, again, the motion that he has got on the notice paper for tomorrow. I think it is worth drawing the Assembly's attention to the fact that the champion of the consultation MPI yesterday has failed to consult anyone in the club industry over the intentions that he pursues through this. I would say that—

**Mr Coe:** How do you know that?

**Mr Hanson:** How do you know that?

**MS GALLAGHER:** That is not the feedback I have got. In fact, the feedback I have got more broadly across the club sector is that they have not been consulted over any of this and that they are extremely unhappy about the motion being put forward and the attacks that the Liberal Party are waging on the community aspect of the club industry in this town. I imagine the taverns would hold similar views.

But I would just say that, in Mr Smyth's haste, he has failed to consult. These are difficult issues; they are worthy of further examination. In fact, we have been consulting for the last six months with the club industry on potential changes to arrangements that they would like to see implemented.

**Mr Smyth:** And when will you table that report?

**MS GALLAGHER:** Table which report?

**Mr Smyth:** Your response to the inquiry on changes?

**MS GALLAGHER:** We have not finished it. We have just received submissions. We got 24 submissions and, lo and behold, there was not one from Brendan Smyth saying that he would like to completely shut down any sale of any club for any reason for—I do not know—the rest of the year, maybe longer, whilst he investigates other matters in pursuit of a fight with the Labor Party.

But I would imagine that, if these were such huge issues of importance for the opposition and have been for some time and are not just a political campaign that is convenient for Mr Smyth to run at the moment, there would have been a submission raised and/or ideas proposed through that broad consultation process that we have undertaken. But no! What a surprise! There is nothing from the Liberal Party.

In relation to the Chief Minister, the Chief Minister has answered the questions fully and in detail and repeatedly. He has also called on the opposition, in response to repeated questioning of him and his responses to that question, to table any evidence they had to the contrary. You have not done so. The Chief Minister has answered in full. I think if you review the *Hansard* you will see that he has answered in full and he has answered in line with what other ministers have answered.

**Mr Smyth:** No, you thought we just said no.

**MS GALLAGHER:** Go back and have a look, Mr Smyth. You obviously do not read everything as closely as you would have us all believe. I move:

Omit all words after paragraph (1)(a).

Essentially, briefly talking to the amendment, it deletes all words after paragraph 1(a), which notes that the concerns raised have been referred to the Gambling and Racing Commission. Let us let them do their job. That is what the Assembly established them to do under the relevant legislation. Everyone supported that legislation and was fully behind it until the process of the Canberra Labor Club Group sale commenced. Now, surprise, surprise, the Liberals do not support that and they are attacking the independence of this commission. The commission should be allowed to do its job. The Assembly has passed a motion supporting that already and this merely confirms the will of the Assembly as outlined last week.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (5.34): The Greens will not be supporting this motion. We will be supporting the government amendment, as we believe the motion will make no further contribution to the concerns raised by the Assembly last week with regard to the proposed sale of the Canberra Labor clubs.

The Assembly passed a motion last week expressing its concern with allegations raised in the *Canberra Times* and the *Australian* newspapers. This motion called upon the Gambling and Racing Commission to investigate a possible breach of the Gaming Machine Act 2004 in relation to the proposed sale of assets by Canberra Labor Club Ltd. The motion also called upon the ACT Gambling and Racing Commission to have tabled in the Assembly the full findings of an investigation into the claims, should an investigation be pursued and completed; and, lastly, that the Gambling and Racing Commission provide to the Assembly reasons why it may decide it does not have sufficient grounds to conduct an investigation into the claims if it finds that to be so.

The Greens are seeking a full investigation and a full and frank disclosure under the current legal arrangements which provide for investigation of these matters by the ACT Gambling and Racing Commission. The Treasurer has assured the Assembly that these matters are being investigated by the commission and the Greens believe that we must allow this process to be completed. The claims are very serious and there are many questions yet to be answered and resolved. However, a process has been initiated, and the Greens will be looking for a timely report from the ACT Gambling and Racing Commission.

**MR SMYTH** (Brindabella) (5.36): I assume this is the conclusion of the debate. If something happens in this place, Minister Gallagher simply says, "It is cheap politics." But we did not raise the issue of corruption. We did not raise the issue of murkiness. The president of the Labor club did that in a very public way by writing letters to at least three ministers and discussing the issues in the *Canberra Times*. So it is very hard to accuse us of cheap politics when we did not raise these particular concerns.

These concerns were aired by a member of the Labor Party—not a member of the Liberal Party—and a very important member: the president of the Labor club. We have heard about the politics of envy. The concerns were raised by the president of the Canberra Labor Club Group. I am not sure what he is envious of. It certainly was not raised by the Liberal Party.

Do we take an interest in these issues when they are raised? Yes, we do. Yes, we should. Yes, we have an obligation to because that is the role of the opposition: to scrutinise in this case what the government is doing, in this case the minister in her administration of the act, and—

**Ms Gallagher:** And you have not been able to find any fault, have you Brendan, unfortunately?

**MR SMYTH:** No. That is just it. The minister said we have not been able to find any faults. We have not raised any faults. We want the murkiness cleared. That is what we are asking for here. With respect to Ms Hunter, we acknowledge the motion of last week, but since then we have asked further questions of the Chief Minister and he has not answered those questions to our satisfaction.

Four ministers gave unequivocal answers—not me, not my staff and not my representative. The Chief Minister does not do the same, and it is the shame the Chief Minister is not here to talk about the issue. Indeed, it is instructive that for most of her speech the minister did not address the motion. She spoke about process. That is fine. She spoke about the act and the commission. That is fine as well.

But the point here is: what is the Chief Minister's role in this? We have seen the back-flip. As I have pointed out, the Chief Minister is on the administrative committee. They directed the board not to do it. He voted for it, apparently. It was a unanimous vote—I think he told the *Canberra Times*—a unanimous vote. But then today he says he is in favour of the sale. What is his position on this? We do not know. We do not know what influence he has brought to bear because he has not told us.

The minister said that I had said that only the Assembly can investigate corporations law or possible tax implications. The minister needs to listen more closely. I will read the paragraph again. I said, “The commission can only”—she agreed with me; she said I got this bit right—“investigate the gaming issues. The commission cannot examine the application of corporations law or any possible tax implication.” I then said, “Indeed, the commission cannot determine policies relating to gambling: that is for the Assembly alone.”

That is what I said. I did not say the Assembly was the only body that could investigate the Corporations Law or possible tax implications. But it can, and it could reasonably do it through an inquiry, potentially through the public accounts committee. We may talk about that later.

The issue here is the continuing murkiness of the on-again, off-again sale. We do not know who these people of influence are. In theory, we do not even know who owns

the Labor clubs and owns the licences. The national office of the ALP think they do. At least they say that it is half of their asset base. Somebody needs to come clean and ask how it is that the national office owns half of this thing that is the Canberra Labor Club Group. In theory, the licences belong to the members, not to the national office of the Labor Party, and that is why this is murky.

It is very easy politics to characterise what we are doing as holding the government to account. We had confirmation today from the Chief Minister that there is a conflict of interest, which I have been saying for a long time and which the Labor Party has rejected. The Chief Minister spoke earlier about divesting themselves of their poker machine licences because he felt that was what the Liberal Party wanted.

What we actually said for many years is that they have to acknowledge the conflict of interest that exists in members of the Labor Party, who vote when their club holds these licenses. We got some sort of acknowledgement of that today. By distancing themselves from the Labor club and adopting the take the money and run approach, they have confirmed the conflict of interest.

The problem for the community is that this is quite unforeseen by the act. The act talks about surrender of licenses and the reissue of licenses. It does not talk about the selling of licences, and the president of the Labor club makes it quite clear that that is what they are doing. If they do not sell the licences, then the clubs would be worthless. The *Canberra Times* of 15 August reports him as saying, "Cancelling the gaming machine licences would make much of the clubs worthless." That is right.

Now we have confirmation that what they are selling is the cash flow. They are selling the cash stream—the rivers of gold—so that they can take the money and run. I contend that that is probably illegal. It is certainly not intended under the act. This is why we say we need to know what role the Chief Minister has played in this, because we clearly do not know. The Treasurer should go back and read the Chief Minister's answers because they are all over the place. You can pick and choose which answer you want to believe on whichever day the minister gave it.

That is why we have moved this motion today. We would like the Chief Minister to come down and give an unequivocal no, that he, his staff or his representatives exerted no influence over the members of the board in regard to this sale. It is a very simple request. It is a very easy thing to do. All ministers managed to do it when they were first asked. They managed to do it without any hesitation, but not the Chief Minister, and that is the problem.

While the murkiness on who owns the clubs continues, while the murkiness continues on who exerted the influence, while the murkiness continues on possible breaches of the Corporations Law and while the murkiness continues on possible breaches of the tax act, we need some answers. The Assembly is an appropriate place to get those answers.

The commission will look at the gaming machine aspects, and rightly so. But the Assembly still has the right, should have the right and will have the right to ask these questions because it is appropriate to hold the government to account. It goes back to



the ministerial code of conduct. They are ministers 24 hours a day. The Chief Minister said it in his tabling speech: they are ministers at all times. You cannot take off the cloak of ministerial responsibility that is conferred on you when you become a minister and say, “No, today I am not a minister. For this issue I am not a minister.”

People look at you. They think you are the Chief Minister, they think you are the Treasurer, they think you are the minister, and that is appropriate because you are. Your responsibilities run 24 hours a day, seven days a week, every day, every week of every year you are in office. You cannot pick and choose what you say and do and where you say and do it. It is unfortunate, but that is the nature of the job.

So that is the purpose of this motion—simply to have the Chief Minister come down to fully detail his participation in the proposed sale of the Canberra Labor Club Group. Unfortunately, we do not seem to want to have this level of scrutiny. Unfortunately, the Greens will back the amendment that simply makes this, to quote Ted Quinlan, a statement of the bleeding obvious. Yes, we have sent it off to the commission. We all know that. The problem is that what we do not know is the full role of the Chief Minister in this whole issue.

Question put:

That **Ms Gallagher’s** amendment be agreed to.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Ms Porter	Mr Hanson
Ms Gallagher	Mr Rattenbury	Mr Smyth

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## **Associations Incorporation Amendment Bill 2009**

Debate resumed from 1 April 2009, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.48): Mr Speaker, the government will be supporting this bill. The bill provides for a range of changes to the operations of the Associations Incorporation Act. In particular, the bill has regard to a range of issues around the privacy of the details of registered officers that are provided to the Registrar-General’s Office.

Those details do need to be protected, particularly in relation to organisations where the bodies involved often perform sensitive functions; for example, in relation to community organisations that may provide organisations such as women's shelters or other refuges to harbour people seeking shelter from domestic violence and so on. It is important that in these circumstances the details of those officers, their personal details and contact details are appropriately protected.

The bill provides for that mechanism, and the government agrees with the proposal. The proposal is relatively straightforward, and the government will lend its support to the bill.

**MRS DUNNE** (Ginninderra) (5.49): The opposition will be supporting this bill, introduced by the Greens in April, and I will comment on it only briefly. This bill affords private individuals with an increased level of privacy by giving those individuals the right to opt in or out of having their residential addresses available to the public through documents held by the registrar.

The nature of the kinds of organisations, not-for-profit organisations that are subject to the Associations Incorporation Act is such that individuals who serve on the boards of those organisations usually serve in a voluntary capacity. Those people do it because they want to serve their communities of interest. It is their way of contributing to the good of organisations and their members and other stakeholders. As such, they are entitled to some privacy and protection from having their personal contact details available to the public in a broader sense.

In his presentation speech Mr Rattenbury flagged a range of practical issues that might arise if the Assembly passes this bill. I will not repeat them all here, but I need to concentrate on a couple of them. One is that if a notice or subpoena has been served on a board member of an organisation, that person's address would not be readily available. This bill does not empower the registrar to release information about a person's private contact details.

Another is that there is a risk that this bill may add to the registrar's workload. This may have practical resource allocation implications, not only for the government but also for the office of the registrar. Mr Rattenbury raised these and other issues because he believed the government needed to consider and address them. The opposition agrees with that view. The government has the resources to be able to review those issues and make an assessment of them. Other than that, I make no comment on the specific matters that Mr Rattenbury raised.

Notwithstanding the issues Mr Rattenbury flagged in his presentation speech, the bill, as it is currently drafted, will stand on its own. Its operational ability will not rise or fall on those issues. They are matters that the government can, and should, consider and resolve in due course.

This bill will provide our volunteer community, in particular, with a higher level of privacy and therefore security. It will be particularly beneficial for boards and board members of organisations that deal with emotionally charged social issues and

situations, and the Attorney has mentioned some of those organisations. It will provide an added layer of protection for people who might otherwise serve their community were it not for their concern about their personal security, for whatever reason. It will give them the option of limiting exposure to their personal contact details to the general public. This is a sensible amendment, which acknowledges people's right to privacy and security and, at the same time, enhances the opportunities for people to serve their community.

The Canberra Liberals are pleased to support the bill, but we also urge the government to consider the wider and practical implications and to come back to this place in due course with a way forward if these amendments, in fact, create unintended barriers.

**MR RATTENBURY** (Molonglo) (5.53), in reply: I would like thank members today for their comments on the bill and for their support. When I tabled the bill back in April, I did invite members to contact my office with any suggestions or concerns. The one issue that Mrs Dunne has touched on that was raised was that of issuing subpoenas if physical addresses for representatives of organisations are not publicly available.

We did consider this issue at quite some length and looked at ways that we could clarify the process to alleviate any concerns that courts may not be able to issue subpoenas due to lack of public access to residential or business addresses. However, we believe we have got the balance right in this bill—the balance between what the bill seeks to achieve and the difficulties that courts may have in contacting people.

Proposed new section 13A(4) requires the public officer to have one address available for public inspection, thus ensuring that organisational representatives are contactable. However, should a public officer choose, then they could indeed list a post office box address under the current proposal. While I did consider removing the post office box as an option here, the result would effectively undermine the purpose of the bill for those people elected as public officers on behalf of their organisations. The intent of the bill is to ensure public officers the same level as protection as other committee members, not to expose them, although it is worth remembering, as I mentioned in the tabling speech, that most people who serve as public officers will be happy to provide the range of contact details.

There are many ways and means that courts have available to them to find people who do not wish to be found. However, the potential for this bill to close down those ways and means is somewhat limited. The Register of Associated Incorporations is not especially relevant in court actions against individuals. Rather, it is more likely that a court would require a contact for an organisation. As such, the removal of individuals' physical addresses from the public record is unlikely to be a concern.

Courts are able to use electoral records, last known address or even a court order to obtain details. Should a court apply for information from the Registrar-General using a court order, our bill would not apply to that process to for obtaining information as it is not being sought under section 11. Therefore, the requirement on the Registrar-General to produce the document in a way that does not show the person's address does not apply.

The Greens have engaged with members of the community who have expressed their support for this bill, including the ACT Council of Social Services. While it is, in effect, a simple procedural change, it has significant ramifications for those in our community who continue to volunteer their time on committees of community organisations but who are nervous about having their personal contact details so readily available to the public.

The Greens thank the government and the opposition for supporting this bill in the Assembly today. We look forward to it making a real difference for those tireless people in the community who volunteer their time on association committees and ensure that those community groups are able to operate as effortlessly as possible.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Defence and veterans communities**

**MR HANSON** (Molonglo) (5.56): I move:

That this Assembly:

(1) recognises:

- (a) the important role played in the ACT community by Defence Force members and their families, ex-service personnel, veterans and their families and the surviving dependants of Defence Force personnel; and
- (b) the important role played by ex-service organisations in the ACT and their great contribution to community life;

(2) notes the initiatives that have been implemented in other jurisdictions that support veterans' communities; and

(3) calls on the Stanhope-Gallagher Government to review its support to defence and veterans' communities in the ACT.

It is with great pleasure and a degree of honour that I rise to recognise the important role played by Defence Force families, personnel, veterans and ex-service members in our community. It is certainly an important role. It is important also to recognise the role that is played by the many ex-service organisations in our community. They support not only members but also other elements of the community. There is much that can be done, as I will outline. I will be calling on the government to do much more in support of our veterans community.

The ACT, perhaps more than any other place in Australia, is touched by its defence community. We have over 5,000 defence personnel currently serving in the ACT. There are approximately 13,000 ex-service personnel and veterans living in the ACT. When you take in the defence families and the families of all the ex-serving personnel, it is a very significant number. The number of ADF personnel, indeed, is over 3,000. When you consider the number of children in schools and the wives and husbands in the workplace, it is an incredible proportion of our community. Most of us are touched by somebody that we know who is a serving member, a family member or an ex-service member.

Currently we have a number of ex-service personnel deployed on operations in harm's way who are ACT residents. Our thoughts should go out to their families and friends. It is not easy being a member of a defence family. When we consider the issues of relocation, isolation and fitting into a new community, we should be doing everything that we can in the ACT to make the families of defence members welcome.

There are many hundreds of widows and dependants of service personnel who have died on active service or subsequently who live in the ACT. When all those factors are taken into account you find the ACT has the highest proportion of defence personnel of any state or territory in Australia. When you consider why the service community is so important, in very pragmatic terms it plays a significant role in our economy. Taking defence housing as an example, there are 1,800-plus homes in the ACT region. The economic activity that arises from defence is significant.

But more important is the recognition of the service of those members of our armed services who have served overseas and indeed in Australia. Last week we commemorated Vietnam Veterans Day. It was most encouraging to see the Chief Minister at that event. Next week is Legacy Week. No doubt we will all be encouraged to buy a badge as Legacy seeks to look after the dependants and widows of members who have served in the armed services and have passed on. It gives us pause to reflect. Unfortunately, in recent times we have had many occasions to do so.

*At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR HANSON:** When we reflect on the members that we have lost in Afghanistan of late, it serves to remind us of the contribution that is still being made by the Defence Force. There are many issues that affect defence families, but I want to turn specifically to those that affect veterans. There are many who have come back from overseas with physical harm and disabilities who also suffer mental anguish. War is not a pleasant place and many of our veterans have come back with problems. In particular, I note those who have come back from wars such as Korea, and in particular Vietnam, when the community's support for those veterans was not what it should have been.

Many of our veterans are facing issues to do with ageing. There is much that can be done to support them in their later years. Community organisations play a very

important role in looking after veterans. On my count there are 41 ex-service organisations in the ACT. You probably know many of them. There are organisations such as Legacy, who look after the widows and the dependants of ex-service personnel. Indeed, you will probably see all the adverts that are starting to appear on television calling on people to support Legacy, which nationally currently looks after 115,000 widows and 1,900 children. In the ACT it supports many hundreds of Defence Force dependants.

The Australian Federation of Totally and Permanently Incapacitated Ex Servicemen and Women obviously looks after those that cannot look after themselves because they are no longer in a physical or mental condition to do so. The Defence Force Welfare Association looks after members currently serving in the Defence Force and also those in retirement. It advises and assists those personnel with their needs. There are organisations like the Malaya and Borneo Veterans Association.

Another one is well known to us all—the Returned and Services League of Australia. I believe Mr Coe will be talking about that as an ex-employee of the RSL. They have a number of sub-branches across Canberra looking after the welfare of veterans. They look after advocacy issues, commemoration and remembrance services and so on. Other organisations include the Vietnam Veterans Association of Australia, the Vietnam Veterans Federation, the Korea and South East Asian Forces Association of Australia, the War Widows Guild of Australia, the Australian Army Training Team, the HMAS Sydney, Escorts and Vietnam Veterans Logistic Support Veterans Association and the Canberra Services Club.

In all, there are 41 that I have been able to get in contact with, working on a national level but based here in the ACT, that are specifically looking after the needs of ACT residents. The question then is: are we doing enough to support those organisations and are we doing enough to support our veterans in the community?

As you would be aware, on 24 April this year the opposition created a position in our shadow cabinet—the position of shadow minister for veterans' affairs—and called on the government to do something similar and appoint a minister. We are now the only state or territory not to have its own minister for veterans' affairs. Having engaged with many veterans organisations and individuals, it is clear that there is widespread support for a minister to be appointed in the ACT government specifically to address veterans issues. In the words of a letter I received from a veteran just recently:

I appreciated our short chat at the association meeting the other night and applaud your party for promulgating a shadow minister for veterans affairs in the assembly.

I now turn to a letter that I received from the President of the National RSL, Major General Bill Crews. Many of you would be aware of him. He is essentially the premier spokesman for many defence ex-service issues in Australia. I quote:

I am mindful that the ACT Government did not choose to follow the lead of other States in instituting a Veterans Affairs' Ministerial responsibility. However, it is of great assistance that you have taken on this role on behalf of the ACT Opposition, and we look forward to the support you are able to give our ACT-based veterans.

Following the model of the other States, I have been greatly encouraged by the way in which State-based Veterans Affairs Minister can, indeed, maintain the profile of veterans' issues within their respective States. There are, of course, a range of concessions and benefits made available exclusively to veterans in each of the States. In addition, there is the issue of memorials and commemorative activity which deserves special recognition at Ministerial level. Further, most of the States now run school programs with a strong focus on military history and awards which are made to those who excel, including overseas visits to well-known Australian Battlefields.

In due course I would hope that the ACT Chief Minister might reconsider his position, and I will propose that he do so when I next have a chance to speak with him.

As you can see, overwhelming support for the institution of a minister for veterans' affairs is coming not only from the grassroots but from the president of a peak body. The idea of a veterans affairs' minister in the ACT is not to duplicate the roles that are held at the national level but to focus on the issues that are affecting veterans locally, including ACT memorials and public education. It is about making sure that we deliver to veterans their full range of entitlements.

There are a number of ongoing federal issues, including the CPI indexation of defence pensions and other issues to do with a review of military compensation arrangements. I note the good work that has been done by many organisations in that regard. We should certainly endeavour to support those organisations in highlighting issues to the federal government. I particularly recognise in this regard the role of the Veterans Advice and Advocacy Service. I speak regularly with Louise Markus, the shadow minister for veterans' affairs, and Bob Baldwin's office to make sure that those issues are being taken up.

But the focus is on local issues. There is a great deal that could be done locally, if we saw better engagement with the veterans community. The veterans community have an organisation called the Kindred Organisations Committee. Basically, each of those ex-service organisations has a member to form a group of ex-service organisations. I would like to read to you some of the issues that they are facing at the moment which are not being addressed by the government. In a letter from the Kindred Organisations Committee to me they say they want to see a Chief Minister's veteran advisory council—and they say this has been requested by many ESOs for a number of years—so the veterans can hope to obtain the ear of government on many issues. Clearly, there is a feeling that they are not having the ear of government.

They say they want to see a war widows rental rebate. Again, this has been submitted to both Mr Stanhope and Mr Hargreaves for many years. They go through the issue in detail and say:

This has been ignored, to date, by both Mr Stanhope and Mr Hargreaves and many War Widow's are still missing out on the rental rebate.

They want to see a southside Vietnam community centre. Again, this has fallen on deaf ears with the ACT government. They call for toilets on Anzac Parade and state

that this has been another ongoing submission to the ACT government. They ask that facilities be provided halfway down Anzac Parade. Again, there has been inaction from the government. Regarding the Veterans Park redevelopment, there are a number of issues that are of great deal of concern to many veterans organisations.

There are a number of concerns relating to the Canberra Hospital redevelopment, particularly in terms of parking—the destruction that is going to be caused by the car park demolition and the rebuild in that location. They also mention the veterans garden which, in the words of the KOC, is considered “sacred ground”. There is real concern in that regard. They mention the isolation of veterans. Obviously many who are ageing or hospitalised feel isolated. They also raise the issue of disabled car parking in the ACT. They say there is a lack of disabled car parking positions in Canberra. There are a whole number of things that are at this point in time being raised by the ACT veterans community that are not being addressed by the Stanhope-Gallagher Labor government.

The Victorian government, the South Australian government and the New South Wales government, amongst others, have started to put in really good programs to address the needs of veterans. When we talk about leading the way, I would acknowledge the work that has been done by the Victorian Labor government in this regard. They have done a range of things and I will speak further on those in closing. They have made real steps—and I encourage you to look at the website for the Victorian government—in implementing programs that actually help ex-service organisations and veterans in their day-to-day lives. Part of that involves strengthening commemoration and education within the community, promoting veterans’ wellbeing, preserving veterans’ heritage and supporting ex-service organisations.

Indeed, Victoria has a veterans act—the Veterans Act 2005—which was developed through consultation with an organisation called the Victorian Veterans Council. In Victoria they have a council which is an independent statutory body established in 2006. The council plays an important role in supporting Victoria’s veterans and reporting directly to the premier on issues that affect the Victorian community. In addition, it advises the premier on how the council distributes the Anzac Day proceeds funds, which is a fund that has been set up to support veterans.

The council was set up in response to two significant changes in the community. The first is that veterans are getting older. There are a number of real consequences with an ageing veteran community, particularly in terms of the increased care that those veterans need. The total number of veterans is declining as those generations pass away. The widows and dependants of those veterans also require a high level of care. (*Time expired.*)

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.12): On behalf of the Chief Minister, I am pleased to stand here tonight to speak to Mr Hanson’s motion. The ACT Labor government has a long history of supporting and honouring those men and women who have defended their nation and their community. The Assembly will recall that it was Labor that redressed



the long neglect by building a memorial to this territory's own veterans and it has been wonderful to see that memorial embraced so enthusiastically by the community of ex-service men and women who call Canberra home as well as by visiting veterans and their families.

Indeed, earlier this year, the government was pleased to host a reception at the Assembly for the 2009 national congress of the Vietnam Veterans Association of Australia. Our ACT memorial just outside the Assembly, on Ainslie Avenue, was the congress's venue of choice for the commemorative service on the evening of that reception. Our memorial has an added dimension, a virtual dimension—a website containing a database of names and information about the people being honoured by the memorial. The database contains the details of more than 3,000 Canberrans to date, 182 of whom lost their lives in service to their country. New names can be contributed via the website or through the ACT Heritage Library.

The dedication of the ACT memorial started something. The year after its dedication, the Chief Minister had the honour of dedicating another memorial, the first to officially recognise the service of Canberra's naval veterans. The anchor memorial in Woden's Edison Park honours the men and women of Canberra and the surrounding region who have served in the Australian navy and is a tribute to their sacrifice and service. The anchor memorial also helps raise awareness of Canberra's important but little-recognised place in Australian maritime and military history.

So important does this government regard our community's debt to service men and women that responsibility for veterans matters rests with the Chief Minister. There can be no greater signal of the importance of veterans affairs. It is to the Chief Minister that this city's veterans turn when they have issues needing resolution that are within the province of the territory. The Chief Minister has been pleased, I know, over the years to make representations to the commonwealth on behalf of local veterans, including a submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into older people and the law.

It has been the Labor government that has been able to respond to requests for assistance or resources. The government has been honoured to be able to help the Vietnam veterans when they were seeking a clubhouse. A former ACT government depot in the Belconnen suburb of Page was made available and is being transformed by vets into something incredibly special and socially valuable.

The Labor government is always happy to entertain proposals for initiatives or events that promote the wellbeing or recognition of veterans. For example, last financial year, through the community initiatives fund, we provided a grant to the Battle of Britain Committee for a Battle of Britain commemorative ceremony. Another grant from the same fund was provided to Canberra Legacy for the 2008 army in concert. Canberra Legacy also received a grant in 2008-09 from the community support fund for a charity concert. The community support fund also provided a grant to the Australian Peacekeeping Memorial Project Committee for a national peacekeeping memorial. And other ongoing assistance is provided on an individual level by the government.

Canberra's veterans may be exempted from housing bonds and be eligible for housing assistance under the Housing Assistance Act. Veterans are one of the target groups

eligible for the pensioner duty concession scheme, which encourages older Canberrans to downsize to houses more suited to their changing needs.

The Canberra Hospital, our major public hospital, has a dedicated veterans liaison officer to help veterans, ex-service men and women, war widows and their families when they attend the hospital. The officer is employed to assist with a wide range of specialist services and provides liaison with the Department of Veterans' Affairs and the commonwealth if it is needed. The Canberra Hospital has a veterans lounge for the exclusive use of veterans. The lounge, which is wheelchair accessible, offers veterans a television and video system, a selection of daily newspapers and a small library, a phone for local calls, a computer with access to the internet and the obligatory tea and coffee making facilities.

Every year at the Canberra Hospital staff and patients remember ANZAC Day, with a service at the veterans gardens located just outside the veterans lounge. Each year the ANZAC commemoration is organised by the Woden Valley RSL and a group of Vietnam Veterans Federation members called the Dark and Stormies. This commemoration allows hospitalised veterans to commemorate this special day.

Labor's record is a proud one when it comes to recognising the special contribution made to our nation and our way of life by service men and women. Interestingly, in all the approaches that have been made to the Chief Minister by veterans over the years, not once has there been one suggesting that Labor might elevate its support for veterans by nominating a minister for veterans affairs.

It is passing strange, though perhaps not particularly surprising, given the low energy levels of those opposite, that since Mr Hanson became the Liberals' veterans spokesperson to great fanfare last ANZAC Day, little seems to have been done publicly to warrant the creation of the title. The Liberal website still lists no veterans policy. There has not been a single media release from the spokesman on the subject. And most bizarrely, Mr Hanson does not even list veterans affairs among his shadow ministerial responsibilities in his official profile on the Liberal Party website.

The government appreciates the opportunity to inform the Assembly of the support the government gives to this very important group in our community who have given so much. Those of us who have been privileged to serve our community in this place and to meet and talk to service men and women past and present, I think, get a better understanding than most of the sacrifice and the service that have been rendered by them. It outstrips any other form of community service. We respect that service. We honour it and we will continue to work and provide support to veterans wherever possible to continue that tradition.

**MS BRESNAN (Brindabella) (6.19):** I thank Mr Hanson for the motion. The Greens will be supporting the motion, with one minor amendment. I too acknowledge and support the significant contributions veterans have made and continue to make to our community and very much to the way Australia has become a country and developed an identity, as Mr Hanson's motion states. A day such as ANZAC Day, for example, has left an indelible mark on our lives and continues to impact our younger generations. My own great-grandfather fought as a light horseman in World War I; so

the issues and stories of veterans are something which has had an impact on my family history also.

I would like to note that the ACT Chief Minister, Jon Stanhope, has been a very strong advocate for veterans and has actively lobbied on their behalf over a number of years. Much of what does occur in addressing veterans' needs does occur at a federal level with the Department of Veterans' Affairs. My main concern with establishing a veterans ministry in the ACT is that it would primarily become a lobbying avenue. However, I can see merit in bringing under one umbrella all issues in the ACT which affect veterans. Reviewing support to defence and veterans communities in the ACT would be useful for all relevant ACT departments to understand their needs now and into the future.

I would like to address one specific issue which greatly affects many veterans. Canberra has many veterans and many commonwealth superannuants. People imagine that, when they retire, public servants and defence force personnel enjoy very generous superannuation but that is not necessarily the case. Many of them, particularly veterans, as it happens, retire on partial superannuation pensions. Members would be aware that commonwealth pensions such as the old age pension are indexed against the consumer price index and the wage price index. In other words, they are increased at a higher rate, whereas defence force and commonwealth superannuation is indexed only at the CPI.

For the past 10 years or so, the WPI has significantly outstripped the CPI. The result has been that superannuants are finding their living standard falling. Various election campaigns have seen promises made by local politicians to push for a change to the way indexation is set. However, when push comes to shove, the federal government has not progressed this issue.

I do not know what an ACT government minister for veterans affairs could actually do about it. At the very least they could lend their weight to the argument that defence force and commonwealth superannuants ought not to find themselves falling behind through a mistake of history. So I do hope this is something which not only our ACT government ministers pursue but also our federal ACT members.

The Greens seek to make one very minor amendment which does not affect the substance of the motion. I move:

In paragraph (3), omit the words "Stanhope-Gallagher Government", substitute "ACT Government".

**MR COE** (Ginninderra) (6.22): I rise this evening to support the fine men and women that comprise Canberra's serving and ex-service community. All Australians must forever be grateful for the contribution and sacrifices made by serving and ex-service defence force members and their families. Australia is a great nation, and one that I wholeheartedly believe is the best country in the world. This fact is one that I think we must never be complacent about.

The motto of the Returned and Services League of Australia is:

The price of liberty is eternal vigilance.

This motto is something which is as relevant today as it was when the RSL was formed in 1916. Serving in our defence force has not always been popular and, on the contrary, has in the past been scoffed at by portions of our community. I am glad that those days are past us and that there is widespread support for the people that are prepared to make the ultimate sacrifice so that we might live with the freedoms we enjoy.

I am a believer in the notion that Australia and all Australians have a contract with all serving and ex-service defence force members. This contract means that, if a member of our community serves in our defence force, Australia and Australians agree to the just remuneration, care and protection for that person and their family. I am a believer that veterans entitlements are just that, entitlements based on a contract. They are not components of the welfare system but components of a remuneration agreement in view of the commitment made by the member and his or her family.

The RSL will forever be special for me because I had the privilege of working for the RSL national headquarters prior to being elected to this place. My time at the headquarters was a very rewarding experience, and I am grateful for the mentorship provided by the national secretary, Derek Robson AM, and the rest of the team at the headquarters, including the national president, Major General Bill Crews AO.

I would like to pay tribute to the ACT RSL branch. In particular, I would like to note those serving on the branch executive and in administration: the state president, Mr John King; the deputy president, Mrs June Healy OAM; the vice presidents, Mr David Millar, Mr Jan Paulga, Mr Bruce Tunnah OAM; the chief executive officer, Mr James Davidson; the treasurer, Mr Mickey Michaelis; the minutes secretary, Mr Paul Bohun; the office manager, Mr Dave Mills; the immediate past president, Lieutenant Colonel John Merrick, retired; the branch advocate, Mr Arthur Craig OAM; the pensions officer, Mrs Kathleen Craig; the welfare and bereavements officers, Mr Colin Berryman OAM, Mr Peter Burrows OAM, JP; the branch returning officer, Mr Arthur Craig OAM; the branch recruiting officer, Mr David Millar; the branch trustees, Mr Brian Cook OAM, Mr Laurie Dillon, Mr Derek Roylance AM, Mr Gary Brodie OAM; the branch auditor, Mr Kim Hanna FCA; the website administrator, Mr Clive Mitchell-Taylor JP; and Capital Lawyers for being the honorary solicitor.

I would also like to pay tribute to the RSL sub-branches that are in my electorate of Ginninderra, including all the suburbs of Belconnen, the Gungahlin suburb of Nicholls and the village of Hall. The Belconnen sub-branch is well served by Air Vice Marshal Mac Weller AM, retired, and the secretary, Mr Dennis Wilkes. I would also like to pay tribute to the Gungahlin sub-branch where Mrs Christine Coulthard OAM is the president, and Mr Rod Bennett is the secretary. The British, Hellenic, peacekeepers and Vietnam sub-branches also serve members that live in my electorate. I would like to record my thanks to those who volunteer towards those sub-branches.

It would be remiss of me not to make mention of the departure of Major General Bill Crews AO as president of the Returned and Services League of Australia. At next

month's national congress, Bill will be stepping down as president. Bill has served as president since 2003 and has ably led the organisation through this time. I would like to record my thanks to Bill, a resident of Ginninderra and a high profile Canberran, for the tireless work he has contributed to the cause.

There are a number of other organisations across the ACT that are also committed, and do so tirelessly, to the welfare of veterans. As the shadow minister for veterans affairs said, there is an umbrella organisation of these ex-service organisations called the ACT Kindred Organisations Committee. This committee includes all ex-service organisations that want to be represented and brings issues of importance to the veteran community to the attention of the ACT government and the Department of Veterans' Affairs.

The organisations currently a part of the ACT Kindred Organisations Committee are: the Australian army training team in Vietnam; the ACT Returned and Services League; the ACT Totally and Permanently Incapacitated Association; the ACT Totally and Permanently Incapacitated Wives Association; the Defence Force Welfare Association; the Korea and South East Asia Forces Association; Legacy; the National Servicemen and Combined Force Association; the Naval Association of Australia ACT section; the Partners of Veterans Association; the ACT Royal Australian Air Force Association; the Royal Navy Association; the Veterans Assistance and Advisory Office; the Vietnam Veterans Association; the Vietnam Veterans Federation; the War Widows Guild; and the Women's Royal Australian Naval Service Association ACT.

Some of the particular issues of concern to the Kindred Organisations Committee at the moment include parking at the Canberra Hospital, the veterans park development, the Department of Veterans' Affairs medical cards acceptance at Canberra Hospital and the impact that medical clinic closures is having on the veteran community. In addition to this sort of advocacy, the Kindred Organisations Committee also ensures that the veterans community is well informed of what government services and welfare services are available to them and how they can best access them.

Through their participation on the Department of Veterans' Affairs deputy commissioner consultative forum and their pension and welfare courses, they are able to ensure that the relevant issues are communicated to veterans through the relevant ex-service organisation. To Pat McCabe, the chairperson, and Margaret Smith, the secretary, thank you for all the work that you do for the ex-service community, and I wish you well in your future work in addressing issues on behalf of the veteran community.

I would also like to mention the work of the Morshead Home for Veterans and Aged Persons. This home is particularly focused on the care and welfare of those in our veterans community. Thank you to the chief executive, director of care, and all the staff who do such a wonderful job for our ex-service community at this organisation.

The decision by the Canberra Liberals to appoint a shadow minister for veterans affairs is indicative of our commitment to serving and ex-service men and women and their families. The opposition is determined to get their priorities right, including

concentrating government resources and attention towards the things that matter most. A commitment to the veterans community is part of our set of priorities.

Whilst veteran entitlements have largely been seen as a federal responsibility, as many government services are delivered at state and territory or council level, there is a strong role for state and territory parliaments to discuss how we can better serve this community. As I have already mentioned, there are a number of issues facing the veterans community that are the responsibility of the ACT government. I believe in tangible support on issues such as healthcare, transport, access to concessions and housing support.

This motion calls for the Stanhope government to review its support to defence and veteran communities in the ACT, a motion I hope the government will take seriously. I must say that I am disappointed that Mr Corbell, the Attorney-General, sought to take a particular partisan and political approach to this motion. Mr Hanson's motion is constructive and objective, and it is a great shame that Mr Corbell should seek to spoil the spirit of this motion.

It is important to regularly review how the ACT government provides support to these communities. The ACT opposition, through the shadow minister, are keen to work with the ACT government, and all members of this Assembly can be sure we are doing all we can to support the serving and ex-service community. I urge all members to support this motion.

**MR HANSON** (Molonglo) (6.31): Mr Speaker, in closing and addressing the amendment, let me say that the opposition will support the amendment. It just reframes the name of the government. I thank Ms Bresnan for her comments, in particular, about the DFRB pension. I will not bang on about that because I am a recipient of that pension, but I certainly hope that does get changed.

I do acknowledge that the government has done some things to support the veterans community. I acknowledge that. The intent of this motion is to express the desire to see the government do more; I believe that there is more that they could be doing. That has been expressed by local organisations in the form of the Kindred Organisations Committee, formally, and by many veterans organisations and members who have expressed it personally to me. They could also be reviewing what has been done in other jurisdictions to address what can be done to support veterans.

The motion as it stands, with Ms Bresnan's minor amendment, is quite reasonable. It does not contain any criticism of the government; it simply says that we want to see the ACT government review its support for defence and veterans communities in the ACT, in particular in the light of the important role played by veterans and defence families in our community and taking into consideration the initiatives that have been put into place in other jurisdictions. It is a very reasonable motion. It is one that I would hope would have the unanimous support of all members here in the Assembly.

In responding to Mr Corbell's issues with regard to the appointment of a minister for veterans affairs, let me say that I think there are a lot of veterans organisations which would like to see that instituted. I understand that the Chief Minister takes the role

himself at the moment, but in other jurisdictions—I think in all of them; if not all, there are probably only one or two that have not—the Chief Minister or the Premier specifically identifies and has that in his title: he is identified as the minister for veterans affairs. It would be helpful if our Chief Minister followed suit.

In terms of the activities that I have conducted, there was some criticism from Mr Corbell. No, I have not carried on with much fanfare. This is the sort of job which is done best on the ground. I have not put out reams of press releases. But I would like to express what I have done.

I think there is virtue in the fact that we have instituted a shadow minister so that veterans organisations have a single point of contact with the opposition. That has been quite substantive. The motion that we are putting in the Assembly today is substantive. There was my speech on Vietnam veterans in the adjournment debate as late as last week.

For the minister's benefit, I would also like to mention some of the activities I have done on the ground. I have attended meetings of the Kindred Organisations Committee. Twice now on Anzac Day, I have marched with the Australian Army Training Team Vietnam Association. Recently I attended a meeting of the HMAS Sydney, Escorts and Vietnam Logistic Support Veterans Association. I have attended commemorative functions run by the South East Asia Forces Association. I am a Legatee: that means I am a member of Legacy. I have been to commemorative services run by the Naval Association of Australia.

Last week I attended a lunch and spoke at a meeting of the RAAF Association. I am a member of the Returned and Services League of Australia—the Woden Valley sub-branch—and regularly attend their commemorative services and social occasions. I am a member of the Royal Australian Regiment Association. As late as last week I attended activities conducted by the Vietnam Veterans Association of Australia. Along with Ms Porter, I have attended commemorative activities for the War Widows Guild of Australia. I have attended a number of activities, including openings of new reconditioned rooms, two of them at the Canberra Services Club.

So there has not been a great deal of fanfare, Mr Corbell; you are quite right. I think that this is something that can be done effectively on the ground, engaging face to face with individual veterans, members and the ex-service community. It is not necessarily just about a press release or a photograph opportunity.

In closing, let me say, as I said before, that there are a range of organisations in the ACT. I read a number of them before, but I now have time to mention some I did not mention before. They are the Australia Peacekeeper and Peacemaker Veterans Association, the Australian Special Air Service Association, the Ex-WRANS Association, the Naval Association, the Polish Ex-Servicemen's Association, the RAAF Association, the Rats of Tobruk Association—and the Royal Australian Regiment Association and the Canberra Services Club, which I mentioned before.

I call on the government to review what can be done for veterans. There is certainly much more that can be done. It appears that a number of veterans organisations and

individuals have expressed a desire for more to be done. I encourage the Chief Minister to look at what is being done in other jurisdictions. You can go as far as their websites to identify a number of programs that they have in place.

In closing, I would like to again recognise the important role played by defence members and their families, by ex-service personnel, by veterans and by the ex-service organisations here in the ACT that make such a wonderful contribution to our community.

Amendment agreed to.

Motion, as amended, agreed to.

## **Schools—restorative justice**

**MS PORTER** (Ginninderra) (6.37): I move:

That this Assembly:

- (1) recognises restorative justice as a viable alternative to traditional responses to various forms of disruptive behaviour in ACT schools; and
- (2) encourages the ACT Government to consider expanding the opportunities for current and future ACT school teachers to study restorative justice theory and practice.

It gives me great pleasure to have the opportunity to speak on this most critical issue. I think we all agree that it is important for schools in the ACT to provide an environment in which our young people feel secure, and one which is conducive to young people reaching their full potential. Like any part of a society, the destructive behaviour of individuals can interfere with the common learning environment. This government has worked closely with schools to address these problems. We on this side of the house have also been working to develop more positive, progressive, compassionate models to deal with behavioural issues that occur in school settings and other settings which involve young people, such as the justice system.

I would like to say how disappointed I am that some members of this place have approached this issue in a very negative way, indulging in exaggeration and hearsay in an attempt to win political points. The negative perception engendered by this negative publicity can undermine confidence in schools. It also affects teacher and staff morale and causes our young people a lot of angst.

On this side of the house, we are in the business of addressing problems by proposing positive solutions and addressing the age-old problem of disruptive behaviour in schools. We are not confined to a historical paradigm, but continue to look for new, effective methods that build on the good work already going on in our ACT schools.

Mahatma Gandhi once said, “An eye for an eye will make the whole world blind.” Restorative justice fosters a sense of responsibility on the part of the person who has



caused harm whilst ensuring that the person harmed is heard and an opportunity for healing and restoration takes place. Restorative justice brings about restoration rather than revenge or punishment and accountability rather than retribution. More than an abstract intellectual theory, restorative justice results in greater victim satisfaction and reduced recidivism by the offender.

The issue of disruptive behaviour in schools has garnered significant attention recently. I believe that this is not due to it being a recent phenomenon but is largely because of new forms emerging. One need only think of cyberbullying and bystander behaviour, for example. We are becoming more and more aware of issues such as this and we as a society are not tolerant of it. It has been suggested that incidents of bullying have become more common due to the competitive nature of today's society. Other people point to changes in information technology, as I said. Indeed, the chamber has seen evidence of this with the ill-conceived and contemptible cyber-attack on Ms Gallagher.

When adults engage in such behaviour, it is no surprise to anyone in this house that there have been incidents in schools across Australia where mobile phones have been used to alert other students that conflict between students is taking place, adding to the level of victim humiliation. And there have been incidents where the victim has been filmed, with footage placed on YouTube for general consumption. In the last Assembly I was the chair of the Standing Committee on Education, Training and Young People, which addressed this very issue, amongst others.

Clearly, schools are one of the principal settings in which a young person spends a lot of time. This is not to imply that disruptive behaviour such as bullying occurs only in this setting. I have often said that it occurs in this place more than is necessary. It is not a problem unique to young persons. Certainly the genesis of some incidents played out on school grounds in school time may be beyond the school environment. These may be played out within the confines of our educational institutions later.

Over 80 per cent of ACT schools have undertaken professional learning in restorative practice. Whilst it is not a magic bullet, the excellent results that we have seen from the use of this practice demonstrate its effectiveness. Members can refer to evidence brought before the Standing Committee on Education, Training and Young People in its inquiry on this matter during the last Assembly.

Charnwood-Dunlop is a brilliant example of what has been achieved, but there are many more. Restorative practices have also been introduced into Belconnen high, Hawker primary, Red Hill primary school and Hughes primary school. Circle training has been introduced into Palmerston primary and Evatt primary. These schools have also requested professional development workshops in the stand-down period in January and during the year in staff meetings to either assist them in introducing restorative practices or support current implementation progress. These workshops were facilitated by officers of the Department of Education and Training.

Arawang primary school has asked the Department of Education and Training to assist the school in a restorative practice project aimed at embedding and maintaining quality practice and in maintaining the integrity of the practice. The project team will

assist with training, mentoring and modelling as well as data collection analysis. This is a pilot project and, if successful, could be used to assist other schools.

This year, more ACT schools are conducting professional development for teachers in restorative practice. There is a strong emphasis on embedding restorative practice as a whole-of-school approach, and schools often blend restorative practices with other approaches. In particular Lyneham high, Gold Creek school, Turner primary and Latham primary have experienced considerable success in implementing restorative practices. More and more ACT schools are turning to restorative practice. As I said, it is reassuring to note that over four-fifths of ACT public schools have undertaken some level of training and engagement with restorative practices.

As we know, Kingsford Smith is a relatively new school, having opened on 2 February this year. Recently I had the pleasure of visiting Mr Richard Powell, the principal of Kingsford Smith school. Mr Powell explained to me how restorative justice practices are implemented in his school and he spoke of the numerous other programs that are a part of the school culture, adding to the positive and supportive environment that I experienced while I was there.

Kingsford Smith has a very committed staff and it is a great disappointment to me that there has been a recent spate of negative attention given to behavioural issues at the school. I feel that this has been fuelled by what can only be seen as the opportunistic motives of the shadow minister for education, Mr Doszpot. In his desire to attack the government, he has done nothing more than attack the students, parents and teachers of the school community.

It is my understanding that six students out of a school of population of over 900 have been involved in instances of disruptive behaviour directed at schoolmates at the school. That constitutes less than one per cent of the students enrolled at the school. While one such incident is too many, it must be kept in this perspective. We must not wound the school community in the crossfire of politics as the opposition has done. I prefer to focus on the positive solutions and the good work that is currently being done rather than on politics which can be to the detriment of everyone involved on such an important issue.

Obviously, new institutions of any form may experience teething problems, but our new schools are working tirelessly and professionally to address issues that are by no means unique to their schools. Drawing negative attention through exaggeration and negative public remarks is not constructive; nor does it serve the community well. It undermines the confidence of parents and teachers as well as staff morale, and of course the students pick up these negative vibes too.

New schools have the exciting opportunity to establish a culture across the whole school from the principal through to all staff, parents and children—one that is reflective of the expectations and the values of the community. The Kingsford Smith school, I believe, with its restorative justice practice, reflects the progressive and compassionate values it wishes to engender. Eight teachers at the school are experienced in some form of restorative practice, and all teachers at Kingsford Smith have participated in circle time training afternoons.

Kingsford Smith school wishes to build on its existing base of trained staff by encouraging all staff to participate in introductory restorative practice workshops and it hopes to work with the government to investigate creative ways of facilitating such opportunities for its teaching staff. The school currently uses the expertise of trained staff to mentor others in restorative practices, to further develop restorative justice capacity at the school.

The Kingsford Smith school is served by an exceptional group of enthusiastic staff who are keen to develop an understanding of restorative practices. At this early stage of the school's development, the efforts and contribution of capable and willing professionals to lay foundations for vibrant restorative practice programs at the school should be recognised and commended. When I visited the school and spoke to the principal and the staff there, I was very impressed by the enthusiasm at that school and their willingness to engage with restorative practices. Right from the first day when that school was opened, it was evident what a positive environment there was going to be, and continues to be, at that school.

There are two types of restorative justice conferencing that are currently used at Kingsford Smith to deal with behavioural issues that people may be confronted with. The first of these is referred to as a no-blame conference. No-blame conferences require the support of restorative practice teachers who organise and facilitate circle time to address undesirable behaviour and develop consensus on how a class can work together to eradicate this behaviour.

The second type of restorative conference used at Kingsford Smith school is used when facing a slightly more serious issue, such as when a student has been a victim of bullying. The staff member involved in such a restorative conference mediates by directing specific questions to the harmed and the person who has harmed. Students may require a support person or classmate to assist them through this process. However, it is the harmed and the person who has harmed who are together responsible for developing and identifying a clear plan of how to move forward from there.

I am encouraged by the willingness of education institutions in the ACT to consider, adopt and implement restorative practice. I thank the minister for education, Mr Barr, for this very progressive but balanced provision. I encourage all members in this place to support the ACT government in its efforts to implement restorative justice programs across the education system in the ACT and in the justice system. I encourage the minister to investigate ways of facilitating further training in restorative practices in the education system in our schools in the future that will allow down time to be used more and more to achieve the goal of whole-school training in restorative practice.

I congratulate the minister and I also congratulate all the schools and all the staff in the different schools that are working with this practice and are committed to it. I commend my motion to the Assembly.

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

Recreation) (6.49): I would like to thank Ms Porter for her continued interest in the education portfolio. She has spoken this evening about the importance of restorative practices, and I will reflect briefly on these practices but also discuss how the ACT government is listening to children and young people, investing in their future and delivering safer schools and communities.

Many social problems which are present in our communities manifest themselves in our schools. I have said this before and I will say it again: bullying and violence will only disappear from our schools when they disappear from our community. Children and young people are exposed to violence and bad behaviour through a range of different mediums. They see it on TV, in movies and in video games. Unfortunately, they see it glorified on social network sites. They see it when their favourite sports stars are arrested. We cannot pretend that violence does not exist in our society.

Sadly, some children and young people do not just see bullying and violence in the media. As Minister for Children and Young People, I know that vulnerable children are experiencing bullying and violence in their own homes. For this reason, I am pleased to say that we have a full complement of child protection workers who are getting on with the job of helping these vulnerable children and young people. So, unfortunately, it is no surprise when some of our children experience problems at school, and this is why our schools are using a range of strategies to address problems as they arise.

As Ms Porter indicated in her speech, approximately 80 per cent of ACT schools have now been trained on how to use restorative practices in the classroom and in the playground. An increasing number of schools are using such practices. Through restorative practices, students are encouraged to accept responsibility for their actions and be accountable. But no one strategy suits all circumstances, no one strategy suits all schools. That is why so many schools mix their own ideas and strategies, such as those developed by the ACT safe schools task force, with restorative practices.

Two years ago I established the ACT safe schools task force. The task force includes representatives from ACT Policing, the ACT branch of the Australian Education Union, the ACT Council of Parents and Citizens Associations, the ACT Principals Association, the Canberra Preschool Society and the ACT Department of Education and Training. To date, the safe schools task force has helped to strengthen links with ACT Policing. For example, at their June meeting the task force received an update on the Constable Kenny Koala program and discussed how student safety programs in schools can be improved.

The task force has also worked closely with the ACT government to develop and deliver a series of policies. These include the providing safe schools policy, the countering bullying, harassment and violence in ACT public schools policy, the keeping children safe in cyberspace guide, and the code of conduct for public schools, which outlines what is expected of all people when on ACT public school grounds.

Through the providing safe schools P-12 policy, all schools develop and promote systemic strategies to promote safe learning environments. Through the countering bullying, harassment and violence in ACT schools policy, students, parents and

schools are given guidance on the definition of the different forms of violence, harassment and conflict. Importantly, this policy encourages students, parents and carers to be proactive in dealing with any violence in any of our schools.

Through the keeping children safe in cyberspace guide we recognise that our students are incredibly technologically savvy. Just as violence and bullying is part of our media, cyberbullying is occurring in our communities and our homes. We know that banning mobile phones and Facebook accounts from schools will not be the answer. The answer is to teach students, parents and teachers about safe online behaviours and to teach our community about the potential privacy and security hazards involved in online activities such as Facebook, MySpace, Twitter and Bebo.

That is why we have developed the keeping children safe in cyberspace guide. The guide educates parents, teachers and students about the consequences of cyberbullying, but it also encourages young people to recognise when online behaviour may cross an ethical line, and it links families to the cybersmart kids online website. We are listening to young people, investing in their education and delivering a range of strategies to address violence in our community.

Since bullying and violence in schools will only disappear when it disappears from our communities, we aim to make our communities safer. Young people have told me through my numerous visits to schools and over 400 online contributions to the draft young people's plan 2009-14 that they want safer public spaces; they want better designed cities; they want new suburbs in the Molonglo Valley to have inviting, social and well-lit spaces where they can hang out with their friends. We are listening to these views, and we will make Canberra a city which better meets their needs. Canberra will become more child friendly.

It is worth noting that the child-friendly cities movement arose in the mid-90s at the United Nations conference on human settlements. This initiative works alongside UNESCO's growing up in cities project and the UN Habitat's safer cities project. The ACT government, through its various agencies, is working to create more child-friendly places. We are listening to children. For example, during consultations on the design of the new child and family centre in West Belconnen, children told us they wanted a rainbow colour scheme in the centre. They told us they wanted playschool-shaped windows at their height. Tellingly, they wanted more water in their playground. Our children clearly care about their natural environment, sustainability and water security.

We are busy updating the children's plan and creating a greater alignment between this plan and the young people's plan. We are doing this because there is not a clear dividing line between when you are a child and when you are a young adult. Everyone transitions at different times and in different ways. This Labor government is busy listening to children and young people, investing in their futures and delivering safer communities for all.

Finally, in the time that remains in this debate for me, I would like to take this opportunity to congratulate all ACT schools. To all principals, congratulations and thank you. To the teachers, well done on your difficult job, and to student leaders, on

behalf of members of this Assembly—although I have learnt today that I will only speak on behalf of members on this side of the chamber—we are proud of you. I would like to thank all for their innovative ideas and hard work. I look forward to hearing more about their strategies and programs, through the safe schools task force and through the youth advisory committee, to address violence and bullying in schools. Some of these strategies may, indeed, be useful in the wider community.

Bullying and violence will only disappear from our schools when we address these problems as a community. That is why we are working to build safer communities in Canberra and why I am so pleased that Ms Porter brought this motion forward today. Her leadership and conviction in relation to restorative practices are noted in the community. She has certainly worked very closely with me and with schools in her electorate to ensure that restorative practices become a key element in their approach to addressing these concerns. It is no surprise to me, given Ms Porter's passion in this area, that 80 per cent of ACT schools are adopting these practices. I look forward to working with her to ensure that it is 100 per cent by the end of this term, I hope, or even sooner. Thank you, Ms Porter, again for bringing this motion forward tonight. I commend it to the Assembly.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (6.58): I am pleased to support Ms Porter's motion here tonight on restorative justice. The ACT Greens believe that the positive development of children and young people is paramount. Everyone should have access to an education that meets their needs and aspirations and equips them with the skills and capacity to participate in society. It is a responsibility of government to ensure the provision of high quality, well-resourced and safe learning environments which are open to all students. The provision of such learning environments will allow the development of a responsive and relevant education system that is underpinned by community involvement and recognises that parents and guardians play a critical role in the education of their children.

Restorative justice is not a new strategy but perhaps receives less attention within the community as it begins from a different premise—that is, the need to make an offender accountable for their actions through confronting the harm they have caused the victim and by providing the offender with an opportunity to recognise that harm. Restorative justice argues against the prevailing views on law and order, which emphasise tougher punishments as a way of deterring crime. Many theorists argue that the traditional punishment-reward systems within school systems do not work and, in some cases, even tend to make the problems worse. They argue that these systems are accepted as inevitable. However, these systems are remnants of an old, autocratic system that is based on the principles of force, power and fear. These systems establish relationships of superiority and inferiority which go against the principles of equality in democratic society. There is an assumption that one person—the teacher—knows what is best, resulting in a lack of respect for the students' views and needs.

Schools in Canberra are not immune to the issues associated with children and young people and their social development. An example of a new issue facing both Canberra schools and schools Australia wide is the development of cyberbullying. Cyberbullying uses e-technology as a means of victimising others. The intention is to harm others through the use of an internet service, such as instant messaging, web

pages or text messaging. While bullying used to take place in the classroom—and still does—the playground or even to and from school, cyberbullying transcends school boundaries into the so-called virtual world. Research tells us that often what makes it so attractive for bullies is that there is no face-to-face confrontation. Emboldened by the anonymity of being online, bullies can, with the click of a button, reach a far broader audience.

In relation to this changing trend, restorative justice has the potential to be a positive and empowering way to help students, by developing skills that provide an increased capacity to participate in society. Perhaps the most critical and important parts of restorative justice are that the victim and offender come together to contribute directly to the process of seeking remedy and justice. The offender is directly confronted with the effect of their behaviour, can accept responsibility and offer a resolution to the harm caused by the behaviour.

In recognising restorative justice as a viable alternative to traditional responses, we have the ability to cultivate school-based professional development which will improve practice by developing authentic and innovative pedagogy in order to address the needs of students with behavioural support needs. The central aspect of education—the point at which learning takes place—is undoubtedly the relationship between teachers and their students. There are many theories about teacher-student interactions in terms of behaviour and classroom relationships, and they all fit roughly along the following continuum: firstly, there is teacher focus—teacher decides what is appropriate behaviour and what the consequences will be for inappropriate behaviour. There is a shared focus—teacher and students take joint responsibility for deciding what is appropriate behaviour through negotiated rules and consequences. Finally there is a student focus—students take responsibility for managing their own behaviour, for deciding what is appropriate and for deciding consequences.

The most recent theories tend to range from shared to student focus. However, the Greens believe that restorative justice practices could well fit within this continuum as a viable alternative to traditional responses. I do acknowledge that this practice is being used in many schools in Canberra, and I am pleased to hear the minister commit to extending it to 100 per cent of schools across the ACT to government schools.

The philosophy behind those theories is that if you give students more control in their own learning and environment, they will often improve their results and behaviour more effectively than if management is forced upon them. Traditional punishment and reward systems have often proven ineffective. Students need to be explicitly taught social skills and meta-cognitive skills so that they can take responsibility for their own behaviours.

In previous times students have been seen as the problem when outcomes are not being met, particularly with regard to students with high behavioural support needs. Now, however, it is more common for schools to begin examining their punitive practices. Restorative justice strategies provide us with an alternative strategy to assist children, young people and schools to develop skills and refine practice. It is important that in expanding the opportunities for current ACT school teachers to access restorative justice training opportunities the ACT government ensures adequate

resourcing for teacher release time so as to not disadvantage schools that encourage teachers to access this training.

Opportunities also exist within the ACT to develop the training programs provided within our tertiary education institutions. In doing so, we have the ability to continue to change and enhance the culture from one of a traditional punitive framework to one that empowers and prepares teachers to respond in a more socially constructive way.

I have had a bit of history with the whole thing around restorative justice. In fact, some years ago, there was an ACT Assembly inquiry in to restorative justice. As many people know, I was previously a director of the Youth Coalition of the ACT. We were very pleased to research and lodge a submission with that inquiry supporting restorative justice and wanting to see it rolled out through many systems such as the justice and school systems. I believe that Ms Porter may well have sat on that inquiry.

After the Youth Coalition lodged our submission, we went on to organise a forum, and that forum brought in many different experts and also practitioners. It was looking at restorative justice in youth justice settings, also in education settings, in regards to care and protection and so forth. There was a very active involvement from schools, particularly from those schools who had already implemented and put it in place and who were happy to go out and promote it to other schools.

From there we went on to develop a very good working relationship with the restorative justice unit, and John Hinchey was heading up that unit. They were very much trying to get out and promote restorative justice, particularly to young people. They came to the Youth Coalition and asked for our assistance. They had an idea of a brochure, but they knew that the brochure was not really going to hit the mark with these young people. So they asked us if we could get together a group of young people to work with them on some sort of product that would be able to go out and would be accessible to other young people and would really promote the positive benefits of restorative justice.

What came out of that exercise was that a comic book was developed, *Doing RJ*. The young people had input into the story line; they got in an artist; it was a well-produced comic book and many thousands of copies were printed and then distributed through schools and through youth services across the ACT. I am very pleased to say that through the annual youth awards for excellence that are put out by the Youth Coalition, that comic and the restorative justice unit went on to receive a YOGI in the recognition of the wonderful work that they have done in producing the comic book, working with young people and promoting the benefits of restorative justice.

In conclusion, the ACT Greens support the need to recognise restorative justice as a viable alternative to traditional responses to various forms of destructive behaviour in ACT schools. We would like to see the ACT government work towards expanding the opportunities for current and future ACT school teachers to study restorative justice theory and practice.

**MR HANSON** (Molonglo) (7.08): Mr Speaker, given the time, I would simply encourage the ACT government to do all that it can within its power, using whatever



methods available, to eliminate as far as is possible bullying and other forms of disruptive behaviour within our schools. I take the opportunity on behalf of the opposition to acknowledge the hard work and dedication of all of our teachers and administrative staff in all of our schools in the ACT.

**MS PORTER** (Ginninderra) (7.08), in reply: Thank you very much, members. I would like to thank Ms Hunter for her contribution this evening and for her support of this motion. I know Ms Hunter has an interest in and a strong understanding of restorative justice, as is evident from her remarks just now. I thank also Mr Hanson for his support of this motion. I also thank the minister for his comments and for his vision, his continual commitment to education in the ACT and his support of restorative practices amongst all of the different tools and methods that are used to keep our schools safe. I know he will continue to do that.

I, along with other members, would like to commend all the staff, students, parents and teachers and all those involved in our education system here as well as in the department, of course. I would just to like to thank members for their support, and I am looking forward to the future.

Motion agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 7.10 pm.**

## Schedules of amendments

### Schedule 1

#### Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009

##### Amendments moved by Mr Seselja (Leader of the Opposition)

1

Clause 2

Page 2, line 6—

*omit*

1 October 2009

*substitute*

31 January 2010

2

Clause 10

Proposed new schedule 2, section 2.2, definition of *compliant electric hot-water system*

Page 5, line 20—

*omit*

3

Clause 10

Proposed new schedule 2, section 2.3 heading

Page 9, line 1—

*omit the heading, substitute*

2.3

**Hot-water system—installation**

4

Clause 10

Proposed new schedule 2, section 2.3 (1)

Page 9, line 2—

*omit*

a class 1 building

*substitute*

a new class 1 building

5

Clause 10

Proposed new schedule 2, section 2.3 (1), new example

Page 9, line 8—

*insert*

**Example—par (d)**

the minister determines a low-energy electric hot-water system

*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).

7

**Clause 10**

**Proposed new schedule 2, section 2.3 (3)**

**Page 10, line 4—**

*omit*

8

**Clause 10**

**Proposed new schedule 2, section 2.3 (4), definition of *gas distribution network***

**Page 10, line 18—**

*omit*

9

**Clause 10**

**Proposed new schedule 2, section 2.3 (4), definition of *install***

**Page 10, line 19—**

*omit*

10

**Clause 10**

**Proposed new schedule 2, section 2.3 (4), new definition of *new class 1 building***

**Page 10, line 20—**

*insert*

*new class 1 building* means a class 1 building that has not been previously occupied or sold as a place of residence, and includes a building built to replace demolished premises.

11

**Clause 10**

**Proposed new schedule 2, section 2.3 (4), definition of *R-value***

**Page 11, line 6—**

*omit*

12

**Clause 10**

**Proposed new schedule 2, section 2.4 (1) (a)**

**Page 11, line 16—**

*omit*

13

**Clause 13**

**Proposed new dictionary, definition of *compliant electric hot-water system***

**Page 13, line 17—**

*omit*

## Schedule 2

### Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009

#### Amendments moved by Ms Le Couteur

1

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (c) (i)**

**Page 6, line 15—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

2

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (d) (i)**

**Page 6, line 22—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

3

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant heat pump hot-water system*, paragraph (e) (i)**

**Page 7, line 3—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

4

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (c) (i)**

**Page 7, line 14—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

5

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (d) (i)**

**Page 7, line 21—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

6

**Clause 10**

**Proposed new schedule 2, item 2.2 (1), definition of *compliant solar hot-water system*, paragraph (e) (i)**

**Page 8, line 3—**

*omit*

climate zone 7

*substitute*

the climate zone in which the ACT is located

7

**Clause 10**

**Proposed new schedule 2, item 2.2 (2), definition of *climate zone 7***

**Page 8, line 27—**

*substitute*

***climate zone*** means a zone determined by the regulator and set out in the register of solar hot water heaters kept under the *Renewable Energy (Electricity) Regulations 2001* (Cwlth).

***regulator*** means the regulator under the *Renewable Energy (Electricity) Act 2000* (Cwlth).